

Please vote no

Tyra Taylor <[REDACTED]>

Fri 9/16/2022 5:52 PM

To: envcomments envcomments@cityofchicago.org

[Warning: External email]

Please vote no. For all of the reasons you have already heard.

Tyra Taylor


[REDACTED]

Permit Application Sims Metal Management Midwest, Inc. Large Recycling Facility

Harley, Keith <kharley@kentlaw.iit.edu>

Thu 9/22/2022 9:27 AM

To: envcomments envcomments@cityofchicago.org

 1 attachments (112 KB)

PERRO SIMS Metal Management Midwe t LRF Permit Application Comment docx

[Warning External email]

Please be advised that I represent the Pilsen Environmental Rights and Reform Organization (PERRO).

Please accept the attachment as PERRO's comments on the Large Recycling Facility Permit Application submitted by SIMS Metal Management Midwest, which is pending before the Chicago Department of Public Health.

Please contact me if you have any questions regarding these comments or require any additional information.

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September 22, 2022

Chicago Public Health Department
333 S. State Street
Room 200
Chicago, IL 60604

Via email: envcomments@cityofchicago.org

Re: Permit Application Sims Metal Management Midwest, Inc. Large Recycling Facility

To Whom it May Concern,

Please be advised that we represent the Pilsen Environmental Rights and Reform Organization (“PERRO”).¹ PERRO is an environmental education and advocacy organization based in Pilsen, an environmental justice community within Chicago. This organization and its members work to ensure a healthy and safe environment for residents, to preserve regional ecological resources and to achieve a sustainable economy that enhances local communities. Appropriate safeguards and regulations within the SIMS Large Recycling Facility permit are of crucial importance to PERRO as many of its members are individuals who live, work, and recreate near the Sims Metal Management Midwest, Inc. (“SIMS”) facility located at 2500 S. Paulina Street (“Facility”). According to the City of Chicago’s, 2020 Air Quality and Health Report, this location ranks within the 8th Air Quality and Health Index Decile making surrounding communities more vulnerable to air pollution.²

Please accept this letter as PERRO’s comments on the SIMS Large Recycling Facility permit application. PERRO requested our assistance in reviewing the permit application, and our comments are listed below. Individual members of PERRO may be submitting comments addressing other aspects of this permitting transaction. Donald Wink is one of those individuals who has submitted numerous comments addressing SIMS insufficient documentation concerning their Modeling Analysis of their fugitive dust emissions. The below comments are supplemental to those already made and represent additional concerns with the shortcomings of the SIMS’ permit application.

Several of the comments are based on the operating and compliance history of the facility, information that is not available on the face of the proposed permit itself. The operating and compliance history of the facility is relevant to Chicago Department of Public Health’s (“CDPH”) decisions regarding permit approval. If

¹ <https://pilsenperro.org/>

² https://www.chicago.gov/content/dam/city/depts/cdph/statistics_and_reports/Air_Quality_Health_doc_FINALv4.pdf at page 7

existing pollution control technologies and techniques are ineffective, even a short-term renewal that allows the facility to operate “as is” is not appropriate. CDPH is expressly authorized to consider the SIMS’ history of compliance in deciding whether a permit should be granted and within, the terms and conditions applied to ensure compliance during future operations, if the permit is approved.

Under Rules for Large Recycling Facilities (LRF), the CDPH has the authority to bind a facility to a higher standard than the minimum set forth in the rules. Due to SIMS history, PERRO respectfully requests CDPH impose additional requirement within SIMS LRF permit. If CDPH determines those additional requirements are not warranted, PERRO requests CDPH provide adequate reasons for not imposing the requirements within a publicly available document. Below addresses each concern in turn.

Comment One Environmental Justice Analysis

Considering the characteristics of the immediately surrounding area, PERRO is formally requesting CDPH to conduct an environmental justice analysis as part of its permitting process. This analysis should address whether the environmental consequences of the applicant’s facility, viewed comprehensively and in the context of where it will operate, and how it will cause or contribute to significant, adverse, and disproportionate risks for local communities.

