

KCBX Terminals Company
Proposed Revisions
February 7, 2014

NOTE: Many of the proposed revisions below are interdependent. In the event that not all of these revisions are made, KCBX would need to propose additional revisions.

**CITY OF CHICAGO
DEPARTMENT OF PUBLIC HEALTH**

**ARTICLE II. AIR POLLUTION CONTROL
PROPOSED RULES AND REGULATIONS**

For the Handling and Storage of Bulk Material Piles

Whereas, pursuant to Chapters 2-112 and 11-4 of the Municipal Code of Chicago (the “Code”), the Department of Public Health (the “Department”) is charged with enforcement of environmental regulations within the City of Chicago, including the enforcement of regulations intended to reduce the risk of harm to public health or the environment from air pollution; and

Whereas, pursuant to the authority granted by Section 2-112-160(b) of the Code, the Commissioner of Health (the “Commissioner”) is authorized to issue rules and regulations necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4 of the Code, and is further authorized to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in Chapter 11-4 of the Code; and

Whereas, this general rule-making authority includes any rules necessary to implement Article II of Chapter 11-4 of the Code, Sections 11-4-600 through 11-4-810, the “Air Pollution Control Ordinance”; and

Whereas, this general rule-making authority also includes any rules necessary to implement Article VIII of Chapter 11-4 of the Code, Sections 11-4-1410 through 11-4-1460, “Pollution of Waters”; and

Whereas, Section 11-4-800 of the Code further authorizes the Commissioner to issue rules and regulations to implement Article II of Chapter 11-4 of the Code; and

Whereas, Section 11-4-760(e) of the Code authorizes the Commissioner to promulgate additional rules and regulations for the proper management of any substance or material that may become airborne or be scattered by the wind; and

Whereas, in addition, Section 11-4-770 of the Code provides that, for the purpose of minimizing air pollution, the Commissioner may prescribe, by rules and regulation,

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reasonable, specific operating and maintenance practices for buildings, structures, premises, open areas, automobiles and/or truck parking and sales lots, private roadways, rights-of-way, storage piles of materials, yards, vessels, Vehicles, construction, sandblasting, alteration, building, demolition or wrecking operations and any other enterprise which has or involves any matter, material or substance susceptible to being windborne and for the handling, transportation, disposition or other operation with respect to any material subject to being windborne; and

Whereas, Chicago is a densely populated metropolitan area, such that industrial uses are sometimes in close proximity to residential uses; now, therefore,

I, Bechara Choucair, M.D., Commissioner, Department of Health, City of Chicago, issue the following proposed rules and regulations pursuant to the authority granted to me by Sections 2-112-160, 11-4-760(e), 11-4-770, and 11-4-800 of the Municipal Code of Chicago.

1.0 Scope and Purpose. The purpose of these rules and regulations is to prescribe reasonable, specific operating and maintenance practices to minimize emissions of airborne particulate matter from the storage, blending, handling, Processing, and transport of Bulk Solid Materials as defined herein, including but not limited to ores, coal, and coke, including petroleum coke (“petcoke”) and metallurgical coke (“metcoke”). These rules and regulations apply to any owner, operator, or other person who stores, blends, handles, Processes, ~~transports~~, or uses Bulk Solid Materials.

2.0 Definitions. For purposes of these rules and regulations, the following definitions shall apply:

- (1) ACCUMULATION is any surface deposit of material greater than three ounces in one square foot other than inside an approved storage area, conveyor, transport Vehicle, slurry bin, water collection channel or separation pond.
- ~~(1)~~(2) BLEND or MIX means, prior to conveying to a transport vehicle, combining two or more bulk materials by mechanically stirring the materials.
- ~~(2)~~(3) BULK SOLID MATERIAL means any solid substance or material that can be used as a fuel or as an ingredient in a manufacturing Process that may become airborne or be scattered by the wind, including but not limited to ores, coal, and coke, including petcoke and metcoke, but shall not include construction and demolition materials or materials that are handled or stored pursuant to a recycling, reprocessing, or waste handling Facility permit under Chapter 11-4 of the Code, or materials used in manufacturing cement at a facility that has

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obtained a construction permit and prevention of significant deterioration approval from the Illinois Environmental Protection Agency.

~~(3)~~(4) CHEMICAL STABILIZER is any non-toxic chemical dust suppressant which is not prohibited for the uses proposed in these rules or by any other applicable law, and which meets all applicable specifications required by any federal, state, or local agency.

~~(4)~~(5) COAL is a solid, brittle, carbonaceous rock classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77.

~~(5)~~(6) COKE is a solid carbonaceous material derived from the distillation of coal (including metallurgical coke) or from oil refinery coker units or other cracking Processes (including petroleum coke).

