March 18, 2015

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

Re: Carmeuse Lime, Inc. Variance Request

To Whom It May Concern:

Thank you for the opportunity to comment on the application of Carmeuse Lime, Inc. (hereinafter "Carmeuse") for variances from the Department of Health's Rules and Regulations for Control of Emissions from the Handling and Storage of Bulk Material Piles ("Rules"). These comments are submitted on behalf of the Natural Resources Defense Council ("NRDC") and our nearly 10,000 members and activists in the City of Chicago, including those who reside on the Southeast Side in the Calumet area, as well as the Southeast Environmental Task Force ("SETF"), an active community group dedicated to improving the Calumet neighborhood's environment. For the reasons set forth below, the application is incomplete and fails to demonstrate that the requested variances will not have an adverse impact on the community and environment, and thus the request should be denied.

According to information derived from the demographic feature of U.S. EPA's ECHO database, there are 20,982 people who live within a one mile radius of the applicant's facility.[1] More than 87% of the people who live within this one mile radius are Hispanic (79.47%) or African-American (8.81%).[2] U.S. EPA's ECHO database also indicates a total of 8,857 households in this one mile radius, with a total population of 6,570 children 17 years and younger.[3]

The applicant's facility is located adjacent to the Calumet River. Google Earth images appear to show large outdoor storage piles on the applicant's facility, including piles adjacent to the Calumet River. The Calumet River is used extensively by recreational watercraft. Other outdoor storage piles are on the east side of the facility, directly adjacent to nearby residential neighborhoods. In fact, the entire eastern perimeter of Carmeuse is adjacent to densely populated residential neighborhoods of Chicago's East Side community. Vehicle traffic entering-and-exiting the applicant's facility must use 106th Street or 103rd Street, both busy public roads that are also extensively used by East Side residents. The facility also has docking areas to accommodate barge traffic as well as rail lines.

[1] http://echo.epa.gov/detailed-facility-report?fid=110030776275
[2] Id.
[3] Id.

Initial Public Requests

NRDC-SETF request CDPH to consult with the U.S. EPA and IL EPA regarding an aspect of the applicant's operations that is directly relevant to the applicant's claims and CDPH's review process. According to U.S. EPA's ECHO database, there are a series of federal and state enforcement activities arising from Carmeuse's operations. ECHO lists seven Illinois Notices of Violation since 2010, more specifically, on June 24, 2010, April 13, 2011, May 25, 2011, October 13, 2011, May 24, 2013, July 22, 2013, and, June 10, 2014.[4] In addition, as of March 14, 2015, ECHO identifies an "unaddressed violation" related to Clean Air Act compliance.[5] ECHO further characterizes the facility as experiencing a "significant violation" related to Clean Air Act compliance that extends for 10 of the past 12 quarters of facility operations.[6]

NRDC-SETF are not in the same position as federal and state regulators to evaluate the compliance and permitting status of the applicant's facility. Consequently, NRDC-SETF request consultation and an independent assessment among local, state and federal regulators regarding these compliance and enforcement matters, and that CDPH incorporate these considerations into its deliberative process in the manner it deems appropriate to protect public health, safety and welfare.

Operating History

NRDC-SETF request CDPH to view the present variance request in light of several enforcement actions initiated by U.S. EPA arising from Clean Air Act compliance at the applicant's facility.

On September 26, 2005, U.S. EPA-Region 5 and Carmeuse entered into a Consent Agreement and Final Order, a copy of which is attached to these comments and labeled as NRDC-SETF Attachment One. The Factual Allegations which are contained in this Agreement and Final Order include the following:

> 30. U.S. EPA conducted an inspection of the Carmeuse South Chicago facility on March 5, 2003, during which, U.S. EPA observed poor operation and maintenance of the lime manufacturing equipment leading to fugitive dust and particulate matter being emitted from the hatch door of Kiln 5 and the ductwork leading from Kiln 5 to Baghouse 5.

The Agreement and Final Order further states that the facility violated its opacity limits (Paragraph 32), fugitive emission source reporting requirements (Paragraphs 33-35), control measure recordkeeping requirements (Paragraph 40) and was subject of numerous citizen complaints (Paragraph 36). Notably, these violations occurred even though Carmeuse was operating pursuant to a comprehensive Dust Management Plan dated November 21, 2003, a copy of which is attached to these comments and labeled at NRDC-SETF Attachment Two. An Administrative Consent Order dated September 28, 2005, mandated additional fugitive dust control measures:

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[4] Id.
[5] Id.
[6] Id.

> Carmeuse Lime, Inc. (Carmeuse) will develop a comprehensive Operating Program for Fugitive Particulate Matter Control (OPFPMC) which details all control measures its facility, located at 3245 East 103rd Street, Chicago, Illinois, (Facility) uses to control fugitive dust in accordance with Conditions 5.2.3 and 7.6 of the Title V Permit #95090136 (Title V Permit), 35 IAC 212.309(a) and the Dust Management Plan (DMP) for the City of Chicago Department of Environment. Whenever Carmeuse's Title V Permit and DMP address the same control measures, then the OPFPMC will include whichever requirement is more stringent.

This September 28, 2005 Administrative Consent Order further mandated a series of highly prescriptive fugitive dust control measures that must be included in an OPFPMC, including requirements for truck washing, street sweeping, the vacuuming of internal spaces, automatic doors on the Grinding Mill, roof and silo cleaning, dust control for "all permanent and temporary stockpiles", covering of all material transport conveyors, the use of telescoping spouts and particulate matter collection systems for truck load-out areas, limits on the height of drop levels, on-site roadway dust suppression, a dedicated on-site notification system for citizen complaints, recordkeeping, and other preventative and maintenance measures. These fugitive dust control measures are described in Appendix A of the September 28, 2005 Administrative Consent Order, a copy of which is attached to these comments and labeled at NRDC-SETF Attachment Three. Carmeuse's resulting Fugitive Dust Operating Program was approved by Illinois EPA in November, 2005 and incorporated into Caremuse's Title V permit.

By March 20, 2008, U.S. EPA again initiated a Notice and Finding of Violation against Carmeuse, a copy of which is attached to these comments and labeled at NRDC-SETF Attachment Four. Based on "numerous citizen complaints from Chicago DOE about fugitive dust emissions from Carmeuse's facility" (Paragraph 11) and EPA's own inspection (Paragraph 12), EPA concluded that Carmeuse violated opacity limits and requirements for continuous opacity monitoring. Further, "EPA observed poor operation and maintenance of the lime manufacturing equipment leading to fugitive dust and particulate matter emissions" and, "significant fugitive particulate matter and dust accumulation on process equipment and exterior surfaces." (Paragraphs 18 and 20, respectively).

