

DEPARTMENTAL ENVIRONMENTAL JUSTICE ACTION PLAN

CITY OF CHICAGO'S GOAL: *Take a whole-government approach to improve and protect the environment, health, and quality of life in environmental justice (EJ) communities through changes to internal policies, processes, practices and/or budgets.*

ENVIRONMENTAL JUSTICE ACTION PLAN

Department Name: Chicago Department of Public Health

Department Scope and Authorities:

Chapter 11-4 of the Municipal Code, the Chicago Environmental Protection and Control Ordinance, is “enforced by the commissioner of the department of health,” with “[a]ll duties and powers granted” under that ordinance to be exercised by her. MCC § 11-4-020. The Commissioner is empowered to adopt rules “necessary or proper” to administer the City’s environmental ordinances, MCC §§ 2-112-070; 2-112-110(b)(6). The Commissioner is also empowered to “supervise the execution of and implement all laws, ordinances, and rules pertaining to environmental protection and control as provided in Chapter 11-4;” and is granted wide authority to “do any and all other acts which may be necessary for the implementation of other powers conferred on the Commissioner under [the Municipal Code].” MCC § 2-112-110(b)(12), (c).

Environmental Justice Strategy: Create new and updated industry-specific operational rules, building on prior recent regulations for large recyclers, rock crushers, and bulk material facilities, which include strong provisions for public participation.

EJ communities are located in proximity to areas with more intensive industrial uses. These uses often have environmental, health, and quality of life impacts, such as noise, odors, dust, and emissions. Communities expressed a desire to have CDPH more tightly regulate this type of industry to minimize these impacts. CDPH’s industry-specific regulations aim to reduce pollution and improve air quality in surrounding communities, through the use of enhanced pollution control measures, continuous monitoring, and greater operator reporting and recordkeeping requirements. CDPH has continually expanded opportunities for public participation in the rulemaking process by extending comment periods, holding community meetings, and developing forms and guidelines for effective written comments. Future rules will incorporate community recommendations to strengthen standards for industrial operations, placing increased emphasis on proactive pollution prevention.

Proposed regulations under consideration include:

- New rules for asphalt plants
- Updated rules for all recycling facilities
- Updated rules for bulk material facilities
- New rules under the Air Quality Zoning (AQZ) ordinance (partnering with DPD and CDOT)
- New air pollution control rules for industrial facilities
- New rules for asbestos abatement projects
- Updated rules for construction site rock crushers

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Supporting Department(s):

For general drafting support and input on all rules: the Department of Law; for creation of AQZ Rules: Department of Planning & Development (DPD) and Department of Transportation (CDOT); for awareness and review of asphalt rules (CDOT); for awareness and review of asbestos rules and construction site rock crushing rules: Department of Buildings

Impact Measures:

- Level of community participation in rulemaking process (number of comments received, participants in meetings)
- Community perceptions regarding rulemaking process, as measured in Healthy Chicago Survey
- Number of rules implemented
- Evidence of facility compliance with new rules

Related Department Investments & Prior Commitments:

CDPH has publicly stated its intention to adopt new rules for asphalt plants and other industries.

Further, in response to community concerns, recent rules include more transparency and additional opportunities for public engagement. For example, the Bulk Material Facility Rules, Rules for Large Recyclers, and Rules for Rock Crushing Facilities provide that CDPH will not grant any variance from the rules until members of the public have had an opportunity to submit written comments on the variance application. In addition, in response to public comments, the Rock Crusher Rules require facilities to submit more detailed monitoring information in a format that is easier to analyze. Also in response to public comments, these rules include a requirement that facilities create a public complaint management plan, outlining the facility's process for receiving and recording public complaints.

Action Steps	Timeline	Status
Create proposed CDPH rulemaking agenda, with list of proposed new rules and amendments, timeline, and responsible parties, etc.	Q3 2023	Preliminary list has been created (above)
Publish proposed rulemaking agenda on CDPH website and seek community feedback regarding prioritization and other ideas	Q4 2023	Under consideration
With input from EEWG, develop/update policies to guide stakeholder meetings with affected industry representatives and community groups to share draft rules and receive early feedback, either before or in conjunction with written comment period	Q4 2023	Can be modeled after outreach process used during creation of the bulk material rules

Community Input & Response

Community Input:

To Be Effective and Enforceable, Policy Changes Need:

- Minimum standards for pollution, safety, and contamination exposure.

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- Random, routine testing of air, water, soil.
- Restrictions on new industrial expansion or development.
- Incentives for industry compliance and substantial fines for noncompliance.
- City willingness to shut down existing polluters like Sims that keep violating.
- Polluter fines used for neighborhood improvements.
- Stronger language. "The city is required to CONSIDER environmental, health, and social stressors in decision-making." The word 'consider' is a convenient loophole to be exploited whenever it's beneficial to people in power. It is not ENFORCEABLE.
- The definition and implementation of "review" and "involvement" and "inclusion" is key and cannot be just words on a page of policy recommendations.

Overall themes from the community input included improved community engagement and involvement in decision-making, and stronger regulations and enforcement.

Response to Community Input:

The strategy proposal was not updated in response to community input as the suggestions provided are/would be specific to individual ordinance and rule and revisions/updates. Thus, the input collected during the CIA will be recorded and taken into consideration during the drafting of new rules or updating current rules. Moreover, this strategy already includes community engagement during multiple points during the process.