

Cronimet Corporation  
10602 S. Buffalo Avenue  
Chicago, IL 60617

Department of Public Health  
ATTN: Environmental Permitting and Inspections  
333 S. State Street, Room 200  
Chicago, IL 60604

RE: Comments with respect to CDPH Proposed Amendments to Recycling Facility Rules

To Whom It May Concern:

The following comments are being submitted to the Chicago Department of Public Health (the "CDPH") on behalf of Cronimet Corporation ("Cronimet"). Cronimet appreciates the opportunity to provide comments on the CDPH's Proposed Rules for Large Recycling Facilities (the "Proposed Rules") and looks forward to working with the CDPH in an effort to establish a fair and reasonable regulatory structure that seeks to protect the health of the general public and allows Cronimet and other recycling facilities to operate in an efficient manner. All capitalized terms used but not defined herein have the meaning ascribed to such terms in the Proposed Rules

General Statement:

Cronimet supports the efforts of the CDPH to establish regulations within the recycling industry that seek to protect the health of the general public and ensure that Recycling Facilities are operated in a safe and efficient manner. Cronimet has been conducting business within the City of Chicago in a compliant manner for many years and has been a professional and courteous corporate citizen and neighbor of the local community. The stated goal of the Proposed Rules is the protection of public health and Safety (Page 1), however, as presented, the Proposed Rules lack a rational connection between the requirements presented and the stated public health concern. Cronimet respectfully requests that the CDPH reconsider the Proposed Rules and work together with Owners and Operators of Recycling Facilities to establish regulations that effectively and efficiently protect and promote public health and safety. Cronimet has invested millions of dollars into its operations at its Chicago Facility and it provides a livelihood to its many employees, however the proposals contained in the Proposed Rules make it unlikely that Cronimet will be able to continue its operations in Chicago and Cronimet respectfully requests that the CDPH not enact the Proposed Rules in current form.

As a general matter, Cronimet's high-level concerns regarding the Proposed Rules are as follows:

1. Many of the requirements contained in the Proposed Rules would place a significant burden on Existing Facilities without any rational connection to a public health benefit.

2. The work that Cronimet would need to undertake, including hiring various third-party consultants and professionals, to comply with the Proposed Rules would take an unreasonable amount of time, and would require Cronimet to devote large amounts of money and personnel hours to meet the strict implantation schedule set forth in the Proposed Rules. Cronimet respectfully suggests that Existing Facilities be “grandfathered” into a new regime that is less intrusive and cost prohibitive than then regime presented in the Proposed Rules or given a longer time frame in which to comply.
3. A significant amount of information that is required to be reported or disclosed under the Proposed Rules, including but not limited to, suppliers, customers, material volumes, processing methods and capabilities and other proprietary business information are trade secrets protected under federal and state trade secrets law. Additionally, much of this information is also governed by and subject to various private legal agreements, including confidentiality agreements. Cronimet respectfully suggests that the CDPH recognize the sensitive nature of this information and the costs to provide such information and weigh this against any alleged public health benefit.
4. The Proposed Rules take a one-size-fits-all approach to the regulation of Large Recycling Facilities. Cronimet respectfully suggests that the CDPH recognize that every Recycling Facility is different and seek to more narrowly tailor the Proposed Rules to the type of Facility being regulated.

**Section 3:** In general, Cronimet respectfully suggests that the permit applications required under the Proposed Rules only apply to New or Expanding Facilities. Existing Facilities have already gone through extensive inspection and approval processes and adding additional requirements on these businesses will require such businesses to spend significant amounts of time and money on compliance with new rules with little additional benefit to the protection of public health.

**Section 3.1:** The requirement for a Professional Engineer to direct the permit renewal process adds an unnecessary financial burden to an already high cost of compliance. The Design Report already requires the submission of documents and reports prepared by other professionals in applicable fields. There is no justification for the added cost of a Professional Engineer, especially for Existing Facilities. Cronimet respectfully requests that the CDPH withdraw this requirement for Existing Facilities.

**Section 3.5.C:** Cronimet respectfully requests that this requirement be withdrawn as it would require that we disclose proprietary business information with no corresponding public health benefit. In the alternative, we respectfully request that the information required to be submitted hereunder be limited to a general statement of the types and sources of Recyclable Materials brought into the Facility and can be very generic given the numerous grades of similar material that are brought in.

**Section 3.5 D&E:** Cronimet respectfully suggests that estimates based on historical levels can be used here as it is difficult and would be extremely time consuming to try to predict this information.

