

Chicago residents sue to stop pollution from refinery waste piles

October 31, 2013

Chicago Tribune (chicagotribune.com) - Michael Hawthorne

When people on Chicago's Southeast Side complained more than a year ago about thick black dust blowing through their windows, federal inspectors showed up unannounced at a site where giant mounds of refinery waste and coal are piled along the Calumet River.

Shortly after the U.S. Environmental Protection Agency inspectors arrived, an employee at KCBX Terminals announced their presence on his walkie-talkie. "EPA's here," the man said, according to a report obtained by the Tribune.

Then the entire facility began to shut down, leaving a moored cargo ship half-empty.

Even though the EPA inspectors reported seeing black dust blowing off the piles during their May 2012 visit, there is no sign the agency followed up with any type of enforcement of anti-pollution laws. An Illinois EPA official also was on the scene, but the state agency didn't take any action until last week, four days after the Tribune and other local news media drew attention to the problems.

Five residents of the East Side neighborhood said Wednesday they are tired of waiting for government officials to respond. They filed a lawsuit in Cook County Circuit Court seeking immediate relief from lung-damaging particulate matter swirling off piles of petroleum coke and coal, which they said frequently forces them to stay inside with their windows closed.

"We're little people. We don't have clout," said Jean Tourville, a retired Chicago Park District employee who has lived on Mackinaw Avenue for more than 40 years. "But nobody should have to live like this."

There have been uncovered piles of coal and petroleum coke on the Southeast Side for years, a legacy of the now-shuttered steel mills, coke plants and blast furnaces that once dominated the area.

Tourville and other residents in the working class, largely Latino and black neighborhoods near the piles say the pollution problems have gotten worse since three storage terminals began acquiring more petroleum coke, or petcoke, a dusty byproduct of oil refining.

All of the petcoke from the nearby BP refinery in Whiting is stored by KCBX, a company controlled by the wealthy industrialists Charles and David Koch. The company owns two sites along the Calumet River, one along 100th Street just south of the Chicago Skyway bridge and the other between 108th and 111th streets.

More petcoke is on the way. BP expects to produce more than 2.2 million tons a year at Whiting, up from about 700,000 tons before the refinery was overhauled to process oil from the tar sands region of Alberta.

A third Chicago storage site, on the west side of the Calumet River at 106th Street, is owned by Beemsterboer Slag Corp., which the Illinois EPA cited last week for several violations of state air pollution regulations.

Beemsterboer officials have not responded to interview requests. In a statement last month, a spokesman for Koch Companies Public Sector LLC said KCBX is spending more than \$10 million to upgrade its facilities, "including improvements to our dust suppression capabilities."

Federal and state officials said they are continuing to investigate KCBX and Beemsterboer. But they would not explain why they failed to take action after their inspection last year.

The new lawsuit, filed by attorney Tom Zimmerman against KCBX, Beemsterboer and related companies, notes that BP is required under a federal legal settlement to store petcoke behind 40-foot-high walls at the Whiting refinery.

Owners of the Chicago sites spray water cannons on the piles during warmer months. But the five lawsuit plaintiffs want them to be covered or enclosed, similar to requirements in place for storage terminals in California.

"The dust is horrible and it is constant," said Jane Gould, a retired Chicago police officer who has lived on Avenue M for 19 years. "We've talked about it among ourselves for a long time. It's time somebody did something about it."