

Michael T Laurenzana P.O. Box 1099 Kincaid, IL 62540 mike-jem@consolidated.net January 24, 2025

Illinois Pollution Control Board 1024 N. Grand Ave Springfield, IL 62702-2741

Subject: Urgent Concerns Regarding Anhydrous Ammonia Bulk Storage Facility by Central Commodities FS

Dear Illinois Pollution Control Board,

I am writing to urgently bring to your attention the construction of an Anhydrous Ammonia Bulk Storage Facility located on the county line, bordering Kincaid and Taylorville, IL, 0.5 miles south of Route 104. The facility, owned by Central Commodities FS, has been constructed without the necessary permit approval, posing significant hazards to the environment, public safety, and transportation infrastructure. This complaint is filed in accordance with 415 ILCS 5/31(d)(1) (2022) and 35 Ill. Adm. Code 103.

### **Environmental Hazards**

This facility presents a serious threat to the delicate ecosystem of Sangchris Recreational Lake. The lake supports a diverse range of wildlife and plant species, serving as a crucial habitat for many aquatic organisms. The introduction of hazardous chemicals, such as anhydrous ammonia, could lead to devastating consequences for the lake's biodiversity and overall health, potentially causing:

- **Water Contamination:** Anhydrous ammonia is highly soluble in water and can cause severe contamination, impacting aquatic life and making the water unsafe for human use.
- **Soil Degradation:** Spills or leaks can lead to soil contamination, affecting plant life and potentially entering the food chain.
- **Air Pollution:** Anhydrous ammonia is a pungent, toxic gas. Accidental releases into the atmosphere can pose inhalation risks to nearby residents and wildlife.

### **Recreational Hazards**

The recreational value of Sangchris Recreational Lake is significant. It is a popular destination for fishing, boating, hiking, and other outdoor activities. The presence of a hazardous chemical storage facility so close to the lake jeopardizes:

- **Public Safety:** Exposure to anhydrous ammonia can cause severe respiratory issues, skin burns, and eye damage. This risk to the public could deter visitors and reduce the recreational use of the lake.
- **Economic Impact:** Reduced visitation due to safety concerns could negatively impact local businesses and the economy, which rely on tourism and recreational activities.

### **Transportation Hazards**

The entrance to the facility is a 90-degree turn off a two-lane county road with no dual turn lane, posing several transportation hazards:

- **Traffic Safety:** The sharp turn and lack of a dual turn lane significantly increase the risk of accidents, especially for vehicles carrying hazardous materials. Navigating this turn is particularly dangerous for large trucks and tankers.
- **Access Issues:** The narrow, two-lane road may not adequately support the increased traffic flow, leading to potential traffic congestion and delays, further exacerbating safety risks.
- **Subsurface Mines:** The access road to the facility is located above old mines, adding an additional layer of risk. The heavy weight of trucks transporting hazardous materials, such as anhydrous ammonia, could potentially compromise the structural integrity of the road and the underlying mines, increasing the likelihood of accidents or road collapse.

**Ref:**

<https://idnr.maps.arcgis.com/apps/webappviewer/index.html?id=fa7f661055a84d3bb03d3b5fb37bbd23>

### **Prevailing Winds and Population Impact**

The prevailing winds in the area come from the southeast, increasing the risk of anhydrous ammonia being carried towards populated areas in the event of a release.

The facility has a storage capacity of 72,000 gallons of anhydrous ammonia, and an accidental release of this volume would have catastrophic consequences, including:

- **Mass Exposure:** The toxic gas could quickly spread to nearby communities, posing severe health risks to residents, including respiratory distress, chemical burns, and potential fatalities.
- **Evacuation:** Large-scale evacuations would likely be necessary to protect the population from exposure, straining local emergency response resources and causing significant disruption.
- **Limited Emergency Response:** Kincaid is served by a volunteer fire department, which may not have the resources or capabilities to effectively respond to a large-scale chemical emergency, further increasing the risk to residents and the environment.

### **Proximity to Residential Property**

There is residential property located just 842 feet from the turn-off at County Road 5 to the access road of the facility, due south on County Road 5. The close proximity of homes further heightens the risk to residents in the event of an accidental release or other incidents at the facility.

