



General Iron Industries, Inc.

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June 21, 2019

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

Re: CDPH Proposed Amendments to Recycling Facility Rules and Regulations

Dear Sir or Madam:

General Iron Industries, Inc. (General Iron) respectfully submits the following comments to the City of Chicago Department of Public Health (CDPH) Proposed Amendments to the Recycling Facility Rules and Regulations proposed on May 6, 2019.

Comment 1:

General Iron requests that the definition of “Consequential Facility” be revised to include a Large Recycling Facility that “b. Conducts the shredding of vehicles or appliances”.

Comment 2:

General Iron requests that the definition of “Noise Disturbance” be revised since there are sounds associated with any Large Recycling Facility (i.e. unloading of scrap from dump trucks, moving of scrap with front end loaders and cranes, etc.) that cannot be avoided and may, at times, be audible at 600 feet from the source depending on the level of background noise in the area.

Comment 3:

General Iron requests that Section 3.1 be removed since the requirement to have a permit application be prepared under the direction of a registered Professional Engineer is unreasonable and unnecessary. The requirements proposed by CDPH for a facility Design Report already require submittal of documents (i.e. survey, drawings, studies) that would need to be prepared by professionals with expertise in their respective fields. Oversight of the entire permit application by a registered Professional Engineer would not provide an additional level expertise that would justify the high cost associated with it.

Comment 4:

General Iron requests that the language in Section 3.9.7.2 regarding a pavement maintenance plan be revised since it is impossible to prevent all ponding, even on newly poured concrete. General Iron understands that the intention of the rule is to prevent stagnation of water at a facility. Due to the volume of activity at large metal recycling facilities, stagnation of water will not be an issue.

Comment 5:

General Iron requests that the language in Section 3.9.7.4 regarding driveways and internal roadways be revised to allow for paving with hot-mix asphalt. Asphalt is more than adequate for such surfaces that are only utilized by on-road vehicles.

Comment 6:

General Iron requests that the language in Section 3.9.9.1 requiring an estimate of water usage be revised since it's impossible to predict future water usage. Water is used on an as-needed basis for dust control and fire suppression. During unforeseen periods of low precipitation, water usage at a recycling facility could increase significantly. Further, it's impossible to predict water usage during an unexpected fire at a facility.

Comment 7:

General Iron requests that the language in Section 3.9.11.1 requiring detailed design drawings and manufacturers' specification sheets for all structure and fixed equipment be revised since such a request is unreasonable and overly burdensome. A Large Recycling Facility could potentially operate hundreds of pieces of equipment as part of its operation including all conveyors, magnets, material separators, etc. The value of such information would not justify the effort and cost associated with the preparation and submittal of the documentation to CDPH.

Comment 8:

General Iron requests that the language in Section 3.9.12.1 be revised by providing an exemption for metal recycling facilities from the requirement to maintain separate tipping floors for comingled and homogenous material. Large metal recycling facilities operate by accepting all loads of recyclable metal in one strategic location and then moving the material, as needed, from that location using front-end loaders and cranes.

Comment 9:

General Iron requests that the language in Section 3.9.12.2 requiring a facility to provide at least 5% of the facility's daily permitted capacity for unauthorized material be revised as this requirement is unreasonable and unnecessary. An insignificant amount of unauthorized materials should enter a facility provided the facility has an adequate material inspection program along with an established line of communication with its material suppliers.

Comment 10:

General Iron requests that the language in Section 3.9.14.1 requiring calculations of the average and maximum number of vehicles generated by the facility as well as an hourly breakdown of facility vehicle traffic be revised since it's impossible to accurately predict future vehicular traffic figures. Recycling is a commodities business with increases and decreases of material flow that are beyond the control of the facility. Providing vehicle traffic figures after the fact is acceptable and reasonable.

Comment 11:

General Iron requests that the language in Section 3.9.14.7 requiring that traffic counts be taken in hourly intervals at all ingress/egress points be revised as this would be unreasonable and costly. Rather, it would be reasonable and acceptable for CDPH to request traffic counts for past time periods since this data should be recorded in a facility's database.

