

## **U.S. EPA investigating ‘petcoke’ matter**

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Chicago Sun-Times (suntimes.com) – Tina Sfondelés

A day after Southeast Side residents demanded answers from the Illinois Environmental Protection Agency, the U.S. EPA on Friday formally began its own investigation into KCBX and Beemsterboer, two companies operating petroleum coke storage facilities along the Calumet River.

The storage facilities have been in the spotlight this year, as residents in the South Deering neighborhood complained of black dust — a by-product of the oil refinery process — coating their homes, yards and cars.

The U.S. EPA sent a request for information for KCBX’s facilities in the 3200 block of East 100th Street and the 10700 block of South Burley on Friday. The agency wants data to determine whether the emissions from the facilities are complying with the Clean Air Act.

The agency is also seeking information for Beemsterboer facility in the 2900 block of East 100th Street, according to U.S. EPA spokeswoman Anne Rowan.

The federal investigation is separate from the IEPA, although the two agencies have been communicating since the beginning of the state’s investigation, according to IEPA spokesman Andrew Mason.

The U.S. EPA’s letter specifically targets Clean Air Act compliance, but a federal investigation can also look into the companies’ transport of “petcoke” and coal between Indiana and Illinois. That means federal investigators, state investigators and the Illinois Attorney General’s office are all investigating KCBX. The IEPA referred both KCBX and Beemsterboer to the attorney general’s office for air pollution violations, but the attorney general’s office has thus only filed suit against KCBX.

If the companies are found to be non-compliant with federal law, they could face a penalty of about \$40,000 per day of violation, according to Meleah Geertsma, an attorney with the National Resources Defense Council. Geertsma said a federal investigation puts pressure on the companies, since they could be fined monetarily. She said she hopes the KCBX investigation will bring attention to the other storage sites.

“I think our hope is that if the EPA is investigating this one, that they’ll hopefully start looking at the other sites in the Midwest,” Geertsma said. “Now that we’ve got the site in Detroit and a site in Chicago as being problematic, it seems like now is the time for the federal agency that oversees these make sure the facilities aren’t just blowing this type of petcoke across neighborhoods across the Chicago area and the entire country.”

A class-action lawsuit was filed by four homeowners last month against all owners and operators of the three storage facilities. Both suits allege the growing mounds of petcoke are sending clouds of black dust into nearby neighborhoods. Jean Tourville, a 77-year-old Southeast Side resident and plaintiff in the case said a black cloud of dust keeps blowing onto her home: "I can't open my windows or doors and when I do, there's about a quarter inch of black soot that comes inside." **NOTE:** The homeowners in the class-action lawsuit are being represented by attorney Tom Zimmerman of the Zimmerman Law Offices, in Chicago.

Angry residents attended an IEPA meeting Thursday night at a Southeast Side church, telling IEPA officials they want more immediate action, than just a long drawn out legal process.

Olga Bautista stood up to ask the IEPA representatives and lawyers from the attorney general's office to "set a precedent" and explore an emergency injunction to shut down the plants.

"We sound very angry, but we're really here for the love of our families and our neighbors and our community," Bautista said. "Can you be our champions?"

Safety data provided to the U.S. Occupational Safety and Health Administration on petcoke's hazards warns that excessive exposure to petcoke dust can cause skin, eye or respiratory infection. Repeated inhalation of petcoke can cause impaired lung function. But the data sheet states there is no evidence that the exposure causes cancer.

KCBX issued a statement last week saying the company has had a long history of working cooperatively with the EPA and the IEPA on assets they have purchased.

"This demonstrates that we put a priority in regulatory compliance and managing operations in a manner that protects the health and safety of employees, the community, and the environment," spokesman Paul Baltzer said in the statement.