### **Non-compliance and Legal Concerns**

According to the American National Standards Institute (ANSI) and OSHA standard 29 CFR 1910.111, anhydrous ammonia storage facilities must be located a minimum distance of 1.5 kilometers (approximately 1 mile) from populated areas. This facility's construction, without the necessary permits and in close proximity to populated areas, raises significant legal and compliance issues:

- **Permit Violations:** The facility was constructed without the required permits, disregarding regulatory standards designed to protect public health and safety.
- **Liability:** In the event of an accident or environmental contamination, the responsible parties could face significant legal liabilities and penalties.
- **Conflict of Interest:** The Christian County State's Attorney has informed me of a conflict of interest, which may have contributed to delays in addressing this issue or a lack of action taken. I will cc the Christian County State's Attorney as I feel this safety concern should override any conflict of interest.

### **Presentation at Special Use Permit Meeting**

When Central Commodities FS filed for the special use permit, the potential hazards, including those mentioned above, were presented at the meeting. The presentation included the environmental impact on Sangchris Recreational Lake, transportation hazards, and the proximity of residential properties. It was emphasized that Sangamon County should be contacted due to the facility's impact on both counties.

### **Relief Sought**

In light of these serious and immediate concerns, I urge the Illinois Pollution Control Board to take the following actions:

1. Immediate inspection of the facility to assess compliance with environmental and safety regulations.
2. Mandate the suspension of operations until all necessary permits are obtained, and the facility is brought into compliance with relevant standards.
3. Ensure rigorous environmental monitoring to detect any potential contamination of water, soil, or air in and around Sangchris Recreational Lake.

Note; In Illinois, constructing any facility, including an anhydrous ammonia bulk storage plant, without proper permits is prohibited to ensure public safety and environmental protection<sup>2</sup>. Specifically, the **Illinois Environmental Protection Act (415 ILCS 5/)** requires that a permit must be obtained from the Illinois Environmental Protection Agency (EPA) prior to construction<sup>2</sup>.

**Section 39:** *"No person shall construct, install, or operate any equipment, facility, or site classified as a new source pollution control facility without first obtaining a construction permit from the Agency. The permit shall be issued only if the Agency finds that the facility, when completed, will operate without causing a violation of applicable legal requirements."*

This regulation is designed to ensure that any potential environmental and safety concerns are addressed upfront, reducing the risk of pollution and hazards.

Federal protection;

## **Central Commodities: Regulatory Violations**

### **Violations of the Clean Air Act (CAA)**

#### **Risk Management Programs (Title 40 CFR, Part 68, Subpart A, Section 68.1):**

- Central Commodities failed to adhere to the risk management program requirements.
- Required plans not submitted include:
  - **Hazard assessment:** Potential effects of accidental releases, worst-case scenarios, and alternative scenarios.
  - **Prevention program:** Safety precautions, maintenance, monitoring, and employee training.
  - **Emergency response program:** Measures to protect human health and the environment.

### **Violations of the Clean Water Act (CWA)**

#### **National Pollutant Discharge Elimination System (NPDES) Program (Section 402):**

- Central Commodities discharged pollutants into navigable waters from a point source without obtaining a permit.
- No public hearing held, and discharges did not meet regulatory requirements.

### **Violations of National Ambient Air Quality Standards (NAAQS)**

#### **Standards Promulgation (Section 109):**

- Central Commodities failed to meet air quality standards set to protect public health and welfare, particularly affecting sensitive populations like children and the elderly.
- **Prevention of Significant Deterioration (PSD) Program:** Significant deterioration of air quality in areas with air quality better than the national standards.

These violations pose severe risks to public health and the environment. I urge you to take immediate action to address these issues.

