



2023 LEGISLATIVE REPORT



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POWER FOR PEOPLE AND THE ENVIRONMENT AT THE CAPITOL



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-  @Illinois Environmental Council
-  @Illinois Environmental Council

www.ilenviro.org
Phone: 217-544-5954
Fax: 217-544-5958
iec@ilenviro.org

520 E Capitol
Springfield, IL 62701

ABOUT THE ILLINOIS ENVIRONMENTAL COUNCIL

WHO WE ARE

Since 1975, the Illinois Environmental Council (IEC) has worked to safeguard Illinois—its people, its plants and animals and the natural systems on which all life depends by building power for people and the environment. Representing over 100 environmental organizations operating in Illinois, IEC carries out its mission to advance public policies that create healthy environments across Illinois through education, advocacy and movement building.

WHAT WE DO

IEC works at all levels of government by bringing together the Illinois environmental community to influence decision makers and ensure clean air, clean water and healthy communities. We coordinate our affiliate member organizations to share resources, mobilize supporters and respond quickly to the most pressing issues facing the environment in Illinois. From building consensus around an annual environmental agenda to lobbying city, state and federal decision makers, IEC takes pride in leading our environmental movement in Illinois.



IEC staff during our fall retreat at Four Rivers Environmental Education Center in Joliet, IL.



LETTER FROM EXECUTIVE DIRECTOR JEN WALLING



As the 2023 legislative session of the Illinois General Assembly drew to a close on May 26, we were thrilled to see several of our environmental legislative priorities passed and headed to the governor's desk for his signature. We have highlighted those victories within this report. Unfortunately, destructive, last-minute legislative measures overshadowed much of our late-session breakthrough progress, yielding mixed success in this year's session.

The slapdash bills passed in the final days of the session are sure to set back renewable energy development and have negative impacts on our environment, especially for those already living in communities experiencing the worst effects of environmental racism, such as increased carbon emissions and air pollution.

We must renew our resolve as a unified environmental community to fight against the deep pockets dominating politics in the State Capitol. Even with a legislature that has grown younger and more progressive, none of us should assume that the General Assembly will simply adopt the ideas

we put forward. We must continue to push for regulatory accountability and transparency while elevating the voices of those most threatened by environmental injustice.

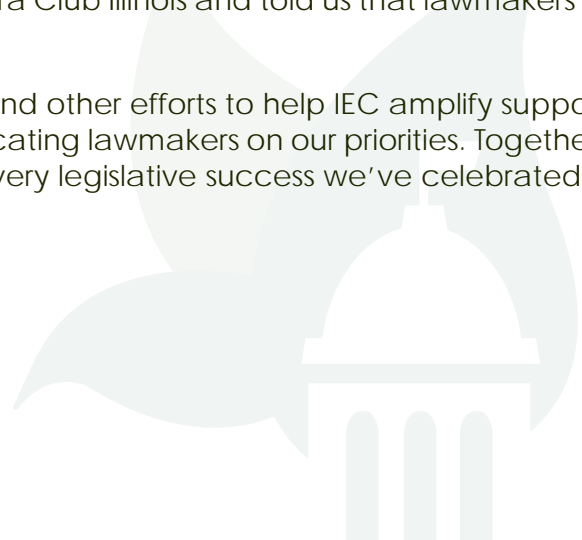
During the last few days of the session, when proposals are moving quickly and lawmakers are away from their districts, powerful special interests and well-connected lobbyists have an easier time reaching lawmakers than their concerned constituents. This leads to terrible policy outcomes for people and the environment. However, make no mistake. We have a lot to be proud of. We quickly confronted our opponents to show just how powerful our voices can be.

For example, an opponent testifying in support of a terrible proposal to widen I-55 through environmental justice communities complained about the volume of Twitter and social media posts from IEC and our partners opposing the new air pollution associated with the project. During a committee hearing, a lawmaker held up a stack of letters from her constituents pleading for her 'no' vote on a different bill that will also have adverse environmental outcomes. Another lawmaker shared with us a text alert sent by our partners at Sierra Club Illinois and told us that lawmakers were hearing from their constituents in our movement.

