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PUBLIC HEARING
CITY OF CHICAGO
DEPARTMENT OF PUBLIC HEALTH

PROPOSED REGULATIONS AND
SOLICITATION OF COMMENTS FOR THE
HANDLING AND STORAGE OF BULK MATERIAL PILES

The Zone
11731 South Avenue O
Chicago, Illinois

Wednesday, June 6, 2018
6:06 p.m.

PANEL:

- MR. MORT AMES
- MR. DAVID GRAHAM
- MS. JENNIFER HESSE
- DR. CORTLAND LOHFF
- MR. OTIS OMENAZU

FACILITATOR:

MS. IVONNE SAMBOLIN

Reported by: Nick D. Bowen
CSR No. 84-001661

1 MS. SAMBOLIN: Good evening, everyone. Can
2 you hear me? Great.

3 Welcome to the bulk material rules
4 public hearing. My name is Ivonne Sambolin. I'm
5 with the Chicago Department of Public Health. And
6 we'd like to thank you for taking time to join us
7 tonight.

8 If someone needs Spanish, a Spanish
9 interpreter, Ms. Victoria Rabena, who is right over
10 there, is here to assist. Please sit next to her
11 in order to hear what is being said this evening.

12 I'm going to walk you through what
13 this evening will be like.

14 Alderman Garza is running a little
15 bit late, but she would have normally given us our
16 welcome. When she comes in, she'll have a moment
17 to say a few word to everyone.

18 After I'm done, Dave Graham, who is
19 our Assistant Commissioner for Environmental Health
20 at the Chicago Department of Public Health, will
21 share a few words on the purpose of tonight's
22 public hearing.

23 Last, we will have Jennifer Hesse,
24 our attorney from permitting and inspections, who

1 will speak on the bulk material rules in more
2 detail. Once Jennifer has concluded her
3 presentation, we will open up the floor for
4 comment. I'll explain more about the comment
5 process after Jennifer's presentation.

6 Dave.

7 MR. GRAHAM: Good afternoon. Or good
8 evening.

9 My name is Dave Graham. I'm
10 Assistant Commissioner, so I oversee environmental
11 permitting and inspections. So our group handles
12 air permits and other permits for industry within
13 the city.

14 So for tonight we're here to listen
15 to any comments that you may have on the bulk
16 material rules and the changes that we're
17 proposing. And so we're here to listen.

18 So if -- and Ivonne will talk a
19 little more about it. But our role here tonight is
20 to listen to anything that you have with regards to
21 changes we're contemplating on the bulk material
22 rules.

23 So some of the other folks up here
24 are Mort Ames. He is an attorney with Department

1 of Law. He helps us navigate the legal landscape.

2 Cortland Lohff, he's the medical
3 director. I actually report to him. So he has
4 background that can -- and can answer any questions
5 that you may have.

6 Otis Omenazu, he is the supervisor
7 for the air inspectors. He also handles the
8 permitting process that happens within the city.

9 And Jennifer Hesse is our staff
10 attorney who actually has been writing -- has
11 written the bulk material regulations and is also
12 writing the changes that we're contemplating.

13 So right now Jennifer is going to go
14 through briefly what we are proposing.

15 MS. HESSE: Thank you.

16 Thank you, everyone, for coming.
17 Again, I'm Jennifer Hesse, an attorney in the
18 Department of Public Health's Environmental
19 Permitting and Inspections Unit.

20 This is going to be a very brief
21 presentation because, like Dave said, we're here
22 to listen to you.

23 But in general, in case you don't
24 know, I want to explain what rules and regulations

1 are.

2 First of all, the terms are
3 interchangeable. Sometimes we say "rules."
4 Sometimes we say "regulations." They're the exact
5 same thing. They are issued by City departments.

6 So City Council issues ordinances.
7 They write and pass the municipal code. The
8 ordinances give authority for departments to issue
9 rules. The rules basically fill in the gaps. They
10 provide more details, more specific requirements.
11 But they are enforceable requirements. So the City
12 inspectors enforce the rules; we can write tickets,
13 assess fines.

14 The environmental ordinance that
15 gives authority for these rules is the Air Pollution
16 Control Ordinance, and it provides fines of a
17 minimum of \$1,000, maximum of \$5,000 for every
18 violation.

19 So that's what rules and regulations
20 are.

21 Now, the bulk material rules are
22 specific rules that exist currently. The
23 department issued bulk material rules in March of
24 2014, and that was largely in response to concerns

1 about pet coke storage. You probably -- if you
2 live in this neighborhood, you're probably familiar
3 with the concern about pet coke a few years ago.

4 So the City did a very similar
5 process. We drafted some proposed rules, and we
6 had a public hearing. We took in comments. We
7 took in lots of written comments. Ultimately
8 issued the final rules. Rules become final when
9 the Commissioner signs them. Again, there's no
10 City Council process with the rules.

11 So these rules, what we're here
12 tonight to talk about, are amending the original
13 rules. We are -- so back when we first issued
14 the bulk material rules in 2014, we had an air
15 pollution control ordinance. We have various
16 nuisance ordinances, but nothing specific for these
17 bulk material facilities. So these were brand new,
18 and we believe they're the strongest in the nation
19 because they have a whole host of requirements for
20 facilities that handle bulk materials.

21 Bulk materials are -- solid bulk
22 materials include pet coke, other kinds of coke,
23 coal, iron ore, pig iron, that kind of material.

24 So the rules currently require full

1 enclosure of pet coke and coal. Very specific dust
2 control requirements.

3 The facilities that are under these
4 rules have to prepare various detailed fugitive
5 dust plans. Fugitive dust is dust that's not going
6 through a filter; so dust that blows off of a pile,
7 for example. But under these rules, the businesses
8 are responsible for controlling that dust. And the
9 rules prohibit the dust, visible dust from leaving
10 their sites.

11 There are a lot of other
12 requirements for air monitoring to ensure that
13 their dust control measures are working; street
14 sweeping, a variety of things.

