



Rep. Theresa Mah

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10100SB1847ham001

LRB101 10763 CPF 60285 a

1 AMENDMENT TO SENATE BILL 1847

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1847 by replacing  
3 everything after the enacting clause with the following:

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 program.

8 (a) The General Assembly finds that:

9 (1) possible adverse economic, social, and  
10 environmental effects on environmental justice communities  
11 relating to any permit or permit renewal should be fully  
12 considered by the Agency prior to completing a draft  
13 permit; and

14 (2) the Agency's final decision on the permit or permit  
15 renewal should be made in the best overall public interest.

16 (b) An environmental justice program is hereby created to

1 ensure enhanced public outreach for permitting transactions in  
2 or near areas of environmental justice concern, including  
3 notification provided by the permit applicant and by the  
4 Agency.

5 (c) Prior to any person or entity submitting a permit  
6 application for an emission unit as defined under Section 39.5  
7 or NPDES discharge located in an area of environmental justice  
8 concern or within one mile of an area of environmental justice  
9 concern, that person or entity shall prepare and implement a  
10 public participation plan for the residents of the community.  
11 Under the plan, the person or entity shall:

12 (1) make available information concerning the project  
13 for community review, including any permits that will be  
14 required by the Agency;

15 (2) conduct a public meeting or meetings to inform the  
16 community of the permit application and to take comments  
17 and questions. The person or entity must provide notice of  
18 the meeting at least 30 days before the date of the  
19 meeting; and

20 (3) hold a 30-day comment period following the last  
21 public meeting prior to submission of a permit application  
22 to the Agency for residents to submit comments to the  
23 person or entity.

24 At the time of the permit application to the Agency, the  
25 person or entity shall also provide an environmental justice  
26 report to the Agency's Environmental Justice Officer. The

1 report shall document the public meeting or meetings, comment  
2 period, comments made by the public, and any community  
3 environmental benefits agreements that may have been entered  
4 into with community groups or local officials. Submission of  
5 the environmental justice report with the permit application  
6 shall be part of the Agency's completeness review. Submission  
7 of the report must be accompanied by the following  
8 certification:

9 "I certify under penalty of law that, based on information  
10 and belief formed after reasonable inquiry, the statements and  
11 information contained in this application are true, accurate,  
12 and complete."

13 For purposes of this subsection, "permit" means a permit  
14 issued by the Illinois Environmental Protection Agency through  
15 the Clean Air Act Permit Program or the National Pollutant  
16 Discharge Elimination System.

17 (d) Within one year after the effective date of this  
18 amendatory Act of the 101st General Assembly, the Agency shall  
19 propose rules to the Illinois Pollution Control Board that:

20 (1) define areas of environmental justice concern,  
21 including screening methodology;

22 (2) define which permit transactions are subject to  
23 environmental justice enhanced public outreach procedures;

24 (3) specify notification requirements, including  
25 notification by permit applicants prior to application  
26 submittal to the Agency; and

1           (4) delineate enhanced public outreach activities to  
2           be conducted by permit applicants and by the Agency.".