The United States again initiated an enforcement action against Carmeuse Lime on July 19, 2012, this time in United States District Court, Northern District of Illinois - Eastern Division, captioned The United States of America v. Carmeuse Lime, Inc., 1:12-cv-05689. Despite Carmeuse's 2005 Fugitive Dust Operating Program, in Paragraph 41 of its Complaint, the U.S. alleged that during the period September 2005 until at least November 2009 (when Carmeuse stopped producing lime at the facility), Carmeuse "...released large quantities of lime dust into the ambient air as a result of its lime processing operation at the facility." Paragraph 42 of the Complaint alleges "The lime dust was blown to and accumulated on the residential properties that surround the facility. The dust accumulated on automobiles and on houses, including entry-ways, windows and roofs." A copy of the Complaint is attached to these comments and labeled at NRDC-SETF Attachment Five.

This civil enforcement case was resolved through a Consent Decree.[7] Although making no admissions, in Paragraphs 21 through 27 of the Consent Decree, Carmeuse yet again agrees to a series of measures necessary to ensure compliance with fugitive dust controls to meet standards that originate in federal and state law.[8]

On August 21, 2014, the Illinois Pollution Control Board issued an Order resolving another enforcement case against Carmeuse, in this case arising from Carmeuse's alleged failure to timely submit a correct Annual Emissions Report for its South Chicago facility.[9]

Please note that during this period of time, the City of Chicago was also issuing citations to Carmeuse alleging violations of the Chicago Municipal Code because of the release of fugitive dust. The City possesses many years of records of citizen complaints, inspector reports and enforcement actions related to fugitive dust emissions from Carmeuse.[10] However, the City was not a party to the enforcement cases described above. Moreover, the original 2005 mandate for Carmeuse to develop an Operating Program for Fugitive Particulate Matter Control was expressly conditioned on meeting the most stringent requirements, regardless of whether the requirements originate in federal, state or Chicago law.

NRDC-SETF assert CDPH must view the present variance request in light of the enforcement history related to fugitive dust emissions from the applicant's facility. This history is directly relevant to the variance because the new Chicago regulations address the very issue – fugitive dust emissions – that has led to repeated enforcement cases against Carmeuse since Carmeuse began operating the South Chicago facility in 2002. Some of these enforcement cases are subsequent to Carmeuse's mandated development of a Fugitive Dust Operating Program in 2005. For this reason, NRDC-SETF argue it would arbitrary, unreasonable and against the manifest weight of evidence to take the applicant's assertion on Page 4 of its application at face value:

> The implementation of best management practices to control fugitive dust emissions from the operations at the South Chicago Facility as documented in the Fugitive Dust Operating Program and operating in compliance with the federal, state and city regulations ensure that the operations at the South Chicago Facility will not create a public nuisance or adverse impact to the surrounding area, environment or property use.

The history of this facility clearly indicates that the existence of a Fugitive Dust Operating Program does not ensure compliance or the elimination of public nuisance conditions, and that additional measures are entirely appropriate.

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[7] http://www.epa.gov/Region5/air/enforce/pdfs/20121023-carmeuse-consent-decree.pdf

[8] Id. Further details regarding Carmeuse's obligations are contained in extensive appendices to the Consent Decree: http://www.epa.gov/Region5/air/enforce/pdfs/20121023-carmeuse-consent-decree-appendices.pdf

[9] http://www.ipcb.state.il.us/COOL/external/CaseView.aspx?referer=results&case=14882

[10] https://data.cityofchicago.org/Environment-Sustainable-Development/CDPH-Environmental-Enforcement/yqn4-3th2 (using the search term "Carmeuse"); a record of complaints is available at: https://data.cityofchicago.org/Environment-Sustainable-Development/CDPH-Environmental-Complaints/fypr-ksnz (using the search term "Carmeuse")

Industrial Impacts to City Residents and Environment

Earlier this year, the City adopted the new Rules to help address the problem of harmful dust pollution from industrial sources. Dust pollution can cause permanent harm to people's lungs, significantly limit the uses and enjoyment (and so market values) of private property as well as public parks, and inhibit the growth of plants and wildlife.[11] While a significant impetus for the Rules was the clouds of petroleum coke and coal dust from several handlers along the Calumet River, the City appropriately sought to reduce dust from bulk materials more generally, adopting rules that apply city-wide to handlers of a range of bulk materials. This action represented a much-needed update to the City's existing measures to combat dust.

We continue to believe that the Rules are too lax in some areas; however, they represent a significant step forward in providing increased protections to Chicago communities. Moreover, as set forth below in more detail, we believe it is imperative that the Commissioner stringently assess applications for variances to ensure the purposes of the Rules are not circumvented on a case-by-case basis.

Objections to Variance Provisions

In our prior comments on the City's proposed dust rules, we noted significant concerns with both the scope of the variance provision and the lack of procedural safeguards for making variance determinations.[12] We urged the City to dispense with the variance provision altogether, or at minimum to include additional safeguards both in terms of substance and process. The City responded by adding requirements for variance applications, an opportunity for public comment, and criteria for reviewing a variance application.[13] With these improvements, the Commissioner is empowered to hold applicants' demonstrations to high standards and to pay close attention to the interests of the public articulated through their written comments.

At the outset, we provide two general comments to guide this review. First, the area of fugitive dust regulation generally is plagued by a history of poor emissions estimates, overblown claims of control efficiencies, and vague requirements. As such, it is especially important that applications for variances are supported by detailed, site-specific information, robust technical demonstrations, and specific, enforceable proposed requirements. By contrast, the applicant repeatedly relies on broad, unsubstantiated claims to support its arguments that basic aspects of the CDPH regulations should not apply. For example:

1. Why does a quarterly opacity monitoring program provide any basis for Carmeuse to "anticipate" it will not create a public nuisance or adverse impact to the surrounding area,

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[11] Comments of NRDC et al. ("Comments") at 3-7, available at http://www.cityofchicago.org/content/dam/city/depts/cdph/environmental_health_and_food/PetCoke_Public_Comments/NRDC_SETF_Alliance_for_the_Great_Lakes_ELPC_Faith_in_Place_RHAMC_and_Sierra_Club_Recvd_2-7-14.pdf.

[12] Comments at 38-40.

[13] Rules Section 8.0

environment or property uses, especially when complete results from this opacity monitoring program are not included with the application.

2. What is "every effort" to ensure leak prevention?

3. What is the empirical basis to assert that a dust monitoring plan "will document that there is no public nuisance or adverse impact to the surrounding area," especially in the absence of complete data from the existing dust monitoring plan?

