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 CHICAGO'S FREE WEEKLY | THIS ISSUE IN FOUR SECTIONS
 FRIDAY, DEC 16, 2005 | VOLUME 34, NUMBER 12

SPECIAL PULLOUT SECTION
**What Are You Doing
 New Year's Eve**
 Section 3

The Works
Another great old building bites it
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Restaurants
Dim sum and cheap wine
 Section 2

Speaking of Clean Air...

The health threat city Council isn't talking about.

PLUS Editorial cartoonists get pissed, Advocate Health Care under fire, a secret office romance with its own blog, Morricone sound tracks you've never heard, and more

Section One



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ON THE COVER: PAUL DOLAN (CLEAN AIR), ROBERT MURPHY (THE WORKS), GODFREY CARMONA (BOTTLES)



Speaking of Clean Air...

Now that smoking's banned indoors, will our valiant representatives crack down on the people polluting the skies? Don't hold your breath.

By Mick Dumke | Illustration by Paul Dolan

Shortly before the City Council's 46-1 vote last week in favor of a phased-in smoking ban, Alderman Burton Natarus made a personal appeal to his colleagues: "I hope you take me seriously," he said.

That's not always easy. In the last few council meetings Natarus has proposed a second round of crackdowns on loud street musicians, wondered aloud at the apparent oddness of the Greek Orthodox calendar, and criticized the size and position of Alderman Dorothy Tillman's hat.

Most recently, of course, Natarus had worked on behalf of downtown bar and restaurant owners to thwart the immediate complete ban on smoking **continued on page 22**

Clean Air

continued from page 1

in public buildings pushed by health committee chairman Ed Smith. In the end they compromised. The Clean Indoor Air Act prohibits lighting up in restaurants and other indoor public places starting January 16 and in bars by the middle of 2008.

As Natarus made an offer of something close to reconciliation to Smith and his colleagues, he urged the council to turn its attention to other health and environmental problems, such as "earth warming."

"The water is steaming up, and it's causing hurricanes!" he warned.

But Natarus didn't mention, and the council didn't stop to ponder, a much larger health issue—one that affects all Chicagoans, not just those stuck breathing second-hand smoke. Under the new law tavern owners can allow smoking if they can prove that ventilation systems are cleaning the air inside their businesses to a point comparable with fresh air outdoors. But the air outside isn't that great, and for nearly four years Natarus and his colleagues have been sitting on an outdoor clean-air ordinance

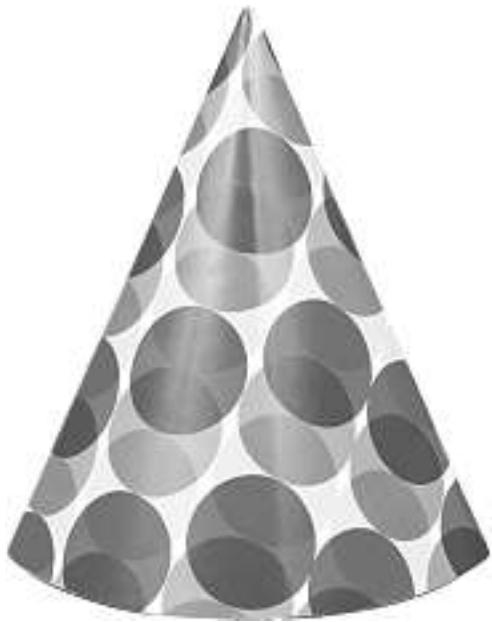
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Ed Burke, Midwest Generation's Fisk power plant in Pilsen



JON RANDOLPH, PAUL L. MERIDETH



What are you doing?

The Reader's Guide to New Year's Eve

See Section 3 or www.chicagoreader.com



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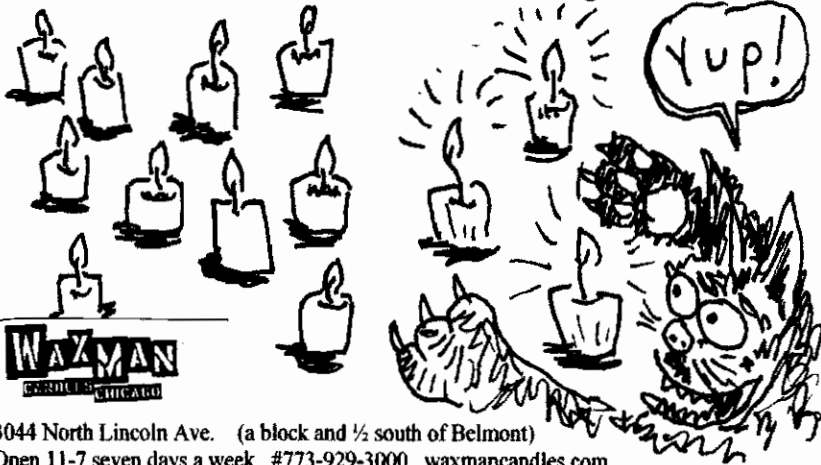
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Clean Air

continued from page 22

that would clamp down on the region's single greatest source of air pollution.