**Reference;**

**Title 40 of the Code of Federal Regulations (CFR), Part 68, Subpart A, Section 68.1 - Purpose and Scope:**

>§ 68.1 Purpose and Scope: >>(a) This part sets forth the list of substances and thresholds that determine whether a source is subject to the risk management program established under section 112(r) of the Clean Air Act (CAA), and the requirements for submission of risk management plans for designated sources. It further outlines the requirements for hazard assessment, prevention programs, emergency response programs, and the process for reviewing and updating these components. >>(b) The CAA mandates that owners and operators of stationary sources producing, processing, or storing specific substances in substantial quantities submit a risk management plan to the Environmental Protection Agency (EPA). These plans must include: > (1) A hazard assessment detailing the potential effects of an accidental release, worst-case scenarios, and alternative scenarios; > (2) A prevention program including safety precautions, maintenance, monitoring, and employee training measures; > (3) An emergency response program that outlines response measures to protect human health and the environment.

**The Clean Water Act (CWA)** explicitly makes it unlawful to discharge any pollutants into navigable waters from a point source without a permit. This is defined in 33 U.S.C. 1342, Section 402: **National Pollutant Discharge Elimination System (NPDES)** program:

> "Except as provided in sections 1342 and 1344 of this title, the Administrator may, after opportunity for public hearing issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 1311(a) of this title, upon condition that such discharge will meet either (A) all applicable requirements under sections 1311, 1312, 1316, 1317, 1318, and 1343 of this title..."

Additionally, 33 U.S.C. 1319 outlines the enforcement and criminal penalties for violations of the CWA, including for unauthorized discharges of oil or hazardous substances.

**Section 109: National Ambient Air Quality Standards (42 U.S.C. § 7409)**

**(a) Promulgation**

The Administrator shall by regulation promulgate National Ambient Air Quality Standards (NAAQS) for each air pollutant for which air quality criteria have been issued under this section. These standards shall be set at levels that protect public health and welfare, including the health of sensitive populations such as children and the elderly.

**(d) Prevention of Significant Deterioration (PSD) Program**

The PSD program aims to safeguard areas where air quality is better than the national standards. This includes regulations to prevent significant deterioration of air quality in these regions and maintain a high level of environmental protection.

## Violation of Christian County Statute 1-10-20

The special use permit that was passed did not comply with all the statutes required by Special Use Permit Section 1-10-20. Section 1-10-20 states that structures containing humans must be at least  $\frac{1}{4}$  mile away. This does not extend to storage tanks, as presented to the board. This is in direct violation because the property at 1528 N 600 East Road, Taylorville, IL 62568, is within this proximity. An email was sent to you on 10/03/23 at 5:12 regarding the first application presented by Central Commodities.

Central Commodities does not comply with the 1/4 mile set back from residential property.

MJ mike-jem@consolidated.net  
To: 'mcward4ccsa@gmail.com'  
You forwarded this message on 10/3/2023 5:12 AM.

Good morning again Mr McWard,

would like you to present this to the board this evening With out knowing if the public will be able to speak at the meeting i feel this needs to be presented.  
Thank you for your time .

