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Toweralloys.com

VIA E-MAIL TRANSMISSION

Department of Public Health
Attention: Environmental Permitting & Inspections
333 South State Street, Rm 200
Chicago, Illinois 60604

Re: Proposed Rules for Large Recycling Facilities

Dear Commissioner:

We are writing to you in order to provide comments to the "Proposed Rules for Large Recycling Facilities" promulgated by your Department. Our company, Tower Alloys, Inc. (hereafter, "Tower") operates a recycling facility located at 330 N. California Avenue in the 27th Ward.

Tower has operated at its North California Avenue location since the 1980s and currently employs approximately 17 full time employees and varying numbers part time and temporary employees. Many of our employees reside nearby and some arrive at the job via public transportation. We believe that we support our local community by providing employment to persons that might not otherwise have a job.

We are licensed by the City and have been routinely inspected by the City and we believe that our record of compliance with City requirements has been excellent. We have strived to improve conditions at our facility continuously and have worked together with inspectors to implement many of their sound recommendations over the years.

Tower is located in a PMD, abutted by a stone wall embankment supporting rail lines (Metra and freight), with much of the proximate neighbors being industrial/manufacturers and commercial operations. Tower pays approximately \$50,000 in annual real estate taxes at this facility.

Please be advised that "our neighbor", Universal Scrap Metals, Inc., operates a recycling facility at 2500 West Fulton Street and has similar concerns about the Proposed

Rules. We understand Universal Scrap Metals, Inc. plans to also submit comments to your Department.

PRELIMINARY COMMENTS

At the outset, we understand and share the Department's concerns for the environment. To this end our industry directly contributes by ensuring the recycling of metal scrap which is shipped to facilities that re-melt the scrap into new product to be used in further manufacturing. We believe that our respective business operations benefit the City as part of the "green agenda" by providing service to countless Chicago-based companies that generate recyclable metals as a by-product of their manufacturing operations. We also believe that we benefit the community and City at large by providing employment to local residents.

We further believe that our business operations are inconsistent with the operations of some companies that, due to the nature of their operation, are a major source of environmental concern and seems to be the focus of what the Proposed Regulations seek to address. More specifically, we understand that shredding operations generate considerable noise and air pollution, create potentially hazardous by-products, and can be a source of discomfort to the surrounding community, particularly in residential areas.

Tower does not have a shredding operation. We are an 'industrial based' metal recycler and nearly all our material is sourced from manufacturers and brought to our facility on trucks owned by independent dealers in containers that are filled by the manufacturer at their site. Further, Tower is not open to the 'public'; we do not have lines of cars and alley scavengers waiting on the street to sell us their materials. Current industry conditions are such that scrap arrives to our facility less frequently and in mostly full truckload quantities as opposed to the stream of smaller partial loads, which were a hallmark of the past. Our operations, in general, include loading/unloading, sorting/separating, and combining like-kind materials. We use equipment such as cranes, loaders, forklifts, and skid-steers to process our material. No shredding is part of our operations.

In general, based upon the aforementioned statements, our operational and environmental record, experience and longevity in both the City and industry, we believe that the Proposed Rules for Large Recycling Facilities will be overly burdensome and create a *financially unviable* situation for non-shredding recycling operations. The Proposed Rules conflate recyclers based upon land area and volume of material processed, as compared to the processes engaged in by operators at their facility (shredder/non-shredder). While we comment (below) on the Proposed Rules, we would suggest that non-shredding companies such as Tower be exempted from said Rules (for the reasons stated herein) or in the alternative, the City should include in its Proposed Rules a "subset" or other exception for non-shredding, industrial-based (no public) operations be adjoined. Said rules would maintain the status-quo, on a relative basis, of the current rules and allow for the continued operation of our facilities at present employment levels.

SPECIFIC COMMENTS TO THE PROPOSED REGULATIONS

Comment 1

The definition of “Consequential Facility” should be revised to: (i) define ‘mechanical sorting equipment’ and (ii) specifically include mention of shredding activities

Comment 2

The definition of “Hazardous Waste” should be revised to mirror or reference appropriate federal and State law such as the RCRA. Subjectivity and interpretation are required as it is written.

Comment 3

The use of a professional engineer to prepare the application should not be a requirement of non-shredding operators. It is costly in terms of time and added expense.

Design Report

Comment 4

Revise the requirement of Plot Plan to remove ‘topographical contours at a two-foot minimum including footprints and volumes of stockpiles’, at least in the instance of non-shredding operators such as Tower that are presently operating in the City. This is burdensome, costly and difficult to accurately calculate as industrial business volume ebbs and flows are based upon the requests sent to us by manufacturing customers, all dictated by the economic business cycles. They do not support “set schedules”, much less calculations for anticipated volumes.

