



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3732

Introduced 2/5/2026, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.1038 new

Creates the Warehouse Pollution Reduction Act. Requires the Environmental Protection Agency to propose and the Pollution Control Board to adopt rules establishing a qualifying warehouse review program. Provides for reporting, recordkeeping, and notice requirements; annual emissions-reduction targets; and a system of points for air-pollution mitigation measures. Requires construction permits for new or modified qualifying warehouses and sets conditions for permit issuance, including zero-emission readiness and buffer requirements near sensitive receptors. Establishes a qualifying warehouse registry and requires public access to reports, notices, and permitting records. Provides for mitigation fees and directs their use in the same geographic area as the site of the qualifying warehouse. Requires the Agency to develop an air-quality modeling program and publish results annually. Creates the Warehouse Pollution Management Fund and provides for fee collection and deposit. Prohibits certain acts, provides civil penalties, authorizes enforcement and citizen suits, and allows recovery of attorney's fees. Limits home rule powers. Amends the State Finance Act to make a conforming change.

LRB104 18135 BDA 31574 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 1. Short title. This Act may be cited as the
5 Warehouse Pollution Reduction Act.

6 Section 5. Definitions. In this Act:

7 "Agency" means the Illinois Environmental Protection
8 Agency.

9 "Board" means the Illinois Pollution Control Board.

10 "Fulfillment center" means a facility whose primary
11 purpose is storage and distribution of goods to businesses or
12 end users, either directly or through a parcel hub.

13 "Overburdened community" has the same meaning as
14 "environmental justice community" as defined by, and as may be
15 updated in, the long-term renewable resources procurement plan
16 of the Illinois Power Agency and its program administrator
17 under the Illinois Solar for All Program.

18 "Owner or operator" means any person who owns, leases,
19 operates, controls, or supervises a qualifying warehouse.

20 "Parcel hub" means a last-mile facility or similar
21 facility whose primary purpose is processing or redistribution
22 of goods for delivery directly to consumers or end users, by
23 moving a shipment from one mode of transport to a vehicle with

1 a rated capacity of less than 10,000 pounds.

2 "Parcel sorting facility" means a facility whose primary
3 purpose is sorting or redistribution of goods from a
4 fulfillment center to a parcel hub.

5 "Qualifying warehouse" means a fulfillment center, parcel
6 hub, or parcel sorting facility that is 30,000 square feet or
7 greater, whether as originally constructed or as modified; or
8 a facility owned or operated by any person, including all
9 affiliates of that person, who in the aggregate owns or
10 operates 500,000 square feet or more of qualifying warehouse
11 space in the State.

12 "Sensitive receptor" means a pre-existing:

13 (1) dwelling, including a private home or residence,
14 apartment, condominium unit, group home, dormitory,
15 nursing home, retirement home, care facility, or any
16 building or structure where at least one natural person or
17 family unit resides;

18 (2) school, including a preschool, prekindergarten, or
19 school maintaining kindergarten or any of grades 1 to 12,
20 inclusive;

21 (3) day care facility, including, but not limited to,
22 in-home day care;

23 (4) public park, playground, recreational area, or
24 facility primarily occupied or used by children;

25 (5) hospital, urgent care, reproductive health center,
26 or any facility that provides health, medical, or senior

1 services; or

2 (6) overburdened community.

3 "Truck trip" means the one-way trip a class 2b-8 truck or
4 tractor makes to or from a facility, where a single truck's or
5 tractor's entrance to and subsequent exit from the same
6 facility counts as 2 trips (one inbound trip and one outbound
7 trip).

8 "Warehouse modification" means a modification to a
9 warehouse that adds additional warehouse floor space that may
10 be used for warehousing activities, or a change in operations
11 of a warehouse that is likely to result in a significant
12 increase in air pollution.

13 "ZEV" means any on-road or off-road vehicle powered with a
14 zero-emission powertrain that produces zero exhaust emissions
15 of any criteria pollutant, precursor pollutant, or greenhouse
16 gas in any mode of operation or condition, as determined by the
17 Agency.

18 Section 10. Findings. The General Assembly finds that:

19 (1) The State has a longstanding policy to restore,
20 protect, and enhance the environment, including the purity of
21 the air of this State.

