



The American Waterways Operators

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Lynn M. Muench
Senior Vice President - Regional Advocacy

February 7, 2014

Chicago Department of Public Health
Attn: Environmental Permitting and Inspections
333 South State Street
Room 200
Chicago, IL 60604

Re: Proposed Regulations for Handling
and Storage of Bulk Material Piles

Dear Chicago Department of Public Health:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry's 4,000 tugboats and towboats and more than 27,000 barges safely and efficiently move more than 800 million tons of cargo each year in the domestic commerce of the United States, including more than 60 percent of U.S. export grain, energy sources such as coal and petroleum, including most of New England's home heating oil and gasoline, and other bulk commodities that are the building blocks of the U.S. economy.

The U.S. tugboat, towboat, and barge industry is the nation's safest, most environmentally friendly and most economical mode of freight transportation. AWO members are committed to leading the marine transportation industry in safety and environmental stewardship. We think this proposed rule is impractical and would have a severe negative impact on AWO member companies that transport petroleum coke (petcoke) and coal and rely on it for the continuity of their businesses. We urge the City to withdraw the proposed rule or give companies the regulatory flexibility to try and control these emissions as they see fit. This will ensure AWO member companies can continue providing valuable commodities on the river.

The City's stated purpose of this proposed regulation was to minimize emissions from petcoke, coal, ores and metcoke. But the definitions of "bulk solid material" and "fugitive dust" could be interpreted to negatively impact a wide range of commodities not within the stated purpose. We urge the city to specify these definitions to prevent un-intentionally harming ancillary business interests.

The provisions requiring barge loading and unloading in an enclosed area are impractical for operations and would disrupt business. Requiring enclosure of loading areas is inefficient and would cause disruption to operations. Enclosure of unloading areas is nearly impossible in such a constrained area.

The provisions pertaining to barge tarping are also impractical and unnecessarily increase the cost for companies. Most of these materials are typically moved in uncovered, open-air barges. These barges are used to move heavy materials and are typically not covered because there is no threat to destruction of the product. Covering barges would also cost companies money because the tarps limit the amount of material loaded on a barge since they are typically piled higher than a tarp allows. Additionally, retrofitting barges with tarps would cost companies hundreds of thousands of dollars, even if the tarps were available. Overall, these regulations would make barge transportation of bulk materials economically unreasonable and severely impact companies moving these products.

AWO believes that the City's goal of prescribing reasonable maintenance practices to minimize harmful airborne emissions is admirable. However, the proposed regulations are not practical or reasonable for AWO member companies. If the regulations take effect as written, the economic unfeasibility of handling these materials in Chicago will necessitate diverting these industries to nearby states. This will result in lost jobs for AWO members and lost revenues for the City. We respectfully request that the City withdraw or amend the proposed rule to provide more flexibility for companies. Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Lynn M. Muench". The signature is written in black ink and is positioned above the printed name.

Lynn M. Muench