15 I want to mention manganese because
16 it's been in the news a lot lately regarding health
17 concerns around breathing manganese. There was a
18 community meeting here that CDPH participated in
19 last month that talked about manganese. We're not
20 here to talk specifically about the sampling that's
21 happening and issues with manganese, but we do have
22 some fact sheets, and we're happy to answer questions
23 at the end. There's even more to come. I think,
24 as Ivonne will mention, the U.S. EPA is having a

1 meeting regarding sampling of manganese coming up
2 next week.

3 But what I wanted to mention is that
4 currently facilities that handle manganese-bearing
5 materials are subject to the current rules. So
6 they are required to control their dust. However,
7 these proposed amendments are going to have even
8 stricter requirements for manganese.

9 So basically the proposed rules are
10 updating and strengthening, clarifying things under
11 the existing rules. Before two years ago, we were
12 basically starting from scratch. This time we have
13 an existing set of rules that we're just making a
14 few updates to.

15 This is the starting place. So
16 there are not a whole lot of changes. We are, with
17 regard to manganese, proposing to require that the
18 companies that handle this material install what
19 are called filter-based monitors. The current
20 monitoring requirement applies to fugitive dust or
21 PM 10, which is particulate matter. And the idea
22 is that the monitors will tell you if there's any
23 dust going through the monitor leaving the site.

24 A filter-based monitor is when -- it

1 collects a sample of the dust, it's tested, and you
2 can find out what's actually in it. So with regard
3 to facilities, manganese -- the proposed rules
4 would require them to install this extra type of
5 monitor or fully enclose all the material.

6 And then the proposal would also
7 give the CDPH the authority to require these
8 monitors for other facilities, not just the
9 manganese-handling facilities, if there seems to
10 be a need.

11 So the next step is that we're going
12 to review and consider all the comments that we
13 receive just like we did a few years ago. We are
14 listening to you today. We have a court reporter
15 who is documenting everything that's being said.
16 We'll get a printout of that and review them all.
17 We're going to summarize the comments that we
18 receive.

19 And we're going to prepare a
20 responsiveness document, which we did last time
21 around. And all comments and the responsiveness
22 document will be posted on our website.

23 We extended the comment period so
24 you can submit written comments through June 13th,

1 which is a week from today. We have an email
2 address where you can send the comments. So if
3 you don't want to speak tonight, you can still
4 write your comments and send them to us.

5 Now Ivonne.

6 MS. SAMBOLIN: Okay. So we're going to open
7 up the floor to comments on bulk material rules. I
8 ask that those who have signed up and received a
9 number to prepare to speak in order. I have a
10 listing. If anyone else has signed up recently,
11 please let me know. But we're going to go in order
12 starting with number two because number one was an
13 accidental sign-in.

14 We ask that you state your name and
15 that you state your comment clearly. Keep in mind
16 again there's a court reporter sitting in front,
17 and he'd like to be able to capture all of the
18 information correctly.

19 This is an opportunity to state
20 comments, not ask questions. If you have questions,
21 Dave Graham and his entire team will be -- at the
22 end of this event will be in the back of the room
23 to answer any questions you may have in addition to
24 the comments that you've made today.

1 So -- I'm sorry that you stood up so
2 quickly. I have a couple of things I want to say,
3 if you don't mind sitting down.

4 So Gina is holding the microphone.
5 You'll have -- originally it was two minutes. We
6 don't have a lot of people on the list, so I'm
7 going to allow for five minutes. Yaa Simpson, who
8 is sitting right there just waving, she's going to
9 hold up when it's close to one minute, when it's 30
10 seconds, and when you're down to the final five
11 seconds. So we are going to allow five minutes
12 for comments. When you are speaking, pay close
13 attention to Yaa.

14 And, again, if your five minutes
15 have passed and you still need to add more comment
16 or would like more of a statement, please wait
17 until everybody has had an opportunity to speak who
18 has actually signed up, and we'd be more than happy
19 to hear more of what you would like to say.

20 Again, as Jennifer stated, if you do
21 not want to come to the microphone and speak, you
22 can write your comments on the card. I'd be more
23 than happy to speak on your behalf, to read the
24 card on your behalf. Our staff are walking around,

1 and they have note cards. Please write them
2 clearly, and I will read them on your behalf.

3 Does anybody have any questions?

4 (No response.)

5 Great. Then we will go ahead and
6 start.

7 Gina.

8 MS. RAMIREZ: Hi. My name is Gina Ramirez.
9 I'm a lifelong resident of the Southeast Side. And
10 I have a four-year-old son. Throughout my son's
11 short lifetime, I've had to attend various meetings
12 like this about particulate matter. And what most
13 concerns me is the latest meetings that I've been
14 attending to, which is about manganese, which is a
15 very harmful, dangerous neurotoxin.

16 And as a mother, that's very
17 alarming, and I'm very concerned for his health and
18 safety and for all the children of the 10th Ward.

19 And as I was reading that sign about
20 the dust rules, I feel like that the current dust
21 rules allow a company to enclose the operations or
22 install monitors, and I don't like that "or" part.
23 They should be required to do both to ensure the
24 health and safety of families living in this

1 neighborhood. Our community should not have to
2 continue living in this health crisis. We need
3 critical interventions like a moratorium now.

4 My son and all the children in the
5 10th Ward only have one childhood. And I will not
6 continue to let S.H. Bell harm his future. We have
7 carried this burden for far too long, and the
8 legacy of pollution needs to stop now.

9 MS. SAMBOLIN: Thank you, Ms. Ramirez.

10 The next person is Peggy Salazar.

11 MS. SALAZAR: Hello. My name is Peggy
12 Salazar. I'm with the Southeastern Environmental
13 Task Force. And for those of you who know me and
14 for those of you who don't know me, I've been
15 working for many years with the pollution impacts
16 on the community from the local industries in the
17 industrial corridor.

18 I'm here today to say that
19 ordinances are not enough. We need a moratorium on
20 the placing or allowing the businesses to move here
21 that are harmful. We need a moratorium on the
22 manganese because it is harmful. Dust ordinances
23 don't really do enough.

24 I want to know how many of you

1 sitting up there have gone to evaluate the
2 effectiveness of the pet coke ordinance on the
3 community that was impacted by the pet coke.
4 How many? Anyone?

5 A VOICE: Has there been follow-up on that
6 from any of you up there?

7 MS. SALAZAR: Does anyone go to see the
8 effectiveness of the ordinances of the pet coke?
9 No. And I can tell you it did not solve the
10 problem.

