



July 14, 2014

Department of Public Health  
Attn: Environmental Permitting and Inspections  
333 South State Street, Room 200  
Chicago IL 60604

**RE: Variance from the City Rules and Regulations Pertaining to the Handling and Storage of Bulk Material Piles**

Dear Sirs:

On behalf of the Illinois Manufacturers' Association, I write in strong support of a requested variance on behalf of KCBX Terminals Company to the newly imposed rules governing the storage and handling of coal and petcoke in Chicago.

The new rule promulgated by the Department of Public Health specifically allows for variances. To date, a total of six companies have requested variances showing that the rule creates unintended compliance difficulties that can only be addressed through the rule's variance procedures.

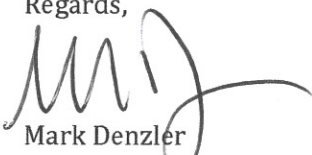
In this particular case, KCBX is seeking a variance so that they can ultimately meet the final goal of the new rule which is the construction of a fully enclosed facility for the storage and handling of petroleum coke.

Air and soil sampling data clearly demonstrates that the neighborhood will be protected by existing dust suppression programs during the time period that the variance would be in place. As you know, KCBX has already invested more than \$30 million to upgrade the facility that includes a state-of-the-art dust suppression system that went online in November 2013.

The Illinois Manufacturers' Association commented on the original rulemaking and continues to believe that scientific data and United States Environmental Protection Agency findings clearly show the coal and petcoke are safe products. While we do not believe that CDPH's rule mandating covered storage of these facilities is an appropriate policy, our member companies are free to choose whether they will continue operating under this burdensome rule. In this case, KCBX would like a variance so that they can continue operating while they construct their enclosed facility and the IMA supports their request.

Thank you for your consideration in approving this variance request.

Regards,



Mark Denzler  
Vice President & COO

Cc: Bechara Choucair, M.D., Commissioner of Health