Comment 12:

General Iron requests that the language in Section 3.9.15.1 be revised to state "An estimate of the Liquid Waste to be generated at the Facility...".

Comment 13:

General Iron requests that the language in Section 3.9.15.2 be revised to state "An estimate of Waste to be generated at the Facility...".

Comment 14:

General Iron requests that the language in Section 3.9.18.1 requiring that a perimeter barrier be constructed of concrete, cinder block or brick be revised to allow for other functional options such as solid metal.

Comment 15:

General Iron requests that the language in Section 3.9.18.1 be revised to allow for exemptions where a barrier is not feasible or possible (i.e. along a working barge loading dock).

Comment 16:

General Iron requests that the language in Section 3.9.19 requiring a Storm Water Pollution Prevention Plan (SWPPP) be revised to include a provision exempting facilities from SWPPP requirements if all facility storm water is discharged to a treatment facility (i.e. MWRD). If a facility discharges all storm and sanitary water to a waste water treatment facility then that facility should be required to meet the discharge requirements established by the treatment facility (i.e. Appendix B of the MWRD Sewage and Waste Control Ordinance).

Comment 17:

General Iron requests that the language in Section 3.9.19.3 regarding description of BMPs be revised to state that "The description shall demonstrate that the BMPs are designed and will be maintained to effectively remove the pollutants described in 3.9.19.2 as necessary to meet applicable water discharge standards."

Comment 18:

General Iron requests that the language in Section 3.9.20.1 requiring an inventory of noise-generating equipment and activities at a facility be revised since certain unexpected noises (i.e. explosions inside the shredder, material unloading activities, etc.) are impossible to predict and will vary from one incident to the next.

Comment 19:

General Iron requests that the language in Section 3.9.20.2 requiring a computation of total sound level be revised since the modeling of each noise source would be unreasonably difficult and expensive to perform due to variations in sound levels and locations, distance to zoning boundaries, noise mitigating effects of certain structures, etc. Also, please define/clarify the meaning of the language “computation of the total sound level”.

Comment 20:

General Iron requests that the language in Section 3.9.20.3 be revised by removing the phrase “or constitute a Noise Disturbance” since there are sounds associated with any Large Recycling Facility (i.e. unloading of scrap from dump trucks, moving of scrap with front end loaders and cranes, etc.) that cannot be avoided and may, at times, be audible at 600 feet from the source depending on the level of background noise in the area.

Comment 21:

General Iron requests that the language in Section 3.9.20.4 regarding a noise impact assessment be revised so that the rules apply to shredding of appliances as well as automobile shredding.

Comment 22:

General Iron requests that the language in Section 3.9.20.4 be revised by removing the requirement for a facility to prepare a monitoring plan designed to distinguish noise from onsite and offsite sources. Sounds cannot be identified as being generated onsite or offsite depending on a variety of factors including location of sound relative to property boundaries, atmospheric conditions and wind speed and direction.

Comment 23:

General Iron requests that the language in Section 3.9.22 regarding an air quality impact assessment be revised by requiring any Large Recycling Facility to install equipment necessary to capture and control emissions of Particulate Matter (PM) and Volatile Organic Compounds (VOCs) from shredders that are used to process vehicles or appliances.

Comment 24:

General Iron requests that the language in Section 3.9.22.1 regarding air dispersion modeling study (Study) be revised by removing the requirement to model inconsequential sources (i.e. welding, torching, grinding or cutting activities) since such activities are considered by Illinois EPA to be insignificant unless they are a significant part of a process.

Comment 25:

General Iron requests that the language in Section 3.9.22.1 be revised to specify the data to be used for the Study since, to the best of our knowledge, there is no readily available or reliable data for many of the emission sources outlined in this Section.

Comment 26:

General Iron requests that the language in Section 3.9.22.1 be revised to identify the acceptable sources of concentration-based standards for Toxic Air Pollutants below which are not considered to “harm health” and to identify methods for evaluating acceptable concentrations of mixtures of Toxic Air Pollutants.

Comment 27:

General Iron requests that the language in Section 3.9.22.2 be revised to clarify the meaning of “dust control plan incorporating the results of the Study.” Also, please revise the language to include acceptable methods and procedures for modeling.