~~(6)~~(7) EXISTING FACILITY is a Facility that is properly permitted by the Commissioner, and subject to a Certificate of Operation issued by the Commissioner, as of the issuance date of these Rules and Regulations and is limited to operations within Facility boundaries as the boundaries exist on the issuance date of these Rules and Regulations.

~~(7)~~ (8) FACILITY is all contiguous land, and structures, other appurtenances, and improvements on the land, used for Processing Bulk Solid Material.

~~(8)~~ (9) FUGITIVE DUST means any solid particulate matter that becomes airborne by natural or human-made activities, excluding [engine combustion exhaust](#) and particulate matter emitted from a properly permitted exhaust stack equipped with a pollution control device.

~~(9)~~ (10) HIGH WIND CONDITIONS is when wind speeds exceed 15 miles per hour.

~~(10)~~ (11) MATERIALS RECEIVED means Bulk Solid Materials received at the Facility by any means, including by truck, rail, boat, or barge.

(12) METALLURGICAL COKE, or METCOKE, is a carbon material resulting from the manufactured purification of multifarious blends of bituminous coal.

~~(11)~~ (13) [MOIST MATERIAL means material with a moisture content of 3% or higher as determined by ASTM analysis of inbound material.](#)

~~(12)~~ (14) OWNER OR OPERATOR means any person who has legal title to any Facility, who has charge, care or control of any Facility, who is in possession of any Facility or any part thereof, or who is entitled to control or direct the management of any Facility.

~~(13)~~ (15) PERSON is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

~~(14)~~ (16) PETROLEUM COKE, or PETCOKE, is a solid carbonaceous residue produced from a coker after cracking and distillation from petroleum refining operations.

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- (17) PROCESS OR PROCESSING means any chemical, industrial, commercial, or manufacturing operation or activity that causes, or has the potential to cause, the emission of airborne particles including, but not limited to, handling, blending, mixing, crushing and screening, ~~transferring, loading, unloading, and stockpiling.~~
- (15) (18) REPORTABLE ACTION LEVEL means the positive difference between the level of PM10 measured at the upwind monitor(s) at a Facility and the level of PM10 measured at the downwind monitor(s) at a Facility which will trigger response activities under a contingency plan pursuant to Section 3.0(3)(g) as established in the Fugitive Dust Plan submitted by a Facility under Section 3.0(3). The Reportable Action Level may vary based on the value of the difference, and based on the concentration of PM10 detected at the downwind monitor(s) at a Facility.
- (16) (19) ROAD means any route at a facility that is not located in an area normally used for staging or storage of material and has with evidence of repeated prior travel by, or is otherwise regularly used by. Vehicles transporting material to or from a facility.
- (17) (20) SEPARATION POND means a container or in-ground basin for separating coke from water by gravity, ~~which has a liquid water surface at all points.~~
- (18) (21) TRANSFER POINT is the location in the storage ~~or~~ handling ~~or transport p~~rocess within a facility where material being moved, carried, ~~or conveyed~~, ~~or transported~~ is dropped or deposited.
- (19) (22) VEHICLE is any car, truck, railcar, ~~off road mobile heavy equipment~~, or marine vessel.
- (20) (23) WATER SPRAY SYSTEM means a dust suppression system technique that uses water or water-based solutions delivered through pipes, tubes, cannons, bars, misters or hoses that are fitted with one or more nozzles and operated at pressures ranging from 1 to 1500 psi.

3.0 Operating and Maintenance Practices. Any Facility that processes, handles, transfers, loads, unloads, stockpiles, ~~transports~~, or stores Bulk Solid Materials shall comply with all of the following requirements:

- (1) Certificate of Operation – Required. Every Owner or Operator of a Facility subject to these Rules and Regulations must possess a certificate of operation issued in accordance with Section 11-4-660 of the Code. The Department reserves the right to impose dust control requirements, in addition to the requirements set forth in these Rules and Regulations, as conditions of the Facility’s certificate of operation.

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(2) Fugitive Dust – Prohibited. The Facility Owner or Operator shall not cause or allow the discharge into the atmosphere of:

- a) Any Fugitive Dust that is visible beyond the property line of the Facility; or
- b) Any Fugitive Dust within the property line of the Facility at any Bulk Solid Material storage pile, Transfer Point, roadway or parking area that, ~~for a period or periods aggregating more than three minutes in any one hour,~~ is equal to or greater than 10% opacity as determined in accordance with 35 Ill. Admin. Code 212-107.