Your thousands of letters, calls, social media posts, and other efforts to help IEC amplify support for environmental issues truly strengthen IEC's work educating lawmakers on our priorities. Together, we make sure lawmakers hear your voice, the key to every legislative success we've celebrated over the years.

Together,

Jen Walling
Executive Director



ENVIRONMENTAL JUSTICE

While some legislation led by environmental justice communities stalled in the General Assembly this spring, the federal government continues to make strides with its Justice40 initiative. The goal of Justice40 is to have at least 40% of the overall benefit from federal investments be directed towards disadvantaged communities to address different environmental, social, and economic burdens. The initiative is associated with over 400 federal programs and many different pots of money, so legislators, agency representatives, and stakeholders must coordinate and discuss recommendations. The passage of HB 2487, one of our priority bills this year, created the Justice40 Oversight Committee to facilitate that coordination.

Justice40 Oversight Committee HB 2487 – PASSED! (Rep. Lilly / Sen. Belt)

Creates a committee dedicated to environmental justice and reports its findings to the General Assembly.

Environmental Justice Air Permitting HB 2520 / SB1823 – To be continued... (Rep. Harper / Sen. Villanueva)

Legislation written and supported by environmental justice organizations that requires reviewing the cumulative impact of air pollution sources and denying unhealthy air pollution permits for impacted communities. This bill has stalled in the House.

Coal Ash Removal in Waukegan HB 1608 / SB 1578 – To be continued... (Rep. Mayfield / Sen. Johnson)

Requires the removal of all coal ash from the Waukegan Electric Generating Station to protect the largest public drinking water supply in Illinois. This bill has stalled in the House.

Power Plant Demolition HB 3595 – To be continued... (Rep. Mah / Sen. Villanueva)

Introduced after a botched smoke stack demolition covered an entire neighborhood in dust and ash, this legislation and requires stricter procedures when a power plant is set to be demolished, such as accurate air quality monitoring, site cleanup plans, and public engagement opportunities. While this was ultimately held in the Senate, we intend to work with this legislation's sponsors again next year.

Environmental Justice organizations are leading the fight against long-standing zoning rules that have perpetuated dangerous pollution in Black, Brown and working class communities.





CLEAN ENERGY & EXTRACTION

The state's just and equitable transition to clean energy is underway as the State implements the goals and pathways outlined in the 2021 Climate and Equitable Jobs Act (CEJA). Fortunately, CEJA was not challenged in this session, demonstrating that our path to a clean energy future is here to stay. We moved forward, passing several bills protecting renewable energy development and forging baseline public notifications for methane gas storage leaks. On the flip side, many energy proposals did not pass, including utility protections for low-income customers and subsequent community protections from carbon capture and battery storage sites. Though a last-minute push by Ameren for the right of first refusal on new transmission projects (HB3445) was an unwelcome surprise, we secured Governor Pritzker's commitment to veto the bill.

Wind Siting Reform HB 4412 – PASSED! (Sen. Cunningham / Rep. Gabel)

Prevents counties from enacting preemptive local ordinances that outright ban local wind and solar projects, hindering the state's new climate goals outlined in the Climate and Equitable Jobs Act (CEJA). This bill passed during the 102nd General Assembly's lame duck session.

Verified Gas Leaks HB 1190 – PASSED! (Rep. Morgan / Sen. Faraci)

Requires the owner and operator of an underground methane gas storage facility to inform the public of any verified leaks that occur.

Protect Home Energy Development HB 2174 – PASSED! (Rep. Didech / Sen. Cunningham)

Restricts HOAs and shared townhomes from enacting unfair policies restricting renewable energy development on private property.

Park District Solar Expansion HB 2192 – PASSED! (Rep. Didech / Sen. Ellman)

Allows park districts to enter into leases for renewable energy development.

MWRD Recovery Resources HB 2219 – PASSED! (Rep. Evans / Sen. Preston)

Allows the Metropolitan Water Reclamation District to capture and beneficially reuse recovered resources from discarded wind and solar.

