

A Voice for Nurses. A Vision for Healthcare.

September 2, 2014

Bechara Chaucair, MD
Commissioner of Health
Department of Public Health Attn: Environmental Permitting and Inspections
333 South State Street, Room 200
Chicago, IL 60604
EnvComments@cityofchicago.org

RE: Petcoke Regulations/Variance Requests - OPPOSE

Dear Dr. Chaucair:

National Nurses United (NNU) represents approximately 6,000 Registered Nurses in Illinois and has a strong commitment to protecting the state's environment and the public health. As such, we have an obligation to advocate on behalf of our patients and the public and we appreciate the opportunity to provide comment on the proposed variances. We oppose the variances sought by Calumet River Terminal, S.H. Bell Company, Kinder Morgan/Chicago Arrow Terminal, North American Stevedoring Company, Horsehead Corporation, Gulf Sulfur Services, and KCBX Terminals.

Chicagoans living near these facilities have, for years, been exposed to fugitive dust particles from petcoke and metcoke. The City of Chicago has acknowledged the risks to the public and entered into rulemaking intended to mitigate such risks earlier this year, resulting in new Air Pollution Control Rules and Regulations for Control of Emissions from the Handling and Storage of Bulk Material Piles. Subsequent to implementation of the new Rules and Regulations, the above-referenced corporations are seeking variances to the Rules which would allow continued public exposure to toxic dust particulate pollution. These corporations are asking the Chicago Department of Public Health to weigh their potential financial losses against the community's health.

While we believe the City's new rules regarding dust pollution are a step in the right direction, we feel they didn't go far enough – and in large part, that the variance provisions are too lenient. While the city has addressed some of our issues on this point, we still believe the variance requirements allow for this potentially deadly dust to continue endangering the public.

We have two major concerns with the applications for variance – first, the health impacts of fugitive dust are well known and documented and are profound. Second, we find it offensive that considerations of industry hardship (cost) even enter into possible variances when the lives of people are at stake.¹

The facilities requesting variances lie in close proximity to neighborhoods and schools, as well as the Calumet River – so the public health impact to those residing nearby who are forced to breathe the air must be given enormous weight. These residents did not settle in these areas with a clear understanding that the air would be toxic, would produce potentially permanent damage to their airways, circulatory systems, and neurodevelopmental systems, that petcoke and metcoke dust would be coating their homes, their schools, their parks, and their bodies. This “toxic trespass” is completely unacceptable.

¹ ARTICLE II. Air Pollution Control Rules and Regulations For Control of Emissions from the Handling and Storage of Bulk Material Piles, Section 8.0 (2)(E)(i).

According to Chicago's own study², "substantial mitigation efforts may be required on the part of operators of bulk material processing and storage facilities to ensure that fugitive dust emissions do not lead to localized exceedances of ambient air quality standards." In fact, particulate matter is known to cause coughing, wheezing, and shortness of breath, as well as long-term cardiovascular and respiratory effects.³ In addition, petcoke and metcoke also contains arsenic and lead, which can cause skin, circulatory, and peripheral nervous disorders, decreased IQ and impaired ability to learn, and increased risk of lung cancer.^{4,5} Given these facts, the Department of Public Health must act in the best interests of the public. Any weakening of the rules via variances must not be allowed.

Second, comments from the industry such as these should serve as a wake up call for the Department of Public Health:

- "Consider that petroleum coke is used in the Midwest as a cost competitive fuel, especially by non-profit public utilities, because it is more economical than coal."⁶
- "The regulation requiring monitoring imposes an unreasonable hardship, including excessive cost and resource commitment."⁷
- "Installation of dust collection systems at Transfer Points, including barge, rail, and truck are not technically feasible or economically reasonable."⁸
- "Strict compliance with the Regulations, particularly the fugitive dust monitoring requirements and harsh waterway setbacks would lead to devastating impacts on S. H. Bell and Company's ability to operate."⁹
- "The cost of compliance with the PM-10 monitoring requirement imposes and unreasonable economic hardship on its operations."¹⁰

Unhealthy, polluted air, land, and water increases disease, causes premature deaths, complicates existing health issues and wreaks havoc on the overall well-being of communities. The transport, processing and storage of petcoke, metcoke and other polluting particulates has particular impact upon the health of children and older adults. We are aware, as well, of diseases appearing prematurely in young adults that would normally be seen in an older population, in some instances leading to premature death.

Where exactly does a corporation's economic hardship come into play in making decisions about the lives of area residents?

² *City of Chicago Fugitive Dust Study*, March 2014, at www.cityofchicago.org/EnvironmentalRules, accessed July 14, 2014.

³ Lepeule, J. et al. (2012). Chronic Exposure to Fine Particles and Mortality: An Extended Follow-up of the Harvard Six Cities Study from 1974 to 2009. *Environmental Health Perspectives*. 120; 7, at www.ncbi.nlm.nih.gov/pmc/articles/PMC3404667/pdf/ehp.1104660.pdf, accessed August 28, 2014.

⁴ US Environmental Protection Agency website, www.epa.gov/cleanenergy/energy-and-you/affect/coal.html, accessed August 28, 2014.

⁵ US Department of Health and Human Services, Agency for Toxic Substances and Disease Registry Toxicological Profiles for Arsenic and Lead, August 2007, at www.atsdr.cdc.gov/toxprofiles/tp2.pdf, accessed August 28, 2014.

⁶ American Fuel and Petrochemical Manufacturers, *Comments on Chicago Department of Public Health's Air Pollution Control Proposed Rules and Regulations for Handling and Storage of Bulk Material Piles (Article II)*, January 24, 2014.

⁷ North American Stevedoring Company, LLC, *Variance Application, Fugitive Dust Plan, Bulk Material Storage Rules and Regulations*, June 11, 2014.

⁸ Kinder Morgan, *Variance Request to the City of Chicago: Department of Public Health*, June 11, 2014.

⁹ S. H. Bell and Company *Requests for Variations from Regulations, Air Pollution Control Rules and Regulations for Handling and Storage of Bulk Material Piles*, June 10, 2014.

¹⁰ Horsehead Corporation, *Request for Variance from the Rules and Regulations for Control of Emissions from the Handling and Storage of Bulk Solid Materials*, June 13, 2014.

NNU strongly opposes the issuance of variances that would permit companies to increase the size of the petcoke piles, delay the enclosure of the piles, or that would in any way delay full and complete compliance with the rules and regulations as written.

We therefore respectfully request the Department of Public Health, in conformity with its mandate to protect the public health, deny any and all variance requests to the Rules and Regulations for the Handling and Storage of Bulk Material Piles.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Rodolfo", with a stylized flourish at the end.

Jan Rodolfo
Midwest Director