

ALI ALAVI
Sr. Vice President - Corporate Affairs

4955 STEUBENVILLE PIKE
SUITE 405
PITTSBURGH, PA 15205

WWW.HORSEHEAD.NET
AALAVI@HORSEHEAD.NET

F 724-773-2212
F 412-788-1812
C 412-974-8734



January 9, 2014

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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 17, 2013**

Dear Sir or Madam:

Horsehead Corporation (“Horsehead” or the “Company”) respectfully submits this letter to request an extension of time in which to comment on the City’s proposed Rules and Regulations for Bulk Material Storage Piles (the “Proposed Rule”). Horsehead is a leading U.S. producer of specialty zinc and zinc-based products and a leading recycler of zinc-bearing material, including electric arc furnace (“EAF”) dust. The Company owns and operates a recycling facility within the City of Chicago limits where EAF dust containing approximately 20 percent zinc is recycled to produce two products: Waelz Oxide, which is used as a feedstock for the production of zinc and value-added zinc products, and Iron Rich Material, an iron-rich slag that is sold to cement and asphalt producers. Horsehead recycles approximately 140,000 tons of EAF dust annually at its Chicago facility (over 600,000 tons annually company-wide), all of which is directly placed into the recycling process upon delivery, and which would otherwise be disposed of in a landfill. This places the Company among the leading promoters of the principles of sustainable development.

In general, we support the City of Chicago’s efforts for controlling fugitive dust emissions. However, we are concerned that a reactionary regulatory response to the August 2013 pet coke dust incident has contributed to an overly broad Proposed Rule which does not include an appropriate evaluation of technical feasibility or an appropriate balancing of economic and environmental factors. Further, the Proposed Rule does not account for differences in the types of bulk materials that may be subject to the Proposed Rule.

We are further concerned that the hasty development of the Proposed Rule has precluded adequate notice to the full class of facilities covered by its very broad reach, and that the City has thus failed to engage all appropriate stake holders. For example, the City of Chicago’s December 19, 2013 press release regarding the Proposed Rule indicates that the current regulatory efforts are specifically targeted to protect residences from petroleum coke and

metallurgical coke dust. Thus, as framed, the City's outreach on the rule has failed to notify other operations which may become subject to the Proposed Rule based upon the outdoor storage of materials other than pet coke or met coke. The press release quotes Mayor Emanuel as stating, among other things...."we are working to force these petroleum coke facilities to either clean-up or shut down". Indeed, comments to the proposed rule are to be submitted to: "petcokecomments@cityofchicago.org". Additionally, US Senator Dick Durbin's December 13, 2013 press release focuses specifically on the nearby petroleum coke storage sites. This publicly expressed purpose of the rule fails to inform all affected facilities of the full breadth of the Proposed Rule.

The Proposed Rule specifically targets "airborne particulate matter from the storage, blending, handling, processing and transportation of bulk solid materials as defined herein, including but not limited to, ores, coal and coke, including petroleum coke and metallurgical coke." The proposed rule goes on to define bulk solid material to mean "any solid substance and material which can be used as fuel or *as an ingredient in a manufacturing process* that may become airborne or scattered by the wind". There are many industrial facilities which may be immediately impacted by the Proposed Rule which store materials other than pet coke and met coke.

Horsehead as well as other entities potentially covered by the broad reach of this Proposed Rule have not been provided the opportunity and benefit of working with the City to craft and mold an appropriate rule to address fugitive dust issues; opportunities which we understand have been provided to companies which store and handle coal and pet coke materials. The failure to provide adequate notice of and equal opportunity to discuss the development of the rule to all facilities covered by the Proposed Rule renders the process discriminatory, does not meet the minimum requirements of due process and has failed to engage all interested stakeholders.

Some examples of issues apparently not fully considered:

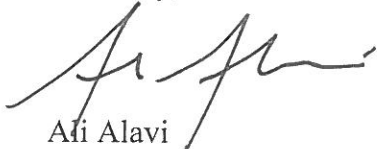
- Consideration of fully permitted facilities with City of Chicago approved Fugitive Dust and Contingency Measures Plans;
- Consideration of facilities with Title V permits issued by Illinois EPA pursuant to the Clean Air Act;
- Consideration of compliance with existing fugitive dust prohibitions by facilities with approved Title V permits and/or Fugitive Dust and Contingency Measures Plans;
- Identity of all classes of facilities covered by the Proposed Rule;
- Impact of the Proposed Rule on the entire class of facilities covered by the rule;
- Time necessary to attain all required building permits and environmental permits prior to commencing construction;

- Economic and technical feasibility of Proposed Rule on the entire class of facilities covered by the Proposed Rule; and
- The detrimental economic impact on the class of facilities covered by the Proposed Rule and the adverse impact on their respective communities.

We believe there are many other classes of facilities covered by this overly broad Proposed Rule which support many vital Chicago communities with direct and indirect jobs and taxes; support which in many instances may well evaporate due to the hasty promulgation of the Proposed Rule. Such harsh impact is likely to be the direct result of the City's failure to provide adequate notice and opportunity for the entire class of facilities covered by the proposed rule to work with the City to craft a healthy and economically balanced rule to further address fugitive dust issues in the city of Chicago.

Accordingly, Horsehead Corporation, as one of the many other broad class of facilities covered by the rule but not identified as pet coke and coal facilities, respectfully requests a 90 day extension of time in which to evaluate the manner, nature, structure and economic impact of this Proposed Rule in an effort to work with the City to craft a balanced approach.

Sincerely,



Ali Alavi