Solar Panels / Dixon Park HB 2963 – PASSED! (Rep. Fritts / Sen. Stoller)

Authorizes the Dixon Park District to install and operate solar panels.



As many other states battle local challenges to clean energy projects, IEC and our partners secured a major victory for farmers and landowners, securing project rights and keeping us on track to meet our clean energy goals.



Low-Income Energy Efficiency; Protections from Shut Off HB 2172 – To be continued... (Rep. W. Davis / Sen. Johnson)

Requires utilities to implement energy efficiency measures that target low-income communities; prevents shutoff of utilities during extreme weather events. This bill was held in the House.

Thermal Energy Network HB 2875 – To be continued... (Rep. A. Williams)

Creates the Thermal Energy Network Jobs Act to support the development of thermal energy networks. This bill was held in the Senate.

Carbon Capture and Storage HB 3119 – To be continued... (Rep. A. Williams)

Creates protections for the people of Illinois from the issues carbon capture and storage sites can cause. While this was held in the House, we intend to continue working on this legislation throughout the year.

Modular Nuclear Reactors SB 76 – Passed. (Sen. Rezin / Rep. Yednock)

Removes the ban on the new construction of nuclear power plants.

Right of First Refusal HB 3445 – Passed. (Rep. Walsh / Sen. Stadelman)

Includes a provision allowing Ameren, a privately owned utility company downstate, the right of first refusal for transmission projects in the Midcontinent Independent System Operator (MISO) territory, effectively eliminating the project bid process. These processes increase project costs, which ratepayers will ultimately pay.



TRANSPORTATION



In passing the nation-leading Climate and Equitable Jobs Act (CEJA), Illinois tackled the energy sector. It's time to address the largest source of climate emissions in Illinois, the transportation sector.

The transportation sector is Illinois' primary source of climate-warming carbon pollution. Unfortunately, we faced steep challenges with the General Assembly voting to make it easier for road construction projects to avoid public engagement and ignore metropolitan planning organizations' regional goals by expanding Public-Private Partnership (P3) parameters via HJR23.

The I-55 expansion, through a P3 agreement, will end up spending infrastructure funds that could be used to expand public transportation options and similar solutions that reduce climate emissions and traffic congestion while better serving communities overall. As regional transit boards look to build more sustainable and reliable public transit networks, we need to leverage funds for these projects, which will benefit our air and our connectivity across the state.

However, 2023 was a huge year for electric vehicles, with important legislation passed to require EV-ready construction and a new mandate that metropolitan service board only purchase electric buses. Additionally, a requirement that all vehicles purchased by state government be electric by 2030 is near passage.

Electric Vehicle Charging SB 40 – PASSED! (Sen. Feigenholtz / Rep. Gabel)

Requires a conduit for EV-capable parking spaces for new single-family homes and newly constructed or renovated multi-unit residential buildings.

Transit Riding Privileges (RTA EV) HB 1342 – PASSED! (Sen. Villavalam / Rep. Buckner)

Among other updates for the Regional Service Board's regulations, it sets a target date of July 1, 2026 as the day all buses procured by the RTA meet zero emission standards.

Government Vehicle All EVs by 2030 SB 1769 – To be continued... (Sen. Ventura / Rep. Hoffman)

Requires that all passenger vehicles purchased by government units must be zero-emission vehicles after January 1, 2030, except law enforcement & paratransit vehicles. While this bill stalled in the Senate, we anticipate movement during the veto session.

I-55 Managed Lanes Project HJR23 – Passed. (Rep. Stava-Murray / Sen. Cunningham)

Begins the first stages of a proposed project to increase the number of lanes on I-55 in the Chicago region, much of which lies immediately adjacent to environmental justice communities. This will negatively impact air quality in areas already seeing the highest rates of air pollution in Illinois.

Procurement - Transportation Projects HB 2878 – Passed. (Rep. Hoffman / Sen. Castro)

A massive overhaul of state procurement related to transportation projects that allows for the fast-tracking of road projects by eliminating particular oversight currently done by the legislature and Governor's office, in addition to skirting regional planning authority.

