In The Matter Of:

Public Hearing City of Chicago Department of Public Health

Deposition of
HEARING
January 13, 2014

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PUBLIC HEARING

CITY OF CHICAGO
DEPARTMENT OF PUBLIC HEALTH

RULES AND REGULATIONS FOR THE HANDLING
AND STORAGE OF BULK MATERIAL PILES

St. Simeon Serbian
Orthodox Church
3737 East 114th Street
Chicago, Illinois

Monday, January 13, 2014
6:22 p.m.

PANEL:

Dr. Cortland Lohff
Mr. Mort Ames
Ms. Jennifer Hesse
Mr. Otis Omenazu
Mr. David Graham

FACILITATOR:

Mr. Joe Hollendoner

Reported by: Nick D. Bowen
MS. LONCAR: Good evening. My name is Susan Loncar, and I am Alderman Pope's chief of staff.

On behalf of Alderman Pope, who is running a little bit late tonight, but is on his way, will be here shortly, I'd like to welcome everyone to this very important meeting this evening.

The reason we held the meeting here tonight in the community is to have more people get together. We know how hard it is for all of us to get downtown. So we thought if we had it here in the community, it means more because the issues are here in the community.

So I'd like to thank the church, first of all, for hosting the meeting this evening. We're all here for the same reason, for this very, very important issue.

Alderman Pope is working closely with the City, officials, state reps, community organizations, and we all hope to find a good solution to this issue, which is the petcoke issue.

So I want to thank everybody for attending this evening and coming out in support of this issue.
Now I would like to introduce Joe Hollendoner, who is the First Deputy with the City of Chicago Department of Health. Thank you.

MR. HOLLENDONER: Thank you very much too.

Again, my name is Joe Hollendoner, and I have the privilege of serving as First Deputy Commissioner of the Chicago Department of Public Health.

I'll be serving as your facilitator for tonight's event, which includes a brief presentation on the proposed regulations, which will then be followed by public comment, which we will provide guidelines for in a moment.

Before I do so, let me please introduce our panelists starting on the far end.

DR. LOHFF: Yes. My name is Dr. Cort Lohff. I'm the medical director for environmental health for the City of Chicago Health Department.

MR. AMES: Mort Ames. I'm an environmental attorney with the City of Chicago.

MR. OMENAZU: Otis Omenazu. I'm the chief engineer of the air program with the City of Chicago Department of Public Health.

MS. HESSE: Jennifer Hesse. I'm an attorney
in the City of Chicago Department of Public Health, environmental permitting and inspections unit.

MR. HOLLENDONER: Okay. Thank you very much.

So this astute panel on behalf of Mayor Rahm Emanuel and Dr. Choucair, who's the Commissioner of the Chicago Department of Public Health, will be hearing your feedback, and we will then integrate all public comments into our final regulations. And you'll get more information about that as part of Jennifer's presentation.

So with that said, I would now like to turn the microphone over to Jennifer for her brief presentation on the ordinance -- or the regulations.

MS. HESSE: Thank you, Joe. And thank you, everyone, for coming tonight.

Again, my name is Jennifer Hesse, and I'm with the Department of Public Health.

As I think you all know, the Department of Public Health has issued proposed rules and regulations for bulk solid materials.

So why are regulations being issued?

Simply put, the reason for these regulations is to protect public health and the
The Department of Public Health has the authority under the municipal code to issue rules and regulations to implement environmental ordinances. Currently there are environmental ordinances that prohibit air pollution and prohibit businesses from causing a nuisance. However, there are no specific rules around the handling of bulk materials.

Therefore, these regulations are intended to specify how facilities that use bulk materials conduct their business when they're transporting, handling, and storing these materials.

Why are we here tonight? We're here tonight because of you. We -- under the municipal code, again, whenever a City department issues regulations, there's a public comment period where the department will consider the public's thoughts and opinions and suggestions regarding proposed rules and regulations.

Normally there is a 30-day comment period where we would receive written comments. However, in this case, we're also having a public
hearing so that people can tell us in person what
their concerns are around the proposed rules.

Also because of the great interest
in the petcoke conditions, which we have heard from
many sources, through the alderman's office, the
news media, and other sources.

So the reason we're here tonight is
to gather information from you, the residents and
businesses and other members of the community that
are -- that will be affected by these rules and
regulations.

Speaking of the petcoke issue, what
action has the City taken so far?

Well, we already -- the Department
of Public Health environmental inspectors routinely
inspect industry; typically on at least an annual
basis we're inspecting industry. But in this case,
ever since we learned about the increased concern
about the petcoke piles, we have increased our
inspections so that we are inspecting approximately
once a week even over the past few months.

In addition, the City joined the
state attorney general in filing a lawsuit against
one of the petcoke companies, which resulted in an
agreement whereby the company agreed to remove all
of the material on their site and stop accepting
any further petcoke at least until they can get
proper permits.

And then finally, the Department of
Public Health has issued these proposed rules and
regulations to address the issue.

So like I said, these regulations
apply to bulk solid materials.

Under the regulations, bulk solid
materials are defined to mean any material that
can be used as a fuel or as an ingredient in a
manufacturing process that can create dust.

So, of course, this includes
petcoke, but it also applies to coal, other coke,
and ores.

So bulk solid materials are
essentially materials that are susceptible to
becoming windborne and are stored in large
quantities.

Petcoke is something we're hearing a
lot about. It stands for petroleum coke, and it is
a solid carbon material that is a byproduct of the
oil refining process. And petcoke is typically
used as a fuel in power plants and cement kilns.

Health impacts of pet coke. The U.S. EPA issued a report in 2011 whereby they had looked at the hazard characteristics of pet coke, and it was the conclusion of that report there are no specific health illnesses associated with pet coke. However, it is not good to breathe any dust. So we -- we're doing these regulations because we want to protect public health and the environment. And breathing dust can cause lung -- breathing problems and then, of course, aggravates preexisting conditions, such as asthma.

Therefore, whether pet coke is harmful in other ways, we want to keep it out of our neighborhoods. People shouldn't be breathing it one way or another.

Like I said, bulk solid materials are defined in the regulations pretty specifically. There are a couple of things they do not cover, and that is construction and demolition material because there are already specific rules around C & D, construction and demolition material.

Waste and recycling activities are
already subject to environmental permits, so they're not covered.

Salt piles are also not covered. They don't fit the definition under these rules and regulations because they don't have the same concerns about airborne particles.

So what do these rules and regulations require? They actually require a lot. They're pretty specific, and they can get somewhat technical, so I'm just going to go over them generally.

Of course, I hope that people have had a chance to look at them, or, if not, you can certainly go to the City's website or call our office and we will get you a copy.

But in general, for the largest and busiest facilities that handle this material, the regulations would require them to enclose the material fully within a building.

And also for any new facilities, regardless of size, that come into the City of Chicago, they would also be required to enclose. For all facilities -- I'm sorry.

For the smaller existing facilities, the proposed
regulations would require wind barriers to completely surround the outdoor storage piles. There would also be dust monitors required to determine if dust control measures are working and other dust control measures.

And in all facilities, whether the material is stored indoors or outdoors, these proposed regulations have a whole host of requirements.

Starting with a dust plan, facilities would be required to submit to the department on an annual basis outlining the measures that they'll be taking.

And then there are also other best management practices throughout the regulations to ensure that the facilities are not bringing the dust and debris from their sites out into the neighborhood.

So back to full enclosure. The regulations would require the sites that are subject to the full enclosure requirement to basically build a structure that is going to be designed and permitted by the building department in accordance with all applicable building code.
It would have to be placed on an impermeable pad or base, and there would have to be measures within the building to ensure that dust is not getting out.

Next slide.

