

May 22, 2020

City of Chicago, Department of Public Health  
Attn: Environmental Permitting and Inspections  
333 South State Street, Room 200 Chicago, IL 60604

Re: Comments on Amended Rules For Large Recycling Facilities

To Whom It May Concern,

With thanks for the opportunity to comment on the Chicago Department of Public Health's ("CDPH") amended Proposed Rules for Large Recycling Facilities, these comments are submitted on behalf of the Natural Resources Defense Council and our 3 million members and activists, including approximately 10,000 members and activists in the City of Chicago, including those who reside on the Southeast Side in close proximity to metals recycling facilities and along the I-55 corridor. The Southeast Environmental Task Force and the Southeast Side Coalition to Ban Petcoke support these comments as well; NRDC supports comments being submitted by these two partners as well.

At the outset, we note the continuing and ever-more pressing need for regulations and enforcement that address the many sources of pollution from recycling facilities and their impacts on environmental justice communities in particular. The events of this past year since the Chicago Department of Public Health ("CDPH") first proposed its regulations for large recycling facilities have brought a slew of pollution events and violations at city recycling facilities, culminating recently in a massive explosion that flattened part of a facility and blew out its primary air pollution control equipment (ironically installed as part of a settlement agreement over violations of state and federal environmental laws). The Southeast Side is grappling not only with environmental issues from recycling facilities already in its community and the highest levels of some airborne heavy metals in the state, but also the specter of even more harmful facilities descending next to its homes, schools, parks, and river. More generally, the COVID-19 pandemic has resulted in gross disparities in health outcomes, including deaths, for those most vulnerable in our society. Emerging studies indicate that living in areas with polluted air is linked to greater mortality rates from COVID-19. In short, these rules, and the City's commitment to protect its residents, are needed now more than ever.

We reiterate that while we welcome CDPH's regulations for large recycling facilities – which close loop holes in city regulations, step up where the Illinois Environmental Protection Agency ("IEPA") has failed in its protection of environmental justice communities, and begin the oversight and accountability process – environmental regulations are only one piece of the needed reforms. Regulating individual industries on the back end without addressing distributive siting issues and cumulative impacts is not enough. We look forward to further working with CDPH and other committed city staff and stakeholders at this higher level to ensure a clean, safe, productive and equitable Chicago for all residents.

Our comments on CDPH's amended regulations for large recycling facilities are provided below. We note that these comments should not be taken as endorsement of provisions not raised, given CDPH's directive to focus our comments in this round on issues not previously addressed. We also note that given the limited timeframe for review and its falling during a particularly strained time for our city and world, we reserve the right to raise additional issues about the regulations once we have time to fully digest the final-final regulations and as we learn from implementation together.

## POLLUTION FROM AND ENVIRONMENTAL VIOLATIONS BY CHICAGO METALS RECYCLERS SINCE JUNE 2019

CDPH is only too familiar with the many community complaints about metals recycling facilities in the last year, given the agency's inspection and enforcement work since last June. We summarize it and prior enforcement history briefly here both for the benefit of others less familiar and to ensure a more complete rulemaking record. We note that our focus in the last year has been on facilities at two locations and that the historic record is likely impacted by failures to inspect and enforce against actual violations, and thus this summary likely does not reflect a complete accounting of the environmental issues at recycling facilities within the city. In addition, this accounting supports a number of our specific comments on the amended regulations provided below.

Since June of 2019, CDPH has issued at least 37 citations for violations of the municipal code by recycling facilities at 1909 N Clifton and 11600 S Burley (see Table 1 attached to these comments, information compiled from data downloaded from the City's inspection and enforcement databases on May 22, 2020, data which is in turn attached as Exhibits A, B, C, and D to these comments). At least one of these citations led to a finding of liability – Reserve Marine Terminals was held liable for violating its permit when an inspection conducted on June 2019 noted fugitive dust emissions and failure to operate dust controls.

The vast majority of these citations have not moved to hearings due to the impacts of COVID-19. Many citations were issued between December 2019 and March 2020, with hearings scheduled for Spring and Summer of 2020, which have all been pushed back due to the virus. Many of the still pending citations refer to General Iron/II's failure to control dust, unauthorized emissions from the shredder, and unauthorized release of auto fluff – topics taken up in our and our partners' comments on the proposed rules and below on the amended rules.