South Suburban/Peotone Airport HB 2531 – Passed. (Rep. W. Davis / Sen. Harris)

Begins the request for proposal (RFP) process for the languishing airport proposal near Peotone, Illinois. This project would likely have significant adverse environmental impacts, including on the adjacent Midewin National Tallgrass Prairie.

CLEAN WATER & CLIMATE RESILIENCE

From extreme flooding in Environmental Justice communities in East St. Louis, dust storms along I-55 in central Illinois, and deadly algae blooms in our rivers and streams, it is more crucial than ever to fortify our living standards against the worst impacts of increasingly inclement weather events. Just last year, a warehouse outside of Edwardsville collapsed during a tornado, leading to the death of some workers in the facility. Upon further investigation, we learned that the structure was not built to the latest building code standards.

IEC worked with American Rivers and other partners to pass SB 2368, which requires new construction to meet current international building standards. The bill will help save lives in the future while also giving Illinois access to millions of dollars in Federal Emergency Management Agency (FEMA) resources which we had been leaving on the table for years.

Lead Service Line Notice HB 2776 – PASSED! (Rep. Huynh / Sen. Simmons)

Updates notice and posting requirements for lead service lines-related work.

PFAS Reduction HB 3508 – PASSED! (Rep. Moeller / Sen. Fine)

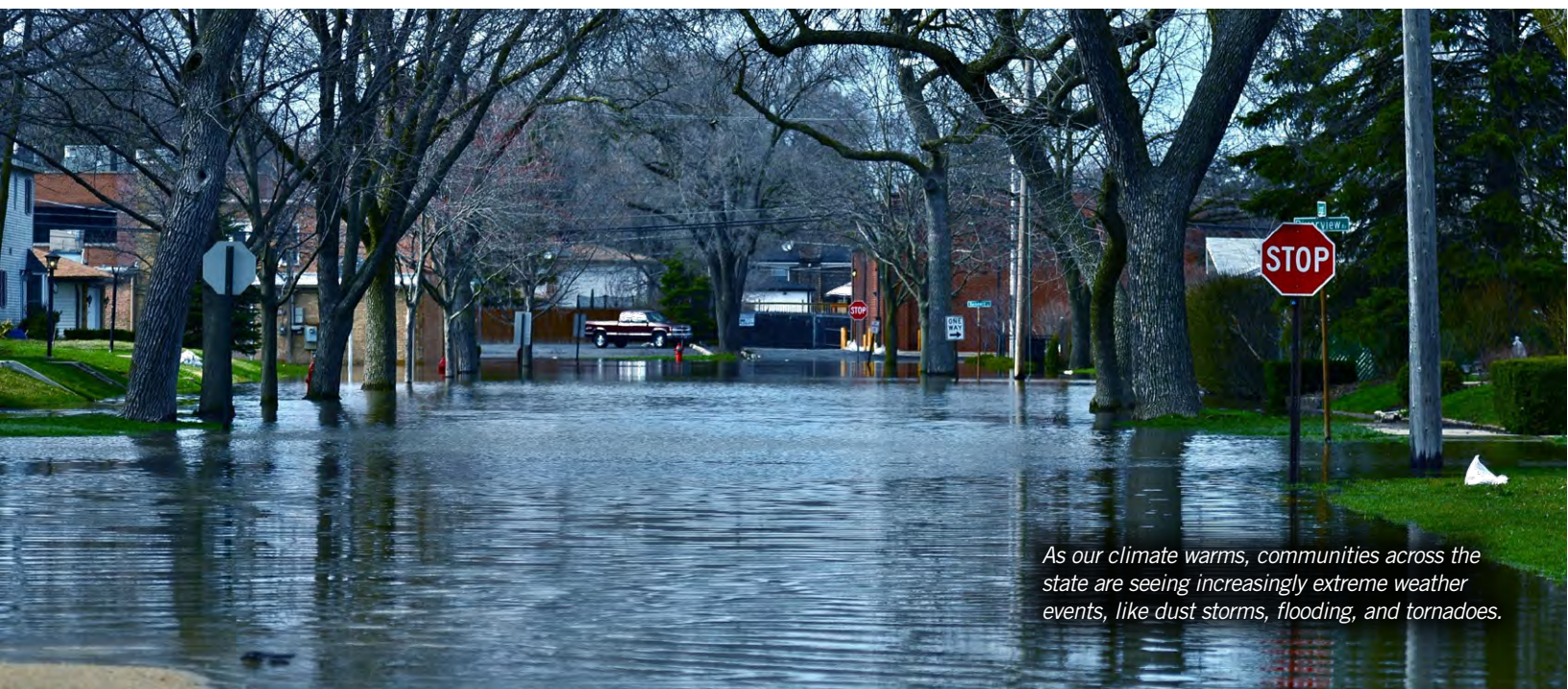
Creates a take-back program for firefighting foam.