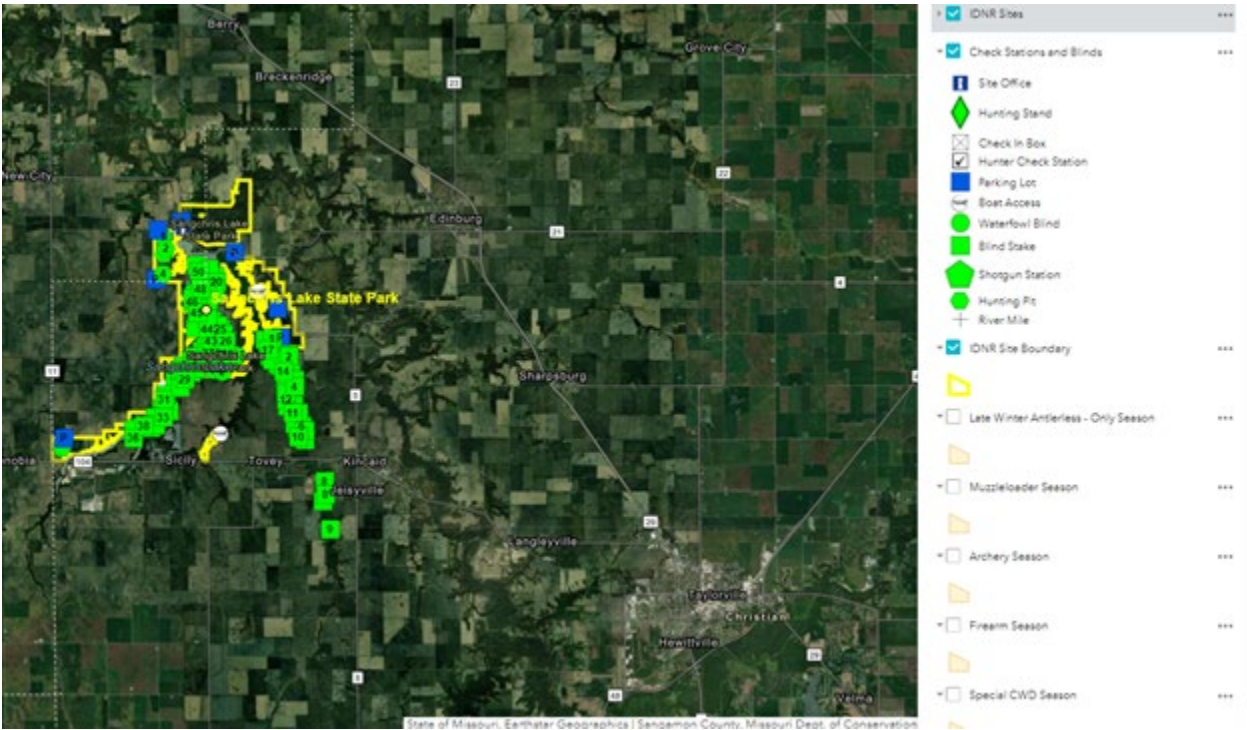
Sincerely,

Michael Laurenzana



Violation of Christian County Statute 1-10-20

Statute 1-10-20 states that no shooting is allowed closer than 1,320 feet. During hunting season, this regulation appears to be directly violated.



## Case Study;



According to the NTSB, another vehicle may have tried to pass the tanker carrying the chemical. The truck driver reacted by pulling to the right, causing the tanker to leave the road and roll. The tanker was punctured when it hit the hitch of a parked utility trailer, tearing a 6-inch hole and allowing the anhydrous ammonia to leak.