4. In light of the existing recordkeeping and reporting requirements relating to fugitive dust control for many aspects of facility operations, why is the application devoid of information compiled pursuant to these pre-existing requirements?[14]

Second, obligations and costs above what the facility would have borne under prior city, state and federal obligations are to be expected under this new set of regulations. Vague, unsubstantiated references to some increase in costs and burdens should not qualify as grounds for a variance. For example:

1. What is the basis for the claim that the cost to install monitors is estimated to be $130,000 - $150,000?

2. What is the basis for the claim that the annual cost to operate monitors is estimated to be $70,000 - $100,000?

3. What is the basis for the claim that "...it is ineffective to rely on PM10 monitors which cannot distinguish background concentrations or the source of the monitored PM10 levels. The PM10 monitored readings might arbitrarily trigger response activities for detection of fugitive dust not attributable to the South Chicago facility."

4. What is the basis for the claim that the requirement to clean spills on internal roads within one hour would put an "undue burden on the plant personnel." What is an "undue burden" in this context?

CDPH Must Deny The Applicant's Request To Avoid Installing PM Monitors

The scope of the Commissioner's authority and responsibility is broad, extending to "...any matter, material or substance susceptible to being windborne and for the handling, transportation, disposition or other operation with respect to any material subject to being windborne."[15] As pointed out by CDPH in its March 13, 2014 Response To Public Comments, the intent in establishing regulations is to protect public health and the environment from activities that have the potential to cause windborne dust, even "...existing businesses that are lawfully operating under current Chicago land use laws."[16] As asserted by CDPH, there are four categories of material and handling and storage activities that its own experts concluded can create airborne dust as part of the

[14] To comply with its Illinois EPA-issued Title V/CAAPP Permit, the applicant should possess the information described in the addendum to these comments.
[15] Municipal Code of Chicago 11-4-770
[16] City of Chicago Department of Public Health, Official Response to Public Comments on the Proposed Rules and Regulations For The Handling and Storage of Bulk Material Piles, March 13, 2014, at 3.

outdoor storage of materials - bulldozing and grading, material dropping operations, equipment travel on the surfaces of stockpiles and vehicle travel on paved roads.[17]

Consistent with the MCC, CDPH appropriately requires that these facilities have the capacity to prevent, detect and respond to potential releases of windborne material. To this end, CDPH mandates the development and implementation of a proactive fugitive dust plan. Every fugitive dust plan must contain some required elements, but CDPH also expressly allows flexibility for businesses to develop plans that make the most sense based on their unique operations.[18] However, the actual success of a fugitive dust plan is not left to guesswork. For CDPH, empirically verifiable PM monitoring is a critical means to demonstrate the success of a fugitive dust plan for operators, regulators and residents. It is not an exaggeration to state that PM monitoring is a lynchpin of the new CDPH protocol. As stated by CDPH:

> The requirement for fugitive dust monitoring is a critical component of the regulations to ensure that the facility's dust control measures are working. CDPH inspectors cannot observe facility operations on a daily basis. And facility workers who are occupied in doing their jobs may not always realize when there is a dust problem. Therefore, the PM monitors are important for alerting facility operators when there might be an issue with their dust control systems. They are also important to ensure compliance with the fugitive dust prohibition, as well as to give neighbors a level of comfort in knowing the air is being monitored.[19]

Because of the importance of PM monitoring, the variance standard is the most difficult of any requirement in the CDPH regulations. In addition to the exacting variance standards in Section 8.0, the standard for a variance from PM monitoring is also addressed in Section 3.0(4), which establishes the following threshold criteria:

> Unless...the Facility Owner or Operator establishes that the Facility's operations do not result in off-site fugitive dust emissions, the Facility Owner or Operator must install, operate, and maintain, according to manufacturer's specifications, permanent, continuous Federal Equivalent Method (FEM) real-time PM 10 monitors around the perimeter of the facility...

Simply, the applicant in this case must establish its operations do not result in off-site fugitive dust emissions as a result of any of its activities, for example, bulldozing and grading, material dropping operations, equipment travel on the surfaces of stockpiles and vehicle travel on paved roads. The applicant must establish these kinds of operations do not result in off-site fugitive dust emissions over the full range of weather and operating conditions. The applicant must establish "no off-site fugitive dust emissions" for every compass point around the perimeter of its facility, be it a waterway, public road, or residential neighborhood. If an applicant fails to establish "no fugitive off-site dust

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[17] Id. at 4.
[18] Id. at 21.
[19] Id. at 23.

emissions", it cannot be granted a variance from the requirement to establish a PM monitoring system in accordance with the regulations.

In light of CDPH's approach – operational flexibility combined with a mandatory requirement to install and operate PM monitors – Carmeuse's request for an exemption variance from PM monitoring is ill-conceived.

For Carmeuse, this does not mean a variance is impossible; instead, it means the applicant cannot meet this exacting standard now. Without irony, we would point out that one way for the applicant to attempt to demonstrate there are no off-site fugitive dust emissions is to establish the PM monitoring network now required by the regulations. If PM monitoring establishes there are "no off-site fugitive dust emissions" over a representative period of time and range of conditions, then this is the point at which to seek a variance from an ongoing obligation to continue this monitoring. The monitoring would establish an objective empirical basis for the variance that would have credibility for regulators, other regulated entities and residents. In the meantime, in the event the monitoring system detects off-site dust emissions not anticipated by the applicant, it will provide a basis for a more effective fugitive dust plan. In any event, it is much more likely the task of developing and implementing a fugitive dust plan will be taken seriously if the results are verified by perimeter PM monitors, operated according to a uniform regulatory protocol.

The Applicant Has Not Met The Standard for Receiving A Variance From Several Operational Requirements

In addition to its variance request from PM monitoring requirements, the applicant also requests variances from several other requirements of the CDPH regulations.

In its variance application, the applicant must describe the process or activity for which the variance is sought, and demonstrate why the variance will not result in a public nuisance or "adversely impact the surrounding area, the surrounding, environment, or surrounding property values."[20] The applicant also must explain why compliance would impose an arbitrary or unreasonable hardship.[21] In turn, in making a determination on a variance application, the Commissioner is to consider public comments, and give particular consideration to, among other things, whether a demonstration has been made that any adverse impacts will be minimal.[22] Because the application falls short in many respects, we urge the Commissioner to deny the variance requests.[23]

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[20] Rules Section 8.0(2)(b) and (d).

[21] *Id.* at (e)(i). While Section 8 does not lay out additional guidance on what constitutes an arbitrary or unreasonable hardship, guidance may be found in the City's parallel criteria for review of a variation from the zoning ordinance, as summarized in City of Chicago, Dept. of Housing and Economic Development, "Zoning Board Rules and Regulations," August 2011, at 12-13, available at http://www.cityofchicago.org/content/dam/city/depts/zlup/Administrative_Reviews_and_Approvals/Publications/ZBA_Rules_and_Regulations.pdf.

[22] *See* Rules Section 8.0(3)(a).