Comment 28:

General Iron requests that the language in Section 3.9.22.3 regarding a dust monitoring plan be revised to identify an acceptable source of a wind rose and the period of time that the wind rose must represent.

Comment 29:

General Iron requests that the language in Section 3.9.22.4 regarding an emissions sampling plan be revised such that a facility that conducts shredding of appliances as well as shredding of vehicles is required to sample emissions every five years since the presence of PM10 and VOCs is not unique to shredding of vehicles.

Comment 30:

General Iron requests that the language in Section 3.9.22.4 be revised to specify how testing is to be performed for shredders that do not capture emissions since the majority of metal shredders are not equipped with an emissions capture system (capture hood, ducting and exhaust stack) that is required to perform emission testing. The language

should further be revised to specify test methods, including the use of a temporary total enclosure for shredders that are not equipped with a system to capture emissions.

Comment 31:

General Iron requests that the language in Section 3.9.22.4 be revised to specify whether emissions testing be performed to determine total VOCs or speciated VOCs. The language should further be revised to require submission of an emissions test protocol to CDPH since it is required for a facility to demonstrate compliance with state and federal environmental permits.

Comment 32:

General Iron requests that the language in Section 3.10 be revised to include a description and/or definition of the “Environmental Assessment” referenced in this section along with a list of Environmental Assessment requirements.

Comment 33:

General Iron requests that the language in Section 3.11.1 regarding an operating plan be revised to allow a facility to accept certain “unauthorized materials” as necessary to ensure that such materials are removed from the recycling stream and handled in a safe and appropriate manner. By accepting and isolating certain materials (i.e. compressed gas cylinders, mercury containing devices, PCB ballasts and capacitors, radioactive materials, etc.) a recycling facility provides a valuable service to the community by ensuring that such materials are dealt with properly, despite the substantial costs incurred by the recycling facility to handle and dispose of such materials through permitted waste contractors and disposal facilities.

Comment 34:

General Iron requests that the language in Sections 3.11.1 and 3.11.2 requiring that an operating plan include daily quantities of materials be revised since a facility can only provide maximum quantities or estimated averages. The quantity of material that will actually be delivered is unknown and can only be estimated beforehand or reported after the fact.

Comment 35:

General Iron requests that the language in Section 3.11.1.4 be revised by removing the word “emergency” since such language is misleading and inappropriate unless the unauthorized material poses an immediate risk to the health and safety of facility employees and/or the surrounding community. Unauthorized materials should be allowed to remain on site for as long as state and/or federal rules allow and as required to ensure proper disposition of the materials.

Comment 36:

General Iron requests that the language in Section 3.11.2 be revised to clarify the meaning of “average and peak volume seasons”.

Comment 37:

General Iron requests that the language in Section 3.11.2.5 be revised by removing the requirement to track vehicles by type since metal recycling facilities only differentiate between small vehicles (i.e. pickup trucks) and large vehicles. Large vehicles are not broken down further by type. For example, metal recycling facilities do not differentiate between semi-trailers and roll-offs.

Comment 38:

General Iron requests that the language in Section 3.11.2.6.A be revised to include a definition, with examples, of the term “emergency”.

Comment 39:

General Iron requests that the language in Section 3.11.2.6.C be removed since it’s impossible for a facility to know about complaints that are received by regulatory agencies unless those agencies voluntarily disclose the complaints. Further, a complaint about a facility does not necessarily mean that the complaint is legitimate or that the issue for which the complaint is lodged is attributable to the facility in question.

Comment 40:

General Iron requests that Section 3.11.3.2 and Section 3.11.3.3 be removed since the requirements to provide a list of OSHA-required safety devices and OSHA-required worker air and noise exposure sampling is unreasonable and overly burdensome. It would be acceptable for CDPH to request that a facility comply with all applicable OSHA requirements.

Comment 41:

General Iron requests that Section 3.11.4.6 be revised to state “A description of the responsibilities of all applicable employees in the event of a fire.”