22 (2) The transportation sector accounts for a significant
23 proportion of the State's air pollution, including emissions
24 of particulate matter and nitrogen oxides that in turn
25 generate ozone pollution, and this pollution is associated

1 with serious health impacts for the State's residents.

2 (3) Air pollution is associated with increased health care
3 costs and lost workdays, both of which increase financial
4 burdens on Illinois households.

5 (4) Warehouses, logistics centers, and other freight
6 facilities draw high volumes of trucks, heavy equipment, and
7 other sources of diesel pollution, creating air pollution hot
8 spots.

9 (5) Air quality in the State's major freight hubs is poor,
10 and the State's existing policies have been inadequate to
11 address this issue and ensure attainment of federal air
12 quality standards.

13 (6) Air pollution levels may vary greatly from one end of a
14 block to another, and data from standard monitoring practices
15 does not capture these variances or air pollution hot spots.

16 (7) The number of warehouses and other freight facilities
17 in the State is growing rapidly.

18 (8) Many communities living near or working at warehouses
19 or other freight facilities are lower-income people and people
20 of color, and these populations bear a disproportionate burden
21 of harms from this activity.

22 (9) Those most at risk from the impacts of air pollution
23 from the transportation sector include children, older adults,
24 and warehouse workers.

25 (10) Air-quality data alone does not adequately reflect
26 the impact of air pollution on the State's residents, and

1 cumulative impact analyses that account for factors including
2 age, race, socioeconomic status, and access to health care are
3 needed.

4 (11) The State's residents, particularly communities
5 living in air-pollution hot spots associated with freight
6 activity, have a right to know about freight activities and
7 related emissions in their communities to understand the
8 health implications and meaningfully participate in
9 decision-making related to these facilities.

10 (12) Meaningful participation of State residents is
11 critical to ensuring that environmental laws and rules are
12 implemented and enforced in a manner that protects and
13 improves the well-being of communities most impacted by
14 development or operation of warehouses and other freight
15 facilities.

16 (13) The federal Clean Air Act expressly reserves state
17 authority to regulate aggregate air pollution at indirect
18 sources, or sites that attract or may attract mobile sources
19 of pollution.

20 (14) It is in the public interest to fund, develop,
21 implement, and enforce an indirect source review program for
22 mitigating air pollution from freight activity.

23 Section 15. Purposes. This Act has the purposes to:

24 (1) increase transparency about warehouse information and
25 ensure people have the right to meaningfully participate in

1 decision-making related to these facilities;

2 (2) protect vulnerable communities from harmful warehouse
3 impacts;

4 (3) restore, maintain, and enhance the air quality of this
5 State in order to protect residents' health and welfare;

6 (4) regulate air quality and reduce air pollution from
7 warehouses to achieve and maintain attainment with federal air
8 quality standards;

9 (5) establish and fund an indirect source review program
10 that will be developed and enforced with community input; and

11 (6) advance the State's commitment to reach net-zero
12 greenhouse gas emissions by 2050.

13 Section 20. Prohibited acts. No person shall:

14 (1) fail to disclose, in a timely manner, any information
15 required under Section 30 or rules adopted under this Act;

16 (2) make a false or misleading representation in
17 connection with reporting under Section 30 or rules adopted
18 under this Act;

19 (3) construct a new or modified qualifying warehouse
20 without a construction permit; or

21 (4) fail or refuse to pay any fee or civil penalty imposed
22 under this Act or rules adopted under this Act.

23 Section 25. Qualifying Warehouse Review Program.

24 (a) Within 12 months after the effective date of this Act,

1 the Agency shall propose to the Board rules establishing a
2 program for facility-by-facility review of qualifying
3 warehouses. The program shall not be inconsistent with 42
4 U.S.C. 7410(a)(5) and shall include measures necessary to
5 ensure, or assist in ensuring, that emissions from each
6 qualifying warehouse in the State will not:

7 (1) cause or contribute to air-pollution
8 concentrations exceeding any federal air-quality standard;
9 or

10 (2) prevent maintenance of any such standard.

11 (b) No later than 6 months after receiving the Agency's
12 program proposal, the Board shall adopt final rules after
13 accepting public comment on the proposal and making any
14 responsive revisions.

