

## Rock Crushing Facility Rules Comment

Tonyisha Harris <tharris@ilenviro.org>

Mon 11/1/2021 6:10 PM

To: envcomments <envcomments@cityofchicago.org>

[Warning: External email]

To Whom It May Concern,

Please view the attached comment on the proposed rock crushing rules from the Illinois Environmental Council, Chicago Audubon Society, and Respiratory Health Association.

Best,  
Tonyisha

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November 1, 2021

City of Chicago, Department of Public Health  
Attn: Environmental Permitting and Inspections  
333 South State Street, Room 200 Chicago, IL 60604  
*Submitting via email: [EnvComments@cityofchicago.org](mailto:EnvComments@cityofchicago.org)*

Re: Comments on Proposed Rules for Reprocessable Construction/Demolition Material Facilities

Dear Chicago Department of Public Health,

On behalf of the Illinois Environmental Council and our member organizations, we appreciate the opportunity to provide comments on the proposed rock crushing rules for the City of Chicago. We are concerned the proposed rock crushing rules have limited ability to protect communities from exacerbating air quality problems, and recommend CDPH continues to work with impacted communities to strengthen these rules.

The variability in the application and enforceability of these new rules for new and expanding rock crushing facilities yields skepticism in their ability to protect air quality in neighboring communities. We have outlined the concerns with the proposed rules and proposed alternatives below.

**Health Implications:** Industrial facilities reprocessing and handling construction and demolition materials pose several threats to public health and environment.

- Crystalline silica is a common byproduct from reprocessing and/or handling construction and demolition materials. Potential health risks include silicosis, lung cancer, and other impacts if exposure occurs.
- Throughout the handling process reprocessing, byproducts and waste products are produced that contain toxic substances like lead and heavy metals that can contaminate the soil, water and air.
- Transportation to and from facilities covered by these rules produces fugitive dust and diesel exhaust emissions.

**Applicability:** Proposed new and/or expanding facilities should be required to conduct an air quality study under the March Air Quality Ordinance.

**Air Quality Thresholds and Models:** Using the National Ambient Air Quality Standards (NAAQS) and minimum risk levels (MRLs) for PM<sub>2.5</sub>, PM<sub>10</sub> and NO<sub>2</sub> modeling alone doesn't adequately

address existing health impacts of disparities within Chicago. Health impacts have been shown to occur at levels below the NAAQS and MRLs and these rules do not take into account cumulative impacts of pollution burdens across Chicago. The AERMOD/MOBILE3 being required might be inadequate for the extent of modeling necessary.

Additionally, there are significant shortcomings in the availability of air quality and emissions data that should serve as a baseline for facilities conducting air quality studies. Facilities must use accurate data about existing air quality to gauge a facility's impact on emissions additions, as they are located near residential areas, parks and commercial areas in environmental justice communities.

We would like to propose that CDPH seek out air quality data from Chicago Environmental Justice Network (CEJN) and elsewhere, require onsite (and near site), baseline monitoring for use in modeling of proposed new or expanded facilities, and emphasize the fact that individual NAAQS and MRLs or equivalent thresholds are not the only tests by which the Agency will evaluate air impacts from proposed facilities.

**Strengthening Rules and Enforceability:** Enforcement is a critical component in the success of these new rules and regulations. The proposed rules need to clarify how emitting sources will be held to the assumptions in their modeling demonstrations and what penalties for violating the rules are.

Preventative measures to reduce the spread of fugitive dust should be taken in order to further protect the environment and public health. The following preventative measures that should be mandated by CDPH are:

- Enclosure of processing areas and storage piles should be required as they reduce the spread of fugitive dust.
- Ceasing operations during high wind conditions, especially for outdoor Bulk Solid Material piles.
- Requiring use of Zero Emission technologies and other diesel mitigation measures.
- CDPH should require evaluation of ultrafine particles and NO<sub>2</sub> under proposed rules.
- Change "facility" definition to protect against improper segmenting of nearby and closely related operations.
- Requiring that pavement is sufficiently strong and robust to withstand the degree of heavy-duty vehicle operations.
- Evaluate whether Chicago's general purpose vibration requirements are sufficient for this industry.

**Strengthening Public Participation:** Permit requirements for reprocessible construction and demolition material facilities should require robust public participation. Considering that these facilities are or will be located in environmental justice communities, and the two proposed facilities along I-55 and the Southeast Side will not be subject to the public participation measures in the March Air Quality Zoning Ordinance, additional requirements need to be made. 90 days is not a sufficient timeframe to allow for public comment and should be extended.

**Removing the Loophole for Facilities Processing and/or Handling Aggregates, Concrete and Other “New” or “Frontend” Construction Materials:** Along with the above concerns and considerations, we’d like these rules to encompass facilities that use aggregate to create asphalt, which can be extremely damaging to the environment and public health. Considering that the affected facilities are along the I-55, or Industrial Corridor, it is of utmost importance that these rules holistically regulate debris-related activities. This poses a potential environmental justice threat to communities overburdened by harmful air quality. Some current examples of facilities that include aggregates and fugitive dust concerns are:

- MAT Asphalt
- Ozinga
- Chicago Rail and Port, LLC

### **Conclusion**

Thank you for your engagement with us on these proposed rules. We are happy to have a follow-up conversation and collaborate on this initiative for the next iteration of the rock crushing rules.

Sincerely,

Illinois Environmental Council  
Chicago Audubon Society  
Respiratory Health Association