

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.*

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<p>Department Name: Chicago Department of Public Health</p>
<p>Department Scope and Authorities:</p> <p>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 “make inspections of newly installed, constructed, reconstructed, repaired or altered fuel-burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution control devices, storage tanks and waste handling facilities, and to make annual or periodic inspections to determine whether compliance is being had with the provisions of Chapter 11-4; and to “institute necessary proceedings to prosecute violations of Chapter 11-4, and all other provisions of this Code which the Commissioner is expressly authorized to enforce, and otherwise to compel the prevention and abatement of the issuance of smoke or gases, solids or liquids or other matter causing air or water pollution, and nuisances arising therefrom;” 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)(2)(4), (c).</p>
<p>Environmental Justice Strategy: Update guidelines for inspection and enforcement activities to prioritize Consequential Facilities located in Environmental Justice Neighborhoods.</p> <p>Through input at community meetings and a review of public comments, and as reflected in the Cumulative Impact Assessment “Community Input Summary,” CDPH has heard a call for us to make changes to existing ordinances, codes and processes to ensure adequate protection for EJ Neighborhoods, particularly by holding regulated facilities more fully accountable for their environmental and health impacts. Local EJ advocacy organizations also recently published an analysis of environmental citations, fines and settlements, which recommended that the City strengthen its enforcement practices. Improvements to inspection and enforcement practices will help to reduce impacts in EJ Neighborhoods and improve quality of life for Chicago residents who live near regulated facilities.</p> <p>CDPH’s Office of Environmental Permitting & Inspections (OEPI) inspects regulated facilities and responds to complaints related to pollution, noise and odors, and carries out enforcement as needed. OEPI is committed to strengthening its inspection and enforcement practices to ensure that permitted facilities are operating in accordance with the Municipal Code of Chicago, IEPA and federal regulations. Achieving this includes:</p> <ul style="list-style-type: none">• Developing inspection priorities and goals based on factors such as proximity of facilities to EJ communities, patterns indicating a higher likelihood of violations at certain facilities, and review of inspection practices in peer jurisdictions as well as considering our own current and future staffing capacity.• Reviewing and updating current procedures to expedite the violation process, which will decrease the time for inspectors to issue notice of violations and ensure that the information included in the report is more accurate and consistent.

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- Adopting a penalty policy under which CDPH will consider the location of facility, in or near an EJ Neighborhood, when making recommendations for fines and settlements.

Supporting Department(s): Department of Law, Department of Administrative Hearings

Impact Measures:

- Number of inspections conducted (periodic and complaint) by location (OEPI)
- Number of violations issued (periodic and complaint) by location (OEPI)
- Fines collected (periodic and complaint) by location (OEPI)
- Percent of Chicago adults who trust the City of Chicago to make the right decision on issues related to pollution in their neighborhood (Healthy Chicago Survey)
- Percent of Chicago adults who rate the outdoor air quality in their neighborhood as “excellent” or “good” (Healthy Chicago Survey)
- Percent of Chicago adults who are concerned about air pollution from industrial sources and other businesses in their neighborhood (Healthy Chicago Survey)
- Percent of Chicago adults who are concerned about dumping of dangerous chemicals in their neighborhood (Healthy Chicago Survey)
- Percent of Chicago adults who are concerned about water quality in their neighborhood lakes or rivers in which they swim, fish or do other activities (Healthy Chicago Survey)
- Percent of Chicago adults who are concerned about lead paint in their homes or workplace (Healthy Chicago Survey)
- Percent of Chicago adults who are concerned about soil pollution (e.g., gas stations, hazardous sites, etc.) in their neighborhood (Healthy Chicago Survey)

Related Department Investments & Prior Commitments:

CDPH initiated this work in 2022 in response to findings and recommendations from an OIG report on air pollution prevention activities. We retained a consultant group, Tetra Tech, to assist CDPH with this strategy.

Action Steps	Timeline	Status
Evaluate past 10 years of inspection activities.	2023 Q4	OEPI has started evaluation of inspections
Review peer jurisdiction inspection practices as well as local, state and federal regulatory requirements and practices, and determine if there are any opportunities to enhance inspection and enforcement activities.	2023 Q3	Tetra Tech has started review of peer jurisdictions and regulatory requirements
Create policy regarding how EJ community location for facilities will be considered during penalty recommendation phase.	2023 Q4	

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Draft recommendations for inspection frequency of facilities permitted by CDPH or investigated by CDPH in response to citizen complaints with specific consideration of proximity to EJ communities, requirements of Chicago Municipal Code, IL and federal regulatory requirements, historical pattern of violations, and evidence-based best practices.	2023 Q4	
Share recommendations with public for review and feedback.	2023 Q4	
Update inspection policies and procedures and provide training to staff	2024 Q1	
Develop data collection and dissemination processes for operational metrics (e.g., inspections, violations, etc.)	2024 Q2	
Community Input & Response		
<p>Community Input: Only one community member specifically mentioned inspection and enforcement activities by citing the recent N4EJ report by Anthony Moser during the CIA community engagement process. Overall themes from the community input included improved community engagement and involvement in decision-making, data collection and dissemination and stronger penalties for violators.</p>		
<p>Response to Community Input: This strategy was not updated based on the community feedback because the strategy already included improvements to inspection and enforcement activities through new and updated policies and procedures that will be vetted by the public and developing data collection and dissemination processes for operational metrics as well as consideration location in/near EJ communities when assessing penalties for non-compliance.</p>		