11 Today I got the information that
12 General Iron is moving here. General Iron, for
13 those of you who don't know, is a facility that
14 shreds and handles scrap iron. It is being moved
15 from the North Branch, the North Side, and being
16 placed in our community. Why? If ordinances
17 worked, they could stay where they are, and the
18 ordinances would take care of the problem. They do
19 not work. They do not work.

20 So strengthening and improving does
21 not help our community. A thousand dollar fine.
22 How many inhalers does that buy? How many doctor's
23 visits does that pay for? How many power washes on
24 people's homes does that pay for? It's not enough.

1 And we're here to say that's not enough.

2 MS. SAMBOLIN: Thank you, Ms. Salazar.

3 Jim Kinney.

4 MR. KINNEY: Yeah, right here.

5 My name is Jim Kinney, and I would
6 like to see all bulk material enclosed and air
7 monitors in place. That's it.

8 MS. SAMBOLIN: Thank you, sir.

9 Julie -- I'm not sure. Is it Cisco-
10 Sykes?

11 MS. CISCO-SYKES: Cisco-Sykes.

12 MS. SAMBOLIN: Thank you.

13 MS. CISCO-SYKES: Hi. I'm Julie Cisco-Sykes,
14 a long-time East Side resident.

15 Last month was the first meeting I
16 ever attended regarding issues about pollution on
17 the East Side. And a very long-time resident
18 brought up the fact that he lived across the street
19 from the manganese pile, that they were covering
20 it, they were covering monitors.

21 So my concern is even if you put
22 all these regulations in place, companies always
23 sidestep it, find a way around it to go past those
24 monitors.

1 So my concern, is there a way to
2 actually an alarm to go off if you're covering
3 those monitors? And how closely are they being
4 watched? Because they're bypassing obviously all
5 these safety regulations already in place.

6 And obviously being here and being a
7 long-time resident, I remember as a kid all this
8 stuff flying in our house.

9 So after all this time, the
10 regulations don't seem to be effective. So that's
11 my concern with all these monitors. I think they
12 should all be enclosed and covered and not be
13 floating around because the monitors, I feel,
14 really do nothing for us.

15 MS. SAMBOLIN: Thank you, Ms. Sykes.

16 Carol Granados.

17 MS. GRANADOS: Hello. My name is Carol
18 Granados. And my son is a fifth generation of
19 my family to live in this community.

20 And I just want to say that when all
21 the mills closed and our air started clearing up,
22 everything was doing fine. And then all of a
23 sudden what happened? Why are all these companies
24 allowed to come back when we were just getting our

1 natural resources back and our air was getting
2 clean and now they're all back again?

3 And I don't think that the 1,000,
4 \$5,000 fine per instance is enough. These
5 companies make billions of dollars. We can't even
6 afford our health care. So I think maybe, you
7 know, \$5,000 beginning for each violation would be
8 great.

9 And we're talking about keeping it
10 covered. That's all fine. But what about the
11 trucks? I live just two blocks from the S.H. Bell
12 Company and the rock salt storage. I see trucks
13 coming in and out of there every morning. They're
14 lined up at 4:00 a.m. Those trucks are coming out
15 uncovered. The tarps that they have are rolled up.
16 They're not covered.

17 U.S. Steel used to -- they wouldn't
18 let a truck leave their plant without it being
19 rolled up because -- being covered because they
20 could get a fine.

21 How do we -- and when we talk about
22 it at a meeting, they say, Oh, it's up to you guys
23 to monitor it. You have to monitor it. You have
24 to call and you have to let us know. I mean, how

1 much do you want us to do? We have jobs. We have
2 kids. We can't keep monitoring ourselves. If
3 we're letting people know that this is happening,
4 why do the residents have to keep monitoring this,
5 keep taking pictures, keep putting it out on
6 Facebook, keep putting it everywhere?

7 And then also you're talking about
8 air -- you know, the dust blowing in the air. What
9 about the transport from barge to ground and ground
10 back to barge? It's going in the water supply
11 also.

12 And those are my main concerns.

13 MS. SAMBOLIN: Thank you.

14 Next is Liliana Flores.

15 MS. FLORES: Hi. I'm a mom of a two-year-old
16 little girl, and I've lived here for my entire life
17 almost.

18 I just wanted to say that the rules
19 and regulations won't do a thing. You need to be --
20 do something big. Shut S.H. Bell down. You know,
21 it's potent. You know, it's toxic. Children are
22 more vulnerable to all of these like toxins. So I
23 don't understand how you think that rules and
24 regulations are going to do something. It's not

1 okay for my daughter, for other kids to be exposed,
2 and you just come up with a rule. That's it. Like
3 just do a moratorium on them. Why is it so hard?
4 That's it.

5 MS. SAMBOLIN: Thank you, Ms. Flores.

6 Kate Karal.

7 MS. KOVAL: Koval. Thank you. Hi.

8 MS. SAMBOLIN: I'm sorry.

9 MS. KOVAL: That's okay.

10 I have a three-year-old son, and
11 also, you know, his systems are developing and is
12 absolutely vulnerable.

13 I find it interesting that the
14 Department of Planning and Development is not
15 sitting at this table because, let's be honest,
16 that's really what's happening here. That's who
17 we really need to be talking to.

18 Because what's really happening here
19 is that they're putting the interest of corporations
20 and businesses above our public health, and that's
21 the bottom line.

22 So, I mean, Department of Public
23 Health, thanks. But what about the Department of
24 Planning and Development?

1 My question for you all right now
2 is what's your relationship with the Department
3 of Planning and Development? And what was your
4 relationship when you rezoned the north branch of
5 the Chicago River now that that is not industrial
6 anymore? What was that process? What was your
7 role in that process? How did that happen? Hello.