Comment 42:

General Iron requests that the language in Sections 3.11.8 and 3.11.9 regarding the requirement for an operating plan to include vehicle and disposal facility information be revised since this information will constantly change during the term of the Permit. For instance, the quantity of each type of vehicle maintained will change depending on variations in materials received at a facility. Similarly, the number of employees qualified to operate each type of vehicle will certainly vary over time. With regard to waste

disposal, a facility needs the flexibility to send waste to different disposal facilities and utilize different traffic routes based on market conditions, traffic congestion, etc.

Comment 43:

General Iron requests that the language in Section 3.11.9 be revised to require that a facility only send waste to properly licensed/permitted disposal facilities.

Comment 44:

General Iron requests that the language in Section 3.11.12.4 regarding a closure plan be revised to include methods for estimating future closure costs and facility life expectancy.

Comment 45:

General Iron requests that the language in Section 3.11.12.5 be revised to include acceptable methods for demonstrating “sufficient financing”.

Comment 46:

General Iron requests that the language in Section 4.4.1.2 be revised by removing the requirement to surround all outdoor stockpiles on three sides by concrete blocks, walls, or jersey barriers at least four feet in height since certain materials at a Large Recycling Facility need to be accessible by mobile equipment (i.e. front-end loader) from all sides of the stockpile.

Comment 47:

General Iron requests that the language in Section 4.4.1.2 be revised by clarifying that “auto shredder residue” means the waste, generated by the processing of nonferrous material (nonferrous metals and nonmetallic material), that is ultimately sent to a landfill for disposal.

Comment 48:

General Iron requests that the language in Section 4.4.1.2 be revised by allowing auto shredder residue to be stored inside a bunker constructed of steel.

Comment 49:

General Iron requests that the language in Section 4.4.1 and 4.4.2 regarding storage stockpiles and staging areas be revised to allow the maximum height of any outdoor stockpile to be 45 feet and be based on situational factors including, but not limited to, distance from the public way, distance from residential areas, distance from property lines, size and location of adjacent structures, composition of material in pile and dust mitigation measures at the facility. General Iron requests that CDPH also consider the negative

environmental impact associated with handling broader, shorter piles that would need to be handled numerous times, thereby increasing air emissions from material handling equipment.

Comment 50:

General Iron requests that Section 4.4.2.2 and Section 4.4.2.3 be removed since requiring a Large Recycling Facility to process a staged stockpile within two days is unreasonable and overly burdensome. If Large Recycling Facilities are not allowed to maintain a work in process inventory of scrap metal, deliveries from suppliers including demolition companies and smaller recycling facilities would be restricted and the result would be massive backups throughout the industry.

Comment 51:

General Iron requests that Section 4.4.2.4 be removed since it is unreasonable and overly burdensome to expect mass-balance calculations be provided to CDPH on a daily basis. It may be reasonable for a facility to provide calculations demonstrating the amount of time required to process a certain amount of material based on the maximum storage area for such materials.

Comment 52:

General Iron requests that the language in Section 4.5.1 be revised since the requirement to seal or tarp all inbound and outbound vehicles isn't reasonable or practical and it is not a requirement of the Illinois Vehicle Code, which states that "no person shall operate, on a highway, any second division vehicle loaded with dirt, aggregate, garbage, refuse, or other similar material when any portion of the load is falling, sifting, blowing, dropping or in any way escaping from the vehicle". The vast majority of materials entering and exiting a Large Recycling Facility (i.e. clean sheet iron, appliances, shredded steel, etc.) are unlike any of the materials listed above and such materials do not generate dust that would be capable of escaping from a vehicle.

Comment 53:

General Iron requests that the language in Section 4.5.2 regarding rails and barges be revised by removing the portion "but not limited to" since such language implies that a facility would need to employ all of the best management practices listed. A facility should be allowed the flexibility to employ different methods and levels of dust control based on the type of material, weather conditions, method of loading/unloading, etc. Further, CDPH should understand that certain practices (i.e. loading/unloading of a barge or railcar with a cover) are impossible to implement. As an example, gondola railcars which are used to transport loose bulk materials and high-density items such as shredded steel are specifically built with an open top to allow material to be loaded and unloaded.