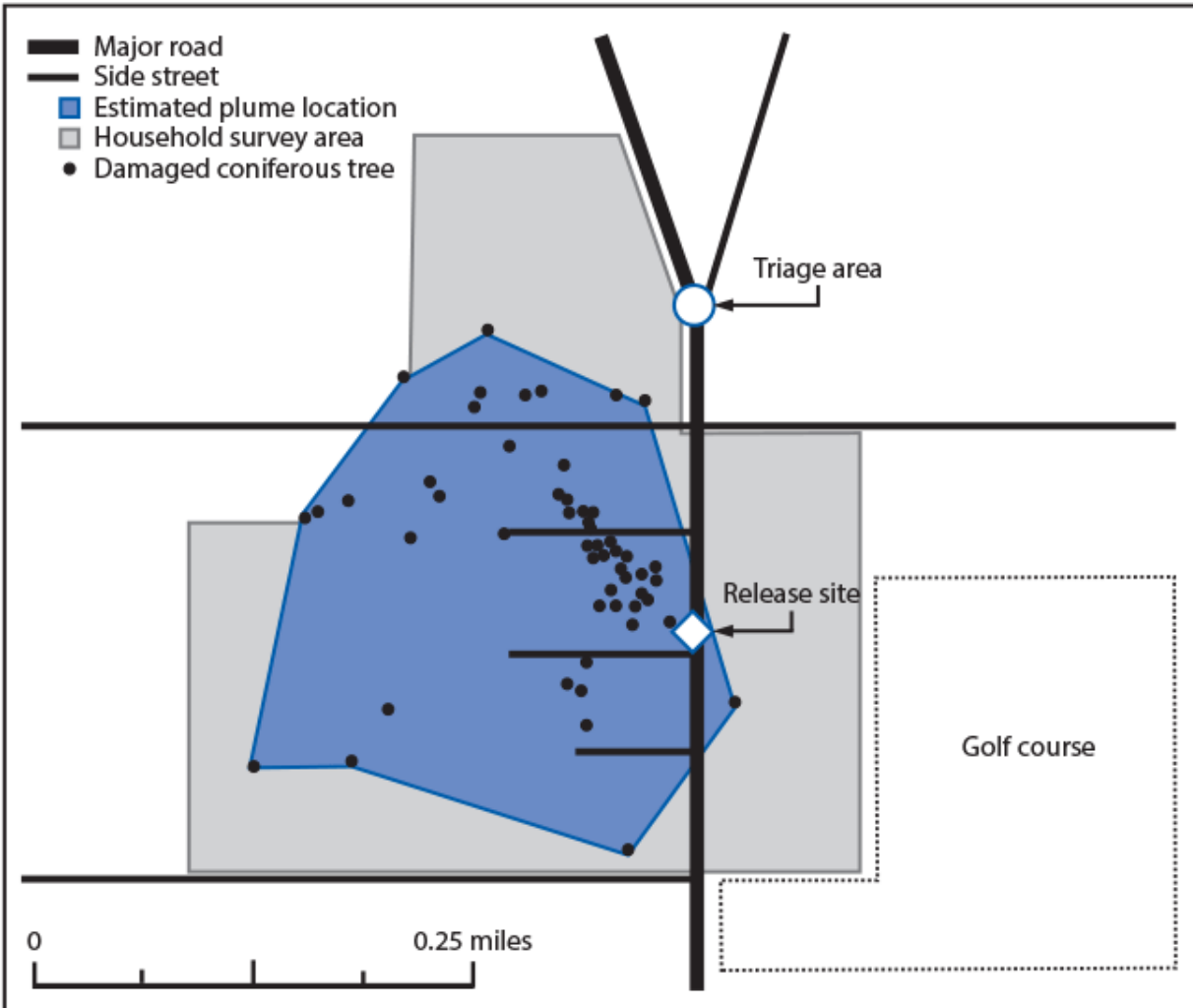
The team is expected to spend six days on the scene. A preliminary report should be ready in about a month, while the final report might take a year or two.

## Case Study: Anhydrous Ammonia Release

(Note: This occurred with a nursing tank, spreading over ¼ mile.)

Central Commodities has a 72,000-gallon storage capacity.





On April 25, 2019, a farm tractor towing two 2-ton ammonia tanks on a county road in Lake County, Illinois, experienced a mechanical failure, resulting in the release of anhydrous ammonia. This colorless, pungent gas can cause severe respiratory and ocular damage. Approximately 80% of anhydrous ammonia produced in the United States is used as a fertilizer in agriculture.

Eighty-three people, including first responders, motorists, and neighborhood residents, were evaluated at area hospitals due to gas exposure. Two weeks after the release, the Agency for Toxic Substances and Disease Registry (ATSDR) and CDC's National Center for Environmental Health (NCEH) collaborated with the Lake County Health Department and the Illinois Department of Public Health to investigate using ATSDR's Assessment of Chemical Exposures program. They described the release, reviewed the emergency response, and determined health effects associated with the exposure.

First responders, community residents, and hospital personnel reported communication challenges related to the nature of the gas release and effective protective measures. Among the 83 people evaluated at six area hospitals for effects of the chemical release, 14 (17%) were

hospitalized, including eight (10%) admitted to the intensive care unit (ICU). Seven (8%) required endotracheal intubation and mechanical ventilation, although no deaths occurred. In addition, ICU health care providers experienced symptoms of secondary exposure.

The National Institute for Occupational Safety and Health's Emergency Responder Health Monitoring and Surveillance Program has specific recommendations and tools to protect responders during all phases of a response. Hospitals also need to review institutional policies and procedures for chemical mass casualty events, including decontamination. Prompt and correct identification of hazardous material (hazmat) events and clear communication among responding entities, including on-scene and hospital responders, is crucial to ensure an effective response after a chemical release.