(3) Fugitive Dust Plan – Required. Every Owner or Operator of a Facility subject to these Rules and Regulations must prepare, submit, and follow a Fugitive Dust Plan. The Fugitive Dust Plan shall be updated on an annual basis and submitted to the Department for review and approval on or before January 31 every year, provided that the first Fugitive Dust Plan shall be due within ninety (90) days of the issuance of these Rules and Regulations. If there is any change, modification, or addition to any Facility component described in an approved Fugitive Dust Plan, the Facility Owner or Operator shall submit an amended Fugitive Dust Plan to the Department for review and approval within thirty (30) days of such change, modification, or addition. The Fugitive Dust Plan shall include, at a minimum, the following components:

- a) A site map, drawn to scale, depicting the Facility boundaries and all buildings, roadways and utilities. In addition, the site map shall identify all potential emissions points and depict the footprints of all Bulk Solid Material storage piles;
- b) A calculation showing the Facility's maximum total outdoor Bulk Solid Material storage capacity in cubic yards. If the computed total outdoor Bulk Solid Material storage capacity is less than or equal to 100,000 cubic yards, the Owner or Operator shall provide a written sworn statement that at no time will the total volume of materials stored outdoors at the Facility ever exceed 100,000 cubic yards. In the first Fugitive Dust Plan, due within ninety days of the issuance of these Rules and Regulations, the calculation and, if applicable, written sworn statement shall be certified by signature of an authorized representative of the Owner or Operator and shall be accompanied by evidence of authority to sign on behalf of the Owner or Operator.
- c) A statement showing the maximum quantity of Materials Received at the Facility, in tons, in any period of five consecutive operating days in the prior

year. In the first Fugitive Dust Plan, due within ninety days of the issuance of these Rules and Regulations, the statement of Materials Received in 2013 shall be certified by signature of an authorized representative of the Owner or Operator and shall be accompanied by evidence of authority to sign on behalf of the Owner or Operator.

- d) A description of the wind barrier and all wind barrier specifications pursuant to (6)(c) or (6)(d) below, as applicable.
 - e) A description of all control measures, devices, and technologies to be used to minimize and control Fugitive Dust;
 - f) A dust monitoring plan that describes the placement, operation, and maintenance of the PM10 monitors required under paragraph 3.0(6)(f), including an explanation of the positive difference between background levels of PM10 entering a Facility and the levels of PM10 leaving a Facility that will determine the Reportable Action Level, which Reportable Action Level may vary based on the value of the difference, and based on the concentration of PM10 detected at the downwind monitor(s) at a Facility;
 - g) A contingency plan describing the Owner's or Operator's response activities when the monitors required under paragraph 3.0(6)(f) detect PM10 that exceeds the Reportable Action Level established pursuant to 3.0(3)(f) above, and a contingency plan for an alternative method of monitoring in the event of malfunction or failure of the approved PM10 monitors; and
 - h) A description of the Facility's recordkeeping system, which shall include a schedule for routine inspection and maintenance of the control measures, devices, and technologies, and the identity of the person or persons responsible for such maintenance and testing.
- (4) Enclosure of Bulk Solid Material. The Owner or Operator of a Facility shall maintain all Bulk Solid Materials in fully enclosed structures, except as provided in paragraph (5) below. Fully enclosed structures must meet the following requirements:
- a) Structures used to store Bulk Solid Materials shall be properly maintained, and equipped with and use a permitted air pollution control system, and/or the ability to apply water to product within a structure, sufficient to control Fugitive Dust emissions at designed vents and at any other openings, including entrances and exits;

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b) Structures used to store Bulk Solid Materials shall be designed, permitted and constructed in accordance with applicable Building Code requirements, and, except where a Facility is located on fill material and has Class 2 groundwater pursuant under 35 Ill. Admin. Code 620.220, shall be situated on an impermeable base or pad; and

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c) Any entrances or exits for material or Vehicles shall have overlapping flaps, sliding doors or other devices(s), which shall remain closed except to allow material or Vehicles to enter and leave or to allow people to enter and exit.

(5) Outdoor Bulk Solid Material Storage – When Allowed. For Existing Facilities only, the Facility Owner or Operator may maintain outdoor Bulk Solid Material storage if the Facility at no time exceeds the following limitations; provided, however, that no material Processing, including but not limited to blending, mixing, crushing, and screening, may occur outdoors, except that truck loading and unloading may occur within a wind barrier as provided in paragraph 3.0(7) below:

a) Five-Day Quantity of Materials Received. The quantity of Materials Received, as measured on a rolling five-day basis, where five-days means five consecutive operating days, shall not exceed 10,000 tons;

b) Total Outdoor Storage Capacity. The total outdoor Bulk Solid Material storage capacity, calculated pursuant to paragraph 3.0(3)(b) above, shall not exceed 100,000 cubic yards;

c) Setbacks. Setbacks shall be measured as the shortest distance between the edge of a bulk material storage pile ~~Facility's property boundary~~ and the closest exterior wall of the buildings referenced in (5)(c)(i) and (ii) below; the property line of the outdoor recreational area referenced in (5)(c)(i) below; and the boundary of the public way referenced in (5)(c)(iii) below, as applicable. Setbacks from bulk material storage piles ~~Facility boundaries~~ shall be equal to the following distances;

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i. 660 feet from childcare facilities, preschools, primary and secondary schools, outdoor recreational areas, and hospitals;

ii. 300 feet from residential buildings and other buildings not listed in (5)(c)(i) above, excluding buildings located on Facility property; ~~and~~

iii. 100 feet from public ways other than navigable waterways; and

~~iii~~iv. 50 feet from a public way that is a navigable waterway, except that material in the process of being unloaded from or loaded to a barge may be located within 50 feet of a navigable waterway for a period of time not to exceed 24 hours.

