



CITY OF CHICAGO

COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY
CITY COUNCIL
CITY HALL - ROOM 300
121 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60602

ALDERMAN GEORGE A. CARDENAS
CHAIRMAN

PHONE: 312-744-3040

MONTHLY RULE 45 REPORT
COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY
January 2021

On January 14, 2021, at 1:00 pm, the Committee on Environmental Protection and Energy held a remote meeting pursuant to applicable law.

The purpose of this meeting was to hear SO2020-6200; and a subject matter hearing on environmental and health impacts Planned Manufacturing Districts have on Chicago neighborhoods and an update on Chicago Department of Public Health air pollution enforcement practices.

The following Aldermen were in attendance:

Members: Cardenas (12), Nugent (39), Reilly (42), La Spata (1), Hopkins (2), Dowell (3), Cardona Jr. (31), Rodriguez Sanchez (33), Smith (43), Cappleman (46), Martin (47), Hadden (49)

Non-Members: Sadlowski-Garza (10), Thompson (11), Rodriguez (22), Sigcho-Lopez (25), Burnett (27)

Chair Cardenas opened the meeting with a statement regarding the impracticability to meet in person. Chair Cardenas took a roll call to establish a quorum, as reflected above. Chair Cardenas opened the floor for public comment.

The following number of speakers signed up to provide public comment: 2

The Committee addressed the following items:

1. Approval of Rule 45 Report of the August 2020 and September 2020 meetings of the Committee on Environmental Protection and Energy.

On Item 1, Ald. Cardona Jr. moved to approve the report, which Passed by the same roll call that was used to determine quorum.

2. SO2020-6200 Amending Municipal Code Sections 11-4-120, 11-4-810 and 11-4-2200 by increasing fines and penalties for violations of air pollution and emission standards by certain facilities.

Chair Cardenas introduced a substitute before the committee and states that the substitute reflects the following changes. A time period of 2 years for determining repeat offenses is established; and the provision for assessing fines up to \$50,000 for sandblasting related violations is omitted from the



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original, as these projects don't have the same level of impact on residents and neighborhoods as industrial facilities or demolitions. The Chair requested a motion to accept the substitute.

Alderwoman Hadden motioned to accept the substitute. The substitute was accepted into the record.

Chair Cardenas discussed the challenges that the coronavirus pandemic has had on residents, notably for those who endured air pollution violations in the Little Village and Lincoln Park neighborhoods. The Chair also notes that currently, per the City's Code, polluters pay low fines for violations, and in some instances, those fines represent a slap of the wrist with little to no incentive to correct behavior.

Dr. Allison Arwady, Commissioner of the Department of Public Health testified in support of the substitute ordinance, citing that the ordinance would allow for the health department to impose incrementally higher fines – up to \$50,000 - for repeat air pollution violations. Dr. Arwady noted that the fine cap does not affect the amount of monetary damages sought by the City against a violator by means of a lawsuit. Dr. Arwady noted preventative legislation introduced in June 2020 that ensured 24/7 air quality monitoring and other measures to contain dust on site. Dr. Arwady also stated that her department is working on additional rules for additional kinds of companies in line with the Mayor's environmental agenda. Dr. Arwady stated that changes in the substitute reflects feedback provided by external stakeholders. Dr. Arwady concluded her prepared remarks by stating the department's commitment to health equity and environmental justice in Chicago.

Dr. Arwady provided a PowerPoint presentation that covered details of the ordinance at the request of Council Members. Dr. Arwady explained that higher air pollution fines are needed for three key reasons:

- 1. Recent air pollution incidents are unacceptable but have low fines*
- 2. The goal of the ordinance is that increased fines will increase accountability and deterrence*
- 3. Residents' health and quality-of-life come first.*

Dr. Arwady noted that industrial facilities with an A1 or A2 Certificate of Operation (potential to emit over 100 tons of pollution per year), demolition contractors for commercial buildings over 40 feet or a cluster of buildings equating 150,000 cubic feet will be subject to the ordinance. Dr. Arwady added that about 90 industrial facilities would be affected by the ordinance, while small businesses and project would be unaffected by the ordinance.

Dr. Arwady explained the proposed changes in the ordinance includes increasing the fine for operations without a permit or certificate from \$1,000-\$5,000 to \$5,000-10,000. Violations involving emissions or handling of potentially windborne material would change to standardize the starting



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amount between industrial facilities and contractors to \$5,000-\$10,000 for a first offense; \$10,000-\$15,000 for a second offense; \$15,000-\$20,000 for a subsequent offense; and up to \$50,000 for egregious violations all within 2-years. The maximum fine before this ordinance is \$10,000. Finally, Dr. Arwady mentioned CDPH is exploring other policy measures to continue mitigating air pollution caused by industrial sources.