**Section 3.9:** Cronimet respectfully requests that this section only be required of New or Expanding facilities.

**Section 3.9.1.2:** Cronimet respectfully requests that this section only be required of New or Expanding facilities. If this becomes applicable to Existing Facilities, we request that a snapshot of certain time be sufficient as Cronimet's volumes vary throughout each day and week.

**Section 3.9.3:** Cronimet respectfully suggests that an aerial photography drawing not be required of existing facilities, or in the alternative that the latest available aerial mapping from a publicly available source, such as Google Maps, be sufficient.

**Section 3.9.5.2-.4, and .8:** Cronimet respectfully requests that these parts of this section only be required of New or Expanding facilities.

**Section 3.9.7.2:** Cronimet requests that the CDPH please clarify the expectations of a pavement maintenance plan.

**Section 3.9.11:** Cronimet respectfully requests that these parts of this section only be required of New or Expanding facilities since it is already permitted.

**Section 3.9.12:** Cronimet respectfully requests that these parts of this section only be required of New or Expanding facilities since it is already permitted.

**Section 3.9.14.1:** Cronimet respectfully requests that since it is difficult to predict future traffic since the amount of business conducted is dependent on many conditions, that an average per day or per week of expected traffic would be sufficient.

**Section 3.9.18.1.A:** Cronimet respectfully requests that this section only be required of New or Expanding Facilities. In the alternative, Cronimet would request a variance to the barrier requirement. With a fugitive dust plan in place, and with air continuously below action levels, Cronimet respectfully requests that the requirement for solid barrier walls be eliminated. Not only would the cost to construct a solid barrier wall be extensive, time consuming and an interruption to the operation of our business, in many instances a solid barrier wall would make it unreasonably inefficient for the day-to-day conduct of our business. It is also unlikely that the requirement of a solid barrier wall, with all the previously stated protections already in place, would add any measurable benefit to the protection of human health that justifies the enormous financial and operational cost to constructing a solid barrier wall.

**Section 3.9.18.1.B:** If this becomes applicable to Existing Facilities, Cronimet respectfully suggests that material composition include additional barriers, such as metal strips or metal plates. The cost to install barriers around the Facility will be very expensive and, in our case, such an expense requires parent company level approval. Cronimet is already past the 2020 budget approval cycle and now working on CY 2021. Given the potential cost to construct this barrier, it will likely have to go through this budget cycle.

**Section 3.9.18.1.E:** If this becomes applicable to Existing Facilities, Cronimet requests that the CDPH please provide guidance on how to demonstrate the effectiveness of the barrier wall.

**Section 3.9.19:** Cronimet respectfully suggests that the CDPH adopt the State of Illinois' stormwater regulations.

**Section 3.9.22:** Cronimet respectfully requests clarification and provided examples for acceptable methods and procedures for modeling.

**Section 3.11:** As a general matter, the information required to be disclosed under Section 3.11 largely consists of proprietary business information and trade secrets. Cronimet requests that the CDPH reduce the information requested hereunder to such information that reasonably relates to the protection of public health. Section 3.11 of the Proposed Rules as drafted does not contain any public health benefit rationale or justification for the extreme invasion of privacy into private corporate information.

**Section 3.11.1:** Cronimet respectfully suggests that it is difficult to predict the volumes and types of material with precise accuracy and requests that general and generic descriptions be acceptable.

**Section 3.11.1.2:** Cronimet has existing procedures in place for the sortation of incoming recyclable metals, this is fundamental to our business and undertake the sortation process as the purchasing arm of the stainless-steel mills in the USA. This includes a visual check on incoming and outbound material, as well as a check for radiation on all inbound and outbound loads using state-of-the-art radiation detectors.

**Section 3.11.2.5:** Cronimet respectfully request that to the extent this information is required the CDPH would accept averages for all numbers requested.

**Section 3.11.3:** Cronimet respectfully requests that this section be removed due to this being considered proprietary business information and classified as trade secrets.

**Section 3.11.8:** Cronimet respectfully requests clarification of the term "vehicle".

**Section 3.11.12:** Cronimet respectfully requests that this section be removed because cost is very difficult to calculate prospectively, and the disclosure of financial information is not permitted by our parent company without appropriate approval.

**Section 4.4.1.1:** Cronimet suggests that the height of an outdoor stockpile depends on many factors such as distance from the public, distance from property lines, the kind of material being stored, etc. Cronimet suggests that heights of greater than 20 feet be permitted.

**Section 4.4.1.2:** Cronimet suggests that imposing a requirement here could cause safety concerns with regards to the 4-foot barriers on 3 sides of all stockpiles. The barriers could reduce visibility or make the material difficult to handle if it can only be accessed on 1 side. Cronimet respectfully requests that the CDPH withdraw this requirement.