15 (c) The program proposed by the Agency and adopted by the
16 Board under this Act shall:

17 (1) set reporting, recordkeeping, and notice
18 requirements, including deadlines, for information
19 regarding each qualifying warehouse, as provided under
20 Section 30, where the initial reporting deadline for any
21 qualifying warehouse in operation on the effective date of
22 this Act is no later than 6 months after that date;

23 (2) establish a fee schedule for reports and permit
24 applications submitted to the Agency under this Act and
25 rules adopted under this Act, where:

26 (A) the fee amounts shall, in the aggregate, be

1 adequate to ensure sufficient funding for development,
2 implementation, maintenance, and enforcement of
3 programs under this Act and rules adopted under this
4 Act; and

5 (B) the schedule shall be updated at least once
6 every 2 years to ensure sufficient funding for
7 development, implementation, maintenance, and
8 enforcement of programs under this Act and rules
9 adopted under this Act;

10 (3) set annual emissions-reduction targets consistent
11 with the State's goals of achieving net-zero greenhouse
12 gas emissions by 2050 and achieving or maintaining
13 compliance with federal air-quality standards, and require
14 qualifying warehouses to meet the targets;

15 (4) establish a system assigning points corresponding
16 to emissions-reduction targets and setting point
17 designations for air-pollution mitigation measures, as
18 provided under Section 45, with point designations updated
19 at least annually;

20 (5) establish a system for collecting and distributing
21 all mitigation fees collected from qualifying warehouses
22 under Sections 45 and 50;

23 (6) establish a qualifying warehouse registry, as
24 provided under Section 40, to make information regarding
25 qualifying warehouses readily accessible to the public;

26 (7) establish a construction-permit program for

1 relevant qualifying warehouses or facilities that may be
2 qualifying warehouses, as provided under Section 35,
3 requiring the owner or operator of each relevant
4 qualifying warehouse to obtain and comply with the terms
5 of any permit issued under this program; and

6 (8) require the Agency to report, at least annually
7 and in a manner readily accessible to the public, the
8 estimated air quality and greenhouse-gas emissions at each
9 qualifying warehouse.

10 Section 30. Reporting; recordkeeping; notices.

11 (a) With an initial reporting deadline for any qualifying
12 warehouse no later than 6 months after the effective date of
13 this Act, the operator of each qualifying warehouse shall
14 submit to the Agency, at least annually, a report certified in
15 accordance with Section 1-109 of the Code of Civil Procedure
16 that discloses:

17 (1) location information, including GPS coordinates,
18 the street address, and property lines; and

19 (2) owner or operator information, including the name
20 of the property owner, the name of any parent company, the
21 name of any entity leasing the facility, 6-digit NAICS
22 code, and contact information for any entity operating,
23 controlling, or supervising the facility, including:

24 (A) contact information for the individual
25 responsible for the facility's compliance with this

1 Act and rules adopted under this Act;

2 (B) lease information, if applicable, including
3 the parties and duration of any lease of facility
4 space;

5 (C) facility's secured lender, if applicable;

6 (D) space information, including square footage,
7 number of loading docks, and number of truck bays;

8 (E) any documented labor, health, and
9 environmental violations of any municipal, State, or
10 federal laws or rules;

11 (F) methods to be used for accurately and
12 precisely collecting data necessary for complying with
13 the requirements of this Section;

14 (G) number of electric-vehicle charging stations
15 installed and actual usage;

16 (H) number of hydrogen fueling stations installed
17 and actual usage;

18 (I) number of on-site renewable and non-renewable
19 energy-generation systems installed at the facility
20 and their generation;

21 (J) number of vehicles used to deliver goods or
22 materials from the facility that are leased to a third
23 party by the owner or operator; the proportion of
24 vehicles that are leased; and the proportion that are
25 owned by the operator;

26 (K) average daily number and annual average of

1 inbound and outbound truck trips by vehicle weight,
2 class, vehicle age, and fuel type; by time of day; and
3 by day of the week;

4 (L) average duration of engine idling by vehicle
5 weight, class, age, and fuel type, including a
6 breakdown of vehicles equipped with a transportation
7 refrigeration unit;

8 (M) average daily number of inbound and outbound
9 truck trips associated with trucks with transportation
10 refrigeration units, and the age and fuel type of
11 transportation refrigeration units;

12 (N) GPS data for Class 2b through Class 8 trucks
13 that make trips to and from a qualifying warehouse
14 owned, leased, dispatched, or operationally controlled
15 by a warehouse owner or operator, when such data is
16 collected in the ordinary course of business;