So in terms of the outdoor piles, there will be lots of limits on outdoor piles. So only for the currently permitted facilities that fall under certain thresholds. What we're trying to get at here is the smaller piles and piles that are disturbed less frequently. So we have some numbers in there that relate to the amount of materials received in any five-day period and relate to the storage capacity of the facility.

We also have setback requirements. Some people might wonder where setbacks came from. Currently in the proposed regulations, there is a -- we looked at a lot of different sources for these regulations. There is a 660-foot setback in the regulations for -- between childcare facilities, schools, and hospitals and parks. That came directly from the zoning code setback for those kind of uses with regard to landfills, liquid waste facilities, and compost windrowing. So we didn't
just make up that number. That's where that one came from.

And it's a 300-foot setback from residential buildings. That number also came from the zoning code for Planned Manufacturing Districts. That is the distance currently in the law for outdoor storage and processing.

In terms of controlling dust from the outdoor piles, like I said, they have to be completely surrounded by a wind barrier. And the regulations are very specific about the design and standards for the wind barrier. They have to be at least five feet higher than the pile. They have to be designed to withstand wind. And there is an option in the regulations that if a business has -- if they know of a state-of-the-art wind barrier that has different specs than what we're saying, they can show us documentation, and we would let them do an alternative wind barrier. But the wind barrier is very important to keep the dust from leaving the site.

Additional requirements for outdoor storage, we put a height cap at 30 feet for the outdoor piles and require -- but, again, the wind
barrier is going to be higher than that. And
the dual berm for dust suppression. So watering,
sprinkling, or other dust suppression if it's
difficult to use water.

There's also a rule that the piles
may not be disturbed on excessive wind -- during
excessive wind events.

I should say one thing at the
outset. Besides all these specific rules, the
number one rule is that the dust cannot leave the
site. So if they're doing all these things and
it's not working, then there's a problem. They
need to be -- well, there's more. They will be
enclosing their conveyors and chutes. No
processing would be allowed outdoors because,
again, when the piles are disturbed through
processing or mixing or blending material, that's
when dust is more of a concern.

So, like I said, we'll be following
their dust plan, and they have to show that it will
work.

Additional requirements are that any
trucks -- or any vehicles leaving the site, whether
rail, barge, or truck, have to be covered
completely. The trucks will have to pass over rumble strips to shake off loose dirt and wheel washes to make sure they're not tracking out mud and debris.

Besides that, the facilities will be required to regularly clean the streets surrounding their facility with sweepers that are equipped with a water spray and vacuum system.

So like I said, we're proposing a lot of requirements, but some people might still be concerned that it's not enough, that it's not going to work. So how are we going to know if it's working?

Another requirement in the regulations is dust monitoring. So the facilities would be required to install permanent continuous dust monitors around the perimeter of the facility. And it would be constantly logging dust in the atmosphere, and they would be required to keep records of this over a three-year period, which is standard for environmental city rules and ordinances. So that any time an inspector comes to the site, they can take a look at the log.

And the companies will be required
to report on this in their annual dust plan and report to the City if there's any exceedance, if the monitors determine that there's a dust violation.

In addition to the records of the monitoring, the businesses are going to be required to keep other records of their business, including anytime they have soaks because of high wind, anytime that they are applying water, we would like to have records of all of this to ensure that they're doing what they're supposed to be doing.

Now, what happens if a facility still doesn't comply?

Some people have pointed out that the rules and regulations don't include penalties. Well, that's because these are regulations. These are not an ordinance. But the municipal code already has fines and penalties for violations.

The fine for violating air pollution control regulations, which these are, is a minimum of $1,000 and a maximum of $5,000 per day per violation. So there are penalties.

CDPH inspectors will inspect the site to insure that operators are doing what
they're supposed to be doing.

And then, of course, we encourage residents to call in any complaints. We respond to all 311 complaints within -- normally we get the complaints in within the next business day, and we send out an inspector right away.

So those are in general what these rules and regulations are intended to do. They are proposed regulations. They are a draft right now.

We are very interested in comments that we've received so far and that we will continue to receive. So we're eager to hear your comments today. And we will be reviewing all comments.

There is a court reporter today who is writing down or documenting everything that people are saying. So even though we're going to be taking notes, we will plan to review all the comments.

The written comment period ends at January -- on January 24th. We have received a couple requests to extend the comment period. I know that we're trying to move very quickly with these regulations. But we understand that the
holidays happened and things happened. So if people feel like it wasn't enough time to comment, please email us or let us know if more time is needed. There is an email address which is in the FAQ sheet and which I'll tell you it's petcokecomments@cityofchicago.org. I think that's actually on the next slide, but -- maybe not. Anyway ...

But the most important thing is we're here to listen to you today and not necessarily answer questions. This isn't really a Q and A because we want to take in all the questions and all the comments, and then we will address them all before we issue the final rules and regulations.

So I don't know how long that's going to take exactly. Like I said, we're trying to move as quickly as we can, but I don't know exactly when the final rules will be issued. But we're pushing for early spring. So that's the best I can project.

So people are going to want to learn what happens once these rules take effect. The proposed rules set forth a phased implementation
·1· schedule. Once the rules are finalized -- they
take effect when the Commissioner of Health signs
the rules. It's not a City Council process.

So once that happens, there are some
immediate requirements, which are things that we
really could do right away; tarp those trucks
before they leave the site; make sure there's not
dust -- visible dust going off site; and keep the
streets clean.

Then the rules have a 90-day
schedule where -- you know, within 90 days we're
looking for the first dust plans of the facilities
and asking facilities to install monitors to
monitor the dust, and other engineering controls.

And then the things that we
understand take longer because of permitting and
design and other issues, there's a one- to two-year
period for construction issues.

But just to be clear, this does not
mean that the companies can pollute the environment
and cause problems for their neighbors while
they're building a building. They will definitely
be required to suppress the dust. And inspectors
will be out there to ensure that they're doing
So I mentioned the email address, petcokecomments@cityofchicago.org. You can send us an email. I check that email address every day myself. We will respond to all comments.

If you don't want to use email, certainly you can send us a letter. You can even leave written comments today. We have some sheets for that.

With that, I think that is the presentation on the regulations. That's about it.

I do want to mention we're here for this hearing today. There's also a process for stakeholder meetings that we are available for. If this wasn't enough today, there -- and on our website, we'll have more information about the stakeholder meetings, and those would be public meetings as well. And there are a log of all stakeholder meetings.

With that, I'm going to hand it back over to First Deputy Joe Hollendoner, who's going to kind of explain how it's going to go tonight, the ground rules.

MR. HOLLENDONER: Great. Thank you,
Jennifer, for that very thorough overview.

Before we proceed, we should also mention that we have a translator available for anyone who needs translation services from English to Spanish. If there's anyone who is requiring those services, if you can either wave or identify yourself and/or come up front so that our translator can be available to you.

THE INTERPRETER (In Spanish): Any member present in the audience who needs translation and interpretation services, would you please come up to the front?

MR. HOLLENDONER: So now just to overview the rules for today's hearing. So the goal of these rules is to really ensure that everyone here has the opportunity to provide oral comment if they wish to do so.

To make a comment, please sign up at the sign-in sheet desk at the entrance. If you've already done so, you've been given a number, and you will be called by that number to make your comment.

Please note that your comments will
be recorded and be part of public record.

When it's your turn, I'll go ahead and invite you up to the front of the room, and you will then have two minutes to make your comments. During that time, when you are halfway through, I will hold up a card saying that you have one minute left. Then upon completion, I will hold up a card saying that your two minutes have expired and your time is now up. At that time please do your best to wrap up your comments so that we can move on to the next individual.

We realize that your comments might take longer than two minutes, so if you would like to make additional comments, you may sign up with me again to make a second set of comments.