**Section 4.4.2.3:** Cronimet suggests that imposing the requirements here are not practical and have no reasonable public health benefit and respectfully request that such requirements be eliminated.

**Section 4.4.2.4:** Cronimet suggests that a daily calculation is much too burdensome without any reasonable corresponding public health benefit. Cronimet respectfully requests that a monthly calculation be accepted by the CDPH.

**Section 4.5.1:** Cronimet accepts many vehicles driven by third parties hired by suppliers to bring their material into Cronimet. Cronimet has no control over the conduct of such third parties or the identity of such third parties. Additionally, tarping can cause safety concerns with regards to drivers having to climb trucks to tarp or un-tarp in inclement weather. Furthermore, the State of Illinois does not require dump trucks to be tarped and we respectfully request that the CDPH fall in line with the State of Illinois.

**Section 4.7.1:** The Proposed Rules do not indicate if a Facility does not discharge wastewater, only storm water, into a waterway or MS4, will the Facility be required to install continuous monitoring equipment. Cronimet respectfully requests guidance on this issue prior to adoption of final rules. Also, there is no way to ensure that our water monitor would only read what we could have deposited into the water given that a bridge is next to the property with grating that could allow debris to fall through it. Cronimet respectfully requests CDPH guidance on how this issue would be handled under the Proposed Rules.

**Section 4.8:** With Cronimet's Facility being located directly along the water, our air and weather monitoring equipment must be able to withstand the high wind speeds of the area, so we would have to purchase equipment to withstand these rigid conditions, but this also makes Cronimet question whether debris from those others around us could affect our monitoring data. Cronimet respectfully requests CDPH guidance on how this issue would be handled under the Proposed Rules.

**Section 4.8.3.1:** Cronimet requests clarification of the specific type of Continuous FEM real-time PM10 monitors required. For example, what is the difference between continuous and real-time?

**Section 4.8.3.4:** Cronimet respectfully requests clarification on what specific type of data is to be logged.

**Section 4.8.3.5:** Cronimet respectfully suggests an RAL concentration of 150 as the baseline, rather than 50. The average concentration, we believe, for the area is around 19-22, so 50 would seem to close to the average normal concentration.

**Section 4.8.3.8:** Cronimet respectfully requests clarification on the required format for these reports.

**Section 4.8.3.9:** Cronimet respectfully suggests that this 15-minute required notification is nearly impossible to meet and would respectfully request a more reasonable timeframe, such as 24 hours.

**Section 4.8.3.12:** Cronimet respectfully requests that this section be removed due to the high cost relative to the additional potential public health benefit. In the alternative, Cronimet respectfully requests clarification on opacity testing since this can be quite expensive. "A range of weather conditions" is not specifically defined and would not seem reasonable to adhere to. Cronimet respectfully requests that this section be removed

**Section 4.10:** Cronimet respectfully requests that this section be removed as Cronimet follows all OSHA requirements and manufacturer recommendations with regards to equipment maintenance.

**Section 4.15.1.2:** Cronimet respectfully requests that the sweeper requirements include exceptions for inclement weather (heavy snow, etc.). Cronimet also respectfully suggest that the CDPH reconsider the distance which a Facility is responsible for sweeping. The current requirement could place additional requirements on the sweeper drivers in order to operate on a public road and are unlikely to provide any meaningful additional health benefit as such roads are publicly maintained.

**Section 5:** Although Cronimet is hopeful that the CDPH will not adopt the Proposed Rules as drafted and will work with the recycling industry to issue a more fair and reasonable regulatory system, given the substantive new requirements potentially being imposed on Recycling Facilities under the Proposed Rules, the 365-day implementation requirement is not reasonable. All companies subject to the Proposed Rules will have to rely on numerous outside consultants to begin to start the implementation process, and the final rules must be known before moving forward on this burdensome effort. Many of the requirements of the Proposed Rules place significant additional compliance burdens to Existing Facilities and will take a lengthy period of time to comply with. Cronimet respectfully request that the time period for compliance be extended for Existing Facilities.

**Section 6.1.2.3:** Cronimet respectfully suggests that requiring companies to grant the CDPH with live video recording of the inside of its Facilities is a tremendous invasion of privacy. There



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is no meaningful public health benefit to granting the CDPH 24-hour access to video surveillance and Cronimet requests that this requirement be removed.

Cronimet is grateful for the opportunity to comment on the Proposed Rules and looks forward to working with the CDPH to provide reasonable solutions for the improvement of public health in the City of Chicago.

Sincerely,

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