17 (O) gross revenue attributable to Illinois
18 facilities or operations;

19 (P) sum of State and federal tax incentives or
20 subsidies received in the previous 5 tax years, if
21 applicable;

22 (Q) number of jobs at the facility, including
23 drivers and others employed by third-party
24 contractors, with a breakdown of part-time and
25 full-time employees, independent contractors, and
26 union and non-union employees;

1 (R) percentage of vehicles used, specifying
2 on-road vehicles and off-road vehicles as well as
3 weight and vehicle class, that are zero-emission;

4 (S) contracts for services with any government
5 body where the value of that contract equals or
6 exceeds \$1,000,000;

7 (T) air-pollution mitigation measures adopted and
8 to be adopted to meet the facility's
9 emissions-reduction requirements under this Act and
10 rules adopted under this Act;

11 (U) points the facility has been credited for
12 mitigation measures undertaken to meet its
13 emissions-reduction requirements under this Act and
14 rules adopted under this Act, including the number of
15 points banked or carried over from another year;

16 (V) for any air-pollution mitigation measure
17 adopted or to be adopted that may reduce the number of
18 truck trips or change the terms of a collective
19 bargaining agreement with the qualifying warehouse's
20 employees, confirmation that the owner or operator
21 has:

22 (i) consulted the representative of the
23 exclusive bargaining unit or workers potentially
24 impacted or displaced by implementation of the
25 measure, including discussion of anticipated
26 workforce-transition or retraining impacts; and

1 (ii) reached an agreement, in writing, with
2 the bargaining-unit representative or a majority
3 of the workers to proceed with the measure,
4 including any commitments related to worker
5 retention or retraining, if applicable; and

6 (W) any other information the Agency deems
7 necessary to effectively implement and enforce this
8 Act and rules adopted under this Act.

9 Nothing in this Section shall be construed as requiring
10 any public disclosure prohibited by law.

11 Where multiple qualifying warehouses share access roads,
12 loading docks, driveways, or parking facilities, reporting
13 under this Section shall reflect cumulative activity at the
14 shared facility unless the Agency determines that activity can
15 be reasonably apportioned. When multiple operators occupy a
16 single qualifying warehouse, the owner shall report
17 shared-infrastructure activity and each operator shall report
18 activity attributable to its operations, as specified by the
19 Agency.

20 (b) The owner or operator of each qualifying warehouse
21 shall maintain, for a minimum of 7 years, records sufficient
22 to demonstrate the accuracy and validity of all information
23 submitted to the Agency under this Section.

24 (c) The Agency shall assess and collect from the operator
25 of each qualifying warehouse a fee for each report submitted
26 under this Section:

1 (1) the fee amounts shall, in the aggregate, be
2 adequate to ensure sufficient funding for development,
3 implementation, maintenance, and enforcement of programs
4 under this Act;

5 (2) the schedule shall be updated at least once every
6 2 years to ensure sufficient funding for development,
7 implementation, maintenance, and enforcement of programs
8 under this Act; and

9 (3) the Agency shall deposit all such fees into the
10 Warehouse Pollution Management Fund.

11 Section 35. Permitting; home rule; fee.

12 (a) The Agency has authority to adopt procedural rules, in
13 accordance with the Illinois Administrative Procedure Act, as
14 the Agency deems necessary to implement this Section,
15 including requirements that:

16 (1) not more than 15 days after the owner or operator
17 of a facility that is, will be, or could become a
18 qualifying warehouse applies for a construction permit to
19 construct a new or modified qualifying warehouse or a
20 facility that could become a qualifying warehouse, the
21 owner or operator of the facility shall send, via
22 first-class mail, written notice of the application to all
23 residents and property owners within 900 feet of the
24 subject facility and all municipal and county elected
25 officials representing the area where the subject facility

1 is located;

2 (2) not more than 30 days after receipt of a complete
3 construction-permit application to build a new or modified
4 qualifying warehouse, the Agency shall publicly disclose,
5 including by posting on a publicly available website: (A)
6 that the Agency has received a construction-permit
7 application under this Act; and (B) all
8 construction-permit application materials in full and
9 unredacted form, as permitted by law;

10 (3) not more than 90 days after receipt of a complete
11 construction-permit application under this Act, the Agency
12 shall:

13 (A) give public notice, including by posting on a
14 publicly available website, of its preliminary
15 determination to either issue or deny the permit; and

16 (B) give notice of the opportunity for a public
17 hearing on that preliminary determination and, upon
18 request of the permit applicant or of any other person
19 admitted as a party under rules adopted by the Agency,
20 schedule a public hearing;

21 (4) within 60 days after the date of the Agency notice
22 required under paragraph (3), any person who may be
23 adversely affected by the Agency's decision on the
24 construction-permit application may petition the Agency to
25 intervene as a party; the petition to intervene shall
26 contain a short and plain statement identifying the

1 petitioner and stating the petitioner's interest; the
2 petitioner shall serve the petition upon the applicant for
3 the permit and upon any other persons who have petitioned
4 to intervene; unless the Agency determines that the
5 petition is duplicative or frivolous, it shall admit the
6 petitioner as a party;

7 (5) not less than 60 days and not more than 180 days
8 after the date of the Agency notice required under
9 paragraph (3), the Agency shall commence the public
10 hearing required by this Section; the public hearing and
11 other proceedings under this Section shall be conducted in
12 accordance with the provisions concerning contested cases
13 of the Illinois Administrative Procedure Act; the Agency
14 shall disclose, including by posting on a publicly
15 available website, all documents submitted to the Agency
16 in connection with the public hearing; and

17 (6) within 60 days after the close of the
18 public-comment period or public hearing under this
19 Section, whichever is later, the Agency shall render a
20 final decision granting or denying the permit.

21 (b) Prior to construction of a new or modified qualifying
22 warehouse or a facility that could become a qualifying
23 warehouse, the owner or operator shall apply to the Agency for
24 a construction permit, and the Agency may issue a permit
25 authorizing construction only if it finds:

26 (1) the procedural requirements in subsection (a) have

1 been met;

2 (2) any additional traffic resulting from construction
3 and operation will not result in a violation of one or more
4 national ambient air-quality standards established by the
5 federal Environmental Protection Agency or, if a violation
6 already exists, will not exacerbate such violation, as
7 determined in a manner consistent with the State
8 implementation plan;

9 (3) the facility will be ready for zero-emission
10 operations and infrastructure upon completion of the
11 proposed development, including:

12 (A) on-site solar power generation;

13 (B) battery storage; and

14 (C) managed electric-vehicle charging systems and
15 infrastructure necessary to reduce electricity demand
16 and associated emissions; and

17 (4) the facility will meet LEED Silver, Gold, or
18 Platinum standards, or a functionally equivalent standard
19 that demonstrably reduces energy consumption,
20 greenhouse-gas emissions, or associated air pollutants
21 upon completion of the proposed development.

22 (c) Any permit for construction of a new or modified
23 qualifying warehouse or a facility that could become a
24 qualifying warehouse, where the subject of the permit has a
25 property line within 900 feet of a sensitive receptor, shall
26 require:

1 (1) any new truck loading bay to be located outside a
2 minimum 1,000-foot radius from the boundary of each
3 sensitive receptor;

4 (2) the locations at which trucks enter and exit the
5 property line of a qualifying warehouse to be at least 500
6 feet from each sensitive receptor;

7 (3) internal circulation of vehicles that are not
8 ZEVs, including through placement of roads and loading
9 docks, to limit or mitigate air-pollution exposure of the
10 sensitive receptor;

11 (4) no diesel-truck aisles to be located adjacent to
12 the boundary of any sensitive receptor; and

13 (5) construction of a buffer at least 100 feet wide,
14 measured from the boundary of any adjacent sensitive
15 receptor; the buffer shall include a solid decorative
16 wall, landscaped berm and wall, or a landscaped berm 10
17 feet or more in height and solid-screen buffering trees
18 planted in 2 rows along the length of the boundary
19 adjacent to the sensitive receptor; trees used for this
20 purpose shall be evergreen and, to the extent feasible,
21 composed of native species with low biogenic emissions, of
22 a minimum 36-inch box size at planting, and spaced at no
23 greater distance than 40 feet on center.

24 (d) A unit of local government, including a home rule
25 unit, may not enforce any ordinance that authorizes
26 construction or modification of a qualifying warehouse that is

1 less stringent than the requirements of this Section. This
2 Section is a denial and limitation on the concurrent exercise
3 by home rule units of powers and functions under subsection
4 (i) of Section 6 of Article VII of the Illinois Constitution.