8 MS. SAMBOLIN: We're just here to listen to
9 comments.

10 MS. KOVAL: Oh, no one can answer my
11 questions?

12 MS. SAMBOLIN: No, ma'am. You can talk to
13 them at the end.

14 MS. KOVAL: Can you write that down? Because
15 I'm about to follow up with you all.

16 MS. SAMBOLIN: We have.

17 MS. KOVAL: Okay. Thank you.

18 Because, you know, this is not
19 happening in zip 60614. This is absolutely
20 happening and it has been happening in zip 60617.
21 I don't need a Ph.D. to understand that it is not
22 healthy to live along all of this. We don't need
23 advanced degrees for that. We know -- it is not
24 1920. The Industrial Revolution is long over.

1 Technology has advanced. The Internet exists. We
2 can Google something. I can Google, Is manganese
3 bad? You know what comes up? Yes. Steelworkers
4 were suing their businesses about this.

5 This is not in anyone's best
6 interest. The jobs are not here anymore with the
7 industry. The social contract is broken. And
8 we're being broken too in the process.

9 I want to move. I want to move.
10 And I can't because my entire support system is
11 down here, and this is where I'm from. So I'm not
12 moving.

13 I'm worked up. I want to cry right
14 now. Okay.

15 The rates of asthma in our neighbor-
16 hood are very high. The rates of asthma in zip
17 code 60614 are very low. That's racism. That's
18 classism. Okay?

19 Why is that north branch of the
20 Chicago River now open for public use? They're
21 redeveloping it and working on conservation right
22 now. We live in one of the most bio diverse areas.
23 We have like marshes and prairies. It's beautiful.
24 All right next to this industry.

1 We know it's not good for us. You
2 know it's not good for us. You all know better,
3 especially you, Dr. Lohff. You're a doctor. You
4 took an oath.

5 I'm going to school to work with
6 disabled children, and I feel like this -- you
7 know, it will come full circle being in here in
8 this neighborhood. It's ridiculous.

9 Okay. Where are -- I also need to
10 know where are you getting your data from? Is it
11 ambient air quality? Okay. So I know that ambient
12 air quality -- this would be for you, Mr. Otis --
13 that the thing on -- the air monitor on George
14 Washington High School is for ambient air quality,
15 right? Okay. So we don't want chronic high levels
16 of PM 2.5 and PM 10 for ambient air quality. Well,
17 what about chronic acute exposure? What if there's
18 a high-wind day and that happens five times every
19 month for your entire life? Your entire life. So
20 five times every month for a year, okay. But your
21 entire life? How does that impact the respiratory
22 system? And why are these monitors not for 2.5?
23 What are they just for PM 10? I'm sick of asking
24 this question for years. 2.5 gets through our

1 systems.

2 Okay. Thank you.

3 MS. SAMBOLIN: Eugenia Camacho. Is Eugenia
4 here?

5 MS. CAMACHO: Good evening. My name is
6 Eugenia Camacho. And I didn't plan on speaking
7 today, but I felt that you should see the face of
8 someone who has been affected by the environment.

9 For over a year I had a problem
10 breathing and coughing, and the doctors couldn't
11 find anything. Finally they told me that I have
12 interstitial lung disease that was brought on by
13 the environment that I'm in.

14 I don't smoke. I don't drink. I
15 don't use recreational drugs. Yet I came up with
16 this.

17 According to one doctor, I was told
18 my lungs are going to harden eventually. They
19 don't know how much time I have. And I will not be
20 able to breathe, and I will die. It may be too
21 late for me, and that's okay. But please, please
22 do this for the children of the 10th Ward. Give
23 them a chance to live in a healthy environment.
24 Please.

1 MS. SAMBOLIN: Thank you, Ms. Camacho.

2 Next will be Olga Bautista.

3 MS. BAUTISTA: Thank you for being here. I
4 just -- where are you? The woman that just spoke
5 right now. I'm so sick of having to do these dog
6 and pony shows. They already know. We were here
7 a few weeks ago, and they already heard our
8 situation. And the burden is always on us to fix
9 these problems.

10 And I have no idea what it's like
11 what you're going through, but just know that we're
12 here organizing and trying to build awareness so
13 that people don't have to go through what you're
14 going through.

15 We need to rezone this area. We
16 need to enclose all of these businesses that have
17 fugitive dust leaving their property. And we need
18 to install air monitors everywhere, at all of these
19 businesses, at our schools.

20 A VOICE: Parks.

21 MS. BAUTISTA: By our parks. And we need you
22 to do the right thing. We need you to go back to
23 the City, to the Mayor and tell him that we have a
24 crisis here.

1 And, Otis, I'm just so deeply
2 disappointed that the inspectors have never caught
3 any of these players in their bad acts. It has
4 always been on the people of this community to
5 report them to you, to report them to the City. I
6 think it is extremely important for you to let us
7 know what is your protocol, how are the inspectors
8 doing their job, and then we need to help you. We
9 need to let you know how we have been able to catch
10 these players in their bad acts.

11 And you have to admit that there has
12 been fault on the City and in your department for
13 not calling -- catching these guys. And we need
14 to -- we just -- we need to stand up for this, for
15 the community here. We already -- we could see
16 that the priorities of the City have been up on the
17 North Branch, and that is so unfair.

18 When you had pet coke and manganese
19 and a history of pollutants leaving the premises,
20 for you, for the Department of Public Health, not
21 to advocate for this whole community and all the
22 children in this community and say that this is
23 where we need to rezone, this is where we need to
24 fix the rivers first. But we keep seeing that you

1 keep putting these polluters first before our
2 health. It is so unfair. And we're tired of it.

3 In order for us to be involved
4 civically in our community, that means we have to
5 get baby-sitters to go to meetings, to learn how
6 to be an urban planner, to learn how to be an
7 inspector. We have to do all of these things
8 because the City is not doing them. We have to go
9 and beg and grovel to the City to do your job.
10 And it hurts us because we're paying all of your
11 salaries.

12 A VOICE: Right.

13 MS. BAUTISTA: My husband has a good job. He
14 works for the railroad. And he just -- his union
15 just lost a huge fight with Norfolk Southern, and
16 our insurance is now double. Our deductible went
17 from 4,000 to \$7,000.

18 Who pays -- who pays for your
19 mistakes? It's poor people and people of color
20 and people who live in these communities, and
21 it is completely unfair.

22 MS. SAMBOLIN: Thank you, Ms. Bautista.

23 Pilar Rodriguez.

24 MS. RODRIGUEZ: I'm ten years old and a

1 fifth-grader at John L. Marsh Elementary School.