Update Illinois Building Code Standards SB 2368 – PASSED! (Sen. Koehler / Rep. Johnson)

Modernizes building code standards to better align the state with FEMA requirements for funding access, along with generally improving public safety for new constructions. This legislation is a major step in our state's investment towards climate resilience.

Gray Water Infrastructure HB 3046 – To be continued... (Rep. A. Williams)

Requires the adoption of rules regarding recycling sewage treatment plant effluent reuse. This bill was ultimately held in the Senate.



As our climate warms, communities across the state are seeing increasingly extreme weather events, like dust storms, flooding, and tornadoes.



WASTE REDUCTION

It was a big year for source reduction, recycling, and composting in Illinois. Lawmakers introduced approximately two dozen bills that facilitate source reduction, especially of single-use plastics, waste reduction, and methane emissions. During this session, the General Assembly passed critical legislation for reducing Illinois's methane emissions and plastic waste. These bills enhance compost procurement mandates; expand incidental sales of finished compost; require bottle refill stations at new drinking fountains in the state; allow for the filling and refilling of consumer-owned containers at retailers and restaurants; and more.

In other good news, a terrible plastic pyrolysis bill (HB 1616) was not called for a vote after we mobilized media attention and hundreds of letters into legislators' offices. We will continue monitoring this proposal because it could be granted an extension or amended to another bill.

Consumer Owned Containers HB 2086 – PASSED! (Rep. Stava-Murray / Sen. Edly-Allen)

This legislation will cut down waste by giving restaurants and retailers health and safety standards to offer the use of personal containers for takeout.

Incidental Sales of Compost HB 3277 – PASSED! (Rep. Frese / Sen. Bennett)

Clarifies that farmers can sell small amounts of compost from farm composting operations.

Single-Use Plastics SB 58 – PASSED! (Sen. Fine / Rep. Gong-Gershowitz)

Requires state agencies to track and implement goals to reduce single-use plastic disposable foodware.

Paint Stewardship Program SB 836 – PASSED! (Sen. Holmes / Rep. Manley)

Creates an extended producer responsibility model for the proper disposal of paint.

Recycling Needs Assessment SB 1555 – PASSED! (Sen. Koehler / Rep. Avelar)

Requires an assessment of current statewide recycling and materials management practices and lays the foundation for sound product stewardship and EPR policy.

Water Fountain SB 1715 – PASSED! (Sen. Glowiak Hilton / Rep. Ladisch Douglass)

Requires bottle filling stations for the construction of buildings with 5,000 square feet of gross public area or with occupancies of 100 or more.

Compost Procurement HB 2878 – PASSED! (Rep. Hoffman / Sen. Castro)

Introduced as HB 2569 (Rep. Ness / Sen. Ventura) and passed as part of HB 2878. Requires the use of compost in land maintenance activities performed by the State when applicable.





Illinois ranks among the top ten states for climate warming emissions of methane gas from landfills.

Compost Awareness Week SR 62 – PASSED! (Sen. Fine)

Declares May 7-13, 2023, as Compost Awareness Week in Illinois, coinciding with the dates and theme of International Compost Awareness Week.

Large Event Facility Recycling HB 1370 – To be continued... (Rep. Tarver / Sen. Villa)

Requires facilities with a capacity of 3,500 or more people to participate in recycling and composting. This bill was ultimately held in the Senate.