In the past, CDPH has found recycling facilities at 1909 N Clifton and 11600 S Burley liable for violating air pollution regulations. (See Table 2 below.) Violations dated 6/21/2010, 9/28/2009, and 1/2/2002 led to liability findings for releasing unauthorized emissions and/or failure to control dust, consistent with issues that appear to persist today. In addition to the citations listed below, there have been numerous citations for violations at these facilities over the years that are

included in the City's enforcement and inspection databases, but have no publicly listed liability finding by CDPH.

## COMMENTS ON AMENDED RULES FOR LARGE RECYCLING FACILITIES

### *Section 2, Definitions*

**“Facility.”** CDPH should prohibit segmenting or inappropriate circumvention by clarifying that the definition of a “Facility” includes all structures, equipment and ancillary fixtures on land that are used to Process, Store, or Recycle materials and that “belong to the same industrial grouping; and (2) are located on one or more contiguous or adjacent properties; and (3) are under the control of the same person,” consistent with federal air law, regulations and guidance defining “facility” and what constitutes a “single source.” Otherwise, recycling operations with individually and collectively significant impacts on communities could escape the more stringent requirements of CDPH’s regulations by segmenting or breaking up their operations to fall under the 1,000 tons per day threshold for rule applicability. For example, according to CDPH in a meeting with SE Side representatives, Reserve Marine Terminal (“RMT”) would on its own fall under the 1,000 ton per day threshold for a Large Recycling Facility, despite the fact that RMT is part of the “single source” consisting of 3-4 other co-located recycling facilities at 11600 S Burley and a proposed additional facility at the same site, along with what appears to be yet another proposed Class IV facility immediately adjacent to this “campus” (and despite the fact that RMT has been found liable for fugitive dust violations, which would otherwise qualify it as a “Consequential Facility”). Such an outcome would also potentially introduce inconsistencies between CDPH and IEPA regulation and/or enforcement.

Relatedly, CDPH should adopt limits on the total size and capacity of recycling sources, applying this “single source” definition of a facility and taking into account the relative distribution of recycling facilities within the city and any disparate impacts on disadvantaged communities (see our prior comments on the proposed rules regarding the existing and worsening aggregation of metals facilities more generally in communities like the SE Side). Aggregation of multiple co-located and/or adjacent facilities - which is already happening on the SE Side with the relocation of General Iron and the proposal of a fifth or possibly sixth (depending on the use and ownership of the still unidentified-parcel at 11600 S Burley) facility between S Avenue O and S Burley adjacent to Rowan Park, can pose a significant and disproportionate threat to public health, especially where there is little to no buffer between the facility and sensitive uses. The Department of Planning and Development should similarly develop size/capacity limits and buffer requirements for such facilities for adoption in the zoning code.

**“Expansion.”** CDPH should confirm that addition of recycling capacity that meets this 3-pronged test for “Facility” will be considered an “Expansion” under the rules if it otherwise meets the horizontal boundary and vertical limits defining an Expansion. Such “Expansion,” in

turn, may result in a facility that previously fell below the Large Recycling Facility or Consequential Facility thresholds qualifying as Large or Consequential.

We also object to removal of an increase in capacity without an increase in horizontal boundary or vertical limit as grounds for triggering the more rigorous Expansion requirements. The amended rules remove increases in capacity that do not include an increase in a facility's horizontal boundary or vertical limit as constituting an Expansion, and instead considers such increases in capacity as Modifications that need only seek permit amendments. CDPH does not further explain this change in the responsiveness document (see pages 6-7). We reiterate our prior comments to the City in other contexts that increases in capacity that do not involve footprint or similar vertical increases should trigger enhanced requirements and/or prohibitions, given the potential for significantly increased impacts from such increases in capacity. Regardless, CDPH should clarify in the responsiveness document that Existing Facilities seeking modifications that would result in the Facility meeting the criteria for a Consequential Facility shall be considered "New" and "Consequential" for purposes of the rules and include any necessary changes to the amended rules to effect this intent. [Note that this change is also related to the above comment on considering adjacent, inter-related operations as a single facility/source - the capacity/throughput of RMT and the other S Burley recyclers would undoubtedly increase as a result of the proposed addition of General III, so ensuring applicability of the rules' most stringent requirements to these facilities is critical.]

We also reiterate our above comment that the Department of Planning and Development should develop zoning-side limits to prevent aggregation of especially large recycling operations where such operations would pose a disproportionate threat to health, safety, and welfare.