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(6) Outdoor Bulk Solid Material Storage – Best Management Practices. Facilities allowed to maintain outdoor Bulk Solid Material storage piles pursuant to paragraph (5) above shall comply at all times with all of the following requirements:

a) Height Limit. The vertical distance from grade immediately adjacent to a finished, dressed pile to the highest point of that pile shall be no greater than 30 feet, unless water sprays or other alternate measures are implemented to effectively control dust at a greater pile height, in which case the Commissioner shall grant the Facility a variance, but in no event shall pile height be greater than 45 feet. The Facility Owner or Operator shall install and maintain a post or other visible measurement marker to demonstrate the height of each pile;

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~~a~~b) Protection of Waterways. Outdoor storage piles shall be situated on an impermeable base or pad, except where a Facility is located on fill material and has Class 2 groundwater pursuant under 35 Ill. Admin. Code 620.220, and shall be set back and separated from waterways at a distance of at least 50 feet for the purpose of sufficient to ensureing that no materials will fall, erode, be thrown, discharged, dumped, disposed of, or deposited in the waterway at any time.

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~~b~~c) Wind Barrier. The Facility Owner or Operator must install and maintain a wind barrier meeting the following requirements, unless an alternate barrier is approved by the Commissioner pursuant to (6)(d) below:

- i. The barrier shall completely surround the storage pile and immediately adjacent material Processing area(s).
- ii. For access, a movable barrier or a staggered barrier configuration may be employed on one or more sides of the storage pile. Such installation shall be designed and implemented to provide continuous wind protection over the length of the open side(s). At a minimum, the outer barrier shall overlap the inner barrier by at least a tenth of the length of the outer barrier segment at each end of any opening.

- iii. The minimum barrier height shall be the greater of the heights specified in (6)(c)(iii)(1) and (6)(c)(iii)(2) below, plus five feet:
 1. The tallest point of the material storage pile; or
 2. The maximum operating height of any conveyor and/or equipment used to load, unload or otherwise handle stored material. Such height shall include the elevation, relative to grade, of any platform, ramp, or pile that the conveyor and/or equipment is/are expected to operate on.
- iv. The barrier screen material must be between 30 percent and 50 percent porous and shall meet the following requirements:
 1. Screen material must have a demonstrated track record of use for industrial applications for the specific purpose of slowing wind for controlling dust from large dust sources;
 2. Screen manufacturer, supplier, and/or constructor must provide documentation (both field and laboratory) that the proposed screen material has performed as intended for this purpose;
 3. Screen material shall be able to withstand maximum local design wind speeds without any reduction in performance. For the purposes of this requirement, performance is defined as the ability of the screen material to stay in place and not tear or release from the fence structure;
 4. The screen material design must demonstrate the ability not to become plugged with particulate in most conditions. This provision is to prevent the decrease of the screen material's original porosity; and
 5. Screen material must be resistant to the effect of UV rays, exhaust fumes, stored/stockpiled materials and spray from any dust-control and de-icing agents.
- v. A setback distance at least equal to the barrier height shall be provided between the base of the storage pile and the barrier sides.

- d) Alternate Wind Barrier. The Facility Owner or Operator may install and maintain an alternate wind barrier if the Facility Owner or Operator demonstrates, to the satisfaction of the Commissioner, that the alternate barrier design is at least as effective in controlling Fugitive Dust emissions as the wind barrier specified in (6)(c) above, and the Commissioner approves in writing the alternate design.
- e) High Wind Events. Disturbance of outdoor Bulk Solid Material piles, including but not limited to outdoor loading, unloading, and any other Processing, shall be suspended during High Wind Conditions unless alternate measures are implemented to effectively control dust¹. The Facility Owner or Operator must install, operate and maintain, according to manufacturer's specifications, a weather station or other permanent device to monitor wind speed at the Facility.
- f) Fugitive Dust Monitoring. The Facility Owner or Operator must install, operate, and maintain, according to manufacturer's specifications, permanent, continuous Federal Equivalent Method (FEM) real-time PM10 monitors around the perimeter of the Facility, with at least one monitor along each side facing the four cardinal directions (north, south, east, and west) around the Facility, or at other locations described in the Fugitive Dust Plan reviewed and approved by the Commissioner, to monitor for Fugitive Dust in the ambient air around the Facility. All data collected shall be consistent with units in the National Ambient Air Quality Standards for PM10. A data logger shall be attached to the monitors to record readings from the monitors, and the Facility Owner or Operator shall notify the Department, in writing within 24 hours, each time the monitors exceed the Reportable Action Level set forth in the Fugitive Dust Plan and any time monitoring equipment has malfunctioned preventing readings or logging of data.
- g) Time Limit on Piles. Under no circumstances may any load of Bulk Solid Material remain on site for more than one year. The time limit begins when the material is unloaded and placed in a Bulk Solid Material pile.

