

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 52.3-15 as follows:

6 (415 ILCS 5/52.3-15 new)

7 Sec. 52.3-15. Environmental Mitigation Trust.

8 (a) As used in this Section:

9 "Appendix D-2" means Appendix D-2 to the Environmental  
10 Mitigation Trust, entitled "Eligible Mitigation Actions and  
11 Mitigation Action Expenditures".

12 "Beneficiary Mitigation Plan" means a plan developed by the  
13 State in accordance with paragraph 4.1 of the Environmental  
14 Mitigation Trust.

15 "Director" means the Director of the Agency.

16 "Eligible Mitigation Action" has the meaning provided in  
17 paragraph 1.9 of the Environmental Mitigation Trust.

18 "Environmental Mitigation Trust" means the Environmental  
19 Mitigation Trust Agreement for State Beneficiaries filed on  
20 October 2, 2017 in re: Volkswagen "Clean Diesel" Marketing,  
21 Sales Practices, and Products Liability Litigation,  
22 3:16-cv-00295-CRB, MDL No. 2672 CRB (JSC) (N.D. Cal.).

23 "Volkswagen Settlement" or "Settlement" means the consent

1 decrees entered by the United States District Court for the  
2 Northern District of California in re: Volkswagen "Clean  
3 Diesel" Marketing, Sales Practices, and Products Liability  
4 Litigation, No. 3:15-md-02672-CRB.

5 "Task Force" means the Volkswagen Settlement Environmental  
6 Beneficiary Mitigation Plan Task Force.

7 (b) The Agency shall administer the moneys available to the  
8 State under the Environmental Mitigation Trust for the  
9 following categories of projects, as defined by the Settlement:

10 (1) Class 8 Local Freight Trucks and Port Drayage  
11 Trucks (Eligible Large Trucks);

12 (2) Class 4-8 School Bus, Shuttle Bus, or Transit Bus  
13 (Eligible Buses);

14 (3) Freight Switchers; Ferries/Tugs; Ocean Going  
15 Vessels (OGV) Shorepower;

16 (4) Class 4-7 Local Freight Trucks (Eligible Medium  
17 Trucks);

18 (5) Airport Ground Support Equipment;

19 (6) Forklifts and Port Cargo Handling Equipment;

20 (7) Light Duty Zero Emission Vehicle Supply Equipment;

21 and

22 (8) Diesel Emission Reduction Act (DERA) Option.

23 (c) The Agency may allocate administrative costs to the  
24 Eligible Mitigation Actions identified in subsection (b) of  
25 this Section in accordance with Appendix D-2.

26 (d) A Beneficiary Mitigation Plan submitted by the State

1 under the Environmental Mitigation Trust shall comply with this  
2 Section.

3 (e) A Beneficiary Mitigation Plan filed before the  
4 effective date of this amendatory Act of the 100th General  
5 Assembly shall be revised to comply with this amendatory Act of  
6 the 100th General Assembly and shall be resubmitted in  
7 accordance with the Environmental Mitigation Trust and this  
8 amendatory Act of the 100th General Assembly.

9 The Agency shall extend the Agency's draft Beneficiary  
10 Mitigation Plan public comment period deadline of April 13,  
11 2018 to 120 days after the effective date of this amendatory  
12 Act of the 100th General Assembly.

13 The Agency shall maintain a Beneficiary Mitigation Plan  
14 page on its website, and provide the public with basic  
15 information on the Volkswagen Settlement, including, but not  
16 limited to: scheduled public hearings; State documents related  
17 to the Environmental Mitigation Trust; updates on amendments to  
18 the Beneficiary Mitigation Plan; implementation of the  
19 Beneficiary Mitigation Plan; and the name and contact  
20 information of the Agency person where the public can direct  
21 questions about the Beneficiary Mitigation Plan, and schedule  
22 in-person testimony at public hearings. The webpage shall  
23 include a request for information for public input that seeks  
24 information and ideas about how the Environmental Mitigation  
25 Trust money should be spent within the uses allowed by the  
26 Settlement. The Agency shall maintain an email list to which

1 interested persons can subscribe to receive timely updates  
2 about the Beneficiary Mitigation Plan, proposed projects using  
3 Environmental Mitigation Trust funds, decisions by the Agency  
4 on the Beneficiary Mitigation Plan, and the Beneficiary  
5 Mitigation Plan's implementation.

6 During the extended 120-day public comment period, the  
7 Agency and Task Force shall conduct 6 public stakeholder  
8 hearings statewide to seek public comments on the draft  
9 Beneficiary Mitigation Plan, including which eligible  
10 mitigation activities should be included in the Beneficiary  
11 Mitigation Plan, the relative percentages of available funds to  
12 allocate to each category of activity, and geographic priority  
13 areas for emissions reductions.

