

## **ORDINANCE**

**WHEREAS**, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

**WHEREAS**, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs, including protecting the public health, safety and welfare of its citizens; and

**WHEREAS**, the City of Chicago is committed to having safe, clean, breathable air as a fundamental right of every citizen of Chicago; and

**WHEREAS**, while significant improvements in air quality have been made, there is mounting evidence that air pollution from coal-fired power plants continues to degrade the atmosphere and has a devastating impact on public health, contributing to preventable premature deaths, asthma attacks, emergency room visits and other respiratory illnesses; and

**WHEREAS**, coal-fired power plants, two of which currently operate on Chicago's Southwest Side in the Little Village and Pilsen neighborhoods, are major sources of air pollution in Chicago; and

**WHEREAS**, a recent landmark, peer-reviewed study by researchers at the Harvard School of Public Health studied nine Northern Illinois power plants, including the two in Chicago, estimates that each year 320 people prematurely die from these plants' pollution; and

**WHEREAS**, the researchers of the recent Harvard School of Public Health study also estimate that each year approximately 41 people die prematurely, 2800 suffer asthma attacks and 550 visit emergency rooms from pollution emitted by the two Chicago coal-fired power plants; and

**WHEREAS**, while all citizens are at risk from exposure to air pollution from coal-fired power plants, those living closest to these plants, children, senior citizens, people with lung and heart disease, and those with diabetes, are at greatest risk; and

**WHEREAS**, the Chicago neighborhoods that are closest to the coal-fired power plants, and therefore most in need of this ordinance, are economically disadvantaged, and predominately Hispanic; and

**WHEREAS**, emissions from older coal-fired power plants are a source of fine particulate emissions in the air that all Chicago residents breathe; and

**WHEREAS**, air monitors designed to gauge the quality of air in Chicago have exceeded the annual federal health standard for fine particulate matter in 1999, 2000 and 2001; and

**WHEREAS**, asthma is the leading cause of school absenteeism nationally and the leading cause of hospitalizations for children in Illinois; and

**WHEREAS**, it is estimated that at least 75,000 adults and 40,000 children have asthma in Chicago and that fine particulate matter has been shown to increase the numbers of asthma attacks; and

**WHEREAS**, under the Federal Clean Air Act, coal-fired power plants built prior to 1977 are exempt (“grandfathered”) from the more stringent air pollution control standards imposed on new coal plants built since that date, unless a plant undergoes a major modification; and

**WHEREAS**, these “grandfather” provisions were included in federal law on the assumption that coal plants that did not upgrade pollution controls would soon close; and

**WHEREAS**, improving air quality, through measures like cleaning up coal-fired power plants, will improve public health, strengthen the region’s competitiveness and improve the quality of life; and

**WHEREAS**, a four pollutant control strategy for reducing coal-fired power plant emissions is a reasonable, positive and comprehensive step toward reducing power plant pollution; and

**WHEREAS**, it is an important function of Chicago government to take appropriate steps to improve air quality in areas that suffer from pollution; NOW, THEREFORE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO**

SECTION 1. Title 11 of the Municipal Code of the City of Chicago is hereby amended by adding a new Chapter 11-3 underscored as follows:

## 11-3 Chicago Clean Power Ordinance

### 11-3-010 Power plant defined.

The term 'power plant' means an electric generation facility with a nameplate capacity of 25 megawatts or more that uses a combustion device to generate electricity for sale.

### 11-3-020 Prohibited Emissions.

Not later than January 1, 2006, emissions from all coal-fired power plants in the City of Chicago collectively, shall be capped at the following aggregate levels on an annual basis:

500 tons of sulfur dioxide;

1000 tons of nitrogen oxides;

3.4 million tons of carbon dioxide; and

4 pounds of mercury.

### 11-3-030 Emission Allocations.

Emission allocations under this section shall be authorized and disbursed annually to coal-fired power plants by the Department of Environment. Allocations may be transferred among coal-fired power plants with written approval by the Department of Environment.

### 11-3-040 Annual Emission Reporting.

Coal-fired power plants must submit annual reports on January 31<sup>st</sup> of each year identifying emission figures for the prior calendar year for each of the pollutants specified under this section. Failure to submit such reports shall result in the immediate revocation of any current allocation in addition to any other applicable penalties.

### 11-3-050 Violation-Penalty.

A violation of this section shall be deemed to be:

1) every ton of sulfur dioxide;

2) every ton of nitrogen oxides;

3) every ten tons of carbon dioxide;

4) every pound of mercury;

emitted in excess of the allocation held by that coal-fired power plant at the end of the calendar year. Any person who violates any of the provisions of this section shall be fined \$1000.00 for each offense, and a separate and distinct offense shall be deemed to have been committed for

each and every ton, every ten tons or every pound, as applicable, in excess of the authorized emission allocation which such person holds from disbursement or transfer.

SECTION 2. Chapter 11-4-690 of the Municipal Code of the City of Chicago is hereby amended by adding the language underscored as follows:

Specific opacity limitations.

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- (4a) Emission of sulfur dioxide from sources in which fuel is burned to produce heat and the sulfur compound is due primarily to the fuel burned in accordance with the regulations promulgated by the State of Illinois Pollution Control Board, PCB-R7-123, as set forth in the Illinois Pollution Control Board Rules and Regulations, Chapter 2: Air Pollution, Part II, Rule 204; Sulfur Standards and Limitations, as amended. Provided, however, that these limitations shall not apply to those emissions in which fuel is burned primarily to produce heat for the generation of electricity. Emissions limitations for facilities that utilize solid fuel to produce heat for the generation of electricity are detailed at Chapter 11-3.

SECTION 3. This ordinance shall be in full force and effect upon passage and publication.

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Edward M. Burke  
Alderman, 14<sup>th</sup> Ward

PAGE

PAGE 4