**"Large Facility."** There appears to be a missing comma between "1,000 tons or more per day of Recyclable Material" and "operates a metal Shredder."

**"Consequential Facility."** We object to removal of torch-cutting, welding, or heating of metals as an independent criterion for qualifying as a Consequential Facility. The Houston study we submitted with our comments on the proposed rule supports that torch cutting alone can yield disturbingly high levels of toxic heavy metals, in particular but not limited to hexavalent chromium. CDPH characterizes this study as concluding that "additional investigation was warranted." (responsiveness doc at 53). In fact, a follow-up [study](#) of Houston metals facilities by the UTHealth School of Public Health identified significantly elevated cancer risks (up 24 in a million) from the Allied Alloys facility, and appears to attribute those risks to torch cutting based on the voluntary mitigation steps noted in the community report, which include "added additional processing equipment to reduce torch cutting" and "outsourced majority of torch cutting while evaluating other technology to further reduce metals emissions."

These mitigation steps - specifically how other additional processing may substitute for torch cutting or that outsourcing may be necessary to reduce harmful emissions from torch cutting - also demonstrate that torch cutting should be included as an independent basis for designating a facility as Consequential, such that the facility is required to fully evaluate its torch cutting as a part of its larger operations and total impacts, and modify operations across its facility accordingly. We also reiterate and bolster our comment that based on these studies, CDPH (and DPD) should prohibit or severely limit outdoor torch cutting in or adjacent to residential areas as soon as possible.

**“Modification.”** See above re Expansion.

**“Staging.”** See below comment on Section 4 regarding stockpiles and staging.

*(Section 3 and) Section 4, Operating Standards*

Outdoor Stockpiles Heights and Barriers (Section 4.4)

**Barriers.** CDPH should clarify which, if any, types of stockpiles will no longer need to use 3-sided barriers as proposed. (CDPH says general rules already require Class V to use barriers anyway, but does not say which kind of barriers these are.)

**ASR.** CDPH rejected requiring full enclosure of ASR stockpiles, analogizing to petcoke re % fines and potential to become windborne. (responsiveness document at 53) The percent fines is not an appropriate metric of ASR’s potential to become windborne. ASR is a low-density material whose very informal name - “fluff” - describes that it is very likely to become windborne and disperse. In addition, CDPH’s response completely omits that (a) evidence exists from General Iron that ASR is escaping the facility in significant quantities and that ASR was a significant source of fugitive dust at the Northern Metals plant in MN, per our prior comments, and (b) the hazard profile of ASR likely significantly exceeds that of petcoke, again rendering simple % fines an inappropriate/inadequate basis for rejecting full enclosure. Finally, CDPH asserts that any “offsite deposition” of ASR that does occur will be cleaned up by sweeping requirements imposed on the facility. This response ignores that the General Iron Lincoln Park evidence supports that ASR is ending up (a) on land at or more than a mile from the facility, well outside any required sweeping area, and (b) in the river immediately adjacent to the facility, which cannot be swept. For these reasons, we reiterate and bolster our comment that CDPH should require all ASR, and particularly untreated ASR, to be kept at all times in full enclosures (either enclosed conveyors or fully enclosed building structures, depending on the stage of ASR handling).

ASR should be excluded from Staging (if that concept is retained) and be required to be handled in enclosures at all times. For similar reasons, CDPH should clarify that staging provisions that create essentially a more relaxed carve out from the storage stockpile provisions (but see

comment below) do NOT apply to ASR that will be further processed on site. Instead, CDPH should require full enclosure of all ASR held onsite for any amount of time, including ASR that will be further processed at the site. This is especially necessary because it appears that untreated ASR - the form of ASR with the highest toxicity potential - would otherwise qualify for the more relaxed staging requirements. (We note that the amended rules retain a distinction that “post-processed” ASR shall be stored in “bunkers,” with post-processed newly defined as “after all Processing has been completed.” We reiterate that initial stage ASR and/or untreated ASR, which appears may NOT qualify as “post-processed” under this new definition, pose the potentially greatest toxicity level among forms of ASR and so would again be left out of even the bunker requirement. This is a side note because, per our comment here, all forms of ASR should be handled/stored/staged in enclosures at all times.)

