



September 2, 2014

VIA EMAIL to EnvComments@cityofchicago.org

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

RE: Variance Petition of KCBX Terminals Company

As an organization dedicated to protecting the health of the Great Lakes, The Alliance for the Great Lakes (Alliance) has an interest in preventing pollutants from entering into and degrading Lake Michigan's health. With the enclosed comments, the Alliance urges the City of Chicago to deny KCBX Terminals Company's petition for a variance from the runoff and grading requirements in the Department of Health's Rules and Regulations for Control of Emissions from the Handling and Storage of Bulk Material Piles to ensure that the Calumet River, Lake Michigan, and the surrounding communities are protected from petcoke and coal runoff pollution.

The Alliance is very concerned by KCBX's history of pollution from this facility. Notably, in March 2014, the Illinois Attorney General filed a lawsuit in Cook County Circuit Court against the company alleging water pollution and illegal dumping violations because the facility's design was unable to prevent petcoke and coal runoff from entering the Calumet River. This lawsuit alleged that KCBX insufficiently maintained a narrow concrete walkway as a barrier to separate mounds of pet coke and coal from the Calumet River. The lawsuit notes that the Illinois Environmental Protection Agency (IEPA) inspected the facility in November 2013, when inspectors discovered the concrete walkway contained substantial cracks and fissures and was not tall enough to prevent storm water runoff into the river. According to the lawsuit, KCBX had used sandbags to raise the height of the barrier, but, as the IEPA inspection noted; several sections of the makeshift barrier had been removed, allowing for contaminated runoff into the river.

KCBX's petition seeks a limited variance from Section 5.0(6)(d) regarding runoff management and grading, particularly the requirement that controls be maintained to prevent pooling of

water. KCBX argues that the variance would not cause adverse impacts because the pooling would allegedly prevent air emissions. However, KCBX's argument entirely ignores the potential for water pollution through runoff if pooling were allowed at their storage facilities. Given this facility's history of runoff pollution into the Calumet River, it is inappropriate to allow a variance from the City's new regulations—especially from the provisions against pooling as KCBX is seeking. We urge the City of Chicago to deny KCBX's variance request and vigilantly protect the Calumet River and Lake Michigan from runoff petcoke and coal pollution.

The Alliance also supports the Natural Resources Defense Council and the Southeast Environmental Task Force's comments asking the City to deny KCBX's request for a variance from these runoff and grading provisions.

Thank you for the opportunity to comment on KCBX's variance application. Should you have any questions about the Alliance's comments, please do not hesitate to contact Lyman Welch at 312-445-9739 or lwelch@greatlakes.org.

Sincerely,

A handwritten signature in blue ink that reads "Lyman C. Welch". The signature is written in a cursive style with a large initial "L".

Lyman C. Welch
Water Quality Program Director