## Chemical spill in Illinois sends 37 people to the hospital, including 7 in critical condition



Here are some key details about the anhydrous ammonia incidents in the United States in 2024:

OSHA (Occupational Safety and Health Administration) reported **95 incidents** involving anhydrous ammonia. These incidents spanned various sectors and included both minor and

severe cases. Most incidents occurred in agricultural settings where ammonia is used as fertilizer and in industrial refrigeration systems.

#### **Notable Incidents:**

- **April 2024:** A fatal incident occurred where an employee died due to asphyxiation from an ammonia leak.
- **July 2024:** A significant release happened at the Cuisine Solutions, Inc. food processing facility in Virginia, involving approximately 170 pounds of ammonia. Several employees were injured, some seriously, as a result of the toxic cloud.

#### **Key Details about Anhydrous Ammonia Incidents in 2024:**

OSHA reported 95 incidents involving anhydrous ammonia in various sectors, spanning both minor and severe cases. Most incidents occurred in agricultural settings where ammonia is used as a fertilizer and in industrial refrigeration systems.





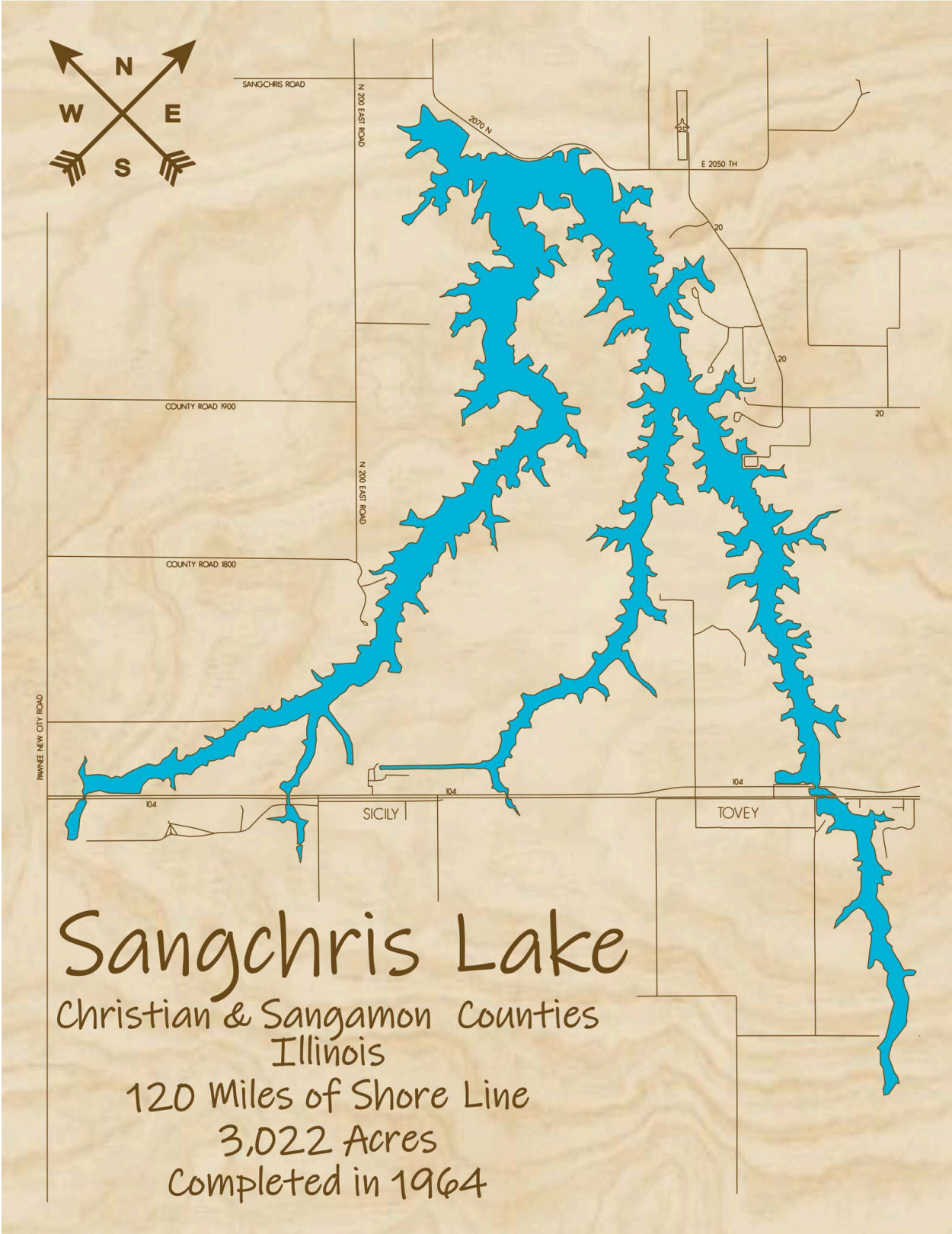
**Ethical Concerns:**

There are additional ethical questions regarding transparency within the two counties. Constituents should be informed of these risks prior to making decisions that affect both areas.

**Impact on Sangamon County and Lake Sangchris**

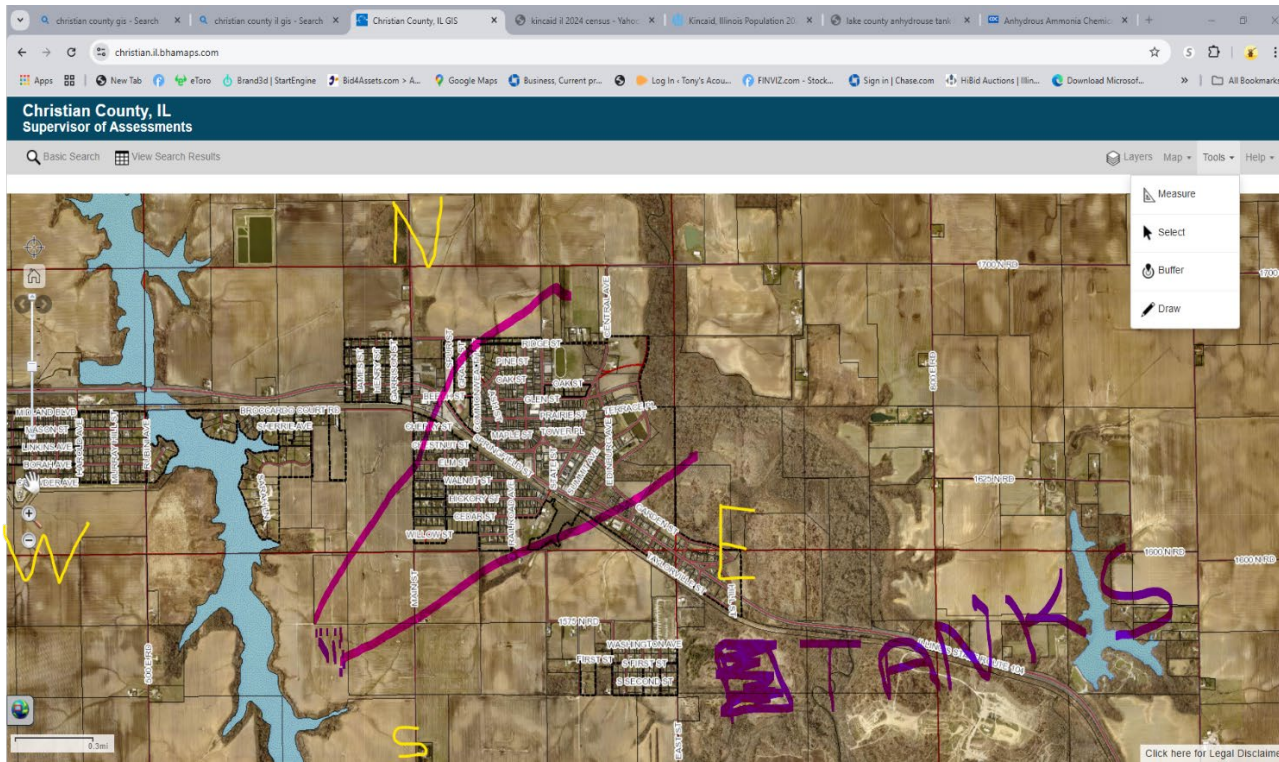