14 (f) The Volkswagen Settlement Environmental Beneficiary  
15 Mitigation Plan Task Force is created. The Environmental  
16 Protection Agency shall provide administrative and other  
17 support to the Task Force. The Task Force shall consist of the  
18 following members:

19 (1) The Director of the Environmental Protection  
20 Agency, or his or her designee, who shall be the chair of  
21 the Task Force;

22 (2) one member appointed by the Speaker of the House of  
23 Representatives;

24 (3) one member appointed by the Minority Leader of the  
25 House of Representatives;

26 (4) one member appointed by the President of the

1 Senate;

2 (5) one member appointed by the Minority Leader of the

3 Senate;

4 (6) one member appointed by the Department of

5 Transportation;

6 (7) one member appointed by the Department of Public

7 Health;

8 (8) one member appointed by a statewide organization

9 representing school administrators;

10 (9) one members appointed by the Commuter Rail Division

11 of the Regional Transportation Authority established under

12 the Regional Transportation Authority Act;

13 (10) one member appointed by the Chicago Transit

14 Authority created under the Metropolitan Transit Authority

15 Act;

16 (11) one member appointed by the Sangamon Mass Transit

17 District;

18 (12) one member appointed by an electric utility that

19 serves more than 3,000,000 retail customers in the State;

20 (13) one member appointed by a natural gas utility that

21 serves more than 1,000,000 retail customers in the State;

22 (14) one member appointed by a statewide association

23 representing investor-owned electric and natural gas

24 utilities and power generation companies;

25 (15) one member appointed by a public interest

26 environmental legal advocacy and eco-business innovation

1 organization with headquarters in the City of Chicago;

2 (16) one member appointed by a statewide association  
3 that promotes and sponsors the safe and varied uses of  
4 propane gas, sponsors education and safety programs for  
5 person in the propane gas industry, and informs and  
6 educates the public as propane gas consumers;

7 (17) one member appointed by Argonne National  
8 Laboratory;

9 (18) one member appointed by a coalition designated as  
10 a Clean City coalition by the United States Department of  
11 Energy for the Chicago metropolitan area;

12 (19) one member appointed by a nationwide nonprofit  
13 organization that advocates for improved lung health and  
14 preventing lung disease with a national office in the City  
15 of Chicago; and

16 (20) one member appointed by a member-based Illinois  
17 non-profit organization located in Chicago that provides  
18 direct services to Chicago schoolchildren and which aims to  
19 prevent lung disease, promote clean air, and help people  
20 live better through education, research, and policy  
21 change;

22 (21) one member appointed by a recognized  
23 Illinois-based non-profit organization that focuses on  
24 community environmental justice concerns;

25 (22) one member appointed by the Cook County Forest  
26 Preserve District;

1           (23) one member appointed by a non-profit organization  
2           focused on solid waste collection, disposal, and  
3           recycling;

4           (24) one member appointed by a labor organization;

5           (25) one member appointed by an electric vehicle  
6           charging manufacturer; and

7           (26) one member appointed by an electric utility that  
8           serves fewer than 3,000,000 retail customers in the State.

9           Each appointment shall be made, with the advice and consent  
10          of the Senate, within 30 days after the effective date of this  
11          amendatory Act of the 100th General Assembly. The Agency shall  
12          notify each person or entity responsible for appointing a  
13          member of the Task Force within 14 days of the effective date  
14          of this amendatory Act of the 100th General Assembly of each  
15          person's or entity's appointment responsibility.

16          Task Force members shall serve without compensation, but  
17          may be reimbursed for reasonable and necessary expenses  
18          incurred in performing duties associated with the Task Force.

19          The Task Force shall conduct 6 public listening sessions  
20          statewide to gather public input on priorities for use of the  
21          funds received by the State from the Environmental Mitigation  
22          Trust.

23          At the conclusion of the 120-day period, the Task Force  
24          shall review the Environmental Mitigation Trust requirements,  
25          evaluate public comments, and prepare a report of its  
26          recommendations for use of the funds received by the State from

1 the Environmental Mitigation Trust. The Task Force shall submit  
2 its report to the Governor and the General Assembly by no later  
3 than 150 days after the effective date of this amendatory Act  
4 of the 100th General Assembly, but no sooner than 140 days  
5 after the effective date of this amendatory Act of the 100th  
6 General Assembly.

7 This subsection (f) is inoperative 210 days after the  
8 effective date of this amendatory Act of the 100th General  
9 Assembly.

10 (g) Based on recommendations from the Task Force, public  
11 listening sessions, and the need for the State to reduce air  
12 pollution, the Agency shall amend the Beneficiary Mitigation  
13 Plan outlining how it will spend allocated funds from the  
14 Environmental Mitigation Trust for beneficial projects in the  
15 State that mitigate the excess emissions of nitrogen oxides  
16 from Volkswagen diesel vehicles. The Beneficiary Mitigation  
17 Plan shall include, but not be limited to, overall goals for  
18 the use of the funds, eligible mitigation activities to meet  
19 the stated goals, spending allocation levels, expected  
20 emissions reduction benefits, the process for public input, and  
21 the other factors set out in the Environmental Mitigation  
22 Trust.

23 The Agency shall prepare and resubmit an amended final  
24 version of the Beneficiary Mitigation Plan to the trustee of  
25 the Environmental Mitigation Trust no sooner than 30 days after  
26 the Task Force submits its report to the Governor and the



1 General Assembly, and only after receiving and considering the  
2 recommendations of the Task Force, reactions from written  
3 submissions, and the public hearings under this Section.

4 Upon submission of the amended final version of the  
5 Beneficiary Mitigation Plan to the trustee of the Environmental  
6 Mitigation Trust, the Agency shall open a call for project  
7 proposals that are consistent with that final Beneficiary  
8 Mitigation Plan submission. After the amended final version of  
9 the Beneficiary Mitigation Plan is submitted to the trustee of  
10 the Environmental Mitigation Trust, the Agency shall provide  
11 for an open period of no less 60 days for interested parties to  
12 submit eligible project proposals to the Agency. At the  
13 conclusion of this open period, the Agency may award funds to  
14 these projects.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.