

CITY OF BALTIMORE
COUNCIL BILL 15-0215R
(Resolution)

Introduced by: Councilmembers Curran, Middleton, Costello, Scott, Kraft, Stokes, Henry,
Clarke, Welch, Mosby, Reisinger, President Young, Councilmembers Holton, Spector
Introduced and adopted: March 23, 2015

A COUNCIL RESOLUTION CONCERNING

Request for State Action – Reduce Nitrogen Oxide Emissions

FOR the purpose of supporting the enactment of the *Healthy Air for All Act* (H.B. 1042/S.B. 892),
or equivalent regulations from the Department of the Environment, to protect the health and
well-being of all Marylanders by reducing dangerous nitrogen oxide emissions from
coal-fired power plants.

Recitals

Baltimore City and its surrounding counties have received the EPA’s worst smog pollution
designation of any area east of the Mississippi River, reflecting the highest smog levels in the
East. This failure is of more than merely academic interest, it has profoundly negative effects on
our health. Exposure to elevated levels of ozone can cause premature death and a wide range of
harmful adverse respiratory and cardiovascular effects, as well as significantly increasing the risk
of pre-term birth. Children, the elderly, and other sensitive populations are especially at risk.

Smog is also a potent asthma trigger, especially a concern here where over 64,000 Baltimore
adults have asthma. Worse, 20% of Baltimore City children under 18 have asthma – double the
national average. As a result, Baltimore’s pediatric asthma hospitalization rate is the highest in
Maryland, and one of the highest in the nation, causing Baltimore residents to spend over \$33
million per year in emergency room visits and hospitalizations due to Asthma.

Even allowing our children to play outside in these conditions can be hazardous to their
health – one study found that children active in outdoor sports in high-ozone regions had triple
the rate of asthma as less active children from the same neighborhoods, a disparity not found in
low-ozone communities.

Altogether, 85% of Marylanders live in areas that fail to meet the EPA’s national clean air
standard; and this burden falls even harder on Maryland’s poorest communities. Nationally,
approximately 68% of African Americans live within 30 miles of a coal-fired power plant. In
Maryland, 94% of African Americans and 95% of Hispanic or Latino residents live in counties
that fail to meet the nation’s clean air standards. That inequality is reflected in poor health
outcomes. Communities of color breathe in nearly 40% more polluted air than whites, and poor
white Americans endure 27% heavier pollution than do wealthy white Americans.

Maryland’s coal plants are the largest individual sources of smog-forming pollution in the
State. Many of these facilities are over fifty years old and have never been required to install the
types of modern emission controls found on newer plants. There are two plants within 20 miles
of Baltimore City – both lack modern emission controls.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 Based on Maryland's smog nonattainment designation by the EPA, the Maryland Department
2 of the Environment (MDE) was required to develop a plan to limit smog-forming nitrogen oxide
3 (NOx) pollution from our coal-fired power plants. MDE developed a plan to reduce smog
4 emissions from Maryland's coal plants through a 15-month stakeholder process that involved
5 numerous meetings and discussions, and extensive stakeholder input. As a result, MDE's plan
6 was supported by the public health community, environmental groups, the public, and Raven
7 Power – owner of half of the coal plants affected by the rules.

8 This plan was expected to reduce NOx emissions by up to 36% through a simple,
9 common-sense approach: all coal plants must consistently operate their existing pollution
10 controls (something that many had not been consistently doing) beginning this summer, and
11 those units lacking state-of-the-art controls must either upgrade their controls, repower to a
12 cleaner fuel, or cease operating by the end of the decade.

13 The plan went through the entire regulatory process, including numerous public hearings and
14 meetings, unanimous approval from the state's independent Air Quality Control Advisory
15 Council, review by the Administrative, Executive, and Legislative Review Committee, an
16 extended public comment period, and an extensive technical review by the Maryland Department
17 of the Environment before it was finally signed, and formally adopted by the Maryland
18 Department of the Environment, in January 2015.

19 Yet, despite this extensive vetting and overwhelming support for the plan from stakeholders
20 in all affected areas, within hours after taking office, and without any advance warning, Governor
21 Hogan stopped publication of MDE's coal plant smog rules, halting their implementation and
22 allowing dangerous NOx emissions to continue unabated.

23 Governor Hogan has provided no time frame for publishing these critical protections despite
24 the fact the EPA deadline for issuing regulations is long past and the protections are now more
25 than 8 months overdue. Worse, we, and our children, continue to be harmed by these emissions
26 every day that they are allowed to continue. Any delay in their implementation will result in
27 needless additional asthma cases, sick children, medical expenditures, and possibly even deaths.

28 Waiting for further review of these already vetted and approved regulations is not an
29 acceptable option. The protections embodied in the MDE plan must be put in place as quickly as
30 possible. If the current administration is unwilling to move forward with implementing the
31 agreed upon NOx regulations, the General Assembly should act to put them into place
32 legislatively by enacting the *Healthy Air for All Act* (H.B. 1042/S.B. 892).

33 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
34 Council supports the enactment of the *Healthy Air for All Act* (H.B. 1042/S.B. 892), or
35 equivalent regulations from the Department of the Environment that require modern pollution
36 controls on all coal units in the state, to protect the health and well-being of all Marylanders by
37 reducing dangerous nitrogen oxide emissions from coal-fired power plants.

38 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
39 Honorable Chairs and Members of the Baltimore City House and Senate Delegations to the
40 Maryland General Assembly, the President of the Maryland Senate, the Maryland House
41 Speaker, the Mayor, and the Mayor's Legislative Liaison to the City Council.