**Staging.** CDPH should either eliminate the concept of Staging from the amended rules or significantly increase the control requirements that apply to Staging. The Staging concept inappropriately focuses on the relatively limited duration of any given material in a stockpile and on that basis allows relaxed height limits. However, the piles themselves will exist permanently though the exact material in the pile will turnover. Moreover, the constant turnover and working of the piles means that Staging stockpiles have much greater potential for emissions than Storage stockpiles as currently defined. Thus, CDPH should NOT create a height limit carve out for Staging stockpiles or allow consideration of unlimited height variances for stockpiles (i.e., no variance should be allowed over a certain height). If CDPH retains the Staging concept, it should adopt more stringent requirements for such areas, such as enhanced barriers, siting buffers, and other fugitive dust measures to minimize the impact of Staging to offsite areas, including waterways.

If CDPH retains the Staging concept, it should also clarify that any Staging is limited to a “Staging Area.” Currently, Section 4.4.2 simply allows the height of stockpiles in Staging Areas to exceed the otherwise applicable height limit of 30 feet, but does not clearly state that such Staging stockpiles *must* be located within an authorized Staging area. (The definitions for Staging and Staging Area similarly do not appear to clearly create the requirement that all Staging occur in an authorized Staging Area only.)

CDPH should also clarify that the Storage-stockpiling requirements apply to all material in piles from unloading that are being held longer than the allowed staging time, as well as to all materials awaiting loading onto vehicles that will not undergo further processing at the site prior to vehicle loading. Finally, CDPH should clarify how a facility and the agency will determine compliance with the holding time requirement.

Air Quality Impact Assessment (Section 3.9.21) and Air Quality Standards and Monitoring (Section 4.7).

The amended rules only mandate PM10 modeling and substitute air sensors for regulatory-quality monitors. CDPH's justification for the limited modeling and monitoring requirements in the amended rules appears to be a fairness one, that they would impose a greater cost on Consequential Facilities than the city's other dust rules impose on other types of operators. It is not clear to us that this is the case, given the more rigorous air monitoring requirements in the other dust rules, in particular for manganese handlers. Moreover, the dialing back of the monitoring requirements in the amended recycling rules to only require sensors instead of regulatory-grade monitors likely tips the balance in the other direction in favor of large recycling facilities. Rather than back away from regulatory grade monitors for this sector, CDPH should require other dust-generating facilities to do dispersion modeling and real-time reporting to level costs across industries and better assure protection of communities. And as discussed below, CDPH's limiting the universe of recycling facilities that qualify as Consequential and thus are subject to air modeling and monitoring requirements means that facilities subject to the modeling and monitoring requirements are likely to be able to bear the costs of a more protective regime. Additional comments on modeling and monitoring, including means for reducing costs while retaining regulatory grade monitors as a core part of the rule, are below.

**Air dispersion modeling.** Modeling is not a sufficient substitute for monitoring, either baseline onsite monitoring prior to addition of recycling capacity (through a new/expanded/modified facility) or subsequent monitoring of facility operations to assess health impacts and ensure compliance with the rules' performance standards. Experience (including the Houston study's comparison of NATA-based health risks versus health risks from actual monitoring data) has shown that modeling exercises vastly underestimate actual air quality impacts, especially where fugitives are at issue. CDPH should retain and enhance all monitoring requirements.

Regarding modeling, air toxics modeling should be required, not solely PM10. Again experience (with monitoring of manganese-handling facilities in Chicago and the Minnesota Pollution Control Agency's Minneapolis air monitoring<sup>1</sup>) has shown that PM10 monitoring is insufficient to assess air quality impacts and health risks from toxic heavy metals, one of the primary concerns regarding metals facilities' air/health impacts. This is because PM10 levels can be relatively low, but air toxics/heavy metals high if such metals constitute a relatively large fraction of particles in the air (as is expected to be the case here). However, CDPH should not require use of Wisconsin's air toxics rules as did GIII and IEPA in the current permitting, as there are more valid, robust and protective approaches available, including from states like Michigan, Texas and California, among others. We also note that, if IEPA continues to require

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<sup>1</sup> Data available at <https://www.pca.state.mn.us/air/north-minneapolis-air-monitoring-results>

air quality modeling of proposed new synthetic minor source metals facilities (which it should), CDPH's requiring such air toxics modeling will impose little to no additional cost on facilities.

