To: Alex Ruppenthal[aruppenthal@wttw.com]
From: Singer, Joshua
Sent: Wed 2/15/2017 7:06:58 PM
Subject: RE: NEW inquiry: WTTW "Chicago Tonight" / Manganese emissions at S.H. Bell

Alex,

Please see the responses to your questions below and attribute to U.S. EPA. Thank you.

Josh Singer

U.S. EPA, Region 5

phone: 312-353-5069

singer.joshua@epa.gov

Claim 1

In a Notice of Violation issued by the EPA to S.H. Bell on July 15, 2014, in the "Findings of Fact" section, the EPA stated, "S.H. Bell performs crushing, screening, loading and unloading operations of various materials, 90% of which are manganese-based alloys."

In response to this finding by the EPA (which we referenced in our second story), a spokesperson for S.H. Bell has told us the following, as stated in an email:

"The 90% number for manganese-based alloys in the Notice of Violation is incorrect.

•□□□□□□□□ Manganese-based alloys make up less than 50% of all materials at the facility.

•□□□□□□□□ Less than 0.5% of materials at the facility are manganese-based alloys that could potentially be dusty because they have a diameter size less than ½ inch. All of these materials are stored indoors, or are regularly watered in the very rare occasion that a customer wants them to be stored outside.

There is no established procedure for correcting inaccurate statements made in a NOV, therefore the company did not insist that the agency respond with a correction. However, EPA was made aware of its incorrect factual assertions during a meeting between S.H. Bell and EPA regarding the NOV held on August 12, 2014."

Document:
https://yosemite.epa.gov/r5/r5ard.nsf/6a2817f3f71298e28625759a0045ba96/a70f6b152b3e39ba86257d3b0059ff055865.pdf

Claim 1: The information used to develop the July 15, 2014 NOV was based on the best available information EPA had at the time, including information gathered during multiple inspections at the facility. S.H. Bell should have an accurate record for the quantity of Manganese-based materials that are currently processed at its facility.

Claim 2

Responding to our reporting, S.H. Bell said the company is not listed in the EPA's Toxic Release Inventory "because the EPA requires companies to report for it only if they fall into certain classes of the SIC code (the Standard Industrial Classification, which is a government system for classifying the many different types of industrial activity). S.H. Bell doesn't fall into such a class … The company is not in the NEI (National Emissions Inventory) database because that database is a compendium of information from the states, and the Illinois EPA does not require "minor" sources such as S.H. Bell to report."

Claim 2: The Toxic Release Inventory reporting expectations are based on a facility's industry group. https://www.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-naics-code-tri-covered-industry. The National Emissions Inventory is based on data required at the state level.

Claim 3

Also in response to Chicago Tonight's reporting, S.H. Bell said (in an email): "At least 26 other facilities within a three-mile radius of the S.H. Bell (Chicago) facility emit manganese, including some that have virtually identical operations to S.H. Bell's. This is according to the U.S. EPA's Toxic Release Inventory (TRI) and National Emissions Inventory (NEI) databases, as of October 2016."

*I have checked the TRI and NEI databases several times and have not found nearly as many facilities within three miles of SH Bell that emit manganese.

(Please see response below.)

Claim 4

Responding to our reference to EPA wipe sampling conducted near S.H. Bell, the company said the following:

"There are no federal or EPA standards for wipe-sampling. There was a wipe-sampling study in North Carolina in 2006 that used a manganese screening level of 314 ug/100 cm2 (0.314 mg/100 cm2); nothing below that level was considered a health threat. So it is worth noting that all of the wipe-sampling results taken near our Chicago facility were below that level – that is, so low that there is no health risk. (See the EPA's website, https://www.epa.gov/petroleum-coke-chicago/lab-analysis-dust-wipe-samples) Also, keep in mind the many potential sources of manganese in the area that could have contributed to any manganese found in the Chicago samples."

Claims 3 & 4: EPA does not know how S.H. Bell developed its manganese source list, nor does EPA have any more information to provide about the wipe samples that is not already provided in the NOV or on our website. Both the TRI and NEI databases are generated by self-reported emissions, and S.H. Bell does not even show up in either database. As stated in the NOV, The Agency for Toxic

Substances and Disease Registry (ATSDR) has identified the inhalation minimal risk level (MRL) for chronic exposure to manganese to be 0.3 micrograms per cubic meter. An MRL is an estimate of the daily human exposure to a hazardous substance that is likely to be without appreciable risk of adverse non-cancer health effects over a specified duration of exposure.

Follow-up Question:

The company states its Chicago facility "is in full compliance with all state and federal environmental regulations."

However, a Detailed Facility Report for the site on the EPA's Enforcement and Compliance History Online website lists its compliance status as "Significant Violation." (See link: https://echo.epa.gov/detailed-facility-report?fid=110064143804).

Therefore, it would be incorrect to say the facility is in full compliance, correct?

Follow-up Question: EPA is still investigating S.H. Bell's compliance status through the installation of the particulate matter monitors.

From: Alex Ruppenthal [mailto:aruppenthal@wttw.com]
Sent: Tuesday, February 14, 2017 6:40 PM
To: Singer, Joshua <Singer.Joshua@epa.gov>
Subject: RE: NEW inquiry: WTTW "Chicago Tonight" / Manganese emissions at S.H. Bell

Hi Josh,

Sorry I missed your call this afternoon – thanks for reaching out.

My deadline is sometime tomorrow, not sure yet exactly what time.

Can we connect tomorrow morning?

Thanks again for your help.