Comment 54:

General Iron requests that the language in Section 4.6 be revised by removing the phrase “shall not cause a Noise Disturbance and” since there are sounds associated with a Large Recycling Facility (i.e. unloading of scrap from dump trucks, moving of scrap with front endloaders and cranes, etc.) that cannot be avoided and may, at times, be audible at 600 feet from the source depending on the level of background noise in the area.

Comment 55:

General Iron requests that the language in Section 4.6.1 be revised such that a Large Recycling Facility that conducts shredding of appliances is subject to the same standards as a facility that conducts shredding of vehicles.

Comment 56:

General Iron requests that the language in Section 4.6.1.3 regarding a Noise Report be revised to allow raw data collected by the data logger to be submitted to CDPH on a quarterly basis rather than a weekly basis.

Comment 57:

General Iron requests that the language in Section 4.7 regarding water quality standards and monitoring be revised to state that facilities that discharging storm water to a combined sewer system, and ultimately to a waste water treatment facility (i.e. MWRD) are not subject to Appendix A of MWRD’s Sewerage and Waste Control Ordinance, are not required to obtain a NPDES permit issued by IEPA, and are not required to conduct water quality monitoring and sampling.

Comment 58:

General Iron requests that the language in Section 4.8.2 regarding fugitive dust be revised by removing the phrase “into the atmosphere” since emissions of fugitive dust are allowed by U.S. EPA and Illinois EPA as long as such emissions don’t travel beyond a facility property line and the emissions do not exceed applicable opacity standards.

Comment 59:

General Iron requests that the language in Section 4.8.3.5 regarding Reportable Action Levels (RALs) be revised to be consistent with other sources of fugitive dust emissions in the area of the facility. For instance, the Fugitive Dust Monitoring Plans for bulk material handling facilities in the Calumet River Industrial Corridor, including KCBX and S.H. Bell, include RALs that are significantly higher than the RALs in the proposed Recycling Facility Rules and Regulations.

Comment 60:

General Iron requests that the language in Section 4.8.3.6 be revised by identifying the criteria for establishing additional RALs. Please clarify, for instance, whether additional RALs will be established based on health-based standards, NAAQS or some other criteria.

Comment 61:

General Iron requests that the language in Section 4.8.3.8 be revised to allow air monitoring data to be submitted to CDPH on a quarterly basis rather than a monthly basis.

Comment 62:

General Iron requests that the language in Section 4.8.3.9 regarding RAL Notification be revised by removing the requirement to notify CDPH of an exceedance within 15 minutes since the only reasonable way to comply would be to make the notification automatic. This would not allow a facility the opportunity to evaluate the conditions that contributed to the alleged exceedance and would likely result in reporting “false alarms” or exceedances that are not related to facility activities (i.e. off-site vehicle traffic). Automatic notification of an RAL exceedance should be limited to 24-hour concentrations that reasonably threaten to exceed the National Ambient Air Quality Standard (NAAQS). All other RAL exceedances should be reported on a quarterly basis to allow a facility the opportunity to evaluate the conditions that contributed to the alleged exceedance and properly describe any corrective actions taken by the facility.

Comment 63:

General Iron requests that the language in Section 4.8.3.9 be revised by removing the requirement to provide CDPH with average wind speed and wind direction and concentrations of PM10 over a 15-minute period. Such data should be provided over a 24-hour period to be consistent with Comment 62 above.

Comment 64:

General Iron requests that the language in Section 4.8.3.9 regarding RAL Notification be revised to allow for an exception during periods of high winds (i.e. wind speed in excess of 25 mph) consistent with Illinois EPA standards regarding fugitive dust emissions.

Comment 65:

General Iron requests that the language in Section 4.8.3.10 regarding RAL Reporting be revised by removing the requirement to submit a report to CDPH following each day an RAL exceedance occurs at a facility. Since there could potentially be a large number of exceedances of the proposed standard which are not related to onsite activities, the requirement to submit written reports within 24 hours is unreasonable based on the level of effort required, particularly if the alleged exceedance occurs on weekends or non-business days. Further, if such data becomes accessible to the public prior to evaluating

the accuracy or potential contributing factors of the incident, an unfair burden of defense would be placed on a facility.