For meteorological data, CDPH should not presumptively allow use of airport data, especially with regards to areas like the Calumet where there are likely unique surface conditions due to Lake Michigan and/or the River and from which we have a robust set of available meteorological data. Instead, the City should compile the available onsite met data from the multiple existing monitoring efforts within the city (KCBX, SH Bell, Watco, Chicago Port Railroad, to name a few) and process this data to create a usable general met data set for modeling. CDPH could seek a modest increase in its permitting fees to cover the cost of compiling and processing this met data to then provide to applicants.

**Air monitoring.** We object to CDPH's replacing the requirement for regulatory-grade air monitors with a requirement for air sensors. EPA's guidance explicitly says that Tier III air sensors do not yield regulatory quality data, and should be used simply to identify impacts for further investigation. In addition, use of air sensors does not yield data that can directly and on its own be used to assess whether a facility is complying with legal requirements to protect the NAAQS and not otherwise pose air pollution/health risks. Furthermore, it is not clear that air sensors will deliver data that is sufficiently precise/unbiased to implement the Reportable Action Level ("RAL") concept, e.g., will the relative imprecision of Tier III air sensors give facilities an argument that the RAL is not in fact triggered by data collected by those sensors?

CDPH's only proffered basis for substituting sensors for regulatory-quality monitors is cost. Reducing costs is an inappropriate basis for this substitution for several reasons. First, as noted above, on a fairness basis metals recyclers should not bear lower monitoring costs than other dust-creating facilities (and see above why costs spent on modeling should not be viewed as offsetting monitoring costs). Second and also as noted above, CDPH has already further narrowed the definition of Consequential Facility that triggers the monitoring requirement, such that the number of recycling facilities subject to the monitoring requirements is small and such facilities are likely larger and better-resourced and so can and should bear the cost of regulatory monitoring. Finally, regulatory monitors can be leased rather than purchased, further reducing the cost to facilities. CDPH does not provide any cost analysis to support a decision that Consequential Facilities cannot reasonably bear the cost of regulatory monitors; indeed, General Iron has contributed more to political campaigns over the years than it would likely cost to install and operate regulatory-quality PM10 and metals monitors at the proposed GIII site. In addition, numerous facilities in the City have implemented regulatory-grade monitoring in the past several years, demonstrating that regulatory-grade monitoring is economically feasible.

If CDPH can substantiate that regulatory PM10 and metals monitoring would impose a disproportionate and unduly burdensome cost on Consequential Facilities, it has other ways for



mitigating those costs besides allowing low-cost, less precise sensors on the front end. For example, CDPH could reduce the initial monitoring period (ensuring that monitoring covers the most active periods and/or periods expected to generate the greatest emissions) such that regulatory-grade monitoring can be done with leased equipment at a cost less than purchase, then allow use of air sensors moving forward IF this initial regulatory-grade monitoring has shown that the facility does not pose a risk of adverse air quality impacts. (We note that if CDPH uses such an approach, it should also allow for/require reinstallation of regulatory-grade monitors if/when sensors subsequently indicate an air quality problem.)

If CDPH persists in retaining air sensors in lieu of regulatory-grade monitors, it should reduce the RAL to well below 150 ug/m<sup>3</sup> to account for the relative imprecision of air sensors. We advocate for retaining the 50 ug/m<sup>3</sup> RAL. CDPH's justification for tripling the RAL to a level that itself would indicate a violation of the NAAQS appears to be that only at this already-violating-the-NAAQS level can an operator figure out what of its operations and activities is causing the problem. (Responsiveness document at 50.) We have several questions/critiques about this analysis. First and foremost, this choice of a such a high RAL ignores any preventive, health-based justification, which to us is the primary driver for the whole RAL concept. Whether a facility can identify the specific contributing sources or activities is a secondary consideration – if emissions at the monitors approach the PM10 NAAQS, the facility should first have to cease operations across the board to protect public health. Second, it is unclear to us how it was determined if an Operator can identify the source of emissions. It seems like an operator might have a self-interest in claiming the inability to identify a contributing source, such that it is never held accountable for such sources or activities. Relatedly, an operator that has little experience being aware of and controlling its fugitive emissions might be a poor identifier of contributing costs at the beginning of this exercise; this lack of familiarity with PM10 contributors is not a justification for relaxing the RAL.

In addition, similar to our last comment, if CDPH persists in requiring only sensors on the front end, it should include a requirement that facilities whose air sensors indicate an adverse impact on air quality install regulatory-grade monitors (i.e., “ramp up” monitoring).

