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February 3, 2014

Bechara Choucair, M.D., Commissioner
Chicago Department of Public Health
Attn: Environmental Permitting and Inspections
333 South State Street, Room 200
Chicago, IL 60604

Re: Chicago Department of Public Health – Rules and Regulations for Bulk Material Storage Piles Proposed December 19, 2013

Dear Dr. Choucair:

I am contacting you on behalf of the Illinois Asphalt Pavement Association (IAPA), the trade association representing companies that produce hot mix asphalt for highway pavements. There are several asphalt mix plants within the city limits of Chicago that may be impacted by this rule. Furthermore, many of our members perform work for the City of that are potentially impacted by your agency's proposed new rules.

The Scope and Purpose of the City's proposed rules and regulations for bulk material storage piles provide that these new requirements are aimed at resolving fugitive dust issues associated with the storage of "ores, coal and coke." However, a key component of this rulemaking, the definition of bulk solid material in Section 2.0(2), is broad enough to also encompass the countless stockpiles of crushed stone, sand, gravel, reclaimed asphalt pavement, and recycled asphalt shingles used for the production of hot mix asphalt within the city of Chicago. For that reason, the IAPA respectfully requests that you consider amending the definition of bulk solid material to ensure that stockpiles of these construction materials are not unintentionally impacted by the City's proposal.

The rule in question states as follows:

BULK SOLID MATERIAL means any solid substance or material that can be used as a fuel or as an ingredient in a manufacturing Process that may become airborne or be scattered by the wind, including but not limited to ores, coal, and coke, including petcoke and metcoke, but shall not include construction and demolition materials or materials that are handled or stored pursuant to a recycling, reprocessing, or waste handling Facility permit under Chapter 11-4 of the Code, or materials used in manufacturing cement at a facility that has obtained a construction permit and prevention of significant deterioration approval from the Illinois Environmental Protection Agency.

Hot mix asphalt plants are already subject to the operational standards of air pollution permits issued by the Illinois Environmental Protection Agency, including comprehensive requirements for managing fugitive dust emissions. For that reason, the IAPA respectfully requests that the City's proposed definition of "bulk solid material" be amended to clearly exempt stockpiled construction materials used to produce hot mix asphalt, as follows:

BULK SOLID MATERIAL means any solid substance or material which can be used as a fuel or as an ingredient in a manufacturing process that may become airborne or be scattered by the wind, including but not limited to ores, coal, and coke, including petcoke and metcoke, but shall not include construction ~~and demolition~~ materials, including but not limited to stockpiles of crushed stone, sand, gravel, reclaimed asphalt pavement, and recycled asphalt shingles at construction sites or hot mix asphalt plants, demolition materials, or materials that are handled or stored pursuant to a recycling, reprocessing, or waste handling facility permit under Chapter 11-4 of the Code or materials used in manufacturing cement at a facility that has obtained a construction permit and prevention of significant deterioration approval from the Illinois Environmental Protection Agency.

These proposed changes remove the existing conflicts within the provisions of proposed Section 2.0(2) thereby ensuring that the City's regulations focuses on fugitive dust associated with "ores, coal and coke" instead of inadvertently regulating stockpiles of materials used in hot mix asphalt production.

The IAPA appreciates the opportunity to comment upon the City's proposed rules.

Respectfully submitted,



Kevin Burke III, Executive Vice-President
Illinois Asphalt Pavement Association

Cc: Julie Armitage, Bureau Chief of Air, Illinois Environmental Protection Agency
Deanna Glosser, Chair, Illinois Pollution Control Board
Deborah Stone, Director and Chief Sustainability Officer, Cook County
Ann Schneider, Secretary, Illinois Department of Transportation