There is a strong justification for an environmental justice analysis. According to information derived from the demographic feature of U.S. EPA’s ECHO database, there are 375,285 people living within a three-mile radius of SIMS Facility, of which, 77% are people of color. The ECHO database also indicates that there are 139,215 households in this area as well as 99,334 minors younger than 18. Nearby residential communities include the Pilsen, Lower West Side, and Bridgeport. The Facility would operate immediately adjacent to the Chicago Sanitary Ship Canal. This area scores above 90% in eleven categories assessed by U.S. EPA’s EJ screening tool, including PM 2.5, ozone, diesel PM, NATA air toxics cancer risk, NATA respiratory hazard index, traffic proximity, lead paint indicator, risk management plan facility proximity, hazardous waste proximity, underground storage tanks and wastewater discharge proximity.³ This U.S. EPA assessment aligns with the findings of the City of Chicago Air Quality and Health Report, which is documented at: https://www.chicago.gov/city/en/depts/cdph/provdrs/healthy_communities/svcs/air-quality-and-health.html

The communities which will be impacted by the applicant’s Facility are already susceptible due to pre-existing health and social factors including a prevalence of low life expectancy, heart disease, asthma, and rates of poverty. Even absent the applicant’s Facility, these communities experience higher rates of outdoor pollutant concentrations, air toxins, traffic proximity and proximity to hazardous waste facilities and underground storage tanks. Cumulatively speaking, this predominantly minority community is among the most environmentally burdened in the city. Their burden is significant and disproportionate by comparison to other Chicagoans generally.

Unlike other similarly sized municipalities like New York City and Los Angeles, Chicago has no established environmental justice commitments or policies. Despite CDPH’s own Air Quality and Health Report, CDPH has provided no description of how this and related evidence will affect its review of the permit application, its requirements for the permit applicant, its interactions with the public or its Draft Permit.

However, when reviewing General III, LLC’s, (d/b/a Southside Recycling), permit application for the facility located at 11600 South Burley Avenue, CDPH, at the request of USEPA, conducted a Health Impact Assessment (HIA) to better evaluate the impacts of the proposed facility on the existing community in

³ Diesel Particulate Matter, RMP Facility Proximity, Hazardous Waste Proximity, Underground Storage Tanks all scored 98% or above.

Southeast Side Chicago. The HIA allowed the CDPH to make a fully informed decision when reviewing Southside Recycling's LRF permit. That review determined that the area was too overburdened to accept such a facility for fear of the heightened cumulative impacts borne by nearby residents. Further, Southside Recycling failed to provide sufficient evidence that their facility would comply and stay in compliance with the terms and conditions of a Permit, the Code, or the Rules as necessary to fully protect the residents of the Southeast Side.⁴ Considering the SIMS Facility will be conducting the same type of operation in a similarly overburdened environmental justice area, and as shown below, has not demonstrated how they will stay in compliance, a similar comprehensive review is warranted.

PERRO asserts the city's history of ignoring the risks of significant, adverse, and disproportionate harm in already susceptible, overburdened Chicago communities must be remedied beginning with CDPH's denial of the present permit application.

Comment Two Compliance History

The SIMS Facility has a complicated compliance history which is not apparent on the face of the SIMS LRF permit application. CDPH must consider this history to make an informed decision when reviewing the permit application.

In September and December of 2016, USEPA conducted visual inspections of the SIMS Facility and on both occasions observed fugitive particulate matter being emitted from the hammermill shredder and crossing the SIMS property line in violation of 35 IAC §212.301.⁵

Along with the visual inspection, USEPA also conducted an inspection of SIMS hammermill shredder using FLIR infrared cameras. It was determined that the hammermill shredder was also emitting hydrocarbons that were crossing the property line. After reviewing information provided to them from SIMS, USEPA determined that the hammermill shredder alone has the potential to emit 25 tons or more of volatile organic material (VOM) per year and is therefore subject to the emission control requirements set forth in the Illinois Pollution Control Board regulations 35 Ill. Adm. Code Part 218, Subpart TT.

On August 10, 2017, SIMS was issued a Notice of Violation (NOV) in which the USEPA asserted violations of the Illinois Administrative Code. In response, SIMS filed an application to amend their Lifetime Operating (no. 91040059) to modify the hammermill shredder by adding foaming injection system to replace the water injection system to reduce fugitive dust emissions. However, the application did not specifically address how this measure would help SIMS comply with 35 Ill. Adm. Code 212.301 and 218.986(a)/(c).

As a result, on September 20, 2017, ILEPA rejected SIMS's initial application and issued a Notice of Incompleteness ("NOI"). In this NOI, ILEPA requested "a clear and thorough presentation including information and date to either confirm non-applicability of or demonstrate compliance with potentially applicable regulatory requirements including, but not limited to . . . (e.g., . . . 212.301, 212.321, 218.980, etc.)"

