



Sen. Christopher Belt

Filed: 5/8/2023

10300SB0852sam001

LRB103 03311 LNS 61610 a

1 AMENDMENT TO SENATE BILL 852

2 AMENDMENT NO. _____. Amend Senate Bill 852 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Justice Act is amended by
5 adding Section 15 as follows:

6 (415 ILCS 155/15 new)

7 Sec. 15. Environmental Justice Public Participation
8 Program.

9 (a) The purposes of the Environmental Justice Public
10 Participation Program include:

11 (1) ensuring that communities are not
12 disproportionately impacted by degradation of the
13 environment and do not receive less than an equitable
14 share of environmental protection and benefits; and

15 (2) strengthening the public's involvement in
16 environmental permitting.

1 (b) As used in this Section:

2 "Agency" means the Environmental Protection Agency.

3 "Area of environmental justice concern" means a census
4 block group or area within one mile of a census block group
5 that, in either case, has (i) an average household income that
6 is less than the poverty guidelines updated periodically in
7 the Federal Register by the U.S. Department of Health and
8 Human Services under the authority of 42 U.S.C. 9902(2) or
9 (ii) a minority population that is greater than twice the
10 statewide average.

11 "EJ Start" means a geographic information system mapping
12 tool developed by the Agency for the purpose of identifying
13 census block groups and areas within one mile of census block
14 groups meeting the environmental justice demographic screening
15 criteria. EJ Start is the relevant environmental justice
16 mapping tool for the Agency's environmental public
17 participation and shall be updated with each federal decennial
18 census.

19 "Office of Environmental Justice" means the office within
20 the Agency that has the primary responsibility for
21 coordinating all environmental justice efforts set forth in
22 this Act.

23 (c) The Office of Environmental Justice shall:

24 (1) act as the liaison for the Agency on environmental
25 justice issues;

26 (2) conduct enhanced public outreach in areas of

1 environmental justice concern;

2 (3) respond to general inquiries concerning
3 environmental justice; and

4 (4) respond to public comments received on proposed
5 permitting actions raising environmental justice concerns.

6 (d) The requirements of this Section apply to the
7 following permitting actions within areas of environmental
8 justice concern as documented on EJ Start:

9 (1) construction permits for new sources that would
10 require a Clean Air Act Permit Program (CAAPP) permit;

11 (2) construction permits for new sources that would
12 require a Federally Enforceable State Operating Permit
13 (FESOP);

14 (3) Nonattainment New Source Review permits, as
15 defined in Section 3.298 of the Environmental Protection
16 Act, for major modifications at existing sources; and

17 (4) Prevention of Significant Deterioration permits,
18 as defined in Section 3.363 of the Environmental
19 Protection Act, for major modifications at existing
20 sources.

21 (e) The Office of Environmental Justice shall use
22 environmental justice notifications to contact inhabitants in
23 areas of environmental justice concern, elected officials, and
24 other interested parties to provide notice of a proposed
25 permit action identified in paragraphs (1) through (4) of
26 subsection (d) in that particular area of environmental

1 justice concern. An environmental justice notification shall
2 include the following information:

3 (1) the facility name;

4 (2) the facility address;

5 (3) the Bureau identification number;

6 (4) the permit application reference number;

7 (5) a short summary of the proposed project;

8 (6) public notice details of the permit if subject to
9 State or federal public notice requirements; and

10 (7) Environmental Justice Coordinator contact
11 information.

12 (f) If an area is not designated as an area of
13 environmental justice concern due to an error in the Agency's
14 application of EJ Start, a resident of that area may make a
15 request in writing to the Agency for reconsideration of the
16 designation upon providing the Office of Environmental Justice
17 census data that would otherwise demonstrate the area is an
18 area of environmental justice concern.

19 If an area is designated as an area of environmental
20 justice concern due to an error in the Agency's application of
21 EJ Start, a resident of that area may make a request in writing
22 to the Agency for reconsideration of the designation upon
23 providing the Office of Environmental Justice census data that
24 would otherwise demonstrate that the area is not an area of
25 environmental justice concern. Such requests for
26 reconsideration may also be made by a resident of that area in

1 writing to the Agency demonstrating that the designation may
2 negatively impact the area.

3 (g) The following requirements apply to permitting
4 transactions in areas of environmental justice concern:

5 (1) The permit application shall include an
6 Environmental Impact Analysis, which shall include the
7 following information:

8 (A) air dispersion modeling examining the air
9 quality-related impacts from the proposed project in
10 combination with existing mobile and stationary air
11 emitting sources at the facility; and

12 (B) a quantitative analysis, based on the air
13 dispersion modeling, on the direct and indirect
14 impacts of the project on the community immediately
15 surrounding the facility.

16 (2) In addition to any other fees imposed under this
17 Act, a fee of \$500 shall accompany the permit application.

18 (h) In compliance with 40 CFR Parts 5 and 7, the Agency
19 shall establish a grievance procedure to ensure prompt and
20 fair resolution of complaints alleging violations of Title VI,
21 Section 601 of the Civil Rights Act of 1964 or this Act.

22 (1) A person, or the authorized representative of a
23 person, who believes that he or she or a class of persons
24 has been discriminated against in violation of Title VI,
25 Section 601 of the Civil Rights Act of 1964 or this Act may
26 file a complaint with the Agency. The complaint shall:

1 (A) be in writing;

2 (B) be filed within 60 days of an alleged
3 violation of Title VI, Section 601 of the Civil Rights
4 Act of 1964 or this Act;

5 (C) describe with specificity the actions by the
6 Agency that allegedly result in discrimination in
7 violation of 40 CFR Parts 5 and 7;

8 (D) describe with specificity the discrimination
9 that allegedly has occurred or will occur as the
10 result of such action;

11 (E) identify the parties impacted or potentially
12 impacted by the alleged discrimination; and

13 (F) be addressed to Environmental Protection
14 Agency.

15 (2) The Agency may waive the requirement in
16 subparagraph (B) of paragraph (1) in order to address at
17 the earliest appropriate and feasible juncture or for good
18 cause allegations of potential discrimination caused by
19 pending actions.

20 (3) Within 10 days of receiving a written complaint
21 under this subsection, the Agency shall provide the
22 complainant with written notice of receipt. At that time,
23 the Agency may request additional information needed to
24 complete the complaint. Within 10 days of receiving
25 additional information, the Agency shall provide the
26 complainant with written notice that the complaint is

1 complete.

2 (4) The Agency, based on the complaint, shall
3 determine if it has jurisdiction to pursue the matter and
4 whether the complaint has sufficient merit to warrant an
5 investigation. A complaint shall be regarded as meriting
6 investigation unless:

7 (A) on its face, the complaint appears frivolous
8 and fraudulent;

9 (B) within the time allotted for making the
10 determination of jurisdiction and investigative merit,
11 the Agency voluntarily concedes noncompliance and
12 agrees to take appropriate remedial action;

13 (C) within the time allotted for making the
14 determination of jurisdiction and investigative merit,
15 the complainant withdraws the complaint; or

16 (D) the complaint is not timely filed and good
17 cause does not exist for waiving the timing
18 requirement.

19 (f) Within 120 days of accepting a written complaint, the
20 Agency shall respond in writing to the complainant with a
21 proposed resolution.

22 (g) The Agency shall provide a report to the Commission on
23 Environmental Justice annually regarding the status of all
24 grievances made pursuant to this Section."