Across the city, the Illinois Environmental Protection Agency regularly records ozone levels higher than federal standards permit for eight-hour periods, and the federal government has declared Chicago a "nonattainment" area for particulate matter, meaning the state has to reduce its dangerous concentrations by 2010 or face a loss of federal funds. When breathed, ozone—a key ingredient of smog—essentially scars the tissues of lungs, while particulates, or soot, can enter the blood-

The ordinance was sent to the energy and environment committee, where it has since lain dormant. Why depends on who's asked, with most of the parties involved blaming someone else for holding up the measure.

stream and cause cancer. Both have been linked to higher rates of fatal asthma and heart attacks.

For years, environmentalists have blamed old, coal-based power stations—two of which, Midwest Generation's Fisk and Crawford plants, are on the southwest side, in Pilsen and Little Village—for producing as much as a quarter of the coun-

try's nitrogen oxides, which form ozone; two-thirds of its sulfur dioxide, the basis of soot; and a third of its airborne mercury, which eventually ends up in waterways and fish. They point out that a grandfather clause in the federal Clean Air Act lets the Chicago plants evade current emissions standards, and note that the longer the city and the

state wait to force them to clean up, the more difficult it will be to meet the 2010 deadline.

"Everybody's still saying power plants are part of the problem," says Brian Urbaszewski, director of environmental health programs for the American Lung Association of Metropolitan Chicago. "Action has to come from local political leadership."

In February 2002, finance committee chairman Ed Burke introduced the Chicago Clean Power Ordinance, citing a Harvard study showing that each year the two plants cause 2,800 asthma attacks, 550 emergency room visits, and 41 deaths.

Burke's legislation required that the Chicago plants slash emissions of nitrogen oxides, sulfur dioxide, and mercury, as well as carbon dioxide, which contributes to global warming. In defiance of the Bush administration's "cap and trade" program, the measure also sought to limit the plants' ability to buy "emission credits" from low polluters elsewhere. "I continued on page 26

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Clean Air

continued from page 24

believe it is our responsibility to step forward and force coal-fired power plants operating in our backyard to adhere to modern pollution control standards," he said at the time.

But because the plants also employ about 200 people and generate power for up to a million homes, Burke's proposal didn't win the support of Mayor Daley, and as a result it didn't get any traction in the council. Though environmentalists

argued the plants could stay open and use cleaner technology—such as converting to natural gas instead of coal—Midwest Generation said it couldn't afford costly upgrades. Burke's ordinance sat for more than a year in the Committee on Energy, Environmental Protection & Public Utilities, chaired by Virginia Rugai of the 19th Ward, while city officials started talking with Midwest Generation about a compromise.

The city elections in February

2003 appeared to prod those discussions along briefly. Activists with the Pilsen Greens put nonbinding resolutions calling for stricter pollution standards on ballots in two precincts near the plants. The resolutions won the support of nearly nine of every ten voters. That May, with the clean power proposal set to expire under council "house-cleaning" rules, Burke reintroduced it, and 25th Ward alderman Danny Solis, whose turf includes the Fisk Generating

Station and one of the precincts that endorsed cleaner emissions, signed on as a cosponsor.

The ordinance was again sent to Rugai's energy and environment committee, where it has since lain dormant. Why depends on who's asked, with most of the parties involved blaming someone else for holding up the measure. Rugai says neither Burke nor Solis had called it up again because the city's law department had raised questions about the legality of

the ordinance and the aldermen feared Midwest Generation would have to shut down. "They were concerned about putting an industry out of business while, at the same time, they want to look out for the health of people near the plants," she says. "It's a lot like the smoking ban."

Donal Quinlan, Burke's press secretary, said Burke declined to comment.