In response to ILEPA's September 20th NOI, SIMS submitted supplemental information on February 2, 2018. Again, SIMS did not specifically discuss how its operation of the existing hammermill shredder and the proposed MRP would help SIMS comply with 35 IAC 212.301 and 218.986(a)/(c), which resulted in ILEPA

⁴ <https://www.chicago.gov/content/dam/city/sites/rgm-expansion/documents/Final%20RMG%20permit%20denial%20letter%202.18.22%20with%20attachments.pdf>

⁵ "No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the source." Ill. Admin. Code tit. 35 § 212.301

issuing another NOI on March 1, 2018. In response to the second NOI, SIMS withdrew the application to modify the hammermill shredder by amending their Lifetime Operating permit.

SIMS subsequently entered into a consent agreement and final order (CAFO) with USEPA. The December 20, 2018 CAFO required SIMS to perform and report emission testing for the Facility's hammermill shredder under specific conditions within 300 calendar days of receipt of the December 20th CAFO.

The proof-of-concept emissions capture test on the hammermill shredder was performed on May 13 to 14, 2021. The results of the proof-of-concept emissions capture test revealed that the hammermill shredder at the Facility was achieving less than 50% estimated capture efficiency of VOMs, which was below the level needed to show that the Facility operates in compliance with the Pollution Control Board's Part 218 Subpart TT regulations, which requires an 81% capture efficiency rate.

A July 14, 2021 ILEPA Memo memorializes this proof-of-concept test and summarizes the results. Before conducting a gas-to-gas alternative capture test, a pre-test or proof-of-concept test was performed on May 13 and 14, 2021. The purpose of this proof-of-concept test was to document the validity of the gas-to-gas alternative capture test using SF₆ tracer gas and to determine a valid injection point at the inlet of the shredder to document the capture efficiency of the system. The July Memo concluded that based upon the preliminary information collected during this proof-of-concept test, it was confirmed that the use of SF₆ injected at the inlet of the shredder is a viable means to document capture efficiency. However, it was likewise confirmed that the capture efficiency of the system was estimated to be less than 50%.⁶

The Illinois Attorney General subsequently commenced an enforcement case, asserting SIMS is failing to demonstrate that its shredding operations have achieved an overall reduction in uncontrolled VOM emissions of at least 81%, thus violating and continuing to violate Illinois Environmental Protection Act Section 9(a), 415 ILCS 5/9(a) (2020) and Board Air Pollution Regulations, Section 218.986(1), 35 Ill. Adm. Code 218.986(a). The Illinois Attorney General's Complaint for Injunctive Relief and Civil Penalties was filed on in the Circuit Court of Cook County on October 15, 2021 and is still pending.

On October 20, 2021, an Agreed Preliminary Injunction order was entered by the Court pursuant to the Illinois Environmental Protection Act section 42(e) 415 ILCS 5/42(e) (2020). This is not a final resolution, but rather addresses the public's most immediate concerns regarding emissions of the hammermill shredder. On March 22, 2022, pursuant to the Injunction, SIMS submitted a draft construction permit application to IL EPA to add control equipment to the hammermill shredder. This application is still pending.

USEPA asserted the SIMS hammermill shredder was operating in noncompliance in 2016. Today, these issues remain unresolved. These fundamental compliance issues are not adequately addressed in the Large Recycling Facility permit application now before CDPH. In the absence of a complete description of the compliance history of the facility and how all compliance issues will be addressed, the permit application is incomplete and must be rejected by CDPH.

Comment Three Management and Disposal of Hazardous Material

Appendix T of SIMS permit application is the Inbound Material Control Program and details how the SIMS Facility will control what the Facility processes and ensure that no prohibited materials, listed in Exhibit A, will enter the Facility for processing. However, Appendix T is just the generic Midwest Region Supplement and not specifically written for the SIMS Facility located at 2500 S. Paulina St. This program is clearly not for a

⁶ Memo "Metals Management Midwest (031600FFO) Proof-of-Concept Test for Alternative Capture Technique (May 13 & 14, 2021)" from Kevin Mattison, Illinois Environmental Protection Agency, dated July 14, 2021.

Chicago based facility because in Exhibit B under the Regulatory References, no Illinois or Chicago regulations are listed, instead the Exhibit references New York, New Jersey, and Pennsylvania regulations.

Section 3.0 of Appendix T requires that each facility develop their own written inbound Material Quality Control Program, with the Facility Manager ensuring that the “written program meets all requirements in this Standard, as well as, any applicable federal, state, or local law, regulation, or other requirement applicable to the facility that may be more stringent than this Standard. This Standard may be used to meet this requirement.” It is unclear if the SIMS Facility located at 2500 S. Paulina is relying on this Standard to be its complete Inbound Material Quality Control Program, or if the Facility Manager will create their own Program specifically tailored to the Facility requesting the permit. Regardless, what is provided is an insufficient Program and no additional Program is included specific to this Facility which means that Appendix T is insufficient on its face, and CDPH should require SIMS to include a more detailed plan specific to this Facility. Until that is provided, SIMS should not be issued a LRF permit.