Comment 66:

General Iron requests that the language in Section 4.8.3.12 regarding quarterly opacity measurements be revised by requiring that testing be performed while the facility is operating at representative operating conditions and by clarifying the types of sources that are subject to opacity testing since the costs associated with measuring opacity will be prohibitively high depending on the number of sources to be measured. Further, the requirement to conduct opacity testing “during a range of weather conditions” is undefined and unreasonable since USEPA Method 9 contains no such requirements.

Comment 67:

General Iron requests that the language in Section 4.8.3.13 regarding a fugitive dust plan be revised by establishing the minimum requirements for a fugitive dust plan in order to ensure consistency of application.

Comment 68:

General Iron requests that the language in Section 4.9 be revised by removing the requirement for a facility to provide sufficient back-up capacity to serve the facility and its operations in the event of a disruption of any utility service. For example, it is not practical or reasonable to expect a facility with a large metal shredder to provide the amount of backup electrical capacity required to operate a shredder of that size.

Comment 69:

General Iron requests that the language in Section 4.11 regarding source and load screening be revised to allow a facility to accept certain “unauthorized materials” as necessary to ensure that such materials are removed from the recycling stream and handled in a safe and appropriate manner. As outlined in Comment 33 above, recycling facilities can provide a valuable service to the community by ensuring that such materials are dealt with properly, despite the substantial costs incurred by the recycling facility to handle and dispose of such materials through permitted waste contractors and disposal facilities.

Comment 70:

General Iron requests that the language in Section 4.12 regarding storage of recyclable materials that may leak fluids or leave oily residue be revised by removing the word “impermeable” since concrete is not impermeable.

Comment 71:

General Iron requests that the language in Section 4.12 be revised to provide an exemption for facilities that install a system to collect storm water and ultimately discharge the storm water to a water treatment facility (i.e. MWRD).

Comment 72:

General Iron requests that the language in Section 4.13 be revised by requiring existing facilities, as well as new and expanding facilities, that process vehicles or appliances to enclose the shredder since the potential for objects to be ejected is not unique to shredding of vehicles. As a matter of safety, all shredders used to process vehicles or appliances should be enclosed to prevent objects from being ejected.

Comment 73:

General Iron requests that the language in Section 4.15 regarding pavement maintenance be revised to state that “broken pavements and potholes shall be backfilled, patched, or repaired within a reasonable amount of time.”

Comment 74:

General Iron requests that the language in Section 4.15.1.2 be revised to allow street sweeping to be conducted a minimum of once per day. Requiring street sweeper cleaning every 4 hours or after 100 vehicle material receipts or dispatches is impractical and overly burdensome.

Comment 75:

General Iron requests that the language in Section 4.16 be revised to allow a facility to contract with an adjacent or nearby recycling facility that could provide sufficient parking for all personnel, visitors, and vehicles used for operations at the facility.

Comment 76:

General Iron requests that the language in Section 4.18.1.1 be revised by removing the word “inadvertently” since there are certain “unauthorized materials” that a recycling facility should be allowed to accept to ensure that such materials are removed from the recycling stream and handled in a safe and appropriate manner.

Comment 77:

General Iron requests that the language in Section 4.18.1.6 be revised since it’s not reasonable or practical that a facility be required to quantify the amount of metal welded as part of maintenance activities.

Comment 78:

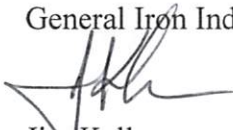
General Iron requests that the language in Section 5 regarding Implementation Schedule be revised to require an Existing Facility to submit a renewal application within two years of the date the final Recycling Facility Rules and Regulations are issued since Recycling Facility Permits are issued by CDPH for a period of 3 years, and it would be unreasonable and unfair to require a new facility to operate under the new rules and regulations while an existing facility conducting the same operation could potentially be allowed to operate under the existing rules for a much longer period of time.

Comment 79:

General Iron requests that the language in Section 5 be revised to clarify the implementation schedule for the requirements in Section 4.

Sincerely,

General Iron Industries, Inc.



Jim Kallas

Sent via email: EnvComments@cityofchicago.org