Solis placed responsibility with Daley administration officials.

continued on page 28



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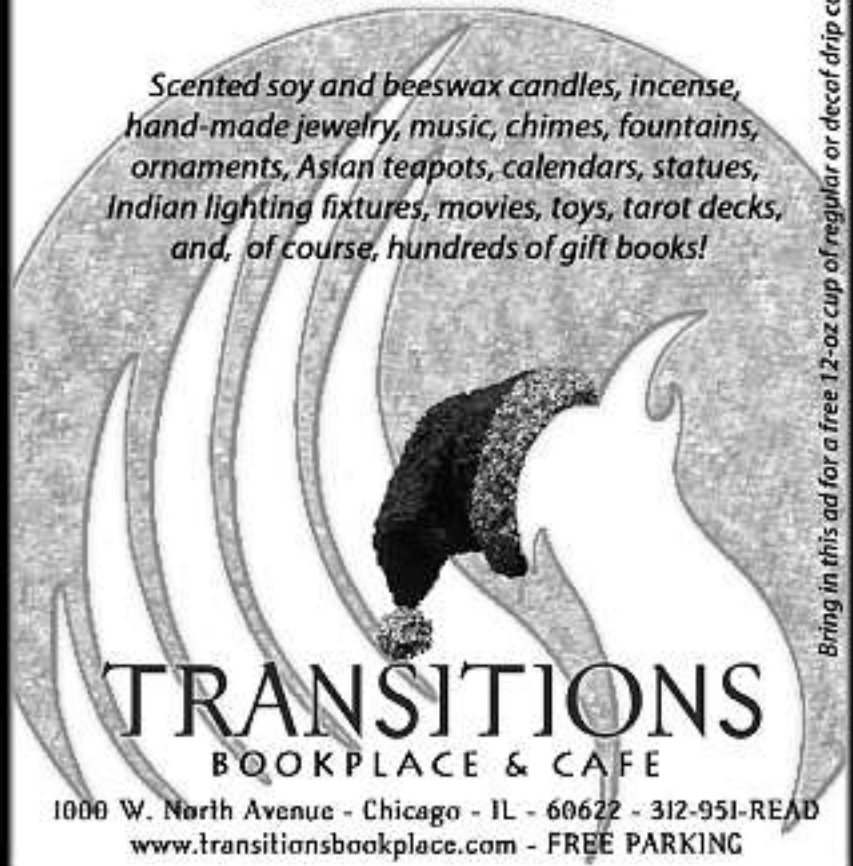
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Clean Air

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Midwest Generation threatened to close the plants, cut the jobs at them, and sue the city for superseding the federal Clean Air Act, he said, and the prospect of job losses and expensive legal battles warded the Daley administration off. "So the strategy right now," he said, "is let's negotiate."

But that's not how Jennifer Hoyle, a spokesman for the city's law department, explains it. She said city attorneys weren't worried about a lawsuit; they simply told the city's Department of Environment that the outcome of one wasn't certain because legal precedent wasn't clear. "Whether we could enact requirements more stringent than federal law—that was our primary concern," Hoyle said. "It wasn't a clean-cut issue for us, that we could say, 'Yes, we would definitely win,' or, 'No, we would definitely lose.' . . . We didn't say, 'Absolutely not—it can't be done.'"

Yet according to environment commissioner Sadhu Johnston, his department is waiting for a definitive recommendation from the law department on how to proceed. "We at this point don't have a position on the ordinance," he says.

Meanwhile, Midwest Generation describes its relationship with the city as cooperative and cordial. "I don't know that negotiation is the word that I would choose, but we are in constant conversation," said Doug McFarlan, the company's vice president of public affairs. "The basis for our opposition to the ordinance has never been about imposing additional emissions reductions. It's been how to accomplish that."

Sulfur dioxide emissions have been reduced 30 percent and nitrogen oxides 60 percent over the six years Midwest Generation has owned the plants, McFarlan says. (He offered these same numbers continued on page 30



Midwest Generation's Crawford power plant in Little Village

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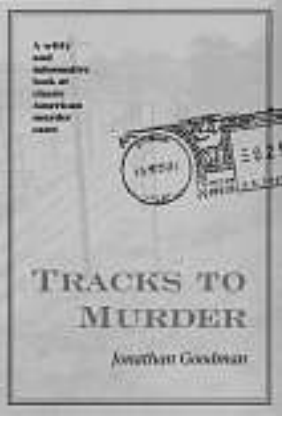
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Clean Air

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bers to the *Reader* for a story two years ago.) The plants burn cleaner coal than they used to, he adds, and the Crawford Generating Station, in Little Village, has won federal funding to run a field test next year on new technology to lower mercury pollution.