¹ Note – this language is taken from Section 11-4-760(c) of the current Chicago rules, which states:

Material piles: Owners of construction sites or any general contractor or subcontractor working on construction sites shall employ dust control measures for material piles. These measures shall ensure that no visible dust or dirt from material piles migrates off the construction site or onto the public ways. Work with material piles shall be suspended as necessary during high winds (in excess of 15 miles per hour) unless alternate measures are implemented to effectively control dust.

h) Dust Suppressant System. The Facility Owner or Operator must apply Chemical Stabilizers and/or maintain and operate water spray bars, a misting system, Water Spray Systems and/or water trucks to control Fugitive Dust emissions, in accordance with the following requirements:

i. Except pursuant to 3.0(6)(h)(ii), ~~The dust suppressant-Water Spray sSystem~~ shall be ~~operating~~operable and ~~able to dispensing~~ water, water-based solutions, and/or Chemical Stabilizers at all times unless all bulk storage material piles are covered.

ii. The Water Spray System shall not be ~~out-of-operation~~inoperable for more than 24 consecutive hours unless the temperature falls below 32 degrees Fahrenheit, unless the Water Spray System is capable of operating in temperatures below 32 degrees Fahrenheit.

iii. When the temperature falls below 32 degrees Fahrenheit, the Facility must use Chemical Stabilizers.

i) Runoff Management. The Facility Owner or Operator shall install and maintain stormwater management, erosion and sediment controls to prevent runoff from the pile onto neighboring parcels, the right of way, any water bodies, or into groundwater (except where a Facility is located on fill material and has Class 2 groundwater pursuant to 35 Ill. Admin. Code 620.220) or the public sewers, subject to an approved Stormwater Management Plan pursuant to Chapter 11-18 of the Municipal Code, as applicable.

(7) Truck Loading and Unloading. For enclosed Bulk Solid Material storage piles, the Facility Owner or Operator shall conduct material truck loading and unloading only in an enclosed structure that is either equipped with a Water Spray System to be used as needed to prevent visible dust emissions or vented to permitted air pollution control equipment that is operated during loading and unloading activities. The ends of the structure shall have overlapping flaps that reduce the opening to no greater than 11 feet high by 10 feet wide, sliding doors which shall remain closed except to allow the trucks to enter and leave, or other equally effective devices. For outdoor Bulk Solid Material storage, the Facility Owner or Operator shall ensure that loading and unloading occurs within the wind barrier specified in (6)(c) and in compliance with the requirements for Transfer Points specified in paragraph (14) below.

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(8) Railcar Loading and Unloading. The Facility Owner or Operator shall conduct railcar material loading and unloading only in an enclosed structure that is either equipped with a Water Spray System operated to prevent visible dust emissions, or vented to permitted air pollution control equipment that is operated during loading and unloading activities. The ends of the structure shall have overlapping flaps, sliding doors or other equally effective devices, which shall remain closed except to allow the railcars to enter and leave.

(9) Barge and Boat Loading and Unloading. The Facility Owner or Operator shall conduct barge/boat material loading ~~and unloading~~ only through an enclosed chute that uses a Water Spray System, or an air pollution control system, sufficient to control Fugitive Dust emissions during operations, and which is extended to within five feet of the top of the pile; or is at least five feet below the hatch coaming.

(10) Paving. The Facility Owner or Operator shall pave, with an impermeable material and in a manner sufficient to handle the expected level of traffic at the Facility, and maintain as paved, ~~the following areas:~~

~~a) All non road ground surfaces within the Facility where material Accumulations routinely occur; and,~~

~~a) All roads and Vehicle movement areas~~ within the Facility that are used for transporting or moving material.

~~b)~~

(11) Roadways. In order to clean roads of Accumulations, the Facility Owner or Operator shall use a street sweeper to clean any paved road that is used to transport material inside or within one quarter mile of the perimeter of the Facility and shall comply with all of the following requirements:

- a) The street sweeper shall be equipped with a water spray for use during non-freezing weather, and a vacuum system, to prevent Fugitive Dust during street sweeping;
- b) The street sweeping shall be sufficient so that not more than 4 hours elapses between each street sweeper cleaning or after every 100 truck material receipts or dispatches, but not less than one time daily when the Facility is open for business.
- c) Each 24 hour day, the day beginning at 12:01 A.M., the Facility Owner or Operator shall designate and record whether for that day the Facility Owner

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or operator is street sweeping every four hours or every 100 trucks. The record shall show the date and time when street sweeping was performed and the truck count.