SIMS states in their permit application that they will accept end of life vehicles (ELV) for processing at their shredder yard. SIMS will accept dry ELVs and ELVs that need to be de-polluted. From the ELVs being processed, Auto Shredder Residue (ASR) is produced both from the shredder and MRP. ASR is then piled outside on site to be taken to the Waste Management, Laraway Landfill.

Auto-fluff, also called ASR, is considered a pollution control waste, and therefore is categorized as a special waste governed by 35 Ill. Adm. Code Subtitle G: Waste Disposal. Special wastes are potentially infectious medical wastes, hazardous waste, pollution control waste, or industrial process waste.⁷ Pollution control waste is “generated directly or indirectly when businesses remove contaminants from air, soil, or water.”⁸ Because of the possibility for material contamination from lead, cadmium, and PCBs, auto fluff is a pollution control waste.⁹ Special wastes are subject to regulations in 35 Ill. Adm. Code Subtitle G: Waste Disposal as well as the Illinois Environmental Protection Act.¹⁰ Some wastes that fall into these categories may be certified as a nonspecial waste through a request to IEPA, however, auto-fluff is not eligible for nonspecial waste certification in any circumstance.¹¹ Any special waste that cannot be certified as a non-special waste must continue to be manifested and transported by special waste haulers to properly permitted.¹²

Special wastes can be hazardous or non-hazardous. There are two classes of special wastes: “Class A” and “Class B.”¹³ Class B wastes are those that the IL EPA determines to pose “a low or moderate degree of hazard to the environment or public health in the course of their transportation, storage, treatment, or disposal” while Class A special wastes are all those not designated as such. 35 Ill. Admin. Code Subtitle G 808.240. Special wastes are given a toxic score. The generator of a special waste has the burden of characterizing their waste according to ASTM test methods. A toxic score of 1 or 2 is characterized as a Class B special waste while a score of 3 will result in a Class A classification. See 35 Ill. Admin. Code 808.245.

Generators must also prepare and provide a special waste manifest prior to shipment. See 35 Ill. Admin. Code 808.122. The special waste manifest must include information including the generator ID number, the location of generation, identification of who delivery is accepted, and

⁷ <https://www2.illinois.gov/epa/topics/waste-management/waste-disposal/special-waste/Pages/default.aspx#:~:text=Special%20wastes%20can%20be%20any>

⁸ <https://www2.illinois.gov/epa/topics/waste-management/waste-disposal/special-waste/Pages/do-i-have.aspx>

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ <https://www.ilga.gov/commission/jcar/admincode/035/035008080B02400R.html>

the classification and quantity of the special waste. Transporters of special waste must have valid special waste hauling permits issued in accordance with 35 Ill. Admin. Code 809.201. To obtain such permit, the transporter must apply to IEPA and provide information including the number and type of waste it will be hauling. They also must agree to abide by local regulations including the vehicles used will be in good repair, steps will be taken to prevent leakage or spillage of the waste, and that the waste will not be mixed with any other waste in the same tank. *See* Ill. Admin. Code 809.202. In granting the permit, IEPA may impose additional conditions. *See* Ill. Admin. Code 809.205. Violation of any conditions or failure to comply are punishable by revocation of the permit and fines. *See* Ill. Adm. Code 809.208.

As with other hazardous and toxic waste streams that will be generated by, managed at, and transported from the applicant's Facility, the application is fatally deficient because it fails to provide detailed information about this dangerous waste stream and its management. Any subsequent or supplemental application should trigger a new, complete opportunity for public participation. In the absence of complete information about these toxic waste streams and how each one will be managed— which is directly relevant to the public health, safety, and welfare – CDPH cannot allow these dangerous wastes to be present at the applicant's Facility. If information about this aspect of Facility operations was not fully vetted as part of the local land use approval process, land use approvals should be revoked, and a new review should be undertaken.

Comment Four Additional Consequential Standards for Reporting

A Consequential Facility is defined in LRF as a facility that meets one of the following four criteria: 1) located within 660 feet of a sensitive area, 2) has been found in violation of any federal, state, or local air quality law or regulation within the last three years, 3) conducts the mechanical shredding of vehicles, or 4) is a class V facility.