However, before anyone is offered the opportunity to make a second set of comments, we must first exhaust the list and get through everyone at least once.

If you require translation, meaning from Spanish to English or English to Spanish, we will give you an additional minute just so that you can account for that time.

In terms of the content of your
comments, we, again, ask that you make comments on the regulations as opposed to ask the panel questions as the panel is really here to listen to you and get your input and feedback so that the final regulations will be reflective of overall input from the community and other key stakeholders.

If you do have a question for the group or for the panel, feel free to follow up with them once the panel completes at 8:00 o’clock.

Again, we will try to have a very hard stop at 8:00 o’clock p.m. just so that we can get everyone out of here on time. But as Jennifer indicated, we will also welcome additional follow-up meetings as necessary. And we realize that we did start a little delayed, and we will do so — we'll do our best to make up that time that has been missed.

The last comment I want to make is, again, Jennifer pointed out that we have public comment cards. If you are either unable to make your comment tonight or you are not interested in making your comment verbally, you're welcome to write that down and submit it, and we'll make sure
that's part of our response.

Similarly, you're also able to email us at petcokecomments@cityofchicago.org.

With that all said, we will now get to why I'm sure most people are here tonight, and that's to make public comment. So I will invite the first speaker to come up.

So our first speaker No. 1 is Tom Wolf. Tom, please come on up to the front.

MR. WOLF: Good evening. My name is Tom Wolf from the Illinois Chamber of Commerce. And I'm tonight speaking on behalf of the Illinois Chamber as well as the Chicagoland Chamber, the Illinois Manufacturers' Association, the Chemical Industry Council of Illinois, and the Illinois Petroleum Council.

Thank you for hosting the meeting this evening.

We'll submit more detailed comments to you in writing, but we wanted to testify and ask for your careful consideration of these proposed regulations. While well intended, we believe they will have serious unintended consequences for those who rely on petroleum coke as well as for many
Illinois companies who do not use or handle petroleum coke.

Some quick consideration -- some quick points for consideration.

Petroleum coke is a valued product derived from refining crude oil. It is not a waste product. And according to the U.S. EPA, it has an extremely low environmental hazard potential.

As with many materials, petroleum coke handling does require strong fugitive dust plans. However, there are many different ways that that can be achieved, and we are concerned that the prescriptive nature of the proposed City rules do not allow flexibility for companies to develop optimal solutions.

In addition, it's not clear how the regulations affect similar bulk materials that are prone to dust, such as grain, sand, or gravel, or why those products are treated differently.

We also have concerns about requirements for covered transportation, the compliance requirements that don't give ample time for companies to plan or adjust, and we believe items included in the rule, such as opacity and air
quality requirements, are better covered by state and federal regulations already on the books.

To conclude, KCBX has handled bulk materials in this community for more than 20 years. We believe that our new dust suppression system is working, leaving Chicago with only the effects of more jobs and additional local tax revenue. And we believe there is a regulatory sweet spot that protects the community and keeps the benefits of businesses like KCBX in Chicago.

We hope you will consider our comments and work hard to find that sweet spot. Thank you.

MR. HOLLENDONER: We now invite our second speaker up, Rosa E. Maldonado.

With these public comments, please actually make them from the podium so that you also have access to all the microphones.

MS. MALDONADO: Okay. I've got to make this quick because I only have two minutes.

Since I have arrived here, I've done nothing but write and write. So everything is not in order.

I am a resident of the East Side. I
have been for over 20 years. My children were born here. And my grandchildren are being born here. And for them not to have good breathing air is a big concern.

It says if it is very windy outside that we should not go outside. Okay. This is the Windy City, Chicago. Hello. We're going to have wind all the time. We do not control the weather.

So I had this imaginary -- in my imagination, I imagined everyone that lives in the area walking around with oxygen masks, because if we want clean air, that's what we're going to have to do.

Then it says to stay indoors.

That's impossible. People have to go outdoors, especially our children, our grandchildren. They need to go out and play and so forth.

So the bottom line is that this coke is no good for the community. Is it cancer causing? How do I know I haven't already been exposed to this coke dust? Is it in my house? Has it been in my house? What should I do?

I have a three-year-old grandson that goes outside all the time. Should I keep him...
indoors? Should I sell my house? Should I move?

My son was thinking about purchasing some property on the East Side. I just don't want to know that five years from now in the future that this has affected our health or is cancer causing.

This Koch company, why are you trying to kill us? It's like a death sentence.

Say no to this toxic dust.

(Applause.)

MR. HOLLENDONER: I would now like to invite our third speaker up, Mike Estandt.

MR. ESTANDT: Good evening. My name is Mike Estandt, and I'm an operations manager for KCBX. With me today from our headquarters in Wichita, Kansas are two of our senior leaders, Dave Severson and Dave Seiler.

On behalf of KCBX, I'd like to thank the Department of Health and Alderman Pope for the opportunity to speak.

KCBX has a long history in Chicago. We've handled bulk materials, including petroleum coke, here for more than 20 years. Last year we acquired our South facility from DTE and immediately started to make improvements, including
the addition of a new dust suppression system. So far the system has worked well.

In addition, KCBX is working with the U.S. EPA to install air monitors to confirm the effectiveness of the new system.

We recently engaged an independent environmental expert to design and direct the testing of surfaces and soil in the neighborhoods near our facility. We took 69 samples from various public areas; they were collected in late November and early December. These samples showed no unusual levels of dust particles that could be associated with petcoke and coal. Again, it seems like our system is working.

KCBX has always worked hard to maintain a safe operation and follow all the rules and regulations. We want to work with the City to address the concerns of our neighbors and make every effort to meet the spirit of the proposed rules. This includes a willingness to build a structure to cover the material.

There are a number of issues that need to be resolved before we could proceed with such a project. Certain aspects of the proposed
rules also need to be clarified to ensure that compliance with the rules is possible. For example, as proposed, the rules would require distance for property setbacks. And they're not something we can physically accommodate and would effectively force the closure of our facility.

As another example, according to weather data from the last couple years, the average wind speed in Chicago exceeded 15 miles per hour approximately 40 percent of the time. This means the proposed restrictions on handling materials when wind conditions are greater than 15 miles per hour also effectively prevent us from operating.

Thank you.

MR. HOLLENDONER: So now I'd like to call up the fourth speaker, Lorraine Ashby.

And as a reminder, I will be holding up the stop sign, and we ask that you please take ten seconds to summarize your comments and wrap up.

Thank you.

MS. ASHBY: Good evening, everyone. Muy Buenas noches a todos. My name is Lorraine Ashby. I've lived here for more than 40 years.
I represent a group called Fight Petcoke Chicago. We are a coalition of unions and neighborhood organizations.

I personally am here to speak tonight on behalf of the retired steelworkers local, and I have authorization from the president to do that.

I also speak on behalf of Centro Communitario Juan Diego, and I have talked about what I am saying tonight.

First of all -- thank you -- I want to say two points to the Mayor, to the Honorable Mayor Emanuel. I'm very disappointed that you first came out in December and said you were 100 percent opposed to petcoke in Chicago. Not so many weeks later, you were here at a press conference in our neighborhood saying you could not take that position because it wouldn't hold up in court.

As a retired attorney, I say try it in court, Mayor.

Number two, on the deadline to comments, and I will be commenting, I think this is an insult to our community to ask us to come in by January 24. We've had holidays. We've had the
worst, you know, freezing cold spell in historic weather.

I'm not going to get bogged down in reading the rest. I just read them. You know, there's a page on 11 or 14 where it says the truck tarps only have to cover 50 percent, one half, of the truck. What kind of regulation is this?

