



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2728

by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/40.4 new

Amends the Environmental Protection Act. Provides that the Environmental Protection Agency shall ensure that possible adverse economic, social, and environmental effects on environmental justice communities relating to any permit or permit renewal have been fully considered prior to publishing a draft permit or permit renewal for public comment, and that the final decision on the permit or permit renewal is made in the best overall public interest. Provides that any person or entity seeking a permit or permit renewal in an environmental justice community shall give public notice with specified information to the residents of the environmental justice community. Provides that environmental justice community residents shall have 90 days following a community meeting to submit comments to the Agency. Provides that a permit applicant for permitted activity sited in an environmental justice community shall enter into a community benefits agreement with the unit of local government in whose jurisdiction the permit applicant has applied. Provides that the community benefits agreement must, at a minimum, contain provisions requiring the permit applicant to mitigate the environmental and public health impact of the permitted activity in the environmental justice community. Effective immediately.

LRB101 09781 CPF 54882 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 adding Section 40.4 as follows:

6 (415 ILCS 5/40.4 new)

7 Sec. 40.4. Environmental justice communities; community  
8 and environmental impact assessment; notification of  
9 applicants; community benefits agreements.

10 (a) The Agency shall ensure that possible adverse economic,  
11 social, and environmental effects on environmental justice  
12 communities relating to any permit or permit renewal have been  
13 fully considered prior to publishing a draft permit or permit  
14 renewal for public comment, and that the final decision on the  
15 permit or permit renewal is made in the best overall public  
16 interest.

17 Any person seeking a permit or permit renewal shall first  
18 submit to the Agency information necessary for the Agency to  
19 determine if the permitted activity will adversely impact an  
20 environmental justice community.

21 (b) Any person or entity seeking a permit or permit renewal  
22 in an environmental justice community shall give public notice  
23 to the residents of the community of the following:

1           (1) The person or entity's permit or permit renewal  
2           application.

3           (2) The procedures allowing residents to file comments  
4           on the application with the Agency.

5           (3) The date, time, and place of a community meeting  
6           for the purpose of informing the surrounding community of  
7           the permit application and for taking comments and  
8           questions. The meeting shall not be held less than 30 days  
9           following publication of the notice.

10          Community residents shall have 90 days following the  
11          community meeting to submit comments to the Agency.

12          (c) A permit applicant for permitted activity sited in an  
13          environmental justice community shall enter into a community  
14          benefits agreement with the unit of local government in whose  
15          jurisdiction the permit applicant has applied. The community  
16          benefits agreement must, at a minimum, contain provisions  
17          requiring the permit applicant to mitigate the environmental  
18          and public health impact of the permitted activity in the  
19          environmental justice community.

20          (d) For purposes of this Section, "permit" means a permit  
21          issued by the Illinois Environmental Protection Agency through  
22          the Clean Air Act Permit Program or the National Pollutant  
23          Discharge Elimination System.

24          Section 99. Effective date. This Act takes effect upon  
25          becoming law.