



Legislation Details (With Text)

**File #:** 15-0215R    **Version:** 0    **Name:** Request for State Action - Reduce Nitrogen Oxide Emissions  
**Type:** City Council Resolution    **Status:** Adopted  
**File created:** 3/23/2015    **In control:** City Council  
**On agenda:**    **Final action:** 3/23/2015  
**Enactment date:**    **Enactment #:**

**Title:** 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 similar 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.

**Sponsors:** Robert Curran, Sharon Green Middleton, Eric T. Costello, Brandon M. Scott, James B. Kraft, Carl Stokes, Bill Henry, Mary Pat Clarke, President Young, Nick Mosby, Helen L. Holton, William "Pete" Welch, Rochelle Spector, Edward Reisinger

**Indexes:** Reduce Nitrogen Oxide Emissions, State Action

**Code sections:**

**Attachments:** 1. 15-0215R~1st Reader

Date	Ver.	Action By	Action	Result
3/23/2015	0	City Council	Adopted	
3/23/2015	0	City Council	Introduced	

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.  
INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL        R  
(Resolution)

Introduced by: Councilmember Kraft

A RESOLUTION ENTITLED

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 similar 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 preterm 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.

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

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

The plan went through the entire regulatory process, including numerous public hearings and meetings, unanimous approval from the state's independent Air Quality Control Advisory Council, review by the Administrative, Executive, and Legislative Review Committee, an extended public comment period, and an extensive technical review by the Maryland Department of the Environment

before it was finally signed, and formally adopted by the Maryland Department of the Environment, in January 2015.

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Council supports the enactment of the Healthy Air for All Act (H.B. 1042/S.B. 892), or similar 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.

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

DRAFTED BY DLR 18MAR15    DRAFTED BY DLR 18MAR15

dlr15-1119~intro/18Mar15  
ccres/RSANOx/tw

DRAFTED BY DLR 18MAR15    DRAFTED BY DLR 18MAR15

dlr15-1119~intro/18Mar15  
???\nccres/RSANOx/tw