- d) The Facility Owner or Operator shall begin cleaning up material spills of more than three pounds, or that cover more than a square foot, within one hour and continue cleanup operations until the spill is removed.
- (12) Accumulations. The Facility Owner or Operator shall maintain all areas within the Facility not regularly used for storage of material free of any Accumulation, as defined herein, by removing such accumulation of material within 24 hours of that material being deposited.
- (13) Conveyors. All conveyors shall be covered or enclosed conveyors.
- (14) Transfer Points. The Facility Owner or Operator shall maintain all material transfer points in compliance with one of the following:
- a) Total enclosure;
 - b) Water Spray System sufficient to control Fugitive Dust emissions during operations;
 - c) Vented to air pollution control equipment which is in full operation and permitted by the Commissioner; or
 - d) Transfer only moist material and conduct such transfer only in an overhead truck trailer or railcar loader, or chute with a hopper, such that the exposed drop does not exceed four feet from the top of the truck or railcar.
- (15) Transport. When transport is by truck, the Facility Owner or Operator shall ensure that:
- a) All trucks adhere to the posted speed limit within the Facility, which shall be no more than 8 miles per hour;
 - b) Except for Existing Facilities, material is received or transferred only in truck trailers that, within one quarter mile of the perimeter of the Facility, are driven only on paved roads;
 - c) All outgoing material transport trucks, whether loaded or empty, are cleaned so that:

- i. Any part of any tractor, trailer or tire exterior surface, excluding the inside of the trailers, are free of all loose material; and
 - ii. The material removed by the truck cleaning operation is collected and recycled or otherwise disposed of so that it does not result in Fugitive Dust emissions.
 - d) All outgoing material transport trucks, whether loaded or empty, pass through a wheel wash station (except during freezing conditions) and pass over rumble strips that will vibrate the trucks and shake off loose material and dust.
- (16) Vehicle Tarping. The Facility Owner or Operator shall not load material into any truck trailer, railcar, or barge unless it is subsequently and immediately covered, before leaving the Facility, ~~and shall not accept any materials delivered to the Facility unless the delivery Vehicle is covered,~~ in one of the following manners sufficient to prevent material from escaping from the truck trailer, railcar, or barge,
- a) For truck trailers, ~~or~~ railcars or barges, a solid sliding cover or stackable cover on the top of the truck trailer, barge or railcar that is kept completely closed except during loading and, as to barges, during direct transfer of a barge from a facility to a fleeting and/or cover handling facility; or
 - b) For truck trailers, a slot-top type cover that reduces the uncovered open surface area by at least 50% and extends above the trailer top edges without gaps; and either the material contained in the trailer is moist material, or a Chemical Stabilizer is applied to the surface of the material in sufficient amounts and concentration, so as to prevent Fugitive Dust emissions during transport; or
 - c) For truck trailers, railcars or barges, a continuous tarp that completely covers the truck trailer, railcar top, or barge, ~~and for truck trailers, does not contact the material within the trailer.~~ In addition, the tarp shall be installed or the trailer/railcar/barge constructed to prevent wind from entering over the leading edge of the trailer/railcar/barge rim into the interior of the trailer/railcar/barge.

(17) Leaking. Facility owners or operators shall not load material into truck trailers or railcars such that a trailer or railcar leaks liquid that contains material onto roads inside the Facility property. If a truck trailer or railcar leaks liquid that contains

material onto [a road inside](#) the Facility property, the Facility Owner or Operator shall clean the affected property within one hour with a street sweeper or water.

(18) Variance from Operating and Maintenance Practices. The Facility Owner or Operator may apply to the Commissioner for a variance from any Operating and Maintenance Practice set forth in paragraph 3.0 above, other than paragraphs 3.0(1), 3.0(2), 3.0(5)(a), 3.0(5)(b), 3.0(6)(b), and 3.0(6)(i), provided that a variance from 3.0(4) shall not be granted to any Facility that exceeds the thresholds set forth in 3.0(5)(a) and 3.0(5)(b). The request for a variance must be in writing and must set forth, in detail: 1) the reason for the request; and 2) a demonstration that issuance of the variance will not create a public nuisance or adversely impact the surrounding area, surrounding environment, or surrounding property uses. Issuance of a variance is at the sole discretion of the commissioner. A variance may be revoked at any time if the commissioner finds that operation of the Facility is creating a public nuisance or otherwise adversely impacting the surrounding area, surrounding environment, or surrounding property uses.