2 Obviously, I don't really want to be
3 here. Public speaking is hard for anyone, for most
4 people, let alone for a little kid.

5 These meetings are not very kid
6 friendly. And after being at school since 7:45
7 this morning, I just want to hang out with my
8 friends. I'm pretty sure I'm missing an epic Nerf
9 gunfight as we speak.

10 Four years ago when I was six years
11 old, after going to meetings with my mom, I started
12 to feel afraid to play outside. I was also afraid
13 to go to my baby-sitter's house because she lived
14 right across from KCBX.

15 Then one day when my mom was tucking
16 me in, I asked her if I was going to die from
17 breathing in the air in the neighborhood. She
18 quickly realized that I needed to be focused on
19 solutions to these problems and to stay hopeful.

20 I'm a founding member of the Rebel
21 Bells, a social justice group for girls in the
22 Calumet region that has been primarily focused on
23 environmental justice. I'm here today representing
24 the Rebel Bells and to be a voice for more than

1 5,000 little kids that live within a mile of S.H.
2 Bell.

3 To me, justice means equality,
4 peacefulness, safety, and love.

5 This past April I was lucky enough
6 to go to Memphis, Tennessee for the 50th
7 commemoration of the assassination of Dr. Martin
8 Luther King, Jr. I heard many speakers that worked
9 with Martin Luther King, Jr. It was pretty
10 amazing. M.L. King was fighting to change the laws
11 that were hurting people.

12 I think the current laws governing
13 the polluters in my community are also hurting
14 people. It's very important to me that the new
15 laws stop the pollution from putting kids like me
16 in danger. Also, the new laws must bring justice
17 to our community. You must repair the harm that
18 the City of Chicago's weak laws have caused me and
19 my beloved community for many years.

20 Thank you for your time.

21 And by the way, Flint doesn't have
22 clean water.

23 MS. SAMBOLIN: Thank you.

24 Bobby Loncar.

1 MR. LONCAR: Good evening. My name is Bobby
2 Loncar. I'm a local attorney. I'm also the
3 president of East Side Chamber of Commerce.

4 My wife and I are both long --
5 lifelong residents of the Southeast Side. Like
6 many of you here, we are raising our children
7 within one mile of these facilities that are
8 handling manganese.

9 Needless to say, this is an issue
10 that concerns me, this is an issue that concerns us
11 as a family, and it's an issue that concerns all of
12 us here as a community.

13 I've been monitoring this issue as
14 it's been progressing over the last couple of
15 years, and I've been keeping myself informed. I
16 did take a look at the proposed regulations -- or
17 the proposed amendments to the regulations, and
18 a couple of things came to mind, and I wanted to
19 address some of my concerns here with you guys.

20 First, I do see that the proposed
21 section 5.0 in part D does require that the
22 manganese-bearing bulk materials be enclosed, which
23 is a good thing. This is a toxic substance, and it
24 should, at the very least, be enclosed.

1 However, my primary concern is the
2 broad exception for facilities that are willing to
3 install air monitors. The exception is too broad
4 and renders the enclosure requirement essentially
5 worthless, useless, and unenforceable.

6 A VOICE: Especially since the air monitors
7 aren't really being enforced. Like no one's going
8 and following up.

9 MR. LONCAR: I agree.

10 Now, I don't know about you, but if
11 I have a carbon monoxide leak in my apartment and
12 I call an HVAC repairman to come check it out, he
13 gives me two options. He says, Bob, I can fix this
14 carbon monoxide leak, or, alternatively, we'll just
15 go ahead and monitor the emissions to see how much
16 carbon monoxide is leaking into your home.

17 Now, I don't know about you, but I'm
18 going to fire that HVAC guy, and I'm going to have
19 somebody come in who's going to fix the leak.

20 Manganese is a toxic substance.
21 It's poisoning our ground, and it's poisoning our
22 children. Merely monitoring its levels in the air
23 isn't sufficient and unacceptable. This substance
24 must, at the very least, be enclosed.

1 I think that we as a community need
2 to demand that the exception contained in proposed
3 section 6.0 that air monitoring is sufficient, I
4 think that we as a community need to demand that
5 that be stricken in its entirety. Manganese, at
6 the very least, should be required to be enclosed
7 with no exceptions.

8 Thank you. That's all I have to
9 say.

10 MS. SAMBOLIN: Thank you.

11 Benito Herrera.

12 MR. HERRERA: Good evening, everyone. My
13 name is Benito Herrera. I live on 107th and
14 Avenue O. S.H. Bell is about five blocks north of
15 where I live.

16 When I heard that there was
17 manganese coming -- that they were using manganese
18 at S.H. Bell, I was shocked. That's a heavy metal.
19 That's a very dangerous metal.

20 And I was reading the -- I guess the
21 demands that people want. What I would like, just
22 knowing about what manganese can do, I would -- I'm
23 hoping that one day S.H. Bell just closes down
24 completely. And that's why everyone is here,

1 right? We want S.H. Bell out of here. I mean,
2 it's just ridiculous. And it seems to happen -- I
3 mean, they consider -- and I've heard on the radio,
4 and I was kind of shocked too, and I really don't
5 believe it, but they describe the Southeast Side as
6 a low-income area. And it seems oftentimes that
7 these things happen in low-income areas. And
8 people that have money or live in more affluent
9 neighborhoods, they don't have these problems.
10 And, you know, we're human beings just like
11 everybody else whether we have a lot of money or
12 not. This is like extremely important.

13 I was sitting at home. My
14 girlfriend, she's been involved in this, and she
15 pretty much encouraged me, and I started thinking
16 more about it. I'm like, okay, I might think about
17 it and not like it. Well, you know, it's better
18 that I come up here and speak about it and speak my
19 mind.

20 And also I know that the former U.S.
21 South Works is in the 7th Ward, I believe, but
22 still they were going to build 20,000 houses, they
23 were going to have this whole plan. But guess
24 what? The people pulled out because the ground is

1 still contaminated. Heavy metals take a long time
2 to decay, take a long time to break down.

