



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

June 20, 2005

REPLY TO THE ATTENTION OF:

Mr. Kenneth Corrigan  
Pilsen Environmental Rights & Reform Organization (PERRO)  
1821 S. Racine  
Chicago, IL 60608

Dear Mr. Corrigan:

Thank you for contacting EPA Region 5 on behalf of your community organization. Many of the answers to the questions you posed involve areas of pollution control handled by Illinois EPA. For that reason I thought a brief discussion about the roles played by the federal government and the states in administering the 1990 Clean Air Act (CAA) might be useful. Although the CAA is a federal law covering the entire country, the states do much of the work to carry out the act. For example, a state environmental agency such as Illinois EPA may hold a hearing on a permit application by a power or chemical plant or fine a company for violating air pollution limits.

Under this law, EPA sets limits on how much of a particular pollutant can be in the air anywhere in the United States. This ensures that all Americans have the same basic health and environmental protections. The law allows individual states to impose stronger pollution controls, but states cannot have weaker pollution limits than those set for the whole country.

The law recognizes that it makes sense for states to take the lead in carrying out the Clean Air Act because pollution problems often require special understanding of local industries, geography, housing patterns, etc.

States have to develop state implementation plans (SIPs) that explain how each state will do its job under the Clean Air Act. A state implementation plan is a collection of the regulations a state will use to clean up polluted areas. The states must involve the public, through hearings and opportunities to comment, in the development of each state implementation plan.

EPA must also approve each SIP, and if a SIP isn't acceptable, EPA can take over Clean Air Act enforcement from the state.

The United States government, through EPA, assists the states by providing scientific research, expert studies, engineering designs and money to support clean air programs. I hope this helps clarify the often confusing interactions between EPA and states such as Illinois.

In this next section, hopefully you will find the answers to your questions:

- 1) Please briefly describe the pollutants released at the different point in the production cycle at H. Kramer which are harmful to the environment. Do these emissions meet legal regulations? If what is being released is at legal level, nonetheless, do emissions pose a significant threat to human health and air/soil quality?**

The letter addressed to you dated April 11, 2005, from the Chicago Department of Environment states that Illinois EPA will have the specific data to answer this question. will be able to address.

- 2) Please provide a complete list of past complains against H. Kramer Co. and describe what the process for investigating these complaints is and what are the outcomes and results of them.**

All complaints and the outcome of the investigations including fines are placed on EPA's Web site for complete public access and display. This information is available at: [www.epa.gov/echo/](http://www.epa.gov/echo/)

- a) On the right hand side of the page note the box "Compliance Searches"
- b) Click on "All Data"
- c) Type name and location of the facility to search

- 3) Where does H Kramer Co. stand in the context of all companies that cause pollution in Chicago and in the rest of the nation? Are the health and environmental risks it poses average or above/below average? What are the lead emissions of a similar company anywhere in the United States that has a similar smelting process?**

For complete accessibility and openness, EPA provides a Web site with the Toxics Release Inventory (TRI). TRI is a publicly available EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities. This list is available at: [www.epa.gov/tri/](http://www.epa.gov/tri/)

- 4) Is EPA following the Environmental Justice mandate with the H Kramer Co?**

Yes. EPA staff heightens awareness of environmental justice issues while investigating pollution by considering the potential a particular site has for disproportionately affecting the health and the environment of minority and low-income populations.

- 5) **What are the formulas used to regulate the lead level and other chemical emissions released by H. Kramer Co? (example: pound, tons, etc)**

The Clean Air Act recognizes that it makes sense for states to take the lead in carrying out the Clean Air Act because pollution control problems often require special understanding of local conditions. This question varies from state to state and in Illinois the IEPA is better suited to answer your inquiry.

- 6) **What does EPA specifically inspect in their routine annual inspections?**

EPA requires continuous compliance with all applicable Clean Air Act regulations.

- 7) **Does EPA prioritize the major polluters like Kramer for more thorough inspections?**

EPA conducts inspections in response to citizen complaints to toxic air pollutants, or air toxics, which are those pollutants that cause or may cause cancer or other serious health effects, such as reproductive effects or birth defects. Air toxics may also cause adverse environmental and ecological effects. Examples of toxic air pollutants include benzene, found in gasoline; perchloroethylene, emitted from some dry cleaning facilities; and methylene chloride, used as a solvent by a number of industries. Most air toxics originate from man-made sources, including mobile sources (cars, trucks, construction equipment) and stationary sources (factories, refineries, power plants), as well as indoor sources (some building materials and cleaning solvents). Some air toxics are also released from natural sources such as volcanic eruptions and forest fires. The Clean Air Act identifies 188 air toxics from industrial sources. EPA has identified 21 pollutants as mobile source air toxics, including diesel particulate matter and diesel exhaust organic gases. In addition, EPA has listed 33 urban hazardous air pollutants that pose the greatest threats to public health in urban areas.

- 8) **What amount of lead is H. Kramer allowed to be emitted in the air?**

As in previous questions the answer can be provided by IEPA.

- 9) **Does EPA have the responsibility to reduce the allowable emission standards if it is found that the releases have negative health and environmental effects to the surrounding community? If not, who is responsible?**

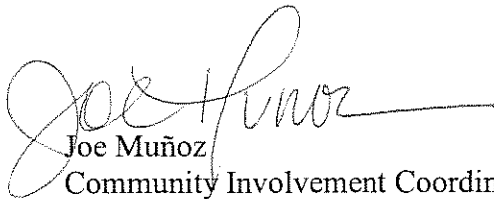
As in previous questions the answer can be best provided by IEPA

**10) The Clinton administration put into effect the Environmental Justice Initiative to protect people regardless of race or income from unfair negative environmental impacts. Is EPA following this initiative in Pilsen?**

Yes. EPA follows the Environmental Justice Executive Order in the Pilsen neighborhood by applying fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. The goal of this fair treatment is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may modify these impacts.

**11) As H. Kramer Co. is under investigation will EPA monitor the company closely regarding the emissions they can release? As things stand H. Kramer Co. self-regulates unless someone documents the pollution and makes a complaint. Will EPA place a 24-hour camera and field ambient testing in and outside the plant?**

Members of EPA, IEPA and Chicago Department of Environment conducted a comprehensive inspection of the H. Kramer plant on May 2, 2005. Currently, EPA continues to gather additional information that will allow regulators to determine if H. Kramer is complying with all of the Clean Air Act regulations that apply to the plant.



Joe Muñoz  
Community Involvement Coordinator  
Office of Public Affairs {P-19J}  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604  
312-886-7935