5 (e) The Agency shall assess and collect from the owner or
6 operator of each qualifying warehouse a fee determined by the
7 Agency for each permit application submitted under this
8 Section. The Agency shall deposit all such fees into the
9 Warehouse Pollution Management Fund.

10 Section 40. Qualifying warehouse registry.

11 (a) Within 12 months after the effective date of this Act,
12 the Agency, in collaboration with the Department of Labor, the
13 Department of Financial and Professional Regulation, and other
14 relevant agencies, shall establish a qualifying warehouse
15 registry that makes the following information readily
16 accessible to the public, including by posting on a publicly
17 available website:

18 (1) information collected under Section 30;

19 (2) air-quality modeling information associated with
20 each qualifying warehouse;

21 (3) full and unredacted reports and notices generated
22 or collected under Section 30; and

23 (4) full and unredacted permitting records generated
24 or collected under Section 35, including all notices,
25 permit applications, and preliminary and final decisions

1 of the Agency.

2 (b) The Agency shall ensure that any report received by
3 the Agency after the initial establishment of the registry is
4 added to the registry and made readily accessible to the
5 public within 5 days after receipt by the Agency.

6 (c) The registry shall be searchable for all records
7 associated with a specific qualifying warehouse using any one
8 of the following search terms: street address, zip code, name
9 of the locality in which the qualifying warehouse is located,
10 or name of the owner or operator.

11 (d) Nothing in this Section shall be construed as
12 requiring any public disclosure prohibited by law.

13 Section 45. Point designations and administration.

14 (a) The Agency shall assign annual points requirements
15 corresponding to emissions-reduction targets; set point
16 designations for air-pollution mitigation measures; award and
17 administer points; and take any other actions necessary to
18 track points earned by each qualifying warehouse and to ensure
19 compliance with annual points requirements.

20 (b) A qualifying warehouse that manages truck trips to or
21 from an overburdened community shall have an annual points
22 requirement that is 25% higher than that of a comparable
23 facility that does not meet these conditions.

24 (c) A qualifying warehouse may receive points for
25 mitigation measures including:

- 1 (1) acquisition of ZEVs;
- 2 (2) using zero-emission trucks at the regulated
3 facility or for truck trips to and from the regulated
4 facility;
- 5 (3) installing, or contracting with a third party to
6 install, light-duty, medium-duty, and heavy-duty
7 electric-charging infrastructure on-site or within
8 one-half mile;
- 9 (4) using electric-charging infrastructure;
- 10 (5) requiring use of zero-emission vehicles on-site;
- 11 (6) reducing stationary-source pollution beyond what
12 is required for facilities defined as stationary sources
13 under 35 Ill. Adm. Code 203.136 or successor rules;
- 14 (7) using electric transportation-refrigeration
15 units;
- 16 (8) acquiring electric transportation-refrigeration
17 units;
- 18 (9) using alternatives to truck trips for incoming or
19 outgoing trips, such as e-cargo bikes or light-duty
20 battery-electric vehicles;
- 21 (10) installing on-site solar power generation,
22 electricity storage, and managed-charging systems;
- 23 (11) installing and maintaining MERV-16 or greater
24 filtration systems in schools, day cares, hospitals,
25 community centers, or residences within one-half mile of a
26 regulated facility;

1 (12) eliminating combustion emissions from cooking,
2 heating, hot water, or generators at the regulated
3 facility, or at buildings within one-half mile of a
4 regulated facility, by replacing appliances and equipment;

5 (13) reducing transport emissions for regulated
6 facilities and surrounding areas by contributing to and
7 maintaining bicycle-share or electric-vehicle-share
8 programs or public transportation;

9 (14) hiring locally to reduce employee-commute
10 emissions, using a local State-certified apprenticeship
11 program or a skilled and trained workforce with a
12 local-hire component, or implementing
13 workforce-transition or retraining strategies intended to
14 retain existing workers while reducing pollution; or

15 (15) paying a mitigation fee, the price of which shall
16 be set 1.5 times higher per point than the next most
17 expensive option.

18 (d) No points shall be designated or awarded under the
19 program for:

20 (1) any actions required for compliance with any
21 federal, State, or municipal law other than this Act and
22 rules adopted under this Act; or

23 (2) mitigation measures undertaken but not reported to
24 the Agency as required under this Section.

