



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1686

Introduced 2/5/2025, by Sen. Christopher Belt

#### SYNOPSIS AS INTRODUCED:

415 ILCS 155/15 new

Amends the Environmental Justice Act. Creates the Environmental Justice Public Participation Program. Establishes purpose and definitions. Creates the Office of Environmental Justice within the Environmental Protection Agency. Sets forth the duties of the Office. Provides that the requirements of the provisions apply to specified permitting actions within areas of environmental justice concern. Requires the Office to use environmental justice notifications to contact people located in areas of environmental justice concern, elected officials, and other interested parties to notify of a proposed permit action in that particular area of environmental justice concern. Provides that if an area is not designated as an area of environmental justice concern due to an error in the Agency's application of EJ Start, a resident of that area may make a request in writing to the Agency for reconsideration of the designation upon providing the Office census data that would otherwise demonstrate the area is an area of environmental justice concern or minority population greater than twice the statewide average. Provides that if an area is designated as an area of environmental justice concern due to an error in the Agency's application of EJ Start, a resident of that area may make a request in writing to the Agency for reconsideration of the designation upon providing the Office census data that would otherwise demonstrate that the area is not an area of environmental justice concern or minority population greater than twice the statewide average. Establishes requirements to apply to permitting transactions in areas of environmental justice concern. Requires the Agency to establish a grievance procedure. Requires the Agency to provide a report to the Commission on Environmental Justice annually regarding the status of all grievances made under the provisions.

LRB104 12085 BDA 22183 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 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.

17 (b) As used in this Section:

18 "Agency" means the Environmental Protection Agency.

19 "Area of environmental justice concern" means a census  
20 block group or area within one mile of a census block group  
21 that, in either case, has (i) an average household income that  
22 is less than the poverty guidelines updated periodically in  
23 the Federal Register by the U.S. Department of Health and

1 Human Services under the authority of 42 U.S.C. 9902(2) or  
2 (ii) a minority population that is greater than twice the  
3 statewide average.

4 "EJ Start" means a geographic information system mapping  
5 tool developed by the Agency for the purpose of identifying  
6 census block groups and areas within one mile of census block  
7 groups meeting the environmental justice demographic screening  
8 criteria. EJ Start is the relevant environmental justice  
9 mapping tool for the Agency's environmental public  
10 participation and shall be updated with each federal decennial  
11 census.

12 "Office of Environmental Justice" means the office within  
13 the Agency that has the primary responsibility for  
14 coordinating all environmental justice efforts set forth in  
15 this Act.

16 (c) The Office of Environmental Justice shall:

17 (1) act as the liaison for the Agency on environmental  
18 justice issues;

19 (2) conduct enhanced public outreach in areas of  
20 environmental justice concern;

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

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

25 (d) The requirements of this Section apply to the  
26 following permitting actions within areas of environmental

1 justice concern as documented on EJ Start:

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

4 (2) construction permits for new sources that would  
5 require a Federally Enforceable State Operating Permit  
6 (FESOP);

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

10 (4) Prevention of Significant Deterioration permits,  
11 as defined in Section 3.363 of the Environmental  
12 Protection Act, for major modifications at existing  
13 sources.

14 (e) The Office of Environmental Justice shall use  
15 environmental justice notifications to contact inhabitants in  
16 areas of environmental justice concern, elected officials, and  
17 other interested parties to provide notice of a proposed  
18 permit action identified in paragraphs (1) through (4) of  
19 subsection (d) in that particular area of environmental  
20 justice concern. An environmental justice notification shall  
21 include the following information:

22 (1) the facility name;

23 (2) the facility address;

24 (3) the Bureau identification number;

25 (4) the permit application reference number;

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

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

3           (7) Environmental Justice Coordinator contact  
4           information.

5           (f) If an area is not designated as an area of  
6           environmental justice concern due to an error in the Agency's  
7           application of EJ Start, a resident of that area may make a  
8           request in writing to the Agency for reconsideration of the  
9           designation upon providing the Office of Environmental Justice  
10           census data that would otherwise demonstrate the area is an  
11           area of environmental justice concern.

12           If an area is designated as an area of environmental  
13           justice concern due to an error in the Agency's application of  
14           EJ Start, a resident of that area may make a request in writing  
15           to the Agency for reconsideration of the designation upon  
16           providing the Office of Environmental Justice census data that  
17           would otherwise demonstrate that the area is not an area of  
18           environmental justice concern. Such requests for  
19           reconsideration may also be made by a resident of that area in  
20           writing to the Agency demonstrating that the designation may  
21           negatively impact the area.

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

24           (1) The permit application shall include an  
25           Environmental Impact Analysis, which shall include the  
26           following information:

1           (A) air dispersion modeling examining the air  
2           quality-related impacts from the proposed project in  
3           combination with existing mobile and stationary air  
4           emitting sources at the facility; and

5           (B) a quantitative analysis, based on the air  
6           dispersion modeling, on the direct and indirect  
7           impacts of the project on the community immediately  
8           surrounding the facility.

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

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

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

20               (A) be in writing;

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

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

1           (D) describe with specificity the discrimination  
2           that allegedly has occurred or will occur as the  
3           result of such action;

4           (E) identify the parties impacted or potentially  
5           impacted by the alleged discrimination; and

6           (F) be addressed to Environmental Protection  
7           Agency.

8           (2) The Agency may waive the requirement in  
9           subparagraph (B) of paragraph (1) in order to address at  
10           the earliest appropriate and feasible juncture or for good  
11           cause allegations of potential discrimination caused by  
12           pending actions.

13           (3) Within 10 days of receiving a written complaint  
14           under this subsection, the Agency shall provide the  
15           complainant with written notice of receipt. At that time,  
16           the Agency may request additional information needed to  
17           complete the complaint. Within 10 days of receiving  
18           additional information, the Agency shall provide the  
19           complainant with written notice that the complaint is  
20           complete.

21           (4) The Agency, based on the complaint, shall  
22           determine if it has jurisdiction to pursue the matter and  
23           whether the complaint has sufficient merit to warrant an  
24           investigation. A complaint shall be regarded as meriting  
25           investigation unless:

26           (A) on its face, the complaint appears frivolous

1           and fraudulent;

2           (B) within the time allotted for making the  
3           determination of jurisdiction and investigative merit,  
4           the Agency voluntarily concedes noncompliance and  
5           agrees to take appropriate remedial action;

6           (C) within the time allotted for making the  
7           determination of jurisdiction and investigative merit,  
8           the complainant withdraws the complaint; or

9           (D) the complaint is not timely filed and good  
10          cause does not exist for waiving the timing  
11          requirement.

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

15          (g) The Agency shall provide a report to the Commission on  
16          Environmental Justice annually regarding the status of all  
17          grievances made pursuant to this Section.