



HR0906

LRB100 21158 MST 37178 r

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HOUSE RESOLUTION

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WHEREAS, Volkswagen American Group has entered into a multi-billion-dollar settlement with the U.S. Department of Justice and the U.S. Environmental Protection Agency for violations of the federal Clean Air Act for installing "defeat devices" software in 590,000 diesel engine vehicles of model years between 2009 and 2016; this caused the vehicles to operate differently during emission testing compared to normal operation, circumventing federal vehicle emissions standards resulting in excess NOx emissions from the illegal vehicles; and

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WHEREAS, According to the American Lung Association's Estimated Prevalence of Lung Disease Report, there are 1,709,000 people impacted by Pediatric Asthma, Adult Asthma, COPD, and Lung Cancer throughout Illinois; and

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WHEREAS, A Volkswagen Environmental Mitigation Trust Fund of \$2.7 billion has been established by a federal judge to mitigate the total lifetime excess nitrogen oxide (NOx) emissions from all identified Volkswagen diesel vehicles in violation of the Clean Air Act; this fund is to be administered by an independent trustee, Wilmington Trust, N.A, for the purpose of dispersing funds to beneficiary states for projects to reduce NOx emissions as mitigation for Volkswagen's unlawful

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1 emissions; and

2 WHEREAS, Based upon the total number of 2.0 L and 3.0 L
3 Volkswagen diesel engines in violation of the Clean Air Act
4 sold in each state, Illinois has been allocated \$108.7 million
5 through the Volkswagen Settlement Mitigation Trust; and

6 WHEREAS, The Volkswagen Mitigation Trust presents a rare
7 opportunity for the State of Illinois to significantly reduce
8 harmful NOx emissions through the replacement of older engine
9 technology with cleaner emissions vehicles and infrastructure;
10 and

11 WHEREAS, On January 30, 2018, the Trustee provided notice
12 that the Illinois Environmental Protection Agency has been
13 listed as the Lead Agency for the State and has been charged
14 with the development of the State's Beneficiary Mitigation
15 Plan; and

16 WHEREAS, Illinois may use its Volkswagen Environmental
17 Mitigation Trust Fund allocation for the following categories
18 of projects, as defined by the settlement: Class 8 Local
19 Freight Trucks and Port Drayage Trucks (Eligible Large Trucks),
20 Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Eligible
21 Buses), Railroad Freight Switchers, Ferries/Tugs, Ocean Going
22 Vessels (OGV) Shorepower, Class 4-7 Local Freight Trucks

1 (Eligible Medium Trucks), Airport Ground Support Equipment,
2 Forklifts and Port Cargo Handling Equipment, Light Duty Zero
3 Emission Vehicle Supply Equipment, and the Diesel Emission
4 Reduction Act (DERA) Option; and

5 WHEREAS, The ultimate and primary objective of the State's
6 Volkswagen Beneficial Mitigation Trust Plan shall be to reduce
7 NOx emissions equitably throughout the State of Illinois
8 through investments in all applicable, eligible infrastructure
9 and fleet vehicle options that are the most cost-effective,
10 currently commercially available, viable and reasonably
11 affordable to end users; and

12 WHEREAS, All beneficiary states have 10 years to spend
13 allocated trust funds; and

14 WHEREAS, Each state's Beneficiary Mitigation Plan allows
15 for up to 15% of total funds to be used by state lead agencies
16 for applicable administrative services, including conducting
17 public hearings; and

18 WHEREAS, Well in advance of posting draft Beneficiary
19 Mitigation Plans, the vast majority of designated
20 administrative agencies of other states have conducted and have
21 already completed comprehensive, transparent public hearings
22 involving all stakeholders - a critical component in the

1 drafting process of each state's Beneficiary Mitigation Plan -
2 months in advance of posting their state's respective draft
3 Beneficiary Mitigation Plans; and

4 WHEREAS, In complete contrast to the open and transparent
5 public hearings conducted by the vast majority of other states,
6 on February 28, 2018, the Illinois Environmental Protection
7 Agency posted its draft Beneficiary Mitigation Plan on its
8 official agency website; and

9 WHEREAS, The Illinois Environmental Protection Agency's
10 draft Beneficial Mitigation Plan includes a state map, clearly
11 highlighting that only 16 counties, not every county in the
12 State of Illinois, will be eligible for Volkswagen Mitigation
13 Trust money; and

14 WHEREAS, The Illinois Environmental Protection Agency
15 cited in its draft Beneficiary Mitigation Plan that it has
16 conducted private meetings with select stakeholders; and

17 WHEREAS, The Illinois Environmental Protection Agency also
18 posted notice on February 27, 2018 that limited online public
19 comments and an Agency-created online focused survey would be
20 accepted by the Agency for a limited period, expiring April 13,
21 2018, at which time, per the Illinois Environmental Protection
22 Agency, the period for submission online surveys and online

1 public comments will be closed, representing the first and only
2 form of official public input the Illinois Environmental
3 Protection Agency will allow - a time period after, not before
4 the Illinois Environmental Protection Agency posted its draft
5 Beneficiary Mitigation Plan; and

6 WHEREAS, Consequently the Illinois Environmental
7 Protection Agency's draft Beneficiary Mitigation Plan has not
8 been properly vetted by all eligible stakeholders, both
9 applicable industries and end-users, or the general public; and

10 WHEREAS, The Illinois Environmental Protection Agency, in
11 its draft Beneficiary Mitigation Plan timeline, indicated the
12 state's final plan would be submitted to the Trustee by the end
13 of May, 2018, and that the first round of applications would be
14 accepted in June, 2018; therefore, be it

15 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
16 HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we
17 recommend the Illinois Environmental Protection Agency
18 withdraw its draft Beneficiary Mitigation Plan; and be it
19 further

20 RESOLVED, That we recommend the Illinois Environmental
21 Protection Agency, prior to submitting the final Beneficiary
22 Mitigation Plant for the State to the Trustee, extend its

1 arbitrary public comment period through June 30, 2018, to allow
2 sufficient time for transparent and open public hearings; and
3 be it further

4 RESOLVED, That we recommend the establishment of the
5 Illinois Volkswagen Environmental Beneficiary Mitigation Plan
6 Task Force to be comprised of stakeholders from all eligible
7 vehicle classifications included in the Volkswagen
8 Environmental Mitigation Trust; and be it further

9 RESOLVED, That we recommend the Illinois Environmental
10 Protection Agency provide staff and administrative support for
11 the operation of the Task Force, with all Trustee authorized
12 Agency administrative expenses being reimbursed through the
13 Environmental Mitigation Trust Fund; and be it further

14 RESOLVED, That we recommend the Task Force assist the
15 Agency in conducting a minimum of four regional public hearings
16 across the State of Illinois, seeking public input from all
17 stakeholders representing interests in each eligible vehicle
18 classification cited in the Volkswagen Environmental
19 Mitigation Trust Fund, with specific merit given to proposals
20 that achieve the intended Environmental Mitigation Trust Fund
21 goal of cost-effectively reducing NOx emission through the
22 replacement of older vehicles with viable, trustee-approved
23 vehicles and infrastructure.