To our alderman, I have good things to say from our union and from Juan Diego. You have an ordinance that's on the table that says no petcoke in Chicago. We will support you a hundred percent. We will be downtown when that is brought to the City Council. We urge you to do that.

We urge people to put out the educational piece. We're collecting signatures. Please sign our petition before you leave tonight so we can show the alderman we're behind him.

(Appause.)

MR. HOLLENDONER: I'd like to invite our fifth speaker, Anthony Martinez.

MR. MARTINEZ: Good evening. This statement is from RISE Southeast Side Chicago Community.

We place our faith in our leaders to create a plan that could bring us justice and
the company's assistance with us as good neighbors. From the proposal, we now know this is impossible. The rules don't address our concerns. There are loopholes and no compliance penalties.

Rules are decided by officials and can hold accountable from a department that has not responded to us in the past. The rules seem more designed to quiet us and help people who sell tarps than address the issue. This is unacceptable. And we now know that the only solution is full removal of coal and petcoke piles.

We see connections between our struggle and other struggles in the city. The rules do nothing to fix this, and more than just dust, environmental justice is at the root of this issue. Other dirty substances are breathed by our families daily in schools, and multimillion dollar projects are being subsidized on contaminated sites with our tax dollars, yet we do not have the power -- proper laws to protect us or any laws or insist that regulation to mean something.

Environmental justice as a whole needs to be addressed not only for us, but for the entire city. Thank you.
MR. HOLLENDONER: I'd like to invite our sixth speaker up, Guillermo Rodriguez.

MR. RODRIGUEZ: Good evening. The proposed regulations on petcoke are an insult, an insult to the community.

There are so many loopholes in these regulations which allow KCBX to pretty much self-govern themselves.

The measurements for setbacks at the water line doesn't even exist.

The fact that variances can be given without the community's input should not be allowed.

The protection of our drinking water is not taken into account.

What stops petcoke from going into our sewers when you use the street cleaners.

Enclosing petcoke in structures causes a further problem. That now becomes explosive dust. Explosive dust. The thing could blow up. You remember when the grain elevator blew up? Multiply that times a hundred.

Two years to comply is an absolute
travesty.

The East Side is not your dumping ground. It is a vibrant community with family and children who want to grow up without having to worry about respiratory diseases, contaminated drinking water, vitamin deficiencies.

We don't want your petcoke. Get it out of here. If it's so good, put it in your community. Thank you very much.

(Applause.)

MR. HOLLENDONER: I'd like to invite our seventh speaker, Peggy Salazar.

MS. SALAZAR: Good evening. My name is Peggy Salazar. I'm a lifelong resident of the Southeast Side and a 25-year resident of the Vets Park community.

And the black dust, the fugitive dust that came and has come from KCBX was my motivation for becoming a member of the task force. Because when I first moved into the Vets Park community, I was shocked at the amount of black dust that covered my property, that blanketed my community, and that I knew I was breathing. And it was filtered and it was just traveling through the
What I have here today, I want to show you. Residents of the neighborhood have been contacting us about their stories about dust and fugitive dust and black dust. And I have here filters that came from a property that is hundreds of feet outside of the proposed setbacks in the proposed regulations. And let me show you.

This is a filter from a house at 109th and Mackinaw. And let me show you something. This is not your standard household dust. This is not what you should see on a filter that's filtering the air in a house.

The City of Chicago Health Department says there are no health impacts. This is coming -- this is filtering the air in someone's house. I think someone should be concerned about health impacts.

KCBX likes to remind us that they put in a $10 million dust suppression system. This is a result of how ineffective that system is.

We don't want the petcoke here. We don't want regulations that are very, very watered down and basically accommodating to the businesses.
We do not want the petcoke here. We cannot trust, we cannot trust the City of Chicago to protect us, it's quite evident, so we want the petcoke out of here.

(Applause.)

MR. HOLLENDONER: I'd like to invite our eighth speaker up, Richard Martinez, Jr.

MR. MARTINEZ: Good evening. My name is Richard Martinez. I'm speaking on behalf of the Environmental Justice Alliance of Greater Southeast Chicago.

The Environmental Justice Alliance of Greater Southeast Chicago was established in 2011 in response to the practice of locating polluting industry in the communities of the Southeast Side.

Our mission is to create a strong alliance between communities of the Southeast Side of Chicago to combat the rising tide of environmental injustices; address issues stemming from environmental injustices which negatively impact our communities; engage residents, businesses, and political leaders in improving environmental quality and social justice within
our communities; promote and encourage sustainable development in an effort to initiate a green economy on Chicago's Southeast Side.

In 2013, EJ Alliance unveiled its environmental justice principles for Southeast Chicago.

We have deduced that the proposed regulations in their current state fall short in many ways in protecting the health, welfare, and safety of the residents and families of Chicago's Southeast Side.

EJ Alliance continues to be alarmed by the existing and cumulative negative health impact of coal, petcoke, and metcoke dust in our community.

We do not believe that the City's health department has the adequate resources to monitor and enforce these regulations. This would be better assigned to the Department of Environment if it still existed.

We are very concerned by the sole autonomy, authority, and discretion being entrusted to the Commissioner of the Department of Health.

There is no language which addresses
particulates such as PM 2.5 which impacts respiratory health.

The regulations do not call for any public review or oversight.

It does not call for a health assessment by the Agency for Toxic Substance and Disease Registry of the CDC. Senator Durbin, Congressman Kelly, and the EJ Alliance have requested a petition for this assessment.

The regulations fail to address a greater comprehensive environmental protection and environmental justice plan for all the residents of the City of Chicago.

Suppression of these materials have failed miserably in the past. We do not believe that enclosure ensures adequate protection; therefore, the only remedy, the only remedy to ensure complete and total protection of our residents and our families is immediate, immediate and total removal of these materials from our community. Thank you.

(Applause.)

MR. HOLLENDONER: I'd like to invite our ninth speaker up, Rita Campbell.
Hi, everyone. I'm Rita Campbell. I'm a resident of the Southeast Side of Chicago. I just started volunteering a little while ago with the Southeast Environmental Task Force. And I'm proud to be here.

I've been a resident for probably over 40 years. My father and brother and my husband worked for the mills. And when those closed, I thought I was finally seeing some clean air and good environment for our future, and now this, petcoke.

We walk out to our car, and there's dust on the car. What's it doing to our engines? I've been asking myself.

I've thinking about putting a vegetable garden in. Forget that. We're going to be eating the stuff.

I've seen people and vendors like Pete's Fresh Market putting out fresh fruit and pumpkins and melons. It's going to get all over that.

And let me tell you, just watch the news. There's no corporation in the world that can
be called totally safe. Look at BP's oil spill.

You can have all the regulation in the world you want. Something's going to break down. Someone's going to make a mistake. Somebody isn't going to care at the corporation to make sure things are followed through. There's always error.

And we are going to suffer for that.

I don't think it's worth having them here at all. They need to move on. They need to go somewhere else where there isn't housing and people living nearby.

So please tell your neighbors, talk to your relatives, talk to friends, tell them about the problems that we're having here on the East Side because they could be coming to your neighborhood.

MR. HOLLENDONER: I'd like to invite our tenth speaker. It's, I believe, Blake or Blair.

MR. LENOIR: Blake.

MR. HOLLENDONER: Blake. Thank you.

MR. LENOIR: Blake Lenoir.

I'm Blake Lenoir, member of Southeast Environmental Task Force and resident of the Southeast Side of Chicago speaking on behalf of
all the East Side and Southeast Side of Chicago.

We hereby hold Mayor Rahm Emanuel and other City leaders accountable for not effectively banning metcoke and petcoke, not just once and for all, but forever. Do I have a witness, brothers and sisters?

(Applause.)