3 And as I said, I'm here because I
4 really care about the health of this area, the
5 clean air -- I hope we can have clean air. And I'm
6 hoping that they close the place down. That's what
7 I would do. If I had the power, I would certainly
8 do that. Right?

9 Okay. Well, that's all I have to
10 say, and hopefully there won't be any more meetings
11 like this. Hopefully it'll be said and done with.
12 Thank you.

13 MS. SAMBOLIN: Thank you.

14 Meleah Geertsma.

15 MS. GEERTSMA: Good evening. My name is
16 Meleah Geertsma, and I'm an attorney with the
17 Natural Resources Defense Council. I'm here
18 speaking tonight on behalf of NRDC's 190 supporters
19 who live in zip code 60617 and 60633.

20 I'm also here as a partner and
21 collaborator with both the Southeast Environmental
22 Task Force and a coalition to ban pet coke.

23 We've been working together for
24 about five years now to try to address some of the

1 pollution issues in this community.

2 First of all, I want to say that I
3 know that people sitting up at the front of the
4 room do care a lot about these issues, I think.
5 They put in long hours. I think they are troubled
6 by the same things that we are hearing. Maybe not
7 on the same level as the residents do. But I just
8 want to recognize them for the work they're doing.

9 But what I also want to highlight is
10 how the steps that have been taken so far and the
11 directions that they have been given and the
12 approval that they've been given to move forward
13 are not enough.

14 I get to do the wonky side of the
15 work. I get to look at the law. I get to look at
16 the public health science. And I get to look at
17 places like East Liverpool, Ohio where S.H. Bell
18 has a facility that's been under active enforcement
19 actions for the past decade. And I think there are
20 a couple things I want to share about S.H. Bell in
21 Ohio both for the community members here and for
22 the folks at the Department of Public Health.

23 I'll also note that we're going to
24 be helping submit much more extensive written

1 comments on this proposed rule.

2 In Ohio, S.H. Bell owned several
3 different sites. The site that was located in the
4 most densely populated part of this relatively
5 small town was shut down. It was moved out of that
6 area by the company, and they consolidated their
7 operations further out of town where they would
8 impact fewer people. I just want to make that very
9 clear.

10 It might have already been in their
11 business plan like it was already in KCBX's
12 business plan to close down the north site. But
13 they did, in fact, move their facility out of that
14 location.

15 The other thing I want to emphasize
16 is that there has been a study of children's IQ in
17 East Liverpool, Ohio from the period 2013 to 2014
18 when the facility had already been under a lot of
19 requirements to further control its manganese. And
20 that study that was released at the end of last
21 year found negative associations between the
22 manganese and children's hair, which is a measure
23 for their exposure and their IQ.

24 One thing that we should note about

1 this study was that the levels in the air during
2 the study period were on average lower than what we
3 have seen in the past year at the Chicago monitor
4 here.

5 Another thing to note about the East
6 Liverpool site is that just the next year from 2015
7 to 2016, again, while the company was under pretty
8 stringent requirements to control their dust and
9 monitor it, the pollution from the facility
10 doubled. And it went above the federal threshold
11 that we use to gauge whether or not manganese
12 levels are acceptable.

13 So here we have an example again
14 of a facility under a lot of requirements being
15 monitored, supposedly controlling its dust, and the
16 level has doubled. This is from the levels that
17 were also found to be associated with IQ impact.

18 So I think one of the things I want
19 to try to bring home tonight is there can be many,
20 many good intention efforts to control these
21 facilities. There can be companies that, you know,
22 supposedly want to comply. We won't comment on the
23 ones who claim they're complying and then are found
24 to be blowing dust all over the place just a week

1 after they submit an application claiming they're
2 controlling everything. But there are those as
3 well. And we can still have a major problem with
4 a neurotoxin.

5 I also want to say to whoever is
6 making the big decisions that are guiding the
7 public health department's efforts and the zoning
8 department's efforts, the science is starting to
9 accumulate on manganese. We don't have a lot of
10 data on community level exposures, but that data is
11 starting to be collected. And I think the question
12 is, Do you want to find out five years from now
13 that you should have taken a much more aggressive
14 action now, or do you want to take that aggressive
15 action now when you have the chance to stop these
16 exposures from happening for the next five years?

17 Thank you.

18 MS. SAMBOLIN: Thank you.

19 Alex Alvarez.

20 MR. ALVAREZ: Hello, everybody. So my name
21 is Alex. I also grew up in this area since I was a
22 little kid. I moved out for college and school and
23 that stuff. My family still lives here and
24 everybody -- good friends and everybody is still in

1 the area.

2 But -- so my only -- my reason for
3 coming up here today is essentially to read off
4 results on a handful of research studies that I
5 found on the National Center for Biotechnology
6 Information, which is part of the United States
7 National Library of Medicine and the National
8 Institutes of Health. So this is a federally run
9 website essentially and has a lot of medical
10 journal information.

11 So some of this might be a little
12 bit boring, but the main idea is to really kind of
13 get some of these things that manganese can do.
14 And so this is all related to just inhalation, not
15 ingestion. There is another section for ingestion
16 as well. But I found 73 studies from a variety of
17 animals, including rhesus monkeys, which are
18 closely related to humans. And not only animals.
19 Guess what? There's lot of human studies as well.

20 So I'm going to start. Here's a
21 monkey research study that they were exposed to
22 1.5 milligrams per -- and so in this particular
23 study, there is an increased incidence of subacute
24 bronchitis and alveolar exhaust inflammation. The

1 next study, it's a rat study. They were exposed to
2 .3 and 10 percent decreased body weight was noted
3 in this study.

4 Another rhesus monkey study. In
5 this particular study also exposed to 1.5 milligrams
6 of inhalation overt -- each of these studies, I'd
7 like to point out, they had different parameters,
8 and some of them are a little bit different than
9 others. But this one in particular also showed
10 decreased brain, GLT-1, GLAST, and mRNA decreased
11 MTM.

12 A lot of this is medical neuro-
13 biology information that I have no idea what it
14 means. Maybe Dr. Lohff knows what it means.

15 So, however, there's other studies
16 that are very obvious with the results. So bear
17 with me a second here.

18 So there's another human study,
19 respiratory; this one's a little bit more, .97
20 exposure; however, this one resulted in decreased
21 lung function. And these studies date back to --
22 this one's in 1987. 1970. As early -- but as soon
23 as 2007 and the 2006, some of these studies have
24 been conducted.