#### Material Handling, Paved Surfaces (4.11)

Since submission of our prior comments on the rules, we have undertaken a detailed review of chronic paving issues at several recycling facilities that appear to employ solely asphalt-type paving instead of concrete or other available materials that can better withstand the working conditions of a recycling facility, like rubber or plastic sheeting. This review was conducted using CDPH's publically available inspection database (our results are available upon request, noting that CDPH has the underlying data in its hands). The review identified multiple recycling facilities that have failed to maintain intact paved areas over the course of years, including

admissions by facility operators that such maintenance is virtually impossible given the heavy machinery and constant working at the site. Such chronically broken pavement inhibits or outright prevents pollution control for protecting air, soil and water, a substantial concern given the reports of significant metallic fines at these same facilities as documented in the inspection database and as is to be expected at such recycling facilities. Thus, CDPH should strengthen its paving requirements to mandate use of concrete for new/expanded facilities, with possible allowance for rubber or plastic type surfaces, and at least the latter for all other large recycling facilities. Asphalt alone should not be permitted.

#### Shredder and Shredder Enclosure (4.12)

CDPH should require full enclosure of shredders, rather than simply that shredders be “enclosed.” Experience from the Northern Metals case in Minneapolis shows that openings in the shredder enclosure can be a source of significant, uncontrolled fugitive dust and inhibit the effectiveness of any control device on the shredder. The language of the shredder enclosure provision should include minimum design requirements, including a directive to minimize air emissions to the greatest degree feasible (rather than design directives solely geared towards withstanding explosions and able to deflect objects).

#### Pavement Maintenance and Cleaning (4.14)

See above comment on Paved Surfaces. Also see above comment on handling of ASR. If CDPH persists with allowing less than full enclosure of ASR, it must at minimum require more robust community clean-up of the ASR that will inevitably disperse, including clean-up of an area significantly greater than the current area required to be cleaned under the amended rules and consistent with reported dispersal patterns of ASR. It is our understanding that such community-wide regular clean-up is required in certain landfill contexts.

#### CONCLUSION

In closing, we appreciate CDPH’s intent to address the many impacts of recycling facilities on public health, and strongly encourage the agency to strengthen the rules in the above ways to this end.

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/s/ Meleah A. Geertsma  
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**Table 1. CDPH Citations and Liability Findings for General Iron II, 1909 N Clifton, and Recycling Facilities at 11600 S Burley since June 2019**

<b>Date of Violation</b>	<b>Address</b>	<b>Ticket No.</b>	<b>Code Violation</b>	<b>Disposition</b>	<b>Summary of problem based on inspection report notes</b>	<b>Corresponding inspection report ID No. or date of inspection</b>
3/19/2020	1909 N Clifton	E000034390	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping the shredder, black smoke escaping the shredder. Auto fluff observed offsite. Odors.	11124169
3/19/2020	1909 N Clifton	E000034390	11-4-760(a) Handling of material susceptible to becoming windborne	Unresolved	Auto fluff observed offsite.	11124169
3/19/2020	1909 N Clifton	E000034391	11-4-030(b) Violating any condition imposed by the permit, special condition 46 which requires the permittee to control and suppress dust and other materials to prevent off-site migration	Unresolved	Misting cannons were not in operation.	11124169
3/19/2020	1909 N Clifton	E000034391	7-28-080 Nuisance in connection with a business	Unresolved	Odors & emissions, see above	11124169
3/9/2020	1909 N Clifton	E000034395	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping the top of shredder. Odors.	11152408
3/9/2020	1909 N Clifton	E000034395	7-28-080 Nuisance in connection with a business	Unresolved	Emissions & odors, see above	11152408