Chair Cardenas opened the floor to questions and called on Alder Matt Martin.

Alder Martin asked Dr. Arwady to explain how the fine floor and ceiling were determined and how those amounts compared to other cities. Ald. Martin asked for an explanation as to who the stakeholders were that influenced the substitute language to the ordinance. Dr. Arwady explained that they heard from sandblasting demolition companies. CDPH accepted to exclude sandblasting from the dust and air pollution scope of the ordinance. The intention was to focus on large scale companies accustomed to paying air pollution fines as “a way of doing business”. The fine amounts had not been assessed since 2000, about 20 years. Dr. Arwady also noted that the fine ceiling would not inhibit the City’s ability to file suits against violators.

Ald. Martin followed up to ask which community-based stakeholders were engaged. Dr. Arwady stated that CDPH heard from many, particularly from advocates in the Little Village community. Ald. Martin asked if an earlier version of the ordinance was shared with community-based stakeholders to gather input. No one was available to answer that.

Chair Cardenas opened the floor for questions and called on Alder Michael Rodriguez.

Ald. Rodriguez thanked the Chair for calling on him as a non-voting member of the committee. Ald. Rodriguez voiced his support for the ordinance, citing the botched Hilco demolition that occurred in his ward, in Little Village, April 2020. Ald. Rodriguez cautioned that the ordinance does not go far enough to deter and enforce environmental violations. Ald. Rodriguez suggested exploring holistic, restorative solutions to hold violators accountable by forcing violators to hold community round tables.

Chair Cardenas echoed the need for community-based solutions and the need to name and give credit to the community-based stakeholders that have been engaged and pushing for reforms for years. The Chair mentioned Little Village Environmental Justice Organization (LVEJO) and Natural Resources Defense Council (NRDC) as having been engaged and the need to rebuild relationships knowing that not all policy introduced will be perfect.



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Alder Daniel La Spata asked about inspections and violations data. Ald. La Spata specified in terms of inspections, what do proactive and complaint based inspections look like. Dr. Arwady stated that CDPH conducts regular, unannounced inspections, as well as, reactive inspections. David Graham, Environmental Permitting and Inspections, CDPH stated that CDPH will send out inspectors to larger facilities and had been focused in the Little Village neighborhood and in 2020 focused on plating businesses for hazmat and air. Those inspections and air pollution limits are determined by each facility/s IEPA permit. Dr. Arwady added that CDPH has been better prioritizing the way it conducts inspections following an Inspector General report, as well as where to focus and direct its resources.

Ald. La Spata asked for the frequency of preemptive and unannounced inspections. Dave Graham stated, ideally, once a year, unannounced.

Ald. La Spata asked about violation data provided by CDPH for violations that occurred between 2018 and 2019. He also asked what happens as part of settlements. Mr. Graham stated that the fine is not the goal. Higher fines are a deterrent and when violations are bad, Ald. La Spata asked a question about tangential air pollution with regards to diesel emissions. Dr. Arwady stated that is why the air quality ordinance is just one piece to address human health and the environment and that holistic analyses and solutions are necessary.

Ald. Smith complimented the strategy and asked how Illinois EPA and City of Chicago work together? Dr. Arwady explained that the City of Chicago is responsible for upholding the air pollution limits set in IEPA permits. Dr. Arwady stated that there is creativity and collaboration opportunities to work beyond the department. She stated that the space for more work is the community engagement piece and explained that CDPH and DPD have worked well together in engaging with advocates and effected residents. She also stated that her environmental team has been asked to continue their work while the majority of the department has been pulled into COVID-19 response efforts.

Ald. Patrick Thompson asked that due to a non-existent DOE, does the City not have jurisdiction to measure a company's air pollution like Reliable Materials? Mr. Graham stated that Reliable Materials has been inspected and fined for dust clouds created by its onsite truck traffic. Mr. Graham added another example of the department receiving complaints of dark smoke billowing out of a smokestack at a Blommer Chocolate site and the department's ability to inspect and follow up with the IEPA. Ald. Thompson also asked about banning implosions following the HILCO incident in Little Village. Mr. Graham explained that implosions are though rare, can be a necessary option to demolish and remove certain types of structures. Dr. Arwady added that a new implosion policy is out for public comments. Ald. Thompson suggested revoking business licenses of repeat bad actors.