25 (e) If a qualifying warehouse earns more points than its
26 annual points requirement in a given reporting period, the

1 excess points may be banked and used by the same qualifying
2 warehouse to satisfy its annual points requirement in any of
3 the following 3 years, provided that the qualifying warehouse
4 demonstrates that any improvements or equipment installations
5 for which the banked points were awarded are still operational
6 in the year in which they are used to meet the annual points
7 requirement.

8 (f) The Agency shall update point designations at least
9 annually.

10 Section 50. Mitigation fees. Whenever a qualifying
11 warehouse pays a mitigation fee to receive points toward
12 emissions-reduction requirements under Section 45, the fee
13 shall be spent on measures that will mitigate air pollution in
14 the same geographic area as the site of the qualifying
15 warehouse.

16 Section 55. Air quality modeling.

17 (a) Within 6 months after the effective date of this Act,
18 the Agency shall publish and solicit public comment on a draft
19 methodology for an air-quality and greenhouse-gas emissions
20 modeling program that accurately models and reports speciated
21 PM_{2.5}, ozone, and NO_x emissions volume and resulting
22 concentrations generated by each qualifying warehouse.

23 (b) Within 9 months after the effective date of this Act,
24 the Agency shall finalize its air-quality modeling-program

1 methodology.

2 (c) Within 12 months after the effective date of this Act,
3 the Agency shall publish, under the qualifying-warehouse
4 registry established under Section 40, results from its
5 air-quality modeling program, and shall publish results
6 annually thereafter.

7 (d) The air-quality modeling program under this Section
8 may include qualifying-warehouse report information, vehicle
9 telematics, driveway sensors, video monitoring, air-pollution
10 monitoring data, and other advanced sensing and monitoring
11 equipment.

12 Section 60. Warehouse Pollution Management Fund. There is
13 created in the State treasury a special fund to be known as the
14 Warehouse Pollution Management Fund. Fees collected by the
15 Agency under this Act, except for mitigation fees paid for the
16 purpose of earning points for compliance with
17 emissions-reduction requirements, shall be deposited into the
18 Warehouse Pollution Management Fund. In addition to any moneys
19 appropriated from the General Revenue Fund, moneys in the
20 Warehouse Pollution Management Fund may be appropriated to:

21 (1) the Agency exclusively for activities necessary to
22 execute its obligations and duties under this Act; and

23 (2) the Board for regulatory and adjudicatory
24 proceedings under this Act.

1 Section 65. Enforcement; penalties; rulemaking.

2 (a) The Agency shall administer and enforce this Act. The
3 Agency is authorized to investigate violations of this Act or
4 rules adopted under this Act.

5 (b) Any person who violates this Act or any rules adopted
6 under this Act is liable for a civil penalty of \$10,000. The
7 Attorney General is authorized to bring a civil action to
8 recover penalties under this Act. Nothing in this Act limits
9 any damages, equitable relief, or other remedies available
10 under common law or statute.

11 (c) The Agency shall propose and the Board shall adopt
12 rules to implement and administer this Act. These rules may
13 include procedures for administrative citations and
14 adjudications that are substantially similar to those under
15 the Environmental Protection Act. These rules may also include
16 penalties for violations of this Act or rules adopted under
17 this Act, except that any monetary penalties established by
18 rule may not exceed the penalties under subsection (b) for a
19 violation.

20 Section 70. Citizen suits; attorney's fees.

21 (a) Any person adversely affected by a violation of this
22 Act, any rule adopted under this Act, any permit decision or
23 term or condition of a permit under this Act, or any Board
24 order under this Act may commence a civil action for
25 injunctive and other relief.

1 (b) A court in an action under this Act may exercise all
2 powers necessary to grant relief, including injunctive relief
3 and money damages.

4 (c) Without limiting any authority that may otherwise
5 exist for awarding attorney's fees and costs, the Board or a
6 court of competent jurisdiction may award costs and reasonable
7 attorney's fees, including the reasonable costs of expert
8 witnesses and consultants, to the prevailing party in an
9 action under this Act.

10 Section 800. The State Finance Act is amended by adding
11 Section 5.1038 as follows:

12 (30 ILCS 105/5.1038 new)

13 Sec. 5.1038. The Warehouse Pollution Management Fund.

14 Section 997. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.