2/10/2020	1909 N Clifton	E000034400	11-4-730 Air Pollution Prohibited	Unresolved	Explosion in shredder. Untreated emissions escaping top and side of shredder, and smoke from shredder. Odors. Auto fluff observed offsite. Fugitive dust observed onsite when workers disturbed material piles and moved materials to and from truck trailers.	10929879
2/10/2020	1909 N Clifton	E000034400	11-4-760(a) Handling of material susceptible to becoming windborne	Unresolved	Auto fluff observed offsite. Fugitive dust observed onsite when workers disturbed material piles and moved materials to and from truck trailers.	10929879
2/10/2020	1909 N Clifton	E000034577	11-4-030(b) Violating any condition imposed by the permit, special condition 46 which requires the permittee to control and suppress dust and other materials to prevent off-site migration	Unresolved	See above. Misting cannons were not being operated.	10929879
2/10/2020	1909 N Clifton	E000034577	7-28-080 Nuisance in connection with a business	Unresolved	Odors & emissions, see above	10929879
1/27/2020	1909 N Clifton	n/a	11-4-030 Violation Penalty	Unresolved	No corresponding inspection report	
1/27/2020	1909 N Clifton	n/a	7-28-080 Nuisance connect w/ business	Unresolved	No corresponding inspection report	
1/27/2020	1909 N Clifton	n/a	11-4-760 Handling of windborne material	Unresolved	No corresponding inspection report	
1/27/2020	1909 N Clifton	n/a	11-4-730 Air Pollution Prohibited	Unresolved	No corresponding inspection report	

1/23/2020	1909 N Clifton	E000035590	7-28-080 Nuisance in connection with a business	Unresolved	Untreated emissions escaping top and side of shredder. Odors.	10881195
1/23/2020	1909 N Clifton	E000035590	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping top and side of shredder. Odors.	10881195
1/13/2020	1909 N Clifton	E000035587	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping top and side of shredder. Odors.	10836335
12/23/2019	1909 N Clifton	E000035577	11-4-760(a) Handling of material susceptible to becoming windborne	Unresolved	Auto fluff observed offsite. Fugitive dust observed onsite when workers disturbed material piles and moved materials to and from truck trailers.	10767158
12/23/2019	1909 N Clifton	E000035577	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping top and side of shredder and migrating offsite. Odors. Also see above.	10767158
12/23/2019	1909 N Clifton	E000035578	11-4-030(b) Violating any condition imposed by the permit, special condition 46 which requires the permittee to control and suppress dust and other materials to prevent off-site migration	Unresolved	See above. Misting cannons were not being operated.	10767158
12/18/2019	1909 N Clifton	E000034125	11-4-760(a) Handling of material susceptible to becoming windborne	Unresolved	Auto fluff observed offsite. Fugitive dust observed onsite when workers disturbed material piles and moved materials to and from truck trailers, and dust observed on vehicles parked offsite.	1494955

12/18/2019	1909 N Clifton	E000034125	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping top and side of shredder. Also see above.	1494955
12/18/2019	1909 N Clifton	E000035576	11-4-030(b) Violating any condition imposed by the permit, special condition 46 which requires the permittee to control and suppress dust and other materials to prevent off-site migration	Unresolved	See above. Misting cannons were not being operated, leading inspector to believe reasonable measures to control dust from blowing offsite were not being taken	1494955
12/16/2019	1909 N Clifton	E000034122	11-4-760(a) Handling of material susceptible to becoming windborne	Unresolved	Auto fluff observed offsite. Fugitive dust observed onsite when workers disturbed material piles and moved materials to and from truck trailers.	10716916
12/16/2019	1909 N Clifton	E000034123	11-4-030(b) Violating any condition imposed by the permit, special condition 46 which requires the permittee to control and suppress dust and other materials to prevent off-site migration	Unresolved	See above. Misting cannons were not being operated, leading inspector to believe reasonable measures to control dust from blowing offsite were not being taken	10716916
12/16/2019	1909 N Clifton	E000034122	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping top and side of shredder. Also see above.	10716916
12/10/2019	1909 N Clifton	E000034116	11-4-760(a) Handling of material susceptible to becoming windborne	Unresolved	Untreated emissions escaping top and side of shredder and migrating offsite. Odors.	10708652
12/10/2019	1909 N Clifton	E000034116	11-4-730 Air Pollution Prohibited	Unresolved	Dust observed onsite and migrating offsite when workers disturbed material piles and	10708652

					moved materials to and from truck trailers	
12/10/2019	1909 N Clifton	E000034117	11-4-030(b)(2) Violating any condition imposed by the permit, special condition 46 which requires the permittee to control and suppress dust and other materials to prevent off-site migration	Unresolved	Misting cannons were not in operation.	10708652
12/10/2019	1909 N Clifton	E000034120	11-4-730 Air Pollution Prohibited	Unresolved	Untreated emissions escaping top and side of shredder and migrating offsite. Odors.	10706274
12/10/2019	1909 N Clifton	E000034120	11-4-760(a) Handling of material susceptible to becoming windborne	Unresolved	Dust observed onsite and migrating offsite when workers disturbed material piles and moved materials to and from truck trailers	10706274
12/10/2019	1909 N Clifton	E000034121	11-4-030(b)(2) Violating any condition imposed by the permit, special condition 46 which requires the permittee to control and suppress dust and other materials to prevent off-site migration	Unresolved	See above. Misting cannons were not being operated, leading inspector to believe reasonable measures to control dust from blowing offsite were not being taken	10706274