In the Introduction of SIMS' permit application, they state that the Facility fulfills the first and third above criteria and therefore should be considered a consequential facility. A proof-of-concept emissions capture test performed on the Facility's hammermill shredder on May 13 to May 14, 2021, showed that SIMS failed to demonstrate an achieved overall reduction of 81% in VOM emissions. The test further determined that SIMS violated and continues to violate Section 218.986(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.986(a).

This violation was recognized in 2021, as such SIMS also fulfills the second criteria of a consequential facility as well. It should be noted that SIMS was aware of this violation in May of 2021, and then filed this permit application in November 2021, and they failed to include this history of noncompliance in the permit application. SIMS' failure to include their non-compliant history, should be considered in the review of applicant's permit application.

With SIMS fulfilling three of the four categories that classify a facility as a consequential facility, CDPH can and should enforce additional requirements on SIMS. Additional requirements will ensure SIMS stays in compliance with the new rules and the community will experience fewer negative effects from the SIMS Facility.

Comment Five Reporting Action Limits (RAL)

Under LRF section 4.7.7.7 Additional RALs can be imposed on a facility at CDPH's discretion based on factors including but not limited to the compliance history of the facility and occurrence of dust as a nuisance and

health complaints or risk. As mentioned above, this area scores above 90% in eleven categories assessed by U.S. EPA's EJ screening tool and the Facility's hammermill shredder has been in noncompliance since May 2021.

PERRO requests that CDPH exercise their authority under the LRF and implement additional RALs on the SIMS' Facility and ensure that the community is not further burdened by the operation of the Facility. The totality of circumstances surrounding the Facility requiring the additional RALs for VOCs, PM2.5, and any other hazardous air pollutants (HAP), is the strongest way to show that CDPH is consciously aware and concerned about the health and well-being of the citizens most effected by SIMS' operations. Protection of the air quality here is imperative to protect the health of Chicago residents, especially those already overburdened by air pollution in the area immediately surrounding the facility.

Comment Six Storage Piles

Under section 4.4.1 of LRF the permitted facility's outdoor storage piles shall not exceed 20 feet in height, and the facility must maintain height markers up to 30 feet. Under section 4.4.3 of LRF, staging areas, material may be up to 30 feet tall, provided the Operator complies with additional conditions. Further, under section 4.4.2 of LRF, "Auto Shredder Residue shall be stored inside a covered, fire-proof enclosure that effectively protects the stored material from precipitation and potential ignition sources, and that prevents this material from becoming windborne."

Under Appendix K of SIMS permit application, SIMS does not indicate if the storage volumes at the various locations are for storage stockpiles or staging areas. Further, storage of ASR material is listed as being stored in the shredder yard and in the Material Recovery Plant (MRP) but fails to indicate whether it (1) is located outside or inside; (2) is protected from precipitation and potential ignition sources; and (3) is staged ASR material or post-processed ASR. Under Appendix W, material flow diagram, of the SIMS permit application, the ASR piles appear to be located outside, but nothing else is indicated.

Appendix K, Storage Volumes, does not accurately represent what SIMS will be storing and in what volume, but rather shows the Facility's Storage Capacity. SIMS also fails to show whether these storage capacities are for storage stockpiles, regulated under section 4.4.1 of LRF, or staging areas regulated under section 4.4.3 of LRF. Appendix K does not accurately show the type of storage being conducted at the various locations and cannot be commented on effectively with the details provided.

SIMS fails to show that the ASR storage conforms with the requirements under section 4.4.2 of LRF. Appendix K, only list ASR pile as being stored in the shredder yard and in MRP. However, section 4.4.3 of LRF requires that "post-processed ASR shall be stored inside a covered, fire-proof enclosure that effectively protects the stored material from precipitation and potential ignition sources and prevents the material from becoming windborne." Appendix W, Material Flow Diagram, is the only indication of how ASR is stored and appears to be in the shredder yard and near the MRP. Both locations appear to be outside and neither indicated what stage the ASR material is in, whether it be pre, during, or post processing.

Due to the lack of information provided in Appendix K concerning the storage volumes, and what appears to be improper storage of ASR material, SIMS has not demonstrated that they are compliant with LRF. For these reasons CDPH must deny SIMS' permit application until they can demonstrate compliance with LRF.

Comment Seven Hours of Operation Waiver

Appendix P of the SIMS permit application shows a valid waiver for the permit term ending on November 15, 2021. If SIMS would like to continue under this wavier, more information about the type of operations that will take place outside of normal operating hours is needed. CDPH issued the previous waiver

and should take this opportunity to further define the parameters that go along with this waiver. As it stands now, it is not clear what SIMS can and cannot do outside of normal operating hours. This lack of detail within the waiver makes it impossible to submit comments and questions. PERRO respectfully request CDPH take this opportunity to require SIMS to provide supplement information on this issue.