Let's stop allowing polluters and powerful interests who have no regard for the community and start anew with a lean and green South Side.

(Applause.)

MR. HOLLENDONER: Thank you.

Speaker 11, Carolyn Marsh.

MS. MARSH: Good afternoon. I lived on the East Side, and I'm born and raised in Chicago. Lived on the East Side, worked at Republic Steel when it existed. And now I live in Whiting, Indiana. Very involved in protesting the expansion of the BP refinery to refine tar sands.

And that was five years ago. And here we are today.

At that time we didn't know or it wasn't talked about the waste that was going to be
created from the refining process. And now we know
what is happening to the waste.

At the plant itself, it is totally
enclosed and covered. And I'm told by BP that even
adding this waste is all enclosed. Now, it's
coming into Chicago, and this is a whole new
situation that they're exporting this petcoke. And
I think we have to learn all about this. Where is
it going? How many tons and tons and tons? We
have an idea how many tons are being produced.

My position is that it should be
banned. I am supporting Alderman Pope's and
Alderman Burke's position that it should be banned
in the city.

The reason why I say that is because
I cannot trust the City of Chicago to regulate it.
These regulations have so many loopholes. A lot of
is tied to the PM, what the PM levels are.

Well, the PM is particulate matter.
PM level is determined by the U.S. EPA. And the
U.S. EPA says this is -- doesn't bother your
health, it's not a health hazard. EPA says it's
not a health hazard. So we have a real legal
problem here.
So the industry is saying that.
They're saying that it's a problem. And I say it's a problem. So I think, therefore, the only logical thing to do is to ban it and stop the spraying of it.

(Applause.)

MR. HOLLENDONER: Our 12th speaker is Richard McGraw.

MR. McGRAW: Good evening. I'm Richard McGraw. And I'm a 13-year resident of the East Side.

And I've got to remind everybody that this summer the output level of the petcoke was 700,000 tons annually. Since the BP refinery has fully expanded, it's now 2.1 million tons annually.

At the meeting at the Methodist church, which was the Illinois EPA outreach, they disclosed to us, after intense, grueling questioning, that the actual permit for KCBX is going to be 11 million tons annually. 22 times what it was this summer.

What are we going to do with 22 times that level of pollution? It's really time
to think about what they're doing here.

And then the other thing is a lot of this stuff is going to be coming in on barges evidently from the plant. There's no regulations on these barges. The dust is going into the -- in Lake Michigan. Our drinking water is threatened. This is a regional issue as well as a local East Side issue.

It's in the water already. It will also leech into the soil. So anybody who has a garden is potentially at risk even more than just breathing this stuff.

The only thing that can be done -- you know, I'm not just saying move the piles. I'm just saying shut the company down completely. They don't belong in Chicago. Thank you.

(Applause.)

MR. HOLLENDONER: Our 13th speaker is Jenny Cassel.

A VOICE: 12.

MR. HOLLENDONER: We had 12 as Richard McGraw. Were there two 12s?

A VOICE: Yes.

MR. HOLLENDONER: We'll get you up now, and
then we'll get to No. 13, Jenny Cassel.

Are you Jenny?

MS. CASSEL: I'm 14.

MR. HOLLENDONER: Thank you. Sorry about that.

MR. SORIANO: Good afternoon. My name is Manuel Soriano. I've lived in this community for the last 40 years. I have seen different companies, they play the same game what they're doing right now, what they're trying to do. Cover their piles with plastic. They don't work. Cover it. Water it. Don't work. Wintertime they freeze. They're gone. They say computerized, they be working. They don't work. They don't have enough sense to think about it because sensors don't work in cold weather or wind.

(In Spanish) Now I want to tell a lot of you that this company does not care, does not care about anyone. They think we are animals, that we are not aware, that we do not know anything. That is not it.

This is the year that everybody should look out for their own life. There are still many families, many children who are sick. I
am an old man. I have suffered illnesses for three
times, of pneumonia. And that is the reason why I
am here, telling you they send me a letter telling
me that the company is good. Good for what? To
further kill us?

(In English) Burning eyes. My kids
going sick running to the hospitals. We got three
schools are here. And what do they do with them?
Those are the future of United States.

Why do we have to take garbage from
somebody else that don't care about it? Thank you.

(Applause.)

MR. HOLLENDONER: Our 14th speaker is Jenny
Cassel. Thank you for your patience.

MS. CASSEL: Hello, everyone. My name is
Jenny Cassel, and I'm an attorney with the
Environmental Law & Policy Center.

I want to thank you for the
opportunity today to comment on the proposed rules
addressing pollution from both storage facilities.

While we appreciate the City's
attention to this issue, this present public health
and environmental threat that is posed by pet coke
in all these forms of particulate matter, we find
the regulations that the City has drafted are a step in the right direction, but they have many, many gaps and loopholes that need to be fixed before the rules can be truly meaningfully protective of the impacted community.

Unless we get these rules right, the piles should be banned.

We have a variety of concerns about the regulations that we will address in detail in our written comments. In light of the limited time here, I'm only going to focus on just a few of the significant issues that we've seen in these proposed regulations.

First, as several other folks have noted, there is a variance provision which essentially makes the -- the exception that makes the rule, the variance allows companies to get out of almost every single one of the proposed regulations here and gives entire discretion to the Commissioner to grant that variance without any input from the community.

In fact, none of the rules have any input from the community. That's unacceptable. It has to be removed in order to ensure that these
rules have any impact whatsoever.

Second of all, these smaller existing facilities effectively are an exemption to the rules. There is no justification, no basis in public health why these smaller facilities don't pose as much of a threat as the larger ones.

The requirements for the smaller facilities don't protect the health and the environment of the people. The City certainly has not provided us any justification showing that they do. Unless and until they can establish that those other regulations other than enclosure will protect equally the community members, those exemptions should be removed.

And finally, we want to note and reiterate that the public participation on these rules is entirely lacking. The community must have input into the various plans and requirements that these companies are going to have to comply with in order to ensure that these rules, again, have any meaning whatsoever in terms of protecting the public health. Unless and until the rules incorporate public participation requirement, we certainly cannot accept them and support them.
wholeheartedly.

We need much better rules to protect the community, and until then we should have no piles on the Southeast Side. Thank you.

(Applause.)

MR. HOLLENDONER: Our 14th speaker is Olga Bautista.

MS. BAUTISTA: My name is Olga Bautista, and I have been working with the community members here to educate ourselves on what is petcoke and how it's affecting us.

A lot of us here are parents, and we know that when our kids are sick and the doctor tells us that they have a certain illness or something, what do we do when we go home? We go home and we Google the crap out of it. We become experts on that.

And that's what we're doing right now on petcoke on how it's stored and what that means for our community.

My brother has been serving in the military for nine years, and he has traveled the world. He's moving back into the neighborhood. And this is the welcome that we're going to give
him after defending us and our rights.

And what I see is that the only rights that are being protected with all of these loopholes and these gaps, these regulations are like Swiss cheese, and they're protecting KCBX, giving them their own oversight to look -- to disclose what's going on in their company.

And if the City of Chicago has our interest in mind, then they need to be much more aggressive and stricter with these regulations.

And, also, I feel that it's -- realistically there is no reason that several small piles of dust aren't just as problematic as one large pile. In fact, it might be worse. And certainly the City of Chicago would not want to create an incentive to store smaller piles all over the neighborhood. Am I right? That's all.

(Applause.)

MR. HOLLENDONER: Our 15th speaker is Carl Camacho.

MR. CAMACHO: Good evening. My name is Carl. I am a registered voter in the 10th Ward.

I would like to voice my opposition today to the proposed regulations that Mayor Rahm
Emanuel has proposed.