[23] *See* Rules Section 8.0(3)(b). At most, the Commissioner should only grant the portions of the variance for which the applicant has provided the requisite supporting information and require supplemental

Off-Site Roadway Cleaning

The applicant seeks a variance from requirements to comply with off-site roadway cleaning requirements. The importance of the complete implementation of this City requirement for this applicant is unmistakably apparent in light of the location of the facility. The roadways that serve the facility traverse densely populated residential neighborhoods. Another public road, South Calumet River Street, is the dividing line between the applicant's facility and a residential neighborhood. Because of this configuration, the risk of public exposure to any materials deposited on roadways is particularly acute, including for pedestrians and children playing in immediately adjacent residential areas. As with many of its other variance requests, the applicant speculates about the cost, difficulty and inconvenience of implementing this measure, but provides no empirical data demonstrating an unreasonable hardship. Notably, the applicant is willing to conduct street sweeping, simply not at the frequency mandated by the City regulations. The applicant is unwilling to make an incremental change that would address a potentially significant threat to nearby residents. The applicant's justification is the convenience of maintaining its current practices. Consequently, NRDC and SETF contend CDPH must deny this variance request.

The Assessment of Visual Emissions By Professional Trained and Certified Observers

According to the applicant, it has plant personnel who are trained and certified to assess opacity in accordance with Method 9 protocols. However, it does not explicitly assert its personnel are "professional trained", a well-established regulatory pre-requisite for the credible execution of Method 9. As to the qualifications of plant personnel Carmeuse would like to use to conduct the Method 22 analysis, the applicant omits both the term "professional" and the term "certified". As to Method 22, plant personnel would merely be trained, but not necessarily professionally trained or certified. Carmeuse does not explain why utilizing professionally trained and certified observers would create an arbitrary or unreasonable hardship. The applicant's justification is the convenience of maintaining current practice.

Because both Methods 9 and 22 are based on visual observations, it is essential that the observer is professionally trained and certified. In the absence of these threshold qualifications, the resulting observations have less weight, especially in determining regulatory compliance. Professionally trained and certified observers are more likely to make accurate visual assessments, and to convert these observations into appropriately documented records and reports. On a more basic level, it is troubling that Carmeuse seeks to avoid installing monitoring equipment, and also employing fully qualified observers. This undercuts basic verification of compliance with fugitive dust control requirements. Consequently, NRDC and SETF contend CDPH must deny this variance request.

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information to be provided moving forward, upon which the variance is conditioned. *Id.* at (3)(c) ("The Commissioner may grant a variance in whole or in part, and may attach reasonable conditions to the variance to ensure minimization of any adverse impacts.")

Vehicle Leaking

The CDPH regulations impose an empirically verifiable requirement that leaks of material on internal roadways must be cleaned within one hour. By contrast, Carmeuse proposes an alternative based on the fact that its personnel will make "every effort" to prevent spills, and will cleanup spills "promptly." Carmeuse does not explain why cleaning spills within one hour would create an arbitrary or unreasonable hardship. Again, the applicant's justification is the convenience of maintaining current practice.

The City's standard is based on the possibility that material that is leaked or spilled onto an internal roadway could become airborne or subject to runoff. The appropriate control is remediation of the leaked or spilled material. The City's mandate that this must be done within one hour underscores the priority of this remediation, and creates an empirically verifiable regulatory standard. By contrast, Carmeuse is proposing a standard - "promptly" - that is vague and would be difficult if not impossible to enforce. Mere assurances of "every effort" to prevent spills are also vague and unenforceable, and are unrelated to the necessity for remediation of leaks and spills when they do occur. Consequently, NRDC and SETF contend CDPH must deny this variance request.

The Applicant Has Not Met The Standard for Receiving An Exemption For Limestone Aggregate ("Stone")

According to Carmeuse, the limestone aggregate (self-designated as "stone") it receives, handles, stores and ships is not subject to the bulk material handling rule because it is exempt as construction or demolition material. As a threshold matter, it must be noted that not all construction or demolition material is exempt from regulation. Instead, for purposes of 2.0(8), construction or demolition material "means material used in or resulting from the construction, remodeling, repair, landscaping, or demolition of utilities, structures, building, and roads, including but not limited to stockpiles of crushed stone, sand and gravel, hot mix asphalt plants or ready mixed concrete plants." Applying this standard to Carmeuse, the issue is not only that Carmeuse is receiving, handling, storing and shipping limestone aggregate. It is also necessary that the limestone aggregate is "used in or resulting from the construction, remodeling, repair, landscaping, or demolition of utilities, structures, buildings, and roads." The applicant never states that the limestone aggregate, which it self-designates as "stone", is used in a manner which would meet this aspect of the exemption.

Limestone aggregate – also known as crushed limestone – can be used in agriculture to neutralize soil acidity and as a source of calcium and magnesium. It can be used as scrubber stone as part of removing sulfur dioxide in power plant emissions, and to neutralize acid waste. It can be used as flux stone in steelmaking, glassmaking and in refining sugar beets. It can be used as a feedstock in making lime, and as an ad mix in animal feeds. There are multiple other non-construction uses. In order to meet the threshold for an exemption from bulk material handling rule, the applicant must clarify that the limestone aggregate it receives, handles, stores and ships is used exclusively in the construction, remodeling, repair, landscaping or demolition of utilities, structures, buildings and roads. Because it has not made this demonstration, NRDC-SETF assert Carmeuse's request for an exemption for limestone aggregate ("stone") must be denied.

The importance of strictly applying the exemption is that limestone aggregate is not merely harmless, inert stone, but rather can pose inhalation hazards. The Material Data Safety Sheet for limestone aggregate is attached as an addendum to these comments. The threats posed by inhalation exposure are characterized as follows:

> Prolonged and repeated inhalation of respirable crystalline silica-containing dust in excess of appropriate exposure limits has caused silicosis, a lung disease. Not all individuals with silicosis will exhibit symptoms (signs) of the disease. However, silicosis can be progressive, and symptoms can appear at any time, even years after exposure has ceased. Symptoms of silicosis may include, but are not limited to, the following: shortness of breath; difficulty breathing with or without exertion; coughing; diminished work capacity; diminished chest expansion; reduction of lung volume; right heart enlargement and/or failure. Smoking may increase the risk of developing lung disorders, including emphysema and lung cancer. Persons with silicosis have an increased risk of pulmonary tuberculosis infection. Respirable dust containing newly broken silica particles has been shown to be more hazardous to animals in laboratory tests than respirable dust containing older silica particles of similar size. Respirable silica particles which had aged for sixty days or more showed less lung injury in animals than equal exposures of respirable dust containing newly broken particles of silica. There are reports in the literature suggesting that excessive crystalline silica exposure may be associated with adverse health effects involving the kidney, scleroderma (thickening of the skin caused by swelling and thickening of fibrous tissue) and other autoimmune disorders. However, this evidence has been obtained primarily from case reports involving individuals working in high exposure situations or those who have already developed silicosis; and therefore, this evidence does not conclusively prove a causal relationship between silica or silicosis and these adverse health effects. Several studies of persons with silicosis also indicate an increased risk of developing lung cancer, a risk that increases with the duration of exposure. Some of these studies of silicotics do not account for lung cancer confounders, especially smoking. Limestone is not listed as a carcinogen by the International Agency for Research on Cancer (IARC), the National Toxicology Program (NTP), or the Occupational Safety and Health Administration (OSHA). In October 1996, an IARC Working Group re-assessing crystalline silica, a component of this product, designated respirable crystalline silica as carcinogenic (Group 1). The NTP's Report on Carcinogens. 9th edition, lists respirable crystalline silica as a "known human carcinogen." In year 2000, the American Conference of Governmental Industrial Hygienists (ACGIH) listed respirable crystalline silica (quartz) as a suspected human carcinogen (A-2). These classifications are based on sufficient evidence of carcinogenicity in certain experimental animals and on selected epidemiological studies of workers exposed to crystalline silica.
>
> California Proposition 65: WARNING: This product contains chemical(s) known to the state of California to cause cancer.

