

## Hesse, Jennifer

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**From:** Hesse, Jennifer  
**Sent:** Friday, February 07, 2014 11:53 PM  
**To:** Graham, Dave  
**Subject:** Fw: public comments - still february 7th please include in the record

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From: Robert Eckes <robert.eckes@gmail.com>  
Sent: Friday, February 07, 2014 9:42:32 PM  
To: PetCokeComments  
Subject: public comments - still february 7th please include in the record

The following statement is provided by members of R.I.S.E. R.I.S.E. has been active on the Southeast side of Chicago for several years now. The focus of R.I.S.E. is on leadership building, organizing and empowering residents throughout the Southeast Side of Chicago and surrounding communities. Our group was founded on the idea that all people are equal and together we can make a difference in our neighborhoods.

R.I.S.E. members have worked with environmental groups in stressing the need for sustainable development and economic opportunities in our community that will protect the health of community residents and the environment.

As a community we have placed our faith in leaders to create a plan that could bring us justice and allow petcoke facilities to continue to exist with us as good neighbors.

After reviewing the current proposals we now feel that this is unachievable. The provided regulations are watered down and pay little regard to community concerns. The proposed regulations are left at the discretion of an official that the community has no means of holding accountable, from a department that has in the past, been unresponsive to community concerns.

The regulations seem more designed to quiet concerns by providing limited requirements on those responsible for creating hazardous conditions while ensuring those with connections are able to benefit from tarping solutions. This is unacceptable and we now realize that nothing short of the full removal of coal and petcoke piles from the community will be sufficient in addressing community concerns.

Further we see the connection between this issue and other environmental injustices throughout the city. The proposed regulations and ordinances do nothing to address this and environmental justice more so than just dust is at the root of the issue.

We have other hazardous substances being breathed daily by our elderly, we have schools and multimillion dollar housing developments planned on contaminated sites. Dust from new construction projects along with contaminants from existing industry continue to pose a risk to our health and that of wildlife and natural habitats.

For any laws or ordinances to be meaningful, the concept of environmental justice as a whole needs to be addressed, not only for us but for the entire city.

We demand the city focus their efforts on creating an ordinance that will not only address Southeast side petcoke, coal and pollution concerns but also other environmental concerns throughout the city.

City leaders have had an opportunity to bring forth meaningful regulations and rules to ensure every Chicago resident, including those in impoverished minority communities are protected.

Instead, local city council members are striking deals to ensure corporate and business interests are protected. While we understand the need for economic opportunities in our communities, many of these businesses neither employ local residents nor provide opportunity for economic growth that serves local residents.

Issues around global climate change impact all of us and the members of R.I.S.E. recognize this. We urge city, state and federal officials to work towards bringing sustainable energy projects, green industrial development and manufacturing to our community that provide jobs to local residents rather than protecting dirty industry that only endangers resident health without providing local opportunities.

The following are some findings by R.I.S.E. on our review of the deficiencies in the proposed city regulations. For any rules to be adequate these in addition to EJ as a whole need to be fully addressed.

R.I.S.E. findings on regulations.

The regulations are insufficient as there is nothing in the ordinance that specifically defines any penalties for non-compliance.

In Section 2.0 b the definition of bulk materials adds a number of exceptions including other companies in our area that could potentially use petcoke such as cement producing facilities. Some of these facilities have already applied to include petcoke as potential feedstock for their process. Further, the ordinance specifically excludes contamination from construction projects and new developments.

These can potentially negatively impact the health and well being of community residents.

Section 3.0 3 b and 3.0 5 b sets the total outdoor allotment to 100,000 cubic yards which is still a substantial amount of outdoor storage capacity.

Section 3.0 3 f and g say a plan for monitoring of PM 10 is required but this is not non-exceptional and becomes an option set by the commissioner's discretion.

Further it does not monitor finer particulates PM 2.5 that may actually be serving as irritants to the human respiratory system.