Petcoke must be banned in the City of Chicago. It's the only way to guarantee that 10th Ward residents will not suffer public nuisance and fugitive dust. Right?

In the past seven months, we've seen dozens of complaints filed with the City, with the state, and with the U.S. EPA. And where were all these politicians before these complaints were filed? Nowhere to be found.

But once the residents made a stink about it, then they're all coming out of the woodwork proposing regulations and bans. Right?

But the fact of it is we're the ones who live here. I have yet to meet a 10th Ward resident who is in favor of the petcoke piles or these regulations.

The only two people we have in favor or are saying that these regulations are too tough are people from the business community, KCBX. The KCBX gentleman said that they conducted an independent study. Right? An independent study to say that this stuff wasn't toxic. Am I correct in that summary somewhat?
Let it be known the Koch brothers are paying professors at American universities to deny climate change. How are we going to trust the same company to regulate our air and our water that are paying professors to deny climate change at American universities?

Connect the dots, people. Right?

It's apparent that petcoke is an issue. We're meeting here today because it's an issue. So ban it. Right?

If the City is serious about protecting the residents' health -- and I believe that air quality was your primary concern? -- ban it. All right?

The proposed regulations are very lenient on small companies. The Koch brothers will create ten smaller companies tomorrow and spread it all throughout the river. These are billion dollar -- these two guys are billion dollar -- billionaires. All right? They make money left and right. They'll create ten smaller companies, and we'll have all these petcoke piles. Ban it altogether. Number one.

There's another point I got. I've
got another point.

Could you put me on the list, the second list too?

Trucks have to wash the tires and all that stuff. Once you wash that truck, where does that water go? In our sewer system, our drinking water.

I'm wrapping it up here. All right?

Extend the public hearing. We need more time. Right? Why is the City trying to move so quickly on this? Big question mark. Another thing -- oh, you got me on the list, right?

MR. HOLLENDONER: You're No. 33.

MR. CAMACHO: Okay. Thank you.

Finally, all I would like to say is we need our City officials to do what they're supposed to do. Defend your citizens. Defend your taxpayers, not just the corporate ones. Thank you.

(Applause.)

MR. HOLLENDONER: No. 16, Ellen LaRue.

MS. LaRUE: Hello. I'm Ellen LaRue. I'm not from this neighborhood. I'm from a neighboring neighborhood, but I do environmental work in this neighborhood.
Although I'm an amateur at assessing this type of document, I do have objections to the regulations as presented.

The one about the setbacks. The setbacks for the residents, it's 300 feet. The setbacks for schools, childcare facilities, hospitals, and recreational areas was, I believe, 660. And I think that the houses should have at least as much setback. People live there all the time.

Second, there's mention of requirements for street sweeping and cleaning up spills. But there's only one sentence where it tells how the sweeping and debris are disposed of, and I think that's inadequate.

Third, the dust monitors stipulated are PM 10s. I think it should also be established if there's finer dust present to any degree, since the finer dust is more damaging to lungs.

Also, where is the provision for inspection by parties other than the owners/operators? It appears that all troubles are to be self-reported, which, of course, is unacceptable.

I seriously question whether
regulations will adequately protect the neighborhood from dust visible or invisible. Therefore, I support the proposal to simply remove the piles. Furthermore, I think the length of the comment period is too short, especially as it included the holidays, and it should be lengthened.

MR. HOLLENDONER: Our 17th speaker is John Sandoval.

MR. SANDOVAL: Hi. My name is John Sandoval. I've actually just came back to the community within the last couple of years. I'm actually a 40-year veteran of the military. I've been to Iraq, Afghanistan, Kosovo, Serbia, el Salvador. Every time I leave, I would stay away for a year or two and come back to Chicago. Every year I would see some changes. These changes, of course, are not as positive as I would have liked them to be.

I seen that KCBX came and put the coal piles on 100th Street right across Commercial. I live not too far from there. I actually bought some property over there. And just like everything else that's happening on the East Side now, we had
the soot in the buildings, had everything -- had to have it cleaned up. They actually did put the water tanks out there, which did slow it down.

I used to run 15, 20 miles a day. I used to run over from Commercial, 100th Street, Cal Park, run around the East Side, and run back. In the last couple of years, I couldn't do it anymore. The soot was just getting to be too much.

I'm actually not active in the military anymore. But I know that KCBX, as they continue to expand out there, you should have visionaries. In the military, we have visionaries. We look for -- we look outward five years, ten years, fifteen years down the road, cause and effect. I don't know what happened here. The guys probably fell on their noses or something, because this is actually more than I see.

I look -- yes, I'm for economic development. Then buy us out. Buy our whole neighborhood out. I'm sure you have enough money. Give us a whole different community, and you can have the land. You can continue to put down this pet coke. Unless you have billions of dollars, five years, ten years down the road, wait for our
children to get sick, then you can pay us all.
Okay?
And I look at it that way. If not, take a step back and then wait until these rules and regulations actually have proven themselves. Rules, just like anything, they're tried and they're tested. Right now, they're just in their infant stages.
So I say take a step back, pet coke and KCBX, take a step back. Leave us alone.
(Applause.)
MR. HOLLENDONER: Thank you for your comments.
I'll just clarify for the group, the preceding speaker gave some time to that individual, so that's why we allowed him to go over.
Our next speaker is No. 18, although I know that some of the numbering has gotten a bit off, Fred Sosinski. Fred Sosinski. Speaking on behalf of Tom Shepherd, Fred Sosinski.
MR. SOSINKSI: Thank you. Good evening. I'm speaking on behalf of the neighborhood. Tom Shepherd had to leave. I took his spot in line
And I really appreciate the comments the lady from Whiting made because they're so pertinent because Whiting's regulations are obvious. They have regulations that cover petcoke. They can only keep it there five days. It has to be covered.

And where does it wind up? On the East Side.

And is it covered? No.

Is it monitored? No.

Is it creating havoc in our neighborhood? Yes.

It's got to go. The piles have got to go.

The only regulations that we need to see are the regulations that are going to cover how they're going to remove these piles, because it's going to be a nasty cleanup, and that's what we need to see, are those type of regulations, how the cleanup is going to take place.

All these other regulations, all these loopholes, it's insulting. And I hope our City realizes what they're doing and takes all of
MR. HOLLENDONER: Our next speaker, No. 19, Yolanda DeAnda.

MS. DeANDA: Good evening. I'm Yolanda DeAnda. I'm here as a citizen even though I'm the executive director of the East Side Chamber of Commerce.

I have lived here since I got married about 40 years ago. And during that time, I did begin to see that ugly, ugly dust. I couldn't figure out why my windows were constantly blanketed with this dust until I finally found out we had this company here.

And, yes, throughout the years, we have seen an improvement. But is that improvement really good enough? No.

We have found out that these -- this company came because loopholes already were here. And regulations are now being introduced with loopholes so that the company can continue working without providing the safety.

But is it the only company? No. We will find out that regulations,
aggressive, good, strong regulations will discover
there are other companies here. And we will find
that we must let us work together aggressively to
make sure these rules and regulations so that these
companies will ban themselves when they find out
that this City of Chicago is not going to allow
poisoning our children, or they better make a lot
of money for class lawsuits. Thank you.

(Applause.)

MR. HOLLENDONER: No. 20, our next speaker,
Mari Barboza. Mari Barboza.

A VOICE: She left.

MR. HOLLENDONER: She left. Okay. We'll
hold her spot until the end again. We'll call her
one last time. If anyone has chips --

MR. LIMBECK: Let me go for her.

MR. HOLLENDONER: Okay.

MR. LIMBECK: Good evening. Buenas tardes.

My name is Nick Limbeck. I'm a
teacher here at -- on the East Side at Gallistel
Language Academy. I teach second grade.