According to its 2009 Construction Permit Application to Illinois EPA for a Stone Distribution Terminal, Carmeuse anticipated a maximum annual throughput of 170,000 tons of stone, with a potential to emit of 104 tons per year of particulate matter, of which

30.7 tons per year was in the form of PM-10.[24] The sources of PM emissions were loading/unloading operations, storage piles, paved roads and unpaved roads. In order to limit PM and PM-10 emissions, Carmeuse proposed using water application prior to unloading, water spraying on storage piles and chemical dust suppressants and sweeping/vacuuming for paved and unpaved roadways.

Because Carmeuse has not demonstrated an exemption applies, and because of the potential dangers of limestone aggregate, NRDC-SETF assert the request for an exemption for limestone aggregate ("stone") must be denied.

For these reasons, we respectfully request that the Commissioner deny Carmeuse Lime Inc.'s application for a variance. Please do not hesitate to contact us if you have any questions.

Sincerely,

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[24] NRDC-SETF do not concede the accuracy of these estimates.

Addendum

To comply with its Illinois EPA-issued Title V/CAAPP Permit, the applicant should have the following information for review by CDPH:

7.6.9 Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected fugitive emission sources, pursuant to Section 39.5(7)(b) of the Act:

a. Recordkeeping and Reporting

i. The owner or operator of any fugitive particulate matter emission unit subject to 35 IAC 212.316 shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of 35 IAC 212.316 and shall submit to the Illinois EPA an annual report containing a summary of such information. [35 IAC 212.316(g)(1)]

ii. The records required under 35 IAC 212.316 shall include at least the following: [35 IAC 212.316(g)(2)]

A. The name and address of the source; [35 IAC 212.310(g)(2)(A)]

B. The name and address of the owner and/or operator of the source; [35 IAC 212.310(g)(2)(B)]

C. A map or diagram showing the location of all emission units controlled, including the location, identification, length, and width of roadways; [35 IAC 212.310(g)(2)(C)]

D. For each application of water or chemical solution to roadways by truck: the name and location of the roadway controlled, application rate of each truck, frequency of each application, width of each application, identification of each truck used, total quantity of water or chemical used for each application and, for each application of chemical solution, the concentration and identity of the chemical; [35 IAC 212.310(g)(2)(D)]

E. For application of physical or chemical control agents: the name of the agent, application rate and frequency, and total quantity of agent, and, if diluted, percent of concentration, used each day; and [35 IAC 212.310(g)(2)(E)]

F. A log recording incidents when control measures were not used and a statement of explanation. [35 IAC 212.310(g)(2)(F)]

iii. Copies of all records required by 35 IAC 212.316 shall be submitted to

the Illinois EPA within ten (10) working days after a written request by the Illinois EPA and shall be transmitted to the Illinois EPA by a companydesignated person with authority to release such records. [35 IAC 212.310(g)(3)]

iv. The records required under 35 IAC 212 shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by the Illinois EPA representatives during working hours. [35 IAC 212.310(g)(4)]

7.6.10 Reporting Requirements. The Permittee shall promptly notify the Illinois EPA, Compliance Section, of noncompliance of an affected fugitive emission source with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

Notification within 30 days following the occurrence of a violation of the affected fugitive emission sources with the conditions of Section 7.6 with a copy of such record for each incident.

a. The emission units described in Sections 212.304 through 212.308 and Sections 212.316 shall be operated under the provisions of an operating program, consistent with the requirements set forth in 35 IAC 212.310 and 212.312, and prepared by the owner or operator and submitted to the Illinois EPA for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions. [35 IAC 212.309]

b. The owner or operator of any fugitive particulate matter emission unit subject to 35 IAC 212.316 shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of 35 IAC 212.316 and shall submit to the Illinois EPA an annual report containing a summary of such information. [35 IAC 212.316(g)(1)]

c. A quarterly report shall be submitted to the Illinois EPA stating the following: the dates any necessary control measures were not implemented, a listing of those control measures, the reasons that the control measures were not implemented, and any corrective actions taken. This information includes, but is not limited to, those dates when controls were not applied based on a belief that application of such control measures would have been unreasonable given prevailing atmospheric conditions, which shall constitute a defense to the requirements of 35 IAC 212.316. This report shall be submitted to the Illinois EPA thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31. [35 IAC 212.316(g)(5)]

Material Safety Data Sheet
(Limestone)

1. IDENTIFICATION

Chemical Name:	Limestone	Chemical Formula:	N/A
Molecular Weight:	N/A	Trade Name:	Crushed Stone
DOT Identification No:	None		

Synonyms: Aggregate, Aglime, Barn Lime, Coverstone, Flexible Base, Fluxing Agent, Manufactured Sand, Mineral Filler, Screenings

2. PRODUCT AND COMPONENT DATA

Component(s) Chemical Name	CAS Registry No.	% (Approx)	Exposure Limits
Limestone*	1317-65-3	100	See section 6
*Composition varies naturally – typically contains quartz (crystalline silica).	14808-60-7	>1	

3. PHYSICAL DATA

Appearance and odor: Angular gray, white and tan particles ranging in size from powder to boulders. No odor.

Specific Gravity: 2.6 – 2.75

Boiling point (At 1 Atm.): N/A

Vapor Density in Air (Air = 1): N/A

Vapor Pressure (mmHg @ 20°C): N/A

% Volatile, By Volume (@ 100°F): 0%

Evaporation Rate (at 1 Atm. and 25• C; n-butyl acetate = 1): 0

Solubility in Water: 0

4. REACTIVITY DATA

Stability: Stable

Conditions to Avoid: Avoid contact with incompatible materials (see below).