Plastic Pyrolysis HB 1616 – SUCCESSFULLY STOPPED! (Rep. Walsh)

Converts plastics by a chemical and physical process into several materials, including a type of fuel that is burned. From start to finish, this process uses highly toxic chemicals and should not be considered recycling.

Natural Organic Reduction HB 3158 – To be continued... (Rep. Cassidy / Sen. Simmons)

Provides an environmentally friendly alternative burial option. While this bill was held in the Senate, we expect it to be re-introduced next year.

Methane Emissions SB 2155 – To be continued... (Sen. Fine)

Requires methane gas emissions caps and reduced methane gas in landfills. This bill was held in the Senate.



OPEN SPACE, CONSERVATION, & AGRICULTURE

Illinois has made considerable strides toward decarbonizing our energy sector and making transportation greener. Yet, the state's biggest industry, both financially and geographically, is still engaging in practices yielding adverse environmental outcomes. Agriculture accounts for over 70 percent of our land mass in Illinois. While farmers have a vested interest in protecting our land and water resources for future generations, the State itself has traditionally not invested in the types of scalable conservation programs we need to reduce nutrient run-off and retain soil.

The passage of SB 1701 marks a shift in that thinking, investing \$18 million into the Partners for Conservation Fund for in-field conservation practices, soil assessment, and support for Soil & Water Conservation Districts. We plan to build on this base in the coming years and steeply ramp funding to ensure our land and water resources are protected for all Illinoisians.

Lease of Farmland HB 1076 – PASSED! (Rep. Yednock / Sen. Plummer)

Allows a county board to lease farmland acquired or held by the county for any term not exceeding five years.

First Time Adult Fishing License HB 2317 – PASSED! (Rep. Rita / Sen. Morrison)

Provides that Illinois residents aged 26 years or older who have not purchased a fishing license in the previous ten years are eligible to purchase a license for \$5. Nonresidents falling under the same criteria can purchase a license for \$10.

Farm to Food Bank Program HB 2879 – PASSED! (Rep. Harper / Sen. Holmes)

Establishes the Illinois Farm to Food Bank Program within the Department of Human Services to help expand the availability of nutritious, locally grown, raised, or processed foods for Illinois' emergency food system.

Pesticide Registration HB 3086 – PASSED! (Rep. Harper / Sen. Holmes)

Increases various fees in the Pesticide Act starting in 2024 and increases the lawn care containment permit fee.

Diseased Animal-Prohibitions HB 3087 – PASSED! (Rep. Harper / Sen. D. Turner)

Allows the Director of Agriculture to declare a temporary prohibition on the sale, movement, or exhibition of certain types of animals to prevent or reduce the spread of contamination or disease.





Cover crops and other sustainable agriculture practices offer cost savings to farmers and reduce climate warming carbon in our atmosphere.

Increase Pesticide Violations SB 203 – PASSED! (Sen. Villa / Rep. Avelar)

Expands the penalties for improper pesticide applications by making each instance of inadvertent human exposure a separate violation under the Illinois Pesticide Act; increases fine amounts and lowers the threshold for triggering violations under certain circumstances.

Healthy Soils and Waters Initiative SB 1701 – PASSED! (Sen. Villivalam / Rep. Kelly)

Creates the Illinois Healthy Soils and Watersheds Initiative to improve the health of soils and the function of watersheds.

Bicycle Trail Signage SB 1710 – PASSED! (Sen. Simmons / Rep. Huynh)

Requires publicly owned bicycle trails to have proper signage for vehicle crossings, damage maintenance underway, or other temporary hazards along the trail.

Restrict Pesticides Around Schools SB 1772 – PASSED! (Sen. Morrison / Rep. Hirschauer)

Prohibits the application of pesticides in or around kindergarten through eighth-grade schools.

Right to Recreate HB 1568 – To be continued... (Rep. Yang Rohr) Affirms that citizens have the right to recreate on Illinois river systems. While this was held in the House, we intend to work with this legislation's sponsor next year.