When CDPH initially issued the waiver, it is unclear what operations are allowed to occur under the phrase “as needed to prevent excessive stockpiles at the Facility”. “Excessive stockpiles” is not defined in the waiver and gives no notice as to what is consider excessive. As mentioned above, SIMS only provides their maximum capacity for storage and nothing showing that their storage of material will follow LRF. Therefore, without knowing what SIMS plans to store under normal conditions, it is impossible to tell when those stockpiles become excessive. Further, there is no indication on what is being stockpiled, whether it be pre-processed materials, intermediate processed material, or post proceed material. Nor does the waiver indicate if SIMS is stockpiling material used in the ferrous yard, non-ferrous yard, or the MRP. These specifics need to be included in the waiver for SIMS to clearly know what they can and cannot do to stay in compliance with the LRF and permit if and when issued.

Along with details concerning what material SIMS will be stockpiled and details outlining when stockpiled materials becomes “excessive”, the waiver needs to include details concerning the operations that are allowed to take place outside normal operating hours. Appendix I of SIMS permit application simply states a processing and equipment overview for the shredder yard, MRP, ferrous yard, and non-ferrous yard. Contained in this information is the operating hours under what is assumed normal, non “excessive stockpile” conditions. With no mention to the waiver, the MRP is listed as having two shifts, from 4:00 a.m. – 4:30 p.m. and 4:30 p.m. – 4:00 a.m. It is not clear if these time frames consider the Hour of Operation Waiver, or if SIMS plans to operate the MRP 24 hours a day regardless of the waiver. SIMS needs to show what operations are taking place under normal circumstances and how those operations will change to prevent “excessive stockpiling”. It is imperative to know when, what, and how SIMS operates to ensure that their permit accurately reflects what is occurring at the Facility. Without knowing the extent of SIMS operations, CDPH cannot issue a permit that adequality reflects those operations. CDPH therefore needs to deny the SIMS permit until they can provide adequate information on the scale and extent of their operations taking place, to ensure the Facility is permitted correctly.

With no guidelines on what is considered excessive, the type of operations that can take place outside operating hours, and how long SIMS can keep stockpiles at an excessive level, this Hours of Operation Waiver seems to give SIMS a free pass on the LRF concerning material volume and weight limitations in section 4.3 storage stockpiles in section 4.4.1, and staging areas in section 4.4.3. If SIMS was in violation of any of these sections, they could just claim “excessive stockpiles” and operate 24/7 to come back into compliance, with no guarantee on them staying in compliance. Therefore, it is imperative that additional information be provided to CDPH which would allow them to issue a specific permit that leaves no grey areas concerning SIMS’ operations.

Comment Eight Noise Impact Assessment

SIMS is requesting a waiver to operate outside of operating hours and as such is required to include a noise impact assessment. Section 3.9.19 of LRF lays out the requirements for a noise impact assessment. Under 3.9.19.5, a facility, who has not violated any applicable noise standard or ordinance in the past three years, may, at the Commissioner’s discretion, be exempted from the noise assessment requirements. Even though SIMS fits this exception, SIMS should be required to show that these new operating times will not cause a noise violation. There is potential that noise during normal operating hours has less of an effect compared to noise created by operating during the middle of the night. Especially since SIMS is shredding metal, and facilities that conduct shredding metal are specifically addressed in Condition 3.9.19.4 of LRF. With it not being clear what operations

SIMS plans to conduct and when, CDPH should not issue a noise waiver or a permit until such information is provided.

Comment Nine Odor Impact

On April 8, 2021, a member of PERRO received an answer to their FOIA requesting all Bureau of Air complaints from 2011 to present concerning the SIMS Facility located at 2500 S Paulina St, Chicago. All the complaints received occurred after September 2018 and mention a bad odor or metallic taste when nearing the SIMS Facility. Additionally, the complaints note that on windy days, smoke and debris emitted by SIMS is regularly blown across their property line.

Although the LRF do not address odor emissions, it should be noted that they are prevalent and occur around the SIMS Facility. Complaints from residents offer first-hand accounts of SIMS interaction with the community at large and demonstrates what they must deal with daily. The surrounding communities are being subject to this foul odor and metallic taste, and this interferes with their use and enjoyment of their property. It is imperative that CDPH view the totality of the circumstance around the SIMS facility when deciding to issue a permit.