The city website accessible as of 2/7/2014 located at:

[http://www.cityofchicago.org/city/en/depts/cdph/supp\\_info/environmental\\_permitsandregulation/what-is-petroleum-coke-.html](http://www.cityofchicago.org/city/en/depts/cdph/supp_info/environmental_permitsandregulation/what-is-petroleum-coke-.html)

States:

"There are no other known illnesses or health effects associated with petcoke dust. This was the conclusion of a report issued by the U.S.

Environmental Protection Agency (EPA) based on available scientific data."

However, the report by the U.S. EPA titled SCREENING-LEVEL HAZARD CHARACTERIZATION and dated June 2011 cites many instances where dust particles from Petcoke, Metcoke, etc. do indeed create irreversible changes in the respiratory systems of tested animals. Further the study demonstrates that they may serve as respiratory irritants. This is especially of concern as the impact on vulnerable human populations remains as of yet, to the best of our knowledge untested.

Based on many of these observations the City has demonstrated that they and the department of health is unable to adequately perform the duties expected under even these regulations.

Further monitoring of PM 2.5 should be a requirement as well and should be non-exceptional.

Section 3.0 4 is not non-exceptional and therefore the descriptions and requirements of fully enclosed structures are at the commissioners discretion.

Section 3.0 5 c i, 3.0 5 c ii, and 3.0 5 c iii set definitions for distances that are currently or very near existing conditions. These are also not non-exceptional and at the commissioners discretion.

Section 3.0 6 c is not non-exceptional and allows a facility to maintain outdoor storage without a wind barrier at the descretion of the commissioner.

Section 3.0 6 c iii 1 sets limits that could still allow wind blown material depending on the width of the storage and is also non-exceptional.

Section 3.0 6 d allows for alternatives to wind barriers such as current efforts by companies to spray down material with the commissioners approval. It also provides no definition for how design comparisons are to be carried out and what the definition of "at least as effective" means.

Section 3.0 6 e and the definition provided on High Wind Conditions does not adequately define High Wind Conditions and is open to interpretation. The definition is broad enough to include sustained winds, burst speeds, etc.

Section 3.0 6 h on dust suppressant systems are not non-exceptional and therefore at the commissioners discretion whether or not they are needed.

Section 3.0 6 h i) runoff management is based on Chapter 11-18 of the municipal code. Section 2.3.2 of the code defines the maximum release rate computation for facilities greater than 76,230 square feet. The maximum release rate is a factor of the total outlet sewage capacity to the site. Section 2.3.7 of the code states that in order to maximize the available capacity of the City's sewer, sites adjacent to waters must discharge directly to those waters. Discharge in this case could potentially mean direct deposit into the river when the calculated rate on outlet capacity is reached. This could potentially be an arbitrarily low number if the existing site outlet capacity is small and thus result in no changes to river run off. This needs to be better clarified and addressed.

Section 3.0 6 14 the definition of transfer points is not provided and therefore open to interpretation. The regulations defined allow for current watering systems that have proved ineffective to continue and these are also not non-exceptional.

Section 3.0 6 15 b provides an exception to existing facilities and therefore allows the use of trucks on unpaved roads increasing dust from road traffic on the facility.

Section 3.0 6 18 allows from variance from the majority of practices defined in the ordinance based on the discretion of the health commissioner. The required demonstration says nothing about health impacts nor is there any description that provides metrics, or definitions of "adverse impacts" or non-creation of a public nuisance. This provides a broad range of interpretation allowable by a non-elected official with little ability for the community to hold directly accountable.

Section 4.0 does not provide any means for public access to records, nor does it define any requirements for the formatting of the records so that they are available for public scrutiny.

Section 4.0 1 g states that records must be kept according to action levels set in the Fugitive dust plan defined in 3.0 6 f. 3.0 6 f does not clearly state how this alert level relates to the National Ambient Air Quality Standards

Section 6.0 puts time frames on certain developments that allow continued outdoor storage for at least two years.

Section 6.0 6 allows the granting of extensions to the timeframes denoted for almost all of the major provisions at the descretion of the commissioner. The text states "for good cause" however there is no definition of what "good cause" is and allows a broad range of interpretations.