

Pet coke dusting leads to lawsuit

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WBEZ 91.5 (wbez.org) – Michael Puente

Four families living on Chicago's far Southeast Side filed a lawsuit Thursday against several companies for failing to contain mountains of black ash dust.

The families say the dust has coated their homes—inside and out—and is making life unbearable in a area of the city already saturated by heavy industry.

“It’s horrible,” said Jane Gould, 54, of who lives near the huge piles of dust with her elderly mother. “I have to take care of my mom. I can’t be cleaning the windows every other day. The window tracks, they are full of black dirt.”

Chicago attorney Tom Zimmerman is representing the families.

He filed his lawsuit in Cook County Circuit Thursday.

The defendants are:

- KCBX Terminals Co.
- George J. Beemsterboer, Inc.
- KM Railways, LLC
- Transload Realty, LLC
- DTE Chicago Fuels Terminal, LLC
- Calumet Transload Railroad, LLC
- Koch Carbon, LLC

Zimmerman hopes a judge not only awards monetary damages, but wants an injunction against the company.

“To force the companies to stop polluting the neighborhood with black dust that is blowing off their piles. They can either cover it or enclose it,” Zimmerman said.

Local steel companies and BP's Refinery in Whiting, Indiana transport either coal dust or petcoke to the Southeast Side for storage.

Steel companies use coal in the steelmaking process, while pet coke is a sort of fuel byproduct from the refining of crude oil.

BP spokesman Scott Dean says coal dust and pet coke ash are very difficult to tell apart.

Dean acknowledges BP contracts with Beemsterboer, a Hammond, Indiana based company, to transport tons of petcoke by truck from Whiting to the Southeast Side.

Unlike in the Southeast Side, federal and Indiana laws require BP to cover the petcoke so it does not blow away. Dean says the refinery can store up to a week's worth of petcoke at the Whiting refinery.

He says petcoke is actually a fuel and is used as a coal substitute. It's usually transported by barge to markets overseas such as China or Mexico.

BP is not named in the lawsuit -- but many have pointed fingers at BP for causing the problem because it intends to process heavier Canadian crude oil once its \$4 billion modernization at its Whiting refinery is completed in a few months.

Dean says BP has been trucking pet coke to the South Side for years and hasn't even started processing tar sands crude oil from Canada yet.

Dean says the company has a business relationship with KCBX Terminals to store the petcoke, but no other company.

"You expect your third party contractors to obey all local rules and regulations. As far as I can tell, they (KCBX) are. It's their facility. They are responsible for the operations of it," Dean said last week.

At Thursday's press conference, Southeast Side resident and plaintiff Alfredo Mendoza says he's worried about the health of safety for his three children, a son, 13, and two daughters, 12 and 11. "I have asthma myself. My son also has asthma," Mendoza said. "He's a little better but we still live in the same area. We can't even enjoy the yard outside because of all the dust."

Another plaintiff, Lily Martin, says her 21-year-old daughter also suffers from asthma and worries what the effect the dust will have.

"You can see the black dust everywhere. You have to power wash every week," Martin said. "It's getting worse because the wind is blowing the dust everywhere."

No date has been set to hear the lawsuit.

The filing of the lawsuit comes one day after the Illinois Environmental Protection Agency filed a complaint against Beemsterboer for failing to cover the ash and for not filing necessary reports to the state.

Beemsterboer is based in Hammond, Indiana and has been in business for 70 years, mostly handling steel slag, another byproduct in the steelmaking process that is often used in concrete. The companies could not be reached for comment.