And when I came to teach here, I was
pretty surprised to find this black soot all over
my seven-year-olds', the children in my classroom's
desks, all over the windowsills. And we even had
to do a science experiment to understand what
petcoke is and who the Koch brothers are.

And, you know, eventually it's going
to be learned that this is a toxic substance. And
there's two people that are their enemy. Those are
the Koch brothers.

And, you know, so we all know that
the only way to save our health, the only healthy
solution and safe solution is to remove these --
this toxic waste from anywhere near human beings.
We know that's the case. That's without a doubt.

But the question is why then is our
Mayor of the City proposing these regulations to
allow this toxic waste to be within feet, within
yards of communities of children? Why? Why on
earth would they do that?

Well, I think we all know the reason
is because our Mayor and our elected officials here
in Chicago are here to protect companies and their
right and their efforts to make a profit at the
cost of our health. That's their only goal
clearly.

And it's going to be up to us to
stop them. So, you know, it's -- we think these regulations are an insult. And to allow 22 times the amount of petcoke, millions of pounds of more of this toxic waste in our community, is an insult, and these regulations are an insult to our community.

Finally, I think I'd just like to end with, you know, what can we do now? I think we need to come together as a community. We need to get organized. There's already some environmental groups. I think we need to come together, and we need to continue fighting until this stuff is removed.

We're going to be at City Hall when the ordinance gets proposed for a ban on petcoke, and we need to push for that. So let's get together and let's stop this.

(Applause.)

MR. HOLLENDONER: At this time if there's anyone with a number below 22 that if you haven't spoken yet, please come over and see me. As you do that, we'll call up No. 23, Robert Veloz.

MR. VELOZ: Good evening, everyone.
I have worked in the steel mill for 23 years at Republic Steel. We used to make coke. The coke comes from whatever they extract from the coal, and then they squeeze it together, they quench it, they make it, all the dust is compressed. And they eliminate a lot of dust that flies around.

I believe when they started to make this project over here in Indiana, I don't think they knew what the outcome of this other element that came through, they didn't know what to do with it. So they should have decided what to do with it or how to eliminate it so it can be safe for everyone.

I believe they didn't know. Or they didn't study well enough to make such a project safe enough.

I have three grandchildren. They play chess. They're little. They compete in other places. They live three -- about a mile away from this place. They already missed a lot of school.

They go to tournaments. They have a good head behind them. What are we going to do if we cannot move somewhere else?
We need something different than this in this area. We need a mall. We need something else different than what we have. All they're doing is sending us all this crap, so we need to eliminate this. We do not need this.

Thank you.

(Applause.)

MR. HOLLENDONER: Our 24th speaker is Brian Urbaszewski.

MR. URBASZEWSKI: Thank you for the opportunity to speak here today.

My name is Brian Urbaszewski, and I'm the director of environmental health programs for Respiratory Health Association. We're a nonprofit focused on preserving lung health and preventing lung disease founded here in Chicago in 1906.

Fine particulate matter is an air pollutant regulated by the EPA because it's a threat to human health. These extremely small particles bypass the body's natural filters and reach into the deepest portions of the lungs where they can also affect the circulatory system and the heart.
Health experts say this pollutant is responsible for increasing numbers of asthma attacks, strokes, heart attacks, respiratory hospitalizations, lung cancer, and premature deaths. It's also been associated with infant mortality, low birth weight babies, reduced lung function, and the development of chronic respiratory disease.

Who are these experts? We're talking about the U.S. EPA. We're talking about the American Heart Association. We're talking about the World Health Organization.

U.S. EPA has set an air pollution standard under the Federal Clean Air Act, and the Chicago area doesn't meet the minimal health standard. Our air in Chicago is unhealthy according to the EPA's yardstick. In fact, the highest concentrations of fine particulate matter in northeastern Illinois are being recorded at the Washington High School air quality monitor near 114th and O.

But even if we meet these minimal federal health standards, the science shows there's no point at which you don't see a negative health
impact from breathing particulate matter.

In simpler words, the only safe level of fine particulate matter is when you eliminate the source.

Others tonight have covered specific weaknesses in the proposed rule language and offered improvements. I support the suggestions put forth by other environmental groups who are working to make these regulations the most health protective regulations possible.

But I also want to ensure that the community wishes to see the source of black clouds of particulate matter in the neighborhood gone are correct that that outcome would be the best situation for lung health in the community.

Thank you.

(Applause.)

MR. HOLLENDONER: Our 25th speaker is Mauricio Corrales. Mauricio.

MR. CORRALES: I don't think I'm going to make a statement.

MR. HOLLENDONER: Okay. Our 26th, I believe also forewent.

27 is Cheryl Johnson.
Is Cheryl here? No. 27, Cheryl Johnson? Cheryl, if you're here, you're welcome to come up to me later to let me know you'd like to speak.

28 is Tiffany Ingram.

MS. INGRAM: Good evening.

Thank you for the opportunity to comment on the Chicago Department of Health proposed rules and regulations for handling and storage of bulk material piles.

On behalf of the National Resources Defense Council and our members, we applaud the City's efforts and swift action.

We find that the proposed rules in their current form, however, fail to address the risk associated with handling of such material so close to an urban community, both in particular requirements that we will discuss and in the apparent acceptance of the continued location and operation of these piles in this neighborhood and within the city.

We share the community's concerned position that these piles have no place in proximity to neighborhoods where children play and
people live out their lives. They have no place in Chicago.

The fight continues to make the case that the Southeast Side and other similarly situated communities are not sacrifice zones, that these are the communities where renewal and reinvestment that is compatible with a good quality of life should be the new vision of the Southeast Side.

We do share the other concerns that were mentioned regarding the regulations, but there are three other key areas I'd like to discuss with you tonight.

The first area is the timeline to implement the rules is unacceptably long and exposes the community to continued exposures to damaging particulate matter pollution for extended periods. It does not protect the public health and safety.

According to the current implementation schedule, facilities have two years to enclose its piles, which means that facilities required to enclose piles will be able to operate at the status quo.
The other part of the rules require that facilities have up to a year to implement the rules to actually manage the other parts of particulate matter; washing trucks, loading of trucks, barges, boats, installing wind barriers, the paving of roads, the enclosing of conveyors, all these are there to help manage the dust.

This is simply unacceptable exposure of the people in this community and the city to pollution.

Second, we would ask that the detailed rules that manage the particulate matter on trucks should also be extended to management on railcars and barges.

And finally, although the air monitoring requirements are a start, they need improvement. The City should also clearly outline a process that requires each facility to submit a proposed particulate material monitoring plan, provide for public comment, and a requirement for the Commissioner to review and approve the plan by permit.

Thank you for your consideration of our comments. We'll be filing written comments as
well.

(Applause.)

MR. HOLLENDONER: No. 29, Edwin Gonzalez.

MR. GONZALEZ: Hi, guys. I'm Edwin Gonzalez, neighborhood resident, a week away from my 33rd birthday. So 33 years of living here.

A VOICE: Happy birthday.

MR. GONZALEZ: Thank you.

And as I get older, I want to do something for my community. And I think standing here with you guys is a really good way to start.

Basically at this point I'm just going to go over some questions and comments I got. I know everything's been kind of said, but I might as well do it anyway.

You know, one thing mentioned was that the dust is not harmful. And really I don't know how we would go about knowing that at this point because from what I understand petcoke is a pretty new byproduct. It hasn't been around all that long.

So originally asbestos wasn't thought to be a problem either. 30 years later, people are dropping like flies.
So what do we know about what petcoke?

Another point, I don't find those wind barriers to be adequate. You know, what about updraft? There's a -- I mean, the area's windy. There's really nothing around those facilities. It's nothing but vacant land out here. I just don't think it's adequate enough.