1 There's another -- a human
2 neurological study here with manganese.
3 Longitudinal analysis showed impaired ability to
4 perform fast pronation/supination of the hands and
5 fast finger tapping compared to controls. And, you
6 know, so this is all information that we already
7 know. And manganese causes terrible effects to our
8 bodies. And there are research studies out here.

9 And this is -- this was a quick
10 Google search onto a website run by the National
11 Institutes of Health. I didn't even go to PubMed
12 or other journal resources for medical studies.
13 And there's 73 studies that popped up with
14 significant information, significant negative
15 information towards the human body, but also rhesus
16 monkeys, which are also closely related.

17 So my -- I guess what I want to say
18 is kind of what other people have said as well. If
19 you cover these bulks, there's still going to be
20 dust, fugitive dust, going into the community.
21 There's -- it's not going to be a zero percent dust
22 factor if the company is still there. So close the
23 company down. It's awful for the kids. It's awful
24 for everybody here. It's awful for everybody who

1 grew up here. And it's going to awful for future
2 generations if it keeps going on.

3 Like I said in the last meeting last
4 month, the restaurants are able to get shut down if
5 somebody has the stomach flu from eating at that
6 restaurant. City of Chicago, Department of Public
7 Health is responsible probably for shutting down
8 those restaurants. So why is it that companies
9 like this aren't able to be shut down just as
10 restaurants are shut down?

11 MS. SAMBOLIN: I have three note cards. Does
12 anyone else have anything written on note cards?

13 A VOICE: I want to say something.

14 MS. SAMBOLIN: Okay. If you wouldn't mind,
15 let me read the three that I have up here, and then
16 you can come up, sir.

17 First one is: So far it seems that
18 I have been coming to these meetings with the same
19 people controlling the meeting. What concrete
20 actions are going to come about from all of this
21 talk? A moratorium is needed now and not talk.
22 Elections are coming. If you want to take this as
23 a threat, go ahead. Wayne Garritano, lifelong
24 resident of the 10th Ward.

1 Next one is a question: When will
2 the new proposal be introduced in committee for the
3 City?

4 And the third one is: What will it
5 take and what can the public do for toxic materials
6 brought here by our former alderman?

7 Those are my three note cards.

8 Yes, sir.

9 MR. GARRITANO: Hello. My name is Wayne
10 Garritano. I'm a lifelong resident like all of
11 you.

12 People, we have the power to change
13 this. You know what a vote is? We got elections
14 coming up. Vote. Vote. If you don't like Rahm
15 Emanuel, you got about ten other candidates that
16 are going to be running that probably control these
17 people's jobs. If you're not satisfied with what
18 these people are doing or what the Mayor's doing,
19 get out and vote. There is no excuse not to. This
20 community is under attack. It's been under attack.
21 Wake up and get out and vote and quit begging these
22 people to do something because they haven't done
23 anything yet and they probably ain't going to do
24 anything until this election is decided.

1 So you got the power if you want to
2 use it. So get out and vote and quit begging these
3 people.

4 A VOICE: I'm really interested in talking
5 more about public health, a comprehensive public
6 health study in this neighborhood. With the
7 industrial history of this neighborhood, how is
8 it -- how does it currently impact, but then the
9 generations before us? And I don't know how you
10 play into that or how the alderwoman's office plays
11 into that or if we need an external entity like a
12 university or what or -- and also how do we loop in
13 all of these community clinics, Trinity Hospital in
14 particular, and then all of the Advocate clinics
15 and the Chicago Family Health Center?

16 You know, how are we -- because I go
17 right here at Trinity, and my doctor is like, Yeah,
18 what's going on? I am not from this neighborhood,
19 and when I started working here, I definitely see
20 a correlation between the environment and how I'm
21 treating people and what is going on.

22 So I don't know how we push for
23 that or what needs to happen, but some kind of
24 comprehensive -- and not just for manganese, not

1 just for pet coke, but for everything, everything
2 that's going on along this industrial corridor.

3 Thank you.

4 MS. SAMBOLIN: I don't have anyone else on my
5 list. Is there anyone else who would like to make
6 a comment?

7 ALDERMAN GARZA: I do.

8 MS. SAMBOLIN: Okay. Alderman Garza. I
9 apologize.

10 ALDERMAN GARZA: No. That's okay. I
11 apologize for being late.

12 First off, you're right. Elections
13 are coming up. But I want everyone to realize that
14 CDPH is in -- like Meleah said, they've been
15 working with us. But we still have to keep putting
16 our voice forward. We still have to keep pushing
17 and pushing and pushing till we get the results
18 that we need to see, that we need to see because we
19 have to live here, right?

20 Our voices had the ban on pet coke.
21 Our voices put the bulk handling materials. We did
22 that. Our voices made sure that they can't bring
23 any new more facilities.

24 We have to keep talking. We have to

1 keep pushing until we get the results that we need
2 to see because this is our home. This is where we
3 live.

4 Everyone has a voice. And I would
5 like to say thank you, everybody, for coming out
6 and voicing your concerns today. But today is not
7 the end. Today's only the beginning.

8 And, Katie, I know you weren't here
9 last time, but that's one of the things that I've
10 asked for, is not just to do a study across from
11 S.H. Bell. If you look at U.S. Steel, there was a
12 steel mill there for a hundred years. Manganese
13 was outside in the yard for years and years. And
14 people that live on Mackinaw lived right across the
15 street from that stuff.

16 THE WITNESS: I'm gardening right there.
17 What am I doing?

18 ALDERMAN GARZA: Don't eat it.

19 THE WITNESS: I know, right. Well, they
20 supposedly capped it. But they have a community
21 garden. There's a farm right there.

22 ALDERMAN GARZA: Right. Exactly.

23 So those are things that are really
24 scary especially when you have young kids such as

1 yourself. And those are things that we have to be
2 aware. We do need a comprehensive study, and we
3 need to make sure that our doctors are trained on
4 what to look for, what to test for, how to test for
5 it, because I know a lot of people have come to my
6 office and said, Well, I went to the doctor, but
7 they don't know what I'm talking about. They have
8 no idea.