Incompatibility (materials to avoid): Contact with powerful oxidizing agents such as fluorine, boron trifluoride, chlorine trifluoride, manganese trifluoride, and oxygen difluoride may cause fire and/or explosions. Silica dissolves readily in hydrofluoric acid producing a corrosive gas – silicon tetrafluoride.

Hazardous Decomposition Products: Limestone ignites on contact with fluorine and is incompatible with acids, alum, ammonium salts, and magnesium. Silica reacts violently with powerful oxidizing agents such as fluorine, boron trifluoride, chlorine trifluoride, manganese trifluoride, and oxygen difluoride yielding possible fire and/or explosions. Silica dissolves readily in hydrofluoric acid producing a corrosive gas – silicon tetrafluoride.

Hazardous Polymerization: Not known to polymerize

5. FIRE AND EXPLOSION HAZARD DATA

Flashpoint (Method used): Not Flammable

Flammable Limits in Air: Not Flammable

Extinguishing Agents: None Required

Unusual Fire and Explosion Hazards: Contact with powerful oxidizing agents may cause fire and/or explosions (see section 4 of this MSDS).

6. TOXICITY AND FIRST AID

EXPOSURE LIMITS (When exposure to this product and other chemicals is concurrent, the exposure limit must be defined in the workplace.) Unless specified otherwise, limits are expressed as eight-hour time-weighted averages (TWA). Limits for cristobalite and tridymite (other forms of crystalline silica) are equal to one-half of the limits for quartz.

ABBREVIATIONS: TLV = threshold limit value of the American Conference of Governmental Industrial Hygienists (ACGIH); MSHA PEL = permissible exposure limit of the Mine Safety and Health Administration

(MSHA); OSHA PEL = permissible exposure limit of the Occupational Safety and Health Administration (OSHA); mg/m^3 = milligrams of substance per cubic meter of air.
Limestone (Calcium Carbonate): ACHIH TLV® = $10mg/m^3$; OSHA PEL = $15mg/m^3$ (total dust); OSHA PEL= $5mg/m^3$ (respirable fraction), MSHA PEL = $10mg/m^3$ (total dust).

Other Particulates: 2001 ACGIH TLV® = $10mg/m^3$ (inhalable/total particulate, not otherwise specified), 2001 ACGIH TLV® = 3 mg/m^3 (respirable particulate, not otherwise specified); OSHA PEL = $15mg/m^3$ (total particulate, not otherwise regulated), OSHA PEL = $5mg/m^3$ (respirable particulate, not otherwise regulated).

Respirable Crystalline Silica (SiO_2/quartz): ACGIH TLV® = $0.05mg/m^3$; MSHA and OSHA PEL = $10mg/m^3 \div (\%SiO_2+2)$, for respirable dust containing crystalline silica.

Total dust, respirable and nonrespirable: 1973 ACGIH TLV® = $30mg/m^3 \div (\%quartz + 3)$.

Total Dust: MSHA PEL = 10 mg/m^3 (for nuisance particulates listed in Appendix E of the 1973 ACGIH TLV® booklet).

Per ACGIH, adverse effects are not likely to occur in the workplace provided exposure levels do not exceed the appropriate TLVs & PELs. However, because of the wide variation in individual susceptibility, lower exposure limits may be appropriate for some individuals including persons with pre-existing medical conditions such as those described below.

Medical Conditions Aggravated by Exposure: Inhaling respirable dust and/or crystalline silica may aggravate existing respiratory system disease(s) and/or dysfunctions. Exposure to dust may aggravate existing skin and/or eye conditions.

Primary Route(s) of Exposure

X Inhalation _Skin _Ingestion

Acute Toxicity
EYE CONTACT: Direct contact with dust may cause irritation by mechanical abrasion.
SKIN CONTACT: Direct contact may cause irritation by mechanical abrasion.
SKIN ABSORPTION: Not expected to be a significant exposure route.
INGESTION: Expected to be practically non-toxic. Ingestion of large amounts may cause gastrointestinal irritation and blockage.
INHALATION: Dusts may irritate the nose, throat, and respiratory tract by mechanical abrasion. Coughing, sneezing, and shortness of breath may occur following exposures in excess of appropriate exposure limits.

First Aid
EYES: Immediately flush eye(s) with plenty of clean water for at least 15 minutes, while holding the eyelids) open. Occasionally lift the eyelids) to ensure thorough rinsing. Beyond flushing, do not attempt to remove material from the eye(s). Contact a physician if irritation persists or later develops.
SKIN: Wash with soap and water. Contact a physician if irritation persists or later develops.
INGESTION: If person is conscious, give large quantity of water and induce vomiting; however, never attempt to make an unconscious person drink or vomit. Get immediate medical attention.
INHALATION: Move to fresh air. Dust in throat and nasal passages should clear spontaneously. Contact a physician if irritation persists or later develops.

For emergencies, contact _____
(company's designated emergency contact)

Chronic Toxicity
Prolonged and repeated inhalation of respirable crystalline silica-containing dust in excess of appropriate exposure limits has caused silicosis, a lung disease. Not all individuals with silicosis will exhibit symptoms (signs) of the disease. However, silicosis can be progressive, and symptoms can appear at any time, even years

after exposure has ceased. Symptoms of silicosis may include, but are not limited to, the following: shortness of breath; difficulty breathing with or without exertion; coughing; diminished work capacity; diminished chest expansion; reduction of lung volume; right heart enlargement and/or failure. Smoking may increase the risk of developing lung disorders, including emphysema and lung cancer. Persons with silicosis have an increased risk of pulmonary tuberculosis infection.

Respirable dust containing newly broken silica particles has been shown to be more hazardous to animals in laboratory tests than respirable dust containing older silica particles of similar size. Respirable silica particles which had aged for sixty days or more showed less lung injury in animals than equal exposures of respirable dust containing newly broken particles of silica.

There are reports in the literature suggesting that excessive crystalline silica exposure may be associated with adverse health effects involving the kidney, scleroderma (thickening of the skin caused by swelling and thickening of fibrous tissue) and other autoimmune disorders. However, this evidence has been obtained primarily from case reports involving individuals working in high exposure situations or those who have already developed silicosis; and therefore, this evidence does not conclusively prove a causal relationship between silica or silicosis and these adverse health effects. Several studies of persons with silicosis also indicate an increased risk of developing lung cancer, a risk that increases with the duration of exposure. Some of these studies of silicotics do not account for lung cancer confounders, especially smoking.

Limestone is not listed as a carcinogen by the International Agency for Research on Cancer (IARC), the National Toxicology Program (NTP), or the Occupational Safety and Health Administration (OSHA). In October 1996, an IARC Working Group re-assessing crystalline silica, a component of this product, designated respirable crystalline silica as carcinogenic (Group 1). The NTP's Report on Carcinogens. 9th edition, lists respirable crystalline silica as a "known human carcinogen." In year 2000, the American Conference of Governmental Industrial Hygienists (ACGIH) listed respirable crystalline silica (quartz) as a suspected human carcinogen (A-2). These classifications are based on sufficient evidence of carcinogenicity in certain experimental animals and on selected epidemiological studies of workers exposed to crystalline silica.

