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MADIGAN PROPOSES STATEWIDE PETCOKE, COAL DUST REGULATIONS

Chicago — Attorney General Lisa Madigan today announced new legislation to regulate bulk materials storage facilities that handle petroleum coke and other refinery production materials in response to air pollution violations linked to several facilities on Chicago's southeast side.

House Bill 5939, crafted by Madigan's office and Rep. Barbara Flynn Currie, would require facilities used for trans-loading of petroleum coke, metallurgical coke and coal to fully enclose the bulk materials if the facility is within 5,000 feet of communities, specifically near homes, schools, hospitals, nursing homes and other vulnerable populations.

"The goal of this legislation is to protect the health and safety of residents living near storage facilities and to prevent companies from relocating and perpetuating this problem in other Illinois communities," Attorney General Madigan said. "We are committed to working with communities, the industry and environmental advocates to find a workable solution that protects public health."

The bill would impose several additional protections on coke and coal storage:

- Loading, unloading, transferring and processing of coke and coal must be conducted indoors or while dust suppression systems specifically designed to minimize emissions of the materials are in operation.
- Trucks, railcars, boats and barges delivering coke and coal to and from a facility must be covered to minimize emissions during transit.
- Roads inside and within a quarter of a mile of a facility used for coke or coal traffic must be paved and cleaned daily.
- Facilities must obtain construction, air and water permits from the Illinois Environmental Protection Agency (IEPA), and maintain an IEPA-approved fugitive dust plan that includes public input and establishes their method of operations and how they are designed to reduce emissions and comply with the law.
- Facilities must conduct air monitoring and sampling to ensure they are in compliance with all applicable emissions limitations and submit the results to IEPA in quarterly reports.

"Everyone in Illinois has the right to a healthy place to eat, sleep, live and work," Governor Pat Quinn said. "Last year, I directed the Environmental Protection Agency to do whatever was necessary to protect Illinois residents from being exposed to this harmful dust, and this legislation is the next step. Together with the permanent administrative rules we are working to pass through the Pollution Control Board, this bill will help put a lid on petroleum coke and protect people."

"This legislation complements Chicago's efforts to impose tough requirements on these facilities by not allowing companies to simply relocate elsewhere in the state," said Chicago Mayor Rahm Emanuel. "This legislation will help protect residents across Illinois and Chicago by making sure our residential areas are not impacted by this dust. Just as we fought to shutter the two remaining coal power plants in the city of Chicago, we will continue our efforts to force these petroleum coke facilities to either clean up or shut down."

"We know that unregulated piles of petcoke in our state are hazardous to the health of our people," said Rep. Currie. "This bill will provide the rules, regulations, and enforcement we need to make sure our friends and neighbors are safe."

"Pet coke" is the solid by-product of petroleum refining that generally contains high concentrations of carbon, sulfur and also may include trace elements of metals such as vanadium, nickel, chromium and lead. It can be used to fuel coal-fired power plants and cement kilns. "Met coke" is produced by subjecting bituminous coal to extremely high temperatures to produce a harder fuel used in the iron and steel

industries. Inhaling dust from these materials can contribute to serious respiratory health problems, particularly for individuals who suffer from heart and lung disease and asthma.

In late 2013, IEPA referred the two cases to Madigan's office for enforcement. In early November, the Attorney General filed suit in against KCBX Terminals Co., which manages piles of coal and coke produced by a BP facility in Whiting, Ind. A second complaint was filed in late November by Madigan and the City of Chicago against Beemsterboer Slag Corp. That action has resulted in an interim court order requiring Beemsterboer to remove piles of petcoke at its 22-acre facility on the city's southeast side along the Calumet River. The interim court order also requires Beemsterboer to cease accepting any additional waste materials and implement emissions control measures during removal of the waste. Both lawsuits are ongoing.

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