Comment Ten Cumulative Impacts from Increased Traffic

In 2017, the mile radius surrounding the SIMS facility was in the 97th percentile in Illinois for Diesel Particulate Matter and is in the 99th percentile in the EPA region.¹⁴ An increase in truck traffic will only further burden the surrounding community with diesel emission.

SIMS plans to incorporate technology to lower Facility emissions which will in turn allow the Facility to process more material under this permit before reaching emission thresholds. This reduction in emissions makes it seem like the surrounding community is benefitting from SIMS' cleaner practices at the Facility. However, that is not the case in practice. With an increase in material processed, there will be an increase in trucks driving through the neighborhood. Even though the new technology will allow for less pollution directly from the Facility, their higher throughput has the potential for more pollution in the cumulative. Specifically, this allows for increased diesel and PM pollution, two pollutants the area is already overburdened with.

In Appendix L, Traffic Volumes, SIMS only provides information about traffic volume broken down by month and by hour for the period of September 2020 to August 2021. SIMS does not provide what kind of vehicles make up this traffic, nor does SIMS present the data in a clear fashion. In the Traffic by Month chart, SIMS only shows the daily average and not the total traffic per month, which downplays just how much traffic the community is being subjected too. Below is the same information provided in the Traffic by Month chart, but with an additional column that shows the total traffic per month, and then the total traffic for that entire year period. Operating a total of 308 days over this year period and allowing nearly 80,000 trucks to pass through the Facility, it becomes apparent how burdened this community already is by SIMS' operation.

Traffic By Month

	Daily Average	# of Days	Total for Month
2020-09	278	25	6,950
2020-10	200	27	5,400
2020-11	253	23	5,819
2020-12	243	25	6,075

¹⁴ https://ejscreen.epa.gov/mapper/mobile/EJSCREEN_mobile.aspx?geometry={%22x%22:-87.667739,%22y%22:41.848029,%22spatialReference%22:{%22wkid%22:4326}}&unit=9035&areatype=&areaid=&basemap=hybrid&distance=1

2021-01	259	25	6,475
2021-02	195	25	4,875
2021-03	324	27	8,748
2021-04	312	26	8,112
2021-05	267	27	7,209
2021-06	273	26	7,098
2021-07	240	26	6,240
2021-08	241	26	6,266
Total		308	79,267

PERRO respectfully request that CDPH consider the cumulative effect of nearly 80,000 trucks passing through the community, and the fact that if SIMS throughput increases, the burdens the community faces from tailpipe emissions will increase as well.

Comment Eleven Truck Traffic

Under Section 4.15 Traffic of LRF, “the facility shall not cause the back up of vehicles onto public roads or rights-of-way at any time.” SIMS’ stacking plan in Appendix M of their permit application, specifically states that the purpose of the plan, “is to ensure that any excess vehicular traffic remains within with Paulina or Wood Streets; and, does not block, delay or otherwise disturb traffic on Blue Island.” The very purpose of this plan is in direct contradiction with section 4.15 of LRF and for that reason cannot be approved.

Further, even if this was an allowable plan, SIMS’ makes it the responsibility of the Plant Managers and Supervisors to ensure that the plan is followed. There is no description on how either of those parties will ensure this, nor is there an adequate procedure in place to keep traffic off the public roads or rights of ways. Additionally, Section 3.9.13.2 of LRF requires “a stacking plan showing the number of vehicles and the onsite and offsite locations of these vehicles during the maximum peak Facility traffic hours.” This information is not provided in Appendix M nor is it provided in Appendix D, which simply shows the traffic flow through the Facility. Neither appendix provide what is called for in Section 3.9.13.2 of LRF and is therefore incomplete and the CDPH must deny the permit application until such information is provided.

Comment Twelve Idling Reduction Plan Appendix N

SIMS’ Idling Reduction Plan is set forth in Appendix N of their permit application. The plan is incomplete and is not fully present in SIMS permit application. For instance, under the procedure, it is stated that this plan expands on the No Idling requirement found in SIMS EHS [Environmental, Health, and Safety] Standard 003 – Traffic Management. This standard is not included in Appendix N or elsewhere in the SIMS permit application and cannot be reviewed for comments and questions.

Additionally, the procedure is not so much a procedure but rather a list various Chicago Ordinances on what is and is not allowed. While PERRO appreciates that SIMS is aware of what the ordinances say, simply restating them does not show how the Facility will ensure compliance with said ordinances. It is, again, the responsibility of the Plant Managers and Supervisors to ensure that this plan is followed. Since there is no indication of what that plan is, and there is no way to know how the procedure expands on the No Idling requirement in SIMS EHS Standard, since it is not provided, PERRO cannot accurately provide complete comments on this issue.