California Proposition 65: WARNING: This product contains chemical(s) known to the state of California to cause cancer.

7. PERSONAL PROTECTION AND CONTROLS

Respiratory Protection

For respirable quartz levels that exceed or are likely to exceed an 8-hr TWA of 0.1mg/m^3, a NIOSH approved dust respirator is recommended. For respirable quartz levels that exceed or are likely to exceed an 8-hr TWA of 0.5mg/m^3, a NIOSH approved HEPA filter respirator is recommended. If respirable quartz levels exceed or are likely to exceed an 8-hr TWA of 5mg/m^3, a NIOSH approved positive pressure, full face respirator or equivalent is recommended. Respirator use must comply with applicable MSHA or OSHA standards, which include provisions for a user training program, respirator repair and cleaning, respirator fit testing, and other requirements.

Ventilation: Local exhaust or general ventilation adequate to maintain exposures below appropriate exposure limits.

Skin Protection

See "Hygiene" section below.

Eye Protection

Safety glasses with side shields should be worn as minimum protection. Dust goggles should be worn when excessively (visible) dusty conditions are present or are anticipated.

Hygiene

Wash dust-exposed skin with soap and water before eating, drinking, smoking, and using toilet facilities. Wash work clothes after each use.

Other Control Measures

Respirable dust and quartz levels should be monitored regularly. Dust and quartz levels in excess of appropriate exposure limits should be reduced by all feasible engineering controls, including (but not limited to) wet suppression, ventilation, process enclosure, and enclosed employee work stations.

8. STORAGE AND HANDLING PRECAUTIONS

Respirable crystalline silica-containing dust may be generated during processing, handling, and storage. The personal protection and controls identified in Section 7 of the MSDS should be used as appropriate.
Do not store near food and beverages or smoking material.

9. SPILL, LEAK AND DISPOSAL PRACTICES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED

The personal protection and controls identified in Section 7 of the MSDS should be used as appropriate. Spilled material, where dust can be generated, may overexpose cleanup personnel to respirable crystalline silica-containing dust. Wetting of spilled material and/or use of respiratory protective equipment may be necessary. Do not dry sweep spilled material. Prevent spilled materials from inadvertently entering streams, drains, or sewers.

For emergencies, contact _____
(your company's designated emergency contact)

WASTE DISPOSAL METHOD

Pick up and reuse clean materials. Dispose of waste materials only in accordance with applicable federal, state, and local laws and regulations.

10. TRANSPORTATION

DOT Hazard Classification: None

Placard Required: None

Label Required: Label as required by the OSHA Hazard Communication Standard [29 CFR 1910.1200 (f) and applicable state and local laws and regulations.

For Further Information Contact: Place here the name, address, and telephone number of the operator or responsible party who can provide more info about the hazardous chemical.

Date of Preparation:

Emergency Information: Your company's designated emergency contact.

Notice: _____ believes the information contained herein is accurate; however, _____ makes no guarantees with respect to such accuracy and assumes no liability in connection with the use of the information contained herein by any party. The provision of the information contained herein is not intended to be and should not be construed as legal advice or as ensuring compliance with any federal, state or local laws and regulations. Any party using this product should review all such laws, rules or regulations prior to use.

NO WARRANTY IS MADE, EXPRESS OR IMPLIED, OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE.

Menu

ECHO Enforcement and Compliance History Online

Detailed Facility Report

Facility Summary

CARMEUSE LIME INC SOUTH CHICAGO
3245 EAST 103RD STREET, CHICAGO, IL 60617

Facility Information (FRS)

FRS ID: 110001808624
EPA Region: 05
Latitude: 41.70633
Longitude: -87.54399
Locational Data Source: EIS
Industry:
Indian Country: N

Regulatory Interests

Clean Air Act: Operating Major (1703101189)
Clean Water Act: No Information
Resource Conservation and Recovery Act: Active (H) SQG (ILD980793566)
Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): 1730411
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRI): 60617MRBLH3245E

Enforcement and Compliance Summary

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA	3	03/13/2014	Significant Violation	11	10	7	3	$358,000	1	$350,000
RCRA	1	09/06/2011	No Violation	0	0					

Related Reports: Enforcement Case Report

Facility/System Characteristics

Facility/System Characteristics

Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
	110001808624					N	41.70633	-87.54399
CAA	1703101189	Major	Operating	SIP, PSD, NSR, NSPS, MACT (SECTION 63 NESHAPS), TITLE V PERMITS		N	41.705556	-87.544722
CAA	1730411	Mineral Processing Plant	Operating			N	41.705785	-87.543845
EP313	60617MRBLH3245E						41.707778	-87.564722
RCRA	ILD980793566	SQG	Active (H)			N	41.708249	-87.541561

Facility Address

System	Identifier	Facility Name	Facility Address
FRS	110001808624	CARMEUSE LIME INC SOUTH CHICAGO	3245 EAST 103RD STREET, CHICAGO, IL 60617
AFS	1703101189	CARMEUSE LIME INC	3245 E 103RD ST, CHICAGO, IL 60617
EIS 2011	1730411	Carmeuse Lime Inc	3245 E 103rd St, Chicago, IL 60617
TRI	60617MRBLH3245E	CARMEUSE LIME INC SOUTH CHICAGO	3245 E 103RD ST, CHICAGO, IL 60617
RCR	ILD980793566	MARBLEHEAD LIME CO CHICAGO PLANT	3245 E 103RD ST, CHICAGO, IL 60617

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
AFS	1703101189	3274	
TRI	60617MRBLH3245E	3274	

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
AFS	1703101189	327410	Lime Manufacturing
EIS 2011	1730411	327410	Lime Manufacturing
TRI	60617MRBLH3245E	327410	Lime Manufacturing

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CAA	1703101189	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	09/30/2010	Findings: IN VIOLATION;
CAA	1703101189	AFS	STATE PCE/OFF-SITE	State	05/01/2011	
CAA	1703101189	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	08/05/2014	Findings: IN VIOLATION;
CAA	1703101189	AFS	EPA PCE/OFF-SITE	EPA	11/20/2012	
CAA	1703101189	AFS	STATE PCE/ON-SITE	State	11/19/2013	
CAA	1703101189	AFS	STATE PCE/OFF-SITE	State	05/01/2010	
RCRA	ILD980793566	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	EPA	09/06/2011	No Violations Or Compliance Issues Were Found
CAA	1703101189	AFS	STATE CONDUCTED FCE/ON-SITE	State	03/13/2014	
CAA	1703101189	AFS	STATE PCE/OFF-SITE	State	05/15/2013	
CAA	1703101189	AFS	STATE PCE/OFF-SITE	State	05/24/2011	
CAA	1703101189	AFS	EPA PCE/OFF-SITE	EPA	01/16/2014	
CAA	1703101189	AFS	STATE PCE/OFF-SITE	State	05/13/2013	
CAA	1703101189	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	06/13/2013	Findings: IN COMPLIANCE;
CAA	1703101189	AFS	STATE CONDUCTED FCE/ON-SITE	State	10/29/2010	