9 So our clinicians are not trained on
10 these issues.

11 I know, Olga, we've been working
12 together and University of Cincinnati, right?
13 University of Cincinnati is going to conduct a
14 comprehensive health study. They got a grant to do
15 that. So that is coming. Maybe somebody else can
16 speak to that. I apologize if I missed the info.
17 But that's something that -- I don't know what that
18 looks like yet. But it's something that's coming.
19 So that's good news.

20 And I agree with Meleah. We have to
21 make sure that we put -- implement, you know, rules
22 and regulations now so that we don't look back five
23 year later and say, Oh, my God, we should have.
24 You know, there's the adage that says "better safe

1 than sorry." I think this very well applies.

2 So I just want to thank everybody
3 for coming out. Thank you, CDPH, for working with
4 us and making sure that we have a voice. I hope
5 that you guys continue to keep on listening. And
6 I hope that you guys keep using your voice to make
7 sure that they know what we need here.

8 Our next meeting for this, our next
9 meeting is going to be June 14th at Gallistel
10 Language Academy. Okay? So 6:00 o'clock. There's
11 going to be the U.S. EPA. It's an open house.

12 And if you haven't signed up for the
13 soil sampling, please do that. 4:00 to 7:00 at
14 Gallistel Language Academy on June 16th. We'll
15 make sure we post that and make sure we get the
16 word out as well. But please come. Because we
17 have to make sure that our voices are heard and
18 continue to make comments and everything where we
19 need to make comments.

20 So thank you.

21 A VOICE: Alderwoman, can I ask you a
22 question?

23 ALDERMAN GARZA: Sure.

24 A VOICE: You said that with our -- all of us

1 who fought for the pet coke matter, we stopped the
2 companies from coming. Is there a moratorium on
3 any new --

4 ALDERMAN GARZA: Yes.

5 A VOICE: -- bulk handling?

6 ALDERMAN GARZA: Yes.

7 A VOICE: What about the waste dump? This is
8 a toxic waste dump, the CDF.

9 ALDERMAN GARZA: Oh, that's -- we have a
10 meeting. That's going to be coming up, the Army
11 Corps. We don't have a set date on that yet, but
12 we do -- there is a meeting coming up. We'll make
13 sure that we post that. We have a lot of things
14 happening right now, don't we?

15 A VOICE: So you get rid of one --

16 ALDERMAN GARZA: No. We're pushing back on
17 the CDF. The confined disposal facility is this:
18 Number one, why can't you put it -- they want to
19 put it here. We don't want it here at all. First
20 of all, there's a moratorium on landfills in Cook
21 County.

22 A VOICE: Right.

23 ALDERMAN GARZA: I think it's a landfill.
24 They're arguing that it's not a landfill. You dig

1 a hole, you put stuff in it, you're filling up the
2 land. That's a landfill. That's a whole nother
3 issue that we can talk about later. But I agree
4 with you. There is a moratorium on landfills, and
5 I think that legally we can maybe use that. So
6 that's one thing.

7 A VOICE: But it is connected because then
8 all of this stuff flows into the Calumet River. It
9 all settles. Then they dredge that sediment and
10 dump it right back into the neighborhood.

11 A VOICE: Yes.

12 A VOICE: So it is -- it's all connected.

13 A VOICE: You're right. They're dumping it
14 right back into the sewers.

15 ALDERMAN GARZA: We need to make sure that,
16 you know, that the companies that come here put
17 profits before people. Right?

18 A VOICE: That's impossible.

19 A VOICE: Wait. You mean people before
20 profits.

21 ALDERMAN GARZA: I'm sorry. I mean people
22 before profits. I'm sorry. People before profits.
23 You're absolutely right. It's been one of those
24 days. People before profits. You're absolutely

1 correct.

2 And a lot of times the businesses
3 that come here don't keep that in mind.

4 A VOICE: Do industrial companies do that?
5 Is that even possible? I mean, could we get, I
6 mean, like maybe a Methods plant? Like in Pullman,
7 these green industries --

8 ALDERMAN GARZA: So that was supposed to come
9 to the South Works site. Did you know that?

10 A VOICE: No.

11 ALDERMAN GARZA: Their first choice was the
12 South Works site, and the developer didn't want it
13 there because it didn't meet his vision.

14 So we've got to keep pushing.
15 That's what we -- got to keep pushing. You have my
16 word that I'm in your corner. I always have been.
17 We would have never had a seat at the table if I
18 didn't have the coalition and the people that are
19 behind me to make sure that they steer me in the
20 right direction too because I'm not a scientist.
21 And there are some really smart people in here that
22 really know this stuff.

23 So I look forward to moving forward
24 and making sure that we need a neighborhood that we

1 need to -- that we want. And we can't keep getting
2 all these dirty industries. It's not fair to us.
3 We've done it long enough.

4 MS. SAMBOLIN: Thank you, Alderman Garza.

5 So just as a reminder, if you did
6 not want to make a public comment here, there is
7 still an opportunity to make a comment on our
8 website. And I've put up our website for you to be
9 able to jot down.

10 Thank you again for this evening and
11 for your time, and we will keep you abreast.

12 Everyone who signed in we will put your information
13 on emails on our server, and we will forward you
14 information. We will forward you information on
15 the fact that this ends on the 13th is when the
16 last comments are accepted. And then the event
17 that is happening on the 14th, you'll receive that
18 via email as well.

19 Thank you so much.

20 (The proceedings were adjourned
21 at 7:08 p.m.)

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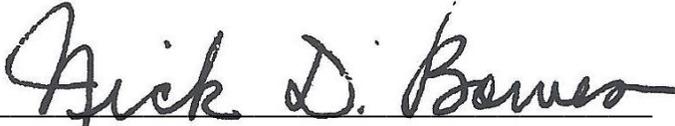
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REPORTER'S CERTIFICATE

I, Nick D. Bowen, do hereby certify that the foregoing Report of Proceedings was recorded stenographically by me and was reduced to computerized transcript under my direction, and that the said transcript constitutes a true record of the proceedings.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Chicago, Illinois, this 13th day of July 2018.


Illinois CSR No. 084-001661

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