Comment 5

USGS Site Location Map revised to remove ‘identifies *any feature...*’, at least in the instance of non-shredding operators such as ours that are presently operating in the City. This is overly burdensome, costly, and not practical.

Comment 6

Pavements to be revised to remove ‘shall demonstrate’ and ‘cross-sectional drawings’.

We have operated utilizing concrete and asphalt for vehicle traffic. These materials have proven to be durable and cost effective.

Comment 7

Structures and Fixed Equipment should be revised to remove 'detail design drawings and manufacturers specification sheets' as well as 'calculations of handling capacity of all structures and fixed equipment' as overly burdensome and impractical.

Comment 8

Tipping floor and Storage Capacity to be revised. The present language is ambiguous and burdensome. Materials received by our respective companies are based upon industrial customers requesting pickups; there is no "set schedule". Drawings depicting horizontal and vertical limits of all materials in all locations is not practical as noted. Further, dedication of 5% of space for Unauthorized Material is not practical. Our customers are informed that we do not recycle Unauthorized Materials and we will not accept such materials.

Comment 9

Traffic to be revised to remove 'shall Demonstrate' and 'calculations of average and max vehicle/hourly breakdown of vehicle traffic'. This is not practical. Traffic generated depends upon the industrial customers requesting pickups. Also, Stacking Plan to be revised to remove 'peak facility hours'. Relief in entirety for 'non-public' operations.

Comment 10

The "Perimeter Barrier" requirement should be revised to exclude existing operations such as ours. Our neighbors are primarily industrial/warehouse and commercial or the Metra RR. It is burdensome and costly to put an 8' concrete wall (or like kind) around the entire property – particularly areas where there are buildings or other structures. Also, 'demonstrate' that barrier along with BMP will control noise, dust, litter, etc...are burdensome. As mentioned above, our operations do not include shredding. We are bordered by embankments with rail lines and other industry as well as significant traffic (not related to our facility) that generate noise, dust, litter etc...

Comment 11

Inventory of potential pollutants to be revised to remove 'and their sources' as impractical. We cannot possibly know where sediment comes from, for example.

Comment 12

Noise Impact Assessment to be revised to exclude non-shredding operators presently

operating in the City. As noted above, our operations are located adjacent to rail lines operated by Metra and private railways as well as highly trafficked roadways such as California Avenue and Fulton Street. This study is impractical as we generate relatively low noise levels and even more so when compared to the trains and constant vehicles on the roadways.

Comment 13

Air Quality Impact Assessment to be revised based upon operational activities to exclude non-shredding operations such as ours. As mentioned before, we believe the nature of our operations (non-shredding) does not create noise and air pollution to the levels that the City is concerned about for public health.

Operating Plan

Comment 14

Types of Recyclable Material to be revised. We cannot know what is coming and when – on a specific level. Additionally, description of all of the specific source locations is not practical.

Comment 15

Quantity of Recyclable Material to be revised. Daily quantities and related descriptions as well as average and peak volumes is not known ahead of time. Industrial business is based upon customer request and business cycles.

Comment 16

Devices, apparatus, and Processes to be revised. As noted above, the level of detail is too cumbersome to achieve. Material flow between processes, processing rates, mean staging time, inflow/outflow rates, peak daily, weekly, monthly and seasonal periods are difficult to calculate as we are not operating a shredder.

Operating Standards

Comment 17

Storage Stockpiles to be revised. It is inefficient and impractical to surround all materials on 3 sides. Material volumes ebb and flow (we cannot know how much space is needed from day-to-day for all items) and need to be accessed from more than 1 direction. We currently maintain neat designated piles that are marked.

Comment 18

Staging Areas to be revised. It is difficult to be precise as to volume of material processed in two days, and further, to demonstrate that material is actually processed within 48 hours

from arrival. It is also not possible to mass-balance this material on a daily basis.

Comment 19

Vehicles to be revised to follow Federal and State DOT rules.

Comment 20

Noise Monitoring to be revised. We believe our operations generate minimal noise, particularly in light of the level of noise generated by trains and vehicle traffic not associated with our facility, as noted above.

Comment 21

Fugitive Dust to be revised to include only shredding operations.

Comment 22

The "Sweeping" requirement should be revised to exclude non-shredding operations. As we have noted above, we believe that our operations do not generate significant levels of noise and air pollution, particularly in contrast to that generated by rail and vehicular traffic. Also, as we are at a dead end of the street, dust is contained mainly within our yard and we maintain cleanliness of the street ourselves on a regular basis.

Very truly yours,



Stuart Muller, President

Tower Alloys, Inc.