



DEPARTMENT OF PUBLIC HEALTH
CITY OF CHICAGO

January 26, 2015

John Marta
Plant Manager
Horsehead Corporation
2701 E. 114th Street
Chicago, IL 60617

RE: Horsehead Corporation
2701 E. 114th Street
Request for Variances from Air Pollution Control Rules and Regulations
for Control of Emissions from Handling and Storage of Bulk Material Piles

Dear Mr. Marta,

On behalf of the Commissioner of the Chicago Department of Public Health ("CDPH"), I am writing in response to the June 13, 2014 request from Horsehead Corporation, (hereafter "Horsehead"), for variances from certain of the above-referenced Rules and Regulations (hereafter "Bulk Material Rules" or "Rules"). Under Section 8.0 of the Bulk Material Rules, the burden of proof is upon the applicant for the variance to demonstrate that issuance of the requested variance will not create a public nuisance or adversely affect the surrounding area, the surrounding environment, or surrounding property uses. In the event that the applicant does not meet this burden, the variance request will be denied.

At this time, CDPH finds that Horsehead's application is incomplete, and provides an additional 30 days from the date of this letter to provide additional information needed to complete our review of your request, as specified below.

- 1) First, with respect to Section 3.0(2)(c) of the Rules, and Horsehead's request to be allowed to use Method 9 to measure opacity, please note that CDPH corrected a typographical error in this section. The reference to 35 Ill. Admin. Code 212.107 should have been 35 Ill. Admin. Code 212.109. Accordingly, Method 9 is the correct method for measuring opacity under the Rules, and a variance is not required. However, if Horsehead still seeks a variance from any part of this section, please let us know.
- 2) With respect to Section 3.0(4), and the requirement to install, operate, and maintain fugitive dust monitors, Horsehead states that this requirement imposes an arbitrary and unreasonable hardship. Horsehead provides some cost information for installing monitors, but does not explain how such expenditures pose a hardship. Horsehead further states that "The limited quantity and high moisture content of Horsehead's petcoke/metcoke material and the density and 'crusting' characteristics of its IRM do

not present any significant risk of exceeding acceptable levels of PM-10 emissions.” In support of its request, Horsehead supplied, among other things, results of opacity testing showing that opacity at the facility during the two test days was 0% with limited exceptions that did not exceed 5%. While the opacity observations occurred at a number of locations, the documentation provided did not explain whether or not the test observed the full range of activities that are conducted at the site, including mixing and processing, bull dozing and grading, drop operations, and vehicle and equipment travel over bulk materials.

Therefore, please provide detailed information demonstrating that there will be no off-site fugitive dust impacts from all of the material handling activities that take place at the site. In addition, please provide detailed evidence that installing the monitors would cause an unreasonable hardship.

- 3) With respect to Section 3.0(8)(d), Horsehead requests a variance from the requirement to install a wheel wash station and rumble strips. However, as Horsehead notes, Section 3.0(8)(d) of the Bulk Material Rules allows the approved Fugitive Dust Plan to specify other measures to ensure that the trucks will not cause any track-out of materials onto the public way. We note that Horsehead’s June 11, 2014 Fugitive Dust Plan, which is pending approval by CDPH, includes a discussion of truck cleaning and roadway cleaning. Thus, if Horsehead believes that the materials submitted adequately demonstrate that the current measures are effective to ensure that trucks do not cause track-out from the facility onto the public way, then please withdraw this variance request. If CDPH determines that additional measures are required, these may be addressed in the Fugitive Dust Plan.
- 4) With respect to Section 5.0(5)(b), Horsehead requests an exemption from the requirement to apply dust suppressants when temperatures fall below 32 degrees, noting that it is not feasible to use its new water cannon system either to apply chemical stabilizers or to have this system include a water heating system for operation during below freezing temperatures. However, the request does not specify any alternative measures to be taken during freezing conditions. In addition, while the request mentions that IRM generates very little fugitive dust, it does not mention the outdoor coke piles.

Please provide greater detail explaining why it is not feasible to apply heated water or chemical stabilizers during freezing temperatures. Please also provide detailed information describing any contingency plan or alternative methods that will be implemented to control dust if dust suppressants cannot be applied due to freezing temperatures.

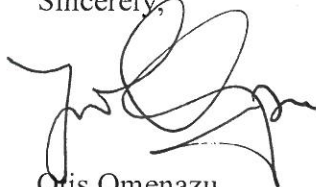
- 5) Three of the items in Horsehead’s variance request asked for an extension of time. The timeframe in the request has since passed. Therefore, please advise CDPH whether or not Horsehead still requests an extension of time for any of the requirements.

CDPH Request for Additional Information
Horsehead Corporation
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Finally, if there is any further information that Horsehead believes is relevant to meeting its burden of proof in connection with its variance request, or which it would like to make part of the record for the City's consideration of this issue, it is invited to do so. In addition, if Horsehead wishes to respond to any public comments regarding its variance request, it is also invited to do so. The public comments are posted on the City's website at www.cityofchicago.org/environmentalrules.

Please submit the above-requested information to my attention within thirty (30) days. If you have any questions, please call me at (312) 745-7206.

Sincerely,

A handwritten signature in black ink, appearing to read 'Otis Omenazu', with a large, stylized flourish above the name.

Otis Omenazu
Chief Air Engineer