McFarlan emphasized that it wouldn't be fair to impose tougher regulations on the Chicago plants than on similar plants elsewhere because the energy market is national, not local, with Midwest Generation in fierce competition with companies in other cities and states. "We have raised the question in earlier discussions with city officials about the legality of the

ordinance," he says.

Litigation is a routine part of the process of environmental regulation, says the Lung Association's Urbaszewski. He believes that local authorities have the right to make pollution controls tighter than federal law—and that they should because, though the plants may be polluting less than they once did, they're still causing serious health problems at a time technology exists to make them cleaner. "Of course the city's going to get sued [if it enacts the ordinance]," he said. "That's pretty much a no-brainer. I'm sure that any company required to do something would fight it. The question is, does the city have the

right to do it, and do they have the responsibility to do it, to protect the people of the city of Chicago? It was the same issue with the indoor air ordinance."

If so, a pollution crackdown could be several years, millions of dollars, and hundreds of deaths away: the events that led up to the smoking ban show that aldermen aren't likely to move on any health issue just because they should or could. They have to be forced by voters—and given permission by Daley.


Burke proposed a smoking ban a decade ago and it went nowhere. Two years ago, most people—including the majority of aldermen and the mayor—

assumed a repeat effort would meet a similar fate unless they fought hard for it, so the American Cancer Society, American Lung Association, American Heart Association, and other groups started a multimillion-dollar campaign.

For the first time in years, thousands of Chicagoans took interest in a council proposal. They barraged aldermanic offices with phone calls while Smith pushed the ordinance forward in the council. "I heard things from my colleagues like 'I'm getting hammered on this,'" says Rey Colon, the first-term alderman from the 35th Ward. Adds Mark Peysakhovich, who regularly lobbies the council as the senior


Illinois director of advocacy for the American Heart Association: "I have never heard so many aldermen say, in speeches on the floor or in private conversations, that they have received so many calls. That's got to say something—those came from real people."

Key Daley aldermen say the mayor initially didn't think he had any reason to expend political capital on the issue. On one hand, his friends and campaign donors in the restaurant and bar business were against a full ban; on the other, health advocates and progressive voters favored it. And if the proposal wasn't going anywhere, he had no need to take a side. While announcing that he thought bars should be exempt,




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he mostly washed his hands of the matter, leaving the council in the unusual, and uncomfortable, position of working things out on its own. "You've got to understand that this is not a legislative body as we would normally think about it, so it was new territory for them," says Eric Adelstein, a strategist for the Cancer Society campaign. "They were like, 'Tell us what to do, tell us what to do.'"

That changed in the last couple of weeks, when Daley's own floor leader, 40th Ward alderman Patrick O'Connor, announced that he'd lined up enough votes for a full ban while Natarus appeared to be foundering in his move for a compromise.

In response, Daley announced that he wanted a deal made to satisfy all sides. The mayor may be weakened from political scandal, and he may have underestimated the popular support for a ban, but once he spoke out, O'Connor and Smith couldn't forge ahead with a full ban anymore.

"When we got ready to go down to the wire, it appeared that the mayor may be going to the other side, and some people [in the council] got a little shaky," says Smith. "Do you take a chance of going for everything and just coming out with nothing? We didn't want to take that chance, so it became a matter of getting as much as we could get."

O'Connor maintains that he had the votes all along, but says it made more political sense to pass a law with a wide consensus. "This isn't the only law the City Council was going to pass this year," he says. "You want to make it so that people feel they were treated with respect, and come back and live to legislate another day rather than ram it down anyone's throat."

In other words, to pass any major ordinance, such as one cutting down on cancer-causing chemicals in the air outside, advocates have to line up not the bare majority of 26 votes, but more like 40, so that aldermen will have a political cushion—so that, in O'Connor's words, they'll feel "comfortable." And the only way to do that is to get the mayor on board.

None of which bodes well for a clampdown on air pollution. The advocacy groups behind the smoking ban would love to see similar movement on the Clean Power Ordinance, but none seem prepared—or wealthy enough—to mount another expensive campaign. "Right now I don't have \$4 million," says Urbaszewski.

While Smith says he would gladly work on the power plants bill if Burke asked him to, and Natarus says he was, indeed, serious about embarking on a wave of environmental activism in the council, their wards are not where the power lies—literally or politically.

Midwest Generation's McFarlan maintains that Burke's bill is the wrong approach. "We don't believe the ordinance is necessary because we are on the right track," he said. And, in a perhaps more telling statement, he noted, "We know the Department of Environment and the mayor and the city of Chicago are well aware of this." ■

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