4.0 Recordkeeping.

(1) Required records. The Facility Owner or Operator shall keep and maintain Facility logs as follows:

- a) Record daily the type and amount of material, in tons, delivered to and from the Facility;
- b) Record on a monthly basis, the total quantity of material, in tons or cubic yards, currently at the Facility;
- c) Record daily, all cleaning and street sweeping;
- d) Record the application of water and/or Chemical Stabilizer pursuant to paragraph 3.0(6)(h) and note any instances when such application is suspended for any reason, including but not limited to, weather conditions;
- e) Record any instances when activities are suspended due to high winds as required by paragraph 3.0(6)(e);
- f) Record the time of discovery, condition (moist or dry and/or depth of material) and removal of any Accumulations pursuant to paragraphs 3.0(11) and (12);
- g) Record the results of the continuous monitoring for Fugitive Dust as required in paragraph 3.0(6)(f), indicate any instances when a monitor detects Fugitive Dust that exceeds the ~~R~~reportable ~~a~~Action ~~L~~Level set forth in the Fugitive Dust Plan, and record the action taken to respond to the detection of Fugitive Dust.

(2) Timeframe for Maintenance of Required Records. All records required to be kept pursuant to these Rules and Regulations shall be kept and maintained at the Facility and be available for inspection for a minimum of three (3) years from the date the record is created.

5.0 Other Laws. These regulations in no way affect the responsibilities of the Facility owner and operator to comply with all other applicable federal, state or City laws, ordinances, or regulations, including but not limited to those regarding the construction, operation, maintenance, and closure of the Facility.

6.0 Implementation Schedule. These Rules and Regulations shall take effect in ~~three~~ four phases as follows:

(1) The following paragraphs shall take effect immediately upon issuance of these Rules and Regulations:

- 1.0 Scope and Purpose
- 2.0 Definitions
- 3.0(1) Certificate of Operation - Required
- 3.0(2) Fugitive Dust Prohibited
- ~~3.0(6)(b) Outdoor Bulk Solid Material Storage - Protection of Waterways~~
- 3.0(6)(e) Outdoor Bulk Solid Material Storage - High Wind Events
- ~~3.0(6)(i) Outdoor Bulk Solid Material Storage - Runoff Management~~
- ~~3.0(11) Roadways~~
- ~~3.0(12) Accumulations~~
- ~~3.0(16) Vehicle Tarping~~
- ~~3.0(17) Leaking~~
- 3.0(18) Variance from Operating and Maintenance Practices
- 4.0(1)(a) Recordkeeping - Daily tonnage
- 4.0(1)(b) Recordkeeping - Monthly onsite quantity
- 4.0(1)(c) Recordkeeping - Daily cleaning
- 4.0(1)(e) Recordkeeping - High wind events
- ~~4.0(1)(f) Recordkeeping - Accumulations~~
- 4.0(2) Timeframe for Maintenance of Required Records
- 5.0 Other Laws

(2) The following paragraphs shall take effect ninety days from the issuance of these Rules and Regulations:

- 3.0(3) Fugitive Dust Plan Required
- ~~3.0(5)(e) Outdoor Bulk Solid Material Storage - Setbacks~~

~~3.0(6)(a) Outdoor Bulk Solid Material Storage – Height Limit~~
~~3.0(6)(b) Outdoor Bulk Solid Material Storage – Protection of~~
~~Waterways~~

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3.0(6)(f) Outdoor Bulk Solid Material Storage - Fugitive Dust Monitoring

~~3.0(6)(g) Outdoor Bulk Solid Material Storage – Time Limit~~

3.0(6)(h) Outdoor Bulk Solid Material Storage - Dust Suppressant System

~~3.0(6)(i) Outdoor Bulk Solid Material Storage – Runoff Management~~

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~~3.0(11) Roadways~~

~~3.0(14) Transfer Points~~

3.0(15) Transport

4.0(1)(d) Recordkeeping - Application of Water or Chemical Stabilizer

4.0(1)(g) Recordkeeping – Dust Monitoring Results

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(3) Except as set forth in 6.0(7) below, the following paragraphs shall take effect six months from the issuance of these Rules and Regulations:

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~~3.0(5)(c) Outdoor Bulk Solid Material Storage – Setbacks~~

~~3.0(6)(a) Outdoor Bulk Solid Material Storage – Height Limit~~

~~3.0(6)(g) Outdoor Bulk Solid Material Storage – Time Limit~~

~~3.0(12) Accumulations~~

~~3.0(16) Vehicle Tarping~~

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~~(3)~~ (4) Except as set forth in 6.0(7) below, the following paragraphs shall take effect one year from the issuance of these Rules and Regulations:

3.0(5)(a) Outdoor Bulk Solid Material Storage – Quantity of Materials Received

3.0(5)(b) Outdoor Bulk Solid Material Storage - Total Outdoor Storage Capacity

3.0(6)(c) Outdoor Bulk Solid Material Storage - Wind Barrier

3.0(6)(d) Outdoor Bulk Solid Material Storage - Alternate Wind Barrier

3.0(7) Truck Loading and Unloading

3.0(8) Railcar Loading and Unloading

3.0(9) Barge and Boat Loading ~~and Unloading~~

3.0(10) Paving

3.0(13) Conveyors - Enclosure Required

~~3.0(14) Transfer Points~~

~~3.0(17) Leaking~~

~~(4)~~ (5) Except as set forth in 6.0(7) below, the following paragraph shall take effect two years from the issuance of these Rules and Regulations:

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3.0(4) Enclosure of Bulk Solid Material

(3) During the one-year period provided in 6.0(~~43~~) above, and the two-year period provided in 6.0(~~45~~) above, and the timeframe of a notice indicating an intent to enclose pursuant to 6.0(7) below, the Facility Owner or Operator shall submit to the Commissioner monthly reports describing the work completed within the previous month, and the work planned in the upcoming month, towards compliance with this section. The address to submit the monthly reports is 333 South State Street, 2nd Floor, Chicago, Illinois, 60604, ATTN: Environmental Inspections.

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(7) Notice of Intent to Enclose

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a) No later than six months from the issuance of these Rules and Regulations, the owner or operator of any facility subject to these Rules and Regulations shall submit a written notification to the Commissioner indicating whether the owner or operator intends to construct an enclosure pursuant to 3.0(4) above.

b) Execution Schedule.

i. If the owner or operator intends to construct an enclosure, such notice shall include an execution schedule for such construction, which shall include estimated dates for completion of engineering, procurement, permitting, and construction of the enclosure, including a deadline for full construction of the enclosure, which in no event shall be more than thirty-six months from the date the notice is submitted.

ii. If the owner or operator intends to shift some or all of its operations to an associated facility it owns or operates during construction of an enclosure at a primary facility, such notice shall identify such associated facility.

iii. In the event that following the submission of an initial execution schedule, events beyond an owner or operator's control such as permitting delays or natural disasters affect the owner or operator's ability to complete the enclosure by the deadline specified in the original notice under 6.0(7)(b)(i), the owner or operator shall

promptly submit a supplemental notice to the Commissioner so stating, and the owner or operator and the Commissioner shall confer and set a revised deadline for full construction.

c) The owner or operator shall complete the enclosure by the deadline specified in the notice or agreed to by the Commissioner upon submission of a supplement notice, unless the owner or operator receives an extension under 6.0(8) below.

d) Except as set forth in 6.0(7)(f) below, at any facility for which an owner or operator submits a notice indicating that it intends to construct an enclosure, and any associated facility designated by the owner or operator, the following paragraphs shall not take effect until construction of the enclosure is complete:

- 3.0(4) Enclosure of Bulk Solid Material
- 3.0(5)(a) Outdoor Bulk Solid Material Storage – Quantity of Materials Received
- 3.0(5)(b) Outdoor Bulk Solid Material Storage - Total Outdoor Storage Capacity
- 3.0(5)(c) Outdoor Bulk Solid Material Storage - Setbacks
- 3.0(6)(c) Outdoor Bulk Solid Material Storage - Wind Barrier
- 3.0(6)(d) Outdoor Bulk Solid Material Storage - Alternate Wind Barrier
- 3.0(6)(g) Outdoor Bulk Solid Material Storage – Time Limit
- 3.0(7) Truck Loading and Unloading
- 3.0(8) Railcar Loading and Unloading
- 3.0(10) Paving
- 3.0(12) Accumulations
- 3.0(13) Conveyors - Enclosure Required
- 3.0(14) Transfer Points

e) Except as set forth in 6.0(7)(f) below, at any facility for which an owner or operator submits a notice indicating that it intends to construct an enclosure, and any associated site designated by the owner or operator, the setback limit of 660 feet in 3.0(5)(c)(i) shall be 300 feet until construction of the enclosure is complete.

(5)f) An owner or operator that submits a notice indicating that it intends to construct an enclosure must confirm that intention and update the

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KCBX Terminals Company
Proposed Revisions
February 7, 2014

Commissioner on the progress of construction in each monthly report submitted pursuant to 6.0(6) above after the date of such notice. If an owner or operator decides not to construct an enclosure after submitting a notice that it intends to construct, the owner or operator shall notify the Commissioner of that decision in the first monthly report submitted after the date on which such decision is made, and the provisions listed in 6.0(7)(d), and the setback limit of 660 feet in 3.0(5)(c)(i), shall take effect sixty days after the submission of that monthly report.

~~(6)~~ (8) The Commissioner may, at the Commissioner's sole discretion, grant extensions of the timeframes provided in 6.0(2), 6.0(3), 6.0(4), and 6.0(~~5~~4), or of an execution schedule under 6.0(7), -upon request and only for good cause shown by the Facility Owner or Operator.

I, Bechara Choucair, hereby promulgate the foregoing Bulk Material Storage Rules and Regulations on this ___ day of _____ 201~~4~~3.

Bechara Choucair, M.D.
Commissioner of Health
City of Chicago

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