There's basically what is a glorified sprinkler system which is called a fancy dust suppression system. Where does all that water go?

You're pumping thousands of gallons of water onto these piles. Where does all that runoff go? I mean, it's going into our drainage system, it's going into our river, into the community where a lot of people hunt, a lot of people fish. The fish coming out of that river are consuming that. Our drinking water is coming out of that. It's not acceptable.

These variances is just ridiculous.

It absolutely should not be allowed. The only things that should be allowed is what the community wants, and the way we vary it is that we do not
want these piles here.

Now, the monitors, the community should have access to these monitors. There should be some type of public online, you know, data center that we could access if it's going to go that far. But I still want them gone.

Let's see here. What else did I put on here?

Oh, and from what I understand -- I have a lot of friends. I'm a Local 109 worker, I'm a tradesman, and lot of people I know work at BP.

While at BP, from what I understand, this product is byproduct. It's handled as toxic waste. It is very strictly regulated while inside the facility, but as soon as it leaves the gate, all of a sudden those regulations go away. And now it's a consumer good, and all of a sudden it's flying all over up and down our streets, you know, ending up in our drinking water and ending up in our sewer, and I don't think that's acceptable.

MR. HOLLENDONER: Please wrap up your comments.

MR. GONZALEZ: One of the last points I wrote down was that the hazard of the dust being an
explosive. Not more than -- maybe about six months ago, Texas had a problem with that. How are they going to regulate that entire facility? This place blew up killing hundreds of workers and destroying the community around it. How do we know that's not going to happen here? Thank you.

(Applause.)

MR. HOLLENDONER: No. 30, Nick Limbeck.

MR. LIMBECK: I'll keep it really short because I already came up.

But let's call a spade a spade.

This is environmental racism. This -- here in the Latino community, they think it's okay to dump toxic waste and endanger the health of everybody.

This is Rahm Emanuel's MO. You know, just had -- he's already -- he's already, you know, closed down 50 of the schools in more black -- mainly black neighborhoods. 80 percent of the schools were black neighborhoods. So the black community knows who their enemy is.

And now the Latino community is understanding who their enemy is. It's Rahm Emanuel and everything he stands for.

So if Rahm Emanuel thinks that he
can regulate his way out of this problem and allow
the Koch brothers to dump all the toxic waste in
the neighborhood, the Latino neighborhood, he can
be assured that he has the Latino and the black
community and all working class people of Chicago
against him in 2015. So he can see the door.

(Appplause.)

MR. HOLLENDONER: Our 31st speaker is Joyce
Black.

MS. BLACK: Good evening. My name is Joyce
Black. I'm a native of the East Side.

And I just wonder why -- some of
this is redundant, by the way. Some of this is --
why was this operation ever permitted in the first
place? Maybe I'm just an old lady. But there's no
rationale in any of it. I don't get it.

Why isn't there an inspector on the
site of all of these piles 24 hours a day, seven
days a week ensuring, just like the Department of
Agriculture ensures, that we have safe air to
breathe.

We have safe meat to eat. Why don't
we have safe air to breathe?

The Long Beach standard in
California is the minimal standard that should be met until we can figure out a way to get rid of this stuff.

Nobody wants it. We, most among all the population of this city, know what we have been suffering.

When I cleaned my brand new furnace filter, which I couldn't bring you from 108th and Avenue B because it's electronic, on October 31st, I could not figure out why my electronic filter had to go through the cleaning process not once, not twice, but three times before I could put it back into my brand new furnace and let it operate effectively.

This City action is reactive. Where was the proaction asking the proper questions before we were -- this was foisted on us? This is just hackneyed politics, and I am sick of it.

In my 70 years on this earth, I have very few times chosen that I would die on a bridge. Vietnam was the first time, and this is the second time. I won't put up with this.

I spoke with a teacher at Gallistel School over Christmas break. She informed me that
every single classroom at Gallistel has at least three to five children who are required to have their inhalers with them in school.

Is that true, Mr. Limbeck? Every classroom at Gallistel?

We are using our children's brains, heart, and lungs as collateral damage in this business operation. And you are not going to do this to the people of the Southeast Side any longer.

(Applause.)


If Mr. Barter is not here, then our final speaker for the evening requesting again to be brought up is Carl.

MR. CAMACHO: Thank you.

I just want to give you a human interest story here. All right?

Born and raised in South Chicago. I played for the Gallistel Rams. I don't know if they have a football team anymore. But anybody remember the Gallistel Rams football team? We practiced on 108th and Mackinaw right there at Wolf
Park as kids, as 12-, 13-, 14-year-old kids in our three-point stances and running defense. And I want to be able to see that for other kids to come. I also played baseball at the senior field. Do you know there's a baseball field where kids play baseball two, three blocks away from the river where all this stuff is piled up? Unbelievable. Unbelievable. Take a drive through my neighborhood where we live, where I built friendships, where I've had my family. Right? We want to stay here. That's why we want these pet coke piles gone. That's why. Ban it.

The only way to ensure that something won't happen that's bad is to ban it. Right?

One minute. So in summary, I'd like to say that I have not met a 10th ward resident that is in favor of these regulations or these pet coke piles here. Everybody up here said move it, ban it, get it out of here, we don't want it. So I think it's been duly noted on the official City of Chicago public hearing files that not a single resident in this community wants these piles
here. Right?

Most people in this neighborhood have been here for decades, generations. We don't forget. Right? We all know what happens in the past -- what happened in the past will resurface in the future. So if we don't take this fight now, it's going to stay with us.

So for anybody who's interested in taking community action, please sign up with Olga or Dave. All we need is your name, number, and email. We're going to let you know. We're going to send you action alerts. Because the reality of it is we can't count on Rahm Emanuel. We can't.

Put your faith in the politicians, you'll be there, you'll be there alone in the cold weather with nothing to -- nothing -- no one by your side.

All we have is each other. We have our community. And if you're ready to fight for it, then let's sign up and get these piles out of here.

(Appause.)

MR. HOLLEN DONER: All right. We are at our 8:00 o'clock close.

As we wrap up the evening, again,
on behalf of the panel, Mayor Emanuel, and
Dr. Choucair from the Chicago Department of Public
Health, we really appreciate your insights and
input into the regulations.

We also appreciate Alderman Pope
hosting us here in your community so that we can
hear firsthand from each of you about the impact
of what's going on in your community.

We will be following up after we
have a moment to digest the kind of input that's
been provided, and we will be sharing information
with you.

In the meanwhile, you continue to be
welcome to email us at petcokecomments@cityofchicago.
org.

You are also welcome to make any
further comments that you'd like to this evening by
submitting one of these comment cards at the back
of the room.

My colleagues and I will be up here
to answer any brief questions that you might have.
But, again, thank you so much for coming out this
evening.

And if you think there's merit to
inviting us to another stakeholder event that you'd like to host or know that is happening, please feel free to contact the information that's up there and/or my colleague, Jennifer Hesse. We'll be glad to take that information.

We currently do not have another public hearing scheduled. However, we're going to consider your input for additional time for input, and we'll be in communication.

(Which were all the proceedings this day.)
STATE OF ILLINOIS  
) SS:  
COUNTY OF COOK  

I, Nick D. Bowen, do hereby certify that I reported in shorthand the proceedings of said hearing as appears from my stenographic notes so taken and transcribed under my direction.  

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Chicago, Illinois, this 24th day of January 2014.  

Illinois CSR No. 084-001661  
Notary Public, Cook County, Illinois  
My commission expires June 13, 2017
NAME OF CASE: Public Hearing City of Chicago Department of Public Health

DATE OF DEPOSITION: 01/13/2014

NAME OF WITNESS: HEARING

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1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

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