Restrict Mowing for Pollinators HB 2048 – To be continued... (Rep. Faver Dias)

Instructs IDOT to regulate mowing during certain times of year to promote pollinator habitat for insects and bird species. While this was held in the House, we intend to work with this legislation's sponsor again next year.

Open Spaces HB 3642 – To be continued... (Rep. Favor Dias / Sen. Edly-Allen)

Reduces the acreage that defines "open land" or "open space" from 50 acres to 25. This bill was held in the Senate.



STATE BUDGET

The Fiscal Year 2024 budget passed by the General Assembly was largely unknown until the legislative session's final days. We anticipated funding could be scaled back or held steady from last year as pandemic relief funds were exhausted and revenue projections tempered down from previous expectations. Even with revised revenue projections, we were happy to see that a number of programs environmental advocates rely on were kept safe in the passed budget, including \$56 million for the Open Space Land Acquisition and Development Fund, \$17 million for the implementation of new Nutrient Loss Reduction Programs, \$50 million for the Brandon Road Project to keep invasive carp out of Lake Michigan, funding for electric vehicle charging infrastructure, and \$30 million to begin transitioning the Capitol complex away from its coal-fired boiler.

Yet, it is worth noting that there were major disappointments we are continuing to push back on. The most significant loss was inadequate funding for electric vehicle rebates. Last year, a substantial shortfall in that fund led to many residents being unable to obtain rebate funding, causing confusion and anger among consumers who were counting on it. IEC and our partners pushed the Governor's office and legislative leaders to rectify that shortage by increasing the funding in FY24 to cover the applicants from last year and ensure funding was available to new applicants beginning July 1. Unfortunately, the passed budget *decreased* that funding from last year to only \$12 million, deepening the hole. Messaging from the administration continues to say that EV rebates are available to everyone, but until the funding is appropriated, we will continue seeing frustrated consumers.

CONSERVATION AND AGRICULTURE

- \$18 million for the Partners for Conservation Fund, implementing the provisions passed under SB 1701
- The Fall Covers for Spring Savings program provides cover crop insurance discounts to farmers and is appropriated at \$660,000, level with FY23.
- \$11.5 million Soil and Water Conservation Districts (SWCDs), which is a decrease of \$500k over FY23
- \$54.6 million reappropriated for the Conservation Reserve Enhancement Program
- \$56 million appropriated from Open Space Land Acquisition and Development fund
- \$10 million for flood mitigation from the Rebuild Illinois Project
- \$14.2 million reappropriated for flood mitigation
- \$109 million total in Open Space Land Acquisition and Development fund
- \$35 million for the Open Land Trust Program
- \$1.5 million to IEPA for nonpoint water pollution projects



ELECTRIC VEHICLES

- \$225k appropriated for admin for EV Rebate
- \$30 million from the State Garage Revolving Fund for converting the state fleet to zero-emission vehicles
- \$10M for CEJA admin cost, including state fleet electrification
- \$2M for EV-related marketing campaign for increasing EVs and manufacturing opportunities
- \$12M for grants and rebates under the EV Rebate program
- \$8.25 reappropriated for the electric bus and charging infrastructure program
- \$70 reappropriated from Build Illinois Bond Fund for electrification infrastructure projects
- \$3M from IRA for the Climate Pollution Reduction Planning program

CLEAN ENERGY

- \$56 million appropriated from the Renewable Energy Resources Fund for the Illinois Solar for All program
- \$38 million appropriated from the Coal to Solar and Energy Storage Initiative Fund
- \$70 million reappropriated from Capital Development Fund for energy efficiency projects
- \$30 million appropriated for boiler installation

CLEAN WATER

- \$4 million appropriated for the Lead Poisoning Screening, Prevention, and Abatement Fund
- \$50 million reappropriated for a grant to school districts for lead abatement projects
- \$10 million appropriated for a grant to local governments for lead service line replacement inventory and technical assistance





520 E Capitol
Springfield, IL 62701

www.ilenviro.org

Phone: 217-544-5954

Fax: 217-544-5958

iec@ilenviro.org

 /ilenviro

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Hundreds of advocates from across Illinois joined IEC at the State Capitol for the annual Environmental Lobby Day in April.