

Southeast Side Coalition to Ban Petcoke

banpetcoke@gmail.com

Via email to: EnvComments@cityofchicago.org.

September 2, 2014

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

Re: Comments on Variance Requested by KCBX Terminals Company

Dear Responsible Official:

I am writing on behalf of the Southeast Side Coalition to Ban PetCoke (“the Coalition”), a community organization made up of residents of Chicago’s Southeast Side. The Coalition was formed to provide concerned residents with a forum to organize and respond to the storage of bulk materials along the Calumet River in Southeast Chicago. In addition to endorsing the comments submitted by Natural Resource Defense Council (NRDC) et al., the Coalition submits the following comments in response to the request for variance submitted by KCBX Terminals Company (KCBX).

The Coalition urges the Chicago Department of Public Health (“the Department”) to deny the variance request made by KCBX to allow noncompliance with Air Pollution Control Rules and Regulations For Control of Emissions from the Handling and Storage of Bulk Material Piles (“regulations”). The Coalition fundamentally opposes the variance process and believes that the health of the citizens should be the highest priority of the Department. The Coalition commented in opposition to the variance process when the Department was considering the regulations and the Coalition’s position has not changed. The Coalition maintains that the regulations are already too lax and contain too many loopholes. It’s not in the best interest of the residents of Chicago for the Department to grant exemptions to these hard-fought regulatory protections.

The request for variance from KCBX is particularly galling because, regardless of its claims to the contrary, KCBX has not been a good neighbor to the residents of the southeast side. Coalition members have filed multiple complaints against KCBX over the last 12 months (since the Coalition’s inception) and continue to record and report black dust in their homes and throughout the neighborhood. Furthermore, the United States Environmental Protection Agency (“USEPA”) issued a Notice of Violation to KCBX on June 3, 2014, citing the facility for causing or contributing to violations of air quality standards for coarse particulate matter (PM10).¹ It takes considerable nerve to claim to respect ones neighbors² while spewing dangerous³ pollution in an area that is already plagued by impaired air

¹ USEPA Notice of Violation EPA-5-14-IL-13, available online at <http://www2.epa.gov/sites/production/files/2014-06/documents/kcbx-nov-20140603.pdf>.

² See Letter to the Southeast Community, February 13, 2014, available online at <http://aboutpetcoke.com/wp-content/uploads/2014/02/KCBX-February-Community-Letter-2.11.14.pdf>.

quality.⁴ The Coalition observes that KCBX's flagrant disregard for the community was an impetus for the creation of these regulations, so its request for exemption seems to be the very definition of audacity.

The City of Chicago and our elected officials took a strong stand against dirty facilities like KCBX when they crafted, promoted, and passed these regulations. The Mayor himself boldly stated that facilities like KCBX could either clean up or shut down.⁵ The Coalition implores the department to show the strength of those convictions by enforcing these regulations and denying this request for variance.

The Coalition appreciates the opportunity to comment and be a part of this process. Thank you for your time and consideration.

Sincerely,

/s/ Lydia Jordan

Lydia Jordan
lydia.jordan@law.northwestern.edu
Environmental Advocacy Center
Bluhm Legal Clinic
Northwestern University Law School

³ See, e.g. USEPA Factsheet "Particle Pollution and Your Health," available online at <http://www.epa.gov/airquality/particlepollution/pdfs/pm-color.pdf>.

⁴ Illinois Environmental Protection Agency, Recommended Annual PM2.5 Nonattainment Area Designations in Illinois, October 2013. Available online at http://www.epa.state.il.us/public-notice/2013/pm25-nonattainment/Chi_annualPM25_Oct_23_2013.pdf.

⁵ Mayor Emanuel Announces Crack Down on Pet Coke Dust by Requiring Facilities to Fully Enclose Harmful Materials, March 13, 2014, available online at http://www.cityofchicago.org/city/en/depts/mayor/press_room/press_releases/2014/mar/ayor-emanuel-announces-crack-down-on-pet-coke-dust-by-requiring-.html.