Best,

Alex

From: Singer, Joshua [mailto:Singer.Joshua@epa.gov]
Sent: Tuesday, February 14, 2017 4:35 PM
To: Alex Ruppenthal; Bassler, Rachel
Subject: RE: NEW inquiry: WTTW "Chicago Tonight" / Manganese emissions at S.H. Bell

Alex,

I just left you a voice mail. What is your deadline?

Thank you.

Josh Singer

U.S. EPA, Region 5

phone: 312-353-5069

singer.joshua@epa.gov

From: Alex Ruppenthal [mailto:aruppenthal@wttw.com]
Sent: Tuesday, February 14, 2017 10:53 AM
To: Singer, Joshua <Singer.Joshua@epa.gov>; Bassler, Rachel <Bassler.Rachel@epa.gov>
Subject: RE: NEW inquiry: WTTW "Chicago Tonight" / Manganese emissions at S.H. Bell

Hi Josh and Rachel,

Sorry, I meant to include one additional claim from S.H. Bell. Here it is:

The company states its Chicago facility "is in full compliance with all state and federal environmental regulations."

However, a Detailed Facility Report for the site on the EPA's Enforcement and Compliance History Online website lists its compliance status as "Significant Violation." (See link: https://echo.epa.gov/detailed-facility-report?fid=110064143804).

Therefore, it would be incorrect to say the facility is in full compliance, correct?

Thank you again for your help.

Best,

Alex

From: Alex Ruppenthal
Sent: Monday, February 13, 2017 5:57 PM
To: singer.joshua@epa.gov; bassler.rachel@epa.gov
Subject: NEW inquiry: WTTW "Chicago Tonight" / Manganese emissions at S.H. Bell

Dear Josh and Rachel,

Thank you for providing responses from the EPA to my previous inquiry regarding dust pollution at S.H. Bell Co's facility in Chicago.

For your reference, I wanted to pass along links to two stories we published last week on this topic (the first of which I sent last week):

After Petcoke, Community Confronts More Dangerous Pollutant: Manganese:
http://chicagotonight.wttw.com/2017/02/08/after-petcoke-community-confronts-more-dangerous-pollutant-manganese

S.H. Bell: We're Not Sole Manganese Source on Chicago's Southeast Side:
http://chicagotonight.wttw.com/2017/02/09/sh-bell-we-re-not-sole-manganese-source-chicago-s-southeast-side

S.H. Bell has responded to our reporting with a number of claims and disputes of fact, several of which involve information obtained from EPA documents. Could you please provide responses to each of the claims made by S.H. Bell listed below?

Claim 1

In a Notice of Violation issued by the EPA to S.H. Bell on July 15, 2014, in the "Findings of Fact" section, the EPA stated, "S.H. Bell performs crushing, screening, loading and unloading operations of various materials, 90% of which are manganese-based alloys."

In response to this finding by the EPA (which we referenced in our second story), a spokesperson for S.H. Bell has told us the following, as stated in an email:

"The 90% number for manganese-based alloys in the Notice of Violation is incorrect.

- Manganese-based alloys make up less than 50% of all materials at the facility.

- Less than 0.5% of materials at the facility are manganese-based alloys that could potentially be dusty because they have a diameter size less than ½ inch. All of these materials are stored indoors, or are regularly watered in the very rare occasion that a customer wants them to be stored outside.

There is no established procedure for correcting inaccurate statements made in a NOV, therefore the company did not insist that the agency respond with a correction. However, EPA was made aware of its incorrect factual assertions during a meeting between S.H. Bell and EPA regarding the NOV held on August 12, 2014."

Document:
https://yosemite.epa.gov/r5/r5ard.nsf/6a2817f3f71298e28625759a0045ba96/a70f6b152b3e39ba86257d3b0059ff
055865.pdf

Claim 2

Responding to our reporting, S.H. Bell said the company is not listed in the EPA's Toxic Release Inventory "because the EPA requires companies to report for it only if they fall into certain classes of the SIC code (the Standard Industrial Classification, which is a government system for classifying the many different types of industrial activity). S.H. Bell doesn't fall into such a class … The company is not in the NEI (National Emissions Inventory) database because that database is a compendium of information from the states, and the Illinois EPA does not require "minor" sources such as S.H. Bell to report."

Claim 3

Also in response to Chicago Tonight's reporting, S.H. Bell said (in an email): "At least 26 other facilities within a three-mile radius of the S.H. Bell (Chicago) facility emit manganese, including some that have virtually identical operations to S.H. Bell's. This is according to the U.S. EPA's Toxic Release Inventory (TRI) and National Emissions Inventory (NEI) databases, as of October 2016."

*I have checked the TRI and NEI databases several times and have not found nearly as many facilities within three miles of SH Bell that emit manganese.

Claim 4

Responding to our reference to EPA wipe sampling conducted near S.H. Bell, the company said the following:

"There are no federal or EPA standards for wipe-sampling. There was a wipe-sampling study in North Carolina in 2006 that used a manganese screening level of 314 ug/100 cm2 (0.314 mg/100 cm2); nothing below that level was considered a health threat. So it is worth noting that all of the wipe-sampling results taken near our Chicago facility were below that level – that is, so low that there is no health risk. (See the EPA's website, https://www.epa.gov/petroleum-coke-chicago/lab-analysis-dust-wipe-samples) Also, keep in mind the many potential sources of manganese in the area that could have contributed to any manganese found in the Chicago samples."

Thank you again for your help on this matter. I will plan to follow up by phone tomorrow, but please let me know if you have any questions regarding this new inquiry.

Best regards,

Alex Ruppenthal

Alex Ruppenthal | Digital Reporter, *Chicago Tonight*

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