Further, it appears that this is a generic plan for all SIMS Chicago Facilities because Chicago Facilities appears in parentheses underneath the No Idling Plan Heading. CDPH cannot allow this to suffice for a No Idle

Plan and should require a specific plan to address burdens specific to the area around the SIMS Facility located at 2500 S. Paulina. The surrounding area is one of the highest burden areas for diesel emission in Illinois and a detailed no idling plan with clear steps of mitigation is required to ensure that surrounding community is not further burdened with diesel emissions. SIMS' No Idle Plan does not show how it will fulfill its purpose of reducing diesel emission through unnecessary idling, and therefore CDPH must reject this plan by denying the permit application.

Comment Thirteen Stormwater Pollution Prevention Plan (SWPPP)

SIMS permit application contains their SWPPP as Appendix O. SIMS Facility is located next to the Chicago Sanitary Ship Canal/ Segment GI-03, which has medium priority on the Clean Water Act 303(d) List of impaired waters.¹⁵ The pollutants that are causing the impairments are phosphorous, oil & grease, dissolved oxygen, iron, mercury, and PCBs.

In section 3.3 Sampling Data, of the SWPPP, SIMS states that no quantitative stormwater discharge sampling data has been collected because there is no direct or indirect discharge of stormwater, therefore benchmark monitoring is not applicable to the Facility. That may be true for indirect and direct discharge, but stormwater still has a potential to pollute the groundwater. By SIMS own admission, there is potential that certain polluting fluids can be released through stormwater in the ferrous yard, non-ferrous yard, MRP, and shredder yard, along with all the potential pollutant sources listed in section 3.0 of the SWPPP.

The SIMS Facility occupies 28 acres with 50% covered by improved surfaces consisting of asphalt, concrete pavement, asphalt millings or building. That leaves 14 acres of bare ground where stormwater can leach or percolate into the groundwater system. SIMS also states that stormwater along the seawall berm is allowed to "perk" into the ground.

With half the Facility being bare ground and the numerous opportunities for pollutants to be released through stormwater at the SIMS Facility, groundwater pollution should be a concern of SIMS. With SIMS not mentioning groundwater at all in their permit application, they are ignoring a lot of potential pollution that could be taking place right beneath them.

In addition to not mentioning groundwater, SIMS fails to attach any of the appendices that were referenced throughout the SWPPP. The appendices are listed in the table of contents and again at the end of the SWPPP, with the only thing following being the five figures referenced in the SWPPP. In total, appendices A-J are listed as existing but are not included. By not attaching the appendices and failing to appreciate the potential of groundwater pollution SIMS' SWPPP is incomplete and CDPH must deny the permit application until a complete SWPPP is provided.

Conclusion

Under the LRF, SIMS is required to submit a permit application that, "shall contain Documentation sufficient to Demonstrate that the Facility is designed and will be operated in a manner that protects public health, safety, and the environment." Demonstrate is defined in LRF as, "means to provide sufficient Documentation to validate that the representations made in the application are accurate." As articulated in these comments, and the volume of comments CDPH has already received, SIMS has not demonstrated that the Facility will operate in a manner that protects public health, safety, and the environment. Additional information is crucial to satisfy SIMS' burden under LRF and allow for adequate public participation. Therefore, CDPH

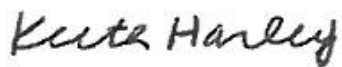
¹⁵ [https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Documents/C1%20303d by priority FINAL 2-16-22.pdf](https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Documents/C1%20303d%20by%20priority%20FINAL%202-16-22.pdf) at page 2

should deny SIMS LRF permit application until they can file a complete and accurate version that meets that burden.

It was noted in the HIA for Southside Recycling that, “in an already overburdened community, even to maintain the status quo is to perpetuate existing health and racial inequalities.”¹⁶ With that in mind, it is imperative that CDPH look at the totality of the circumstances surrounding the SIMS Facility when deciding to issue a permit. Failure to do so will only worsen the burdens borne by the surrounding community. PERRO and other community members have been dealing with the effects of the nearby Facility for far too long. CDPH has an opportunity to change the status quo for the health, safety and well-being of Pilsen’s residents.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Keith Harley". The signature is written in a cursive, slightly slanted style.

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¹⁶ CDPH Health Impact Assessment for RMG/Southside Recycling Permit Application Summary Report, February 2022 at page 19.