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CAA	1703101189	AFS	EPA PCE/OFF-SITE	EPA	12/16/2011	
CAA	1703101189	AFS	EPA PCE/OFF-SITE	EPA	07/14/2014	
CAA	1703101189	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	01/03/2012	Findings: IN VIOLATION;
CAA	1703101189	AFS	STATE CONDUCTED FCE/ON-SITE	State	11/02/2012	
CAA	1703101189	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	07/31/2012	Findings: IN VIOLATION;

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
CAA	1703101189	Yes	VIOLATION UNADDRESSED	03/14/2015	11
RCRA	ILD980793566	No		03/14/2015	0

Three Year Compliance Status by Quarter

Statute	Program/Pollutant /Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
CAA (Source ID: 1703101189)		10/01-12/31 2011	01/01-03/31 2012	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/3(2014
	Facility-Level Status	HPV	HPV	HPV	HPV	In Viol	No Viol	HPV	HPV	HPV	HPV	HPV	HPV
	HPV History	Unaddr-State	Unaddr-State	Unaddr-State	Addrs-EPA			Unaddr-State	Unaddr-State	Unaddr-State	Unaddr-State	Unaddr-State	Unaddr-Stat
	Program/Pollutant in Current Violation												
CAA	SIP	V-EM&PRO	V-EM&PRO	V-PROCED		S-MSched	S-MSched	V-EM&PRO	V-EM&PRO	V-EM&PRO	V-EM&PRO	V-EM&PRO	V-EM&PRC
	FACILITY-WIDE PERMIT REQUIREMENTS												V-EM&PRC
CAA	PSD	V-No Sched											
CAA	NSR												
CAA	NSPS	V-No Sched	V-No Sched	V-No Sched	UNKNOWN	S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	
CAA	MACT (SECTION 63 NESHAPS)					S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	
CAA	TITLE V PERMITS		V-PROCED	V-No Sched	V-No Sched	V-No Sched	S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	S-MSched	

Statute	Program/Pollutant /Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
RCRA (Source ID: ILD980793566)		04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
RCRA	Facility-Level Status												

Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date
CAA	1703101189	STATE NOV ISSUED	State	06/10/2014
CAA	1703101189	STATE NOV ISSUED	State	06/24/2010
CAA	1703101189	STATE NOV ISSUED	State	04/13/2011
CAA	1703101189	STATE NOV ISSUED	State	05/24/2013
CAA	1703101189	STATE NOV ISSUED	State	07/22/2013
CAA	1703101189	STATE NOV ISSUED	State	05/25/2011
CAA	1703101189	STATE NOV ISSUED	State	10/13/2011

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
CAA	1703101189	STATE COURT CONSENT DECREE	State	08/21/2014	$8,000	
CAA	1703101189	EPA COURT CONSENT DECREE	EPA	10/23/2012	$350,000	
CAA	1703101189	STATE ADMINISTRATIVE ORDER ISSUED	State	06/21/2011	$0	

ICIS Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
CAA / §112I	05-2008-6717	Judicial	EPA	CARMEUSE LIME INC. - SOUTH CHICAGO PLANT	07/19/2012	10/23/2012	$350,000	$0	$125,000	$1,112,000

Environmental Conditions

Water Quality

Permit ID	Watershed (HUC 8)	Watershed Name (HUC 8)	Watershed (HUC 12)	Watershed Name (HUC 12)	Receiving Waters	Impaired Waters	Combined Sewer System?
110001808624	04040001	LITTLE CALUMET-GALIEN	040400010603	Calumet River-Frontal Lake Michigan		No	

Air Quality

Non-Attainment Area?	Pollutant(s)
Yes	Ozone
No	Lead
Yes	Particulate Matter

Pollutants

TRI History of Reported Chemicals Released in Pounds per Year at Site ⓘ

TRI Pollution Prevention Report

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
60617MRBLH3245E	2005	103,284	0	0			103,284	2,848
60617MRBLH3245E	2006	62,913	0	0		0	62,913	5,957
60617MRBLH3245E	2007	55,126	0	0		0	55,126	3,228
60617MRBLH3245E	2008	50,048	0	0		0	50,048	6,292
60617MRBLH3245E	2009	0		0			0	0

TRI Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	2005	2006	2007	2008	2009	2010	2011	2012	2013
BARIUM COMPOUNDS		3,018	158	6,155					
DIOXIN AND DIOXIN-LIKE COMPOUNDS									
HYDROCHLORIC ACID (1995 AND AFTER ACID AEROSOLS ONLY)	103,278	62,907	55,120	50,043	0				
LEAD	269				0				
LEAD COMPOUNDS		68	4	137					
MERCURY	9				0				
MERCURY COMPOUNDS		4	3	4					
VANADIUM (EXCEPT WHEN CONTAINED IN AN ALLOY)	2,576	2,873	3,068						

Demographic Profile

Demographic Profile of Surrounding Area (1 Mile)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	1	Land Area:	94%	Households in Area:	6,175
Center latitude:	41.70633	Water Area:	6%	Housing Units in Area:	6,857
Center Longitude:	-87.54399	Population Density:	7,178/sq mi.	Households on Public Assistance:	146
Total Persons:	20,982	Percent Minority:	88%	Persons Below Poverty Level:	12,612

Race Breakdown	Persons (%)	Age Breakdown	Persons (%)
White:	10,209 (48.66%)	Child 5 years and younger:	1,727 (8.23%)
African-American:	1,717 (8.18%)	Minors 17 years and younger:	6,570 (31.31%)
Hispanic-Origin:	16,674 (79.47%)	Adults 18 years and older:	14,412 (68.69%)
Asian/Pacific Islander:	55 (.26%)	Seniors 65 years and older:	2,103 (10.02%)
American Indian:	237 (1.13%)		
Other/Multiracial:	8,763 (41.76%)		

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown	Households (%)
Less than 9th Grade:	2,942 (23.44%)	Less than $15,000:	1,078 (17.15%)
9th through 12th Grade:	1,731 (13.79%)	$15,000 - $25,000:	956 (15.21%)
High School Diploma:	4,193 (33.4%)	$25,000 - $50,000:	1,831 (29.12%)
Some College/2-yr:	2,523 (20.1%)	$50,000 - $75,000:	1,183 (18.82%)
B.S./B.A. or More:	1,164 (9.27%)	Greater than $75,000:	1,239 (19.71%)