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Chair Cardenas notes that the City has only six notable repeat offenders that have operated for decades and that the City should reevaluate if they have a place in the neighborhoods where they operate anymore. Dr. Arwady chimed in support of this statement.

Ald. Sue Sadlowski-Garza asked how emission levels are determined. Dr. Arwady explained that the IEPA permits the pollution levels that facilities can potentially omit. She also mentioned there is a list of A1 and A2 facilities. Ald. Garza requested the list.

On Item 2, Ald. Cardona Jr. moved to pass the ordinance, which Passed by the same roll call that was used to determine quorum.

3. Subject matter hearing on environmental and health impacts Planned Manufacturing Districts have on Chicago neighborhoods and an update on Chicago Department of Public Health air pollution enforcement practices. No vote was taken.

Commissioner Arwady gave a statement on CDPH's commitment to air pollution control through a health equity lens. CDPH release the first ever, Air Quality and Health Report, which includes a map of impacted areas in Chicago down to the neighborhood. CDPH is supportive of conducting a cumulative impacts study and the creation of an Environmental Equity Working Group.

Chair Cardenas echoed the Commissioner's remarks and stated that members of the committee are a part of the solution.

The Chair introduced the Department of Planning and Development (DPD). Deputy Commissioner Kathy Dickhut and Jamie Osborne with DPD gave a presentation on Industrial Corridor Framework Plan.

Chair Cardenas opened the floor for questions and called on Alder Sue Sadlowski-Garza.

Ald. Garza asked where employment data for the 26 industrial corridors came from as many of the trades listed require apprenticeships. Mr. Osborne responded that the data came from the state and he would need to follow up for that level of detailed information.

Vice-Chair Samantha Nugent asked for DPD to consider urban heat islands.

Ald. Michelle Smith asked about the Air Quality Health Index and what the impact of companies electrifying their fleets would have. Dr. Arwady explained that the Index illustrates the areas where



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residents are impacted by air pollution and will be updated periodically and it should be looked at as a planning tool rather than a metric tool.

Ald. Daniel La Spata stated that sustainable industrial corridors and PMDs can and do exist and he wanted the conversation to revolve around examples.

Ald. Patrick Thompson asked for clarification on how to evaluate the data between social or health issues. Dr. Arwady stated that the data came from U.S. EPA data and Census Tract data and could be shared through the Chair. The Chair mentioned that an audit will speak to those issues.

Ald. Brian Hopkins explained how his ward was a case study in that despite conclusive studies and reports on the dangers of PM2.5 and General Iron being a bad actor, the community post air monitors to prove poor air quality near the facility. Ald. Hopkins then suggested that the City should have a citywide network of air quality monitoring stations in all communities to make conclusive statements where there are problems. He noted that the current data does not account for the social aspects of residents and workers in an area where there is poor air quality. Ald. Hopkins asked Dr. Arwady what CDPH will do to address air quality monitoring citywide. Dr. Arwady stated that there is an opportunity to expand policies and technologies to not only monitor but also notify.

Ald. Garza mentioned the port authority does not have residents living in the area, but does have individuals working there. She also observed that CDPH's Air Quality Health Index shows many parts of her ward are green, indicating "good" air quality. Dr. Arwady responded that there are factors like highways and the locations of rivers that cannot be moved and may impact the results. Ald. Garza followed up to say that the map is not an effective tool because it does not take more factors into account.

Ald. Hopkins noted that it can be a helpful tool but can easily be misconstrued depending on the point one may try to make.

Ald. Garza noted that the IEPA posts seven air monitors and asked if the map utilizes Census Tract data, is air monitor data factored in? Dr. Arwady mentioned she would follow up.

Dr. Arwady mentioned that Washington High School is the site of one of the seven air monitors and that CDPH could work with Ald. Garza to analyze the data. Ald Garza stated she does receive those numbers.



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Ald. Hopkins stated that IEPA Region 5 has a traveling air monitoring laboratory and has wanted to bring it to Chicago. He mentioned that Ald. Garza may benefit from that technology.

Ald. Cardona mentioned that Cook County has air monitoring data and suggested the City could tap into the County data. Dr. Arwady noted that the IEPA pulls data from multiple sources including the County.

In his closing remarks, Chair Cardenas noted that he looks forward to working with CDPH on the Cumulative Impacts Study. He also noted new environmental leadership at the Federal Level.

Ald. Cardona motioned to adjourn.

The Committee having no further business, adjourned at 3:24 pm.

Respectfully Submitted,

George A. Cardenas
Alderman, 12th Ward
Chair, Committee on Environmental Protection and Energy