

Illinois Association of Aggregate Producers

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February 4, 2014

Bechara Choucair, M.D., Commissioner
Chicago Department of Public Health
Attn: Environmental Permitting and Inspections
333 South State Street, Room 200
Chicago, IL 60604

**Re: Department of Public Health – Rules and Regulations for Bulk Material Storage Piles
Proposed December 19, 2013**

Dear Dr. Choucair:

I am contacting you on behalf of the Illinois Association of Aggregate Producers (IAAP), the trade association representing companies that mine and produce crushed stone, sand and gravel to comment upon the above-referenced rulemaking. Although no aggregate mines currently operate within the city limits of Chicago, IAAP members do operate ready mix concrete yards and concrete recycling facilities within the City that are potentially impacted by your agency's proposed new rules.

The Scope and Purpose of the City's proposed rules and regulations for bulk material storage piles provide that these new requirements are aimed at resolving fugitive dust issues associated with the storage of "ores, coal and coke." However, a key component of this rulemaking, the definition of bulk solid material in Section 2.0(2), is broad enough to also encompass the countless stockpiles of crushed stone, sand and gravel used for a myriad of construction purposes within the city of Chicago. For that reason, the IAAP respectfully requests that you consider amending the definition of bulk solid material to ensure that stockpiles of these construction materials are not unintentionally impacted by the City's proposal.

The rule in question states as follows:

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

This definition clearly exempts IAAP members operating concrete recycling facilities from compliance with these new rules given that such facilities are already under permit by the City.

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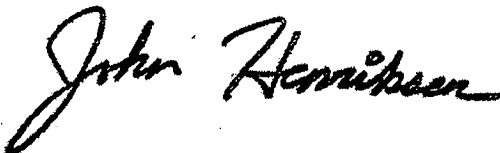
However, it is not clear whether this proposed definition also exempts aggregate stockpiles at permanent or temporary ready mix concrete or hot mix asphalt plants. Specifically, the definition of bulk solid material does exempt construction materials, which would logically exclude the basic components of all construction -- crushed stone, sand and gravel. Yet this definition simultaneously includes "any solid substance and material which can be used . . . as an ingredient in a manufacturing process." Given that crushed stone, sand and gravel are used to manufacture the ready mixed concrete and hot mix asphalt used to build and maintain roads, bridges and numerous public and private structures throughout the City, it is apparent that the provisions of proposed Section 2.0(2) are in conflict.

Ready mix concrete plants and hot mix asphalt plants, as well as aggregate mines, are already subject to the operational standards of air pollution permits issued by the Illinois Environmental Protection Agency, including comprehensive requirements for managing fugitive dust emissions. For that reason, the IAAP respectfully requests that the City's proposed definition of "bulk solid material" be amended to clearly exempt stockpiled construction materials, as follows:

BULK SOLID MATERIAL means any solid substance or material which 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, including but not limited to stockpiles of crushed stone, sand and gravel at building sites, hot mix asphalt plants or ready mixed concrete plants, 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 obtained a construction permit and prevention of significant deterioration approval from the Illinois Environmental Protection Agency.

These proposed changes remove the existing conflicts within the provisions of proposed Section 2.0(2) thereby ensuring that the City's regulations focuses on fugitive dust associated with "ores, coal and coke" instead of inadvertently regulating stockpiles of crushed stone, sand and gravel. The IAAP appreciates the opportunity to comment upon the City's proposed rules.

Respectfully submitted,



John Henriksen, Executive Director
Illinois Association of Aggregate Producers
JCH/gls