7/23/2019	1909 N Clifton	E000033795	11-4-030(b)(2) Operating facility w/o permit or authorization, violations include failure to comply with special condition #40 of the site's permit, backfilling holes with proper material, as based on the observation of standing liquid throughout site	?	Gasoline spilled on ground and in sewers, and tires containing liquid found on site. Inspection in response to complaint that site personnel were spilling gasoline on the ground, causing auto fluids to enter the sewer drain and contaminating the soil.	9424301
7/23/2019	1909 N Clifton	E000033795	11-4-030(B) Failure to comply w/ special condition #42 of permit, requiring utilizing filters on site catch basins	?	see above	9424301
7/23/2019	1909 N Clifton	E000033796	Conditions detrimental to health public - nuisance, by allowing storage of multiple tires on site containing standing liquid.	?	see above	9424301
6/27/2019	11600 S Burley - Reserve Marine Terminals	E000035474	11-4-760 Handling of windborne material	NONSUIT	Fugitive dust emissions and failure to control dust	678670
6/27/2019	11600 S Burley - Reserve Marine Terminals	E000035474	11-4-2520 Recycling fac permit req'd, permit violation of special condition #32	LIABPLEA	Fugitive dust emissions and failure to control dust	678670



**Table 2. Past CDPH Liability Findings for 1909 N Clifton and 11600 S Burley.**

<b>Date of Violation</b>	<b>Address</b>	<b>Ticket No.</b>	<b>Code Violation</b>	<b>Disposition</b>	<b>Summary of problem based on inspection report notes</b>	<b>Corresponding inspection report ID No. or date of inspection</b>
12/7/2017	1909 N Clifton	E000031106	11-4-2520 Failure to comply with permit special condition #41	Non-suit	South boundary had open 100+ foot gap in fencing	1176374
1/26/2012	1909 N Clifton	E000026603-10	11-4-030 Failure to comply with permit	LIABPLEA	n/a	not included in inspection database
6/21/2010	1909 N Clifton	24036	11-4-030 B2(18) Failure to comply with permit special condition #22	Non-suit	Blue smoke escaping from shredder, blowing offsite	6/21/2010
6/21/2010	1909 N Clifton	24036	7-28-080 Nuisance in connection with a business	Liabile	Blue smoke escaping from shredder, blowing offsite	6/21/2010
9/28/2009	1909 N Clifton	23915	11-4-2520. Failure to comply with permit special condition #22	Non-suit	Failure to control dust	9/28/2009
9/28/2009	1909 N Clifton	23915	7-28-080 Nuisance in connection with a business	Liabile	Failure to control dust	9/28/2009
5/27/2009	1909 N Clifton	20386	7-28-080 Nuisance in connection with a business	Liabile	Shredded material falling into the river	5/27/2009

5/27/2009	1909 N Clifton	20386	11-4-2520. Failure to comply with permit special condition #8	Non-suit	see above	5/27/2009
4/24/2009	11600 S Burley - Scrap Metal Services	10879	7-28-080 Nuisance in connection with a business	Non-suit	Operating without a permit	4/24/2009
4/24/2009	11600 S Burley - Scrap Metal Services	10879	11-4-2520.	Liabile	Operating without a permit	4/24/2009
7/22/2008	1909 N Clifton	10950	11-4-030B Failure to comply with permit stipulation #24	Liabile	No control measures had been taken to control debris from falling into sewer, as evidenced by manholes over sewer basins caked with mud and other debris	7/22/2008
10/4/2005	1909 N Clifton	7981	11-4-2410B Failure to comply with permit special condition #25	Liabile	Failure to repair hole in pavement	9/25/2005
1/2/2002	1909 N Clifton	261	7-28-080 Nuisance in connection with a business	Non-suit	Open fire released smoke into the atmosphere	1/2/2002
1/2/2002	1909 N Clifton	261	(former code section) 11-4-630 Air Pollution Prohibited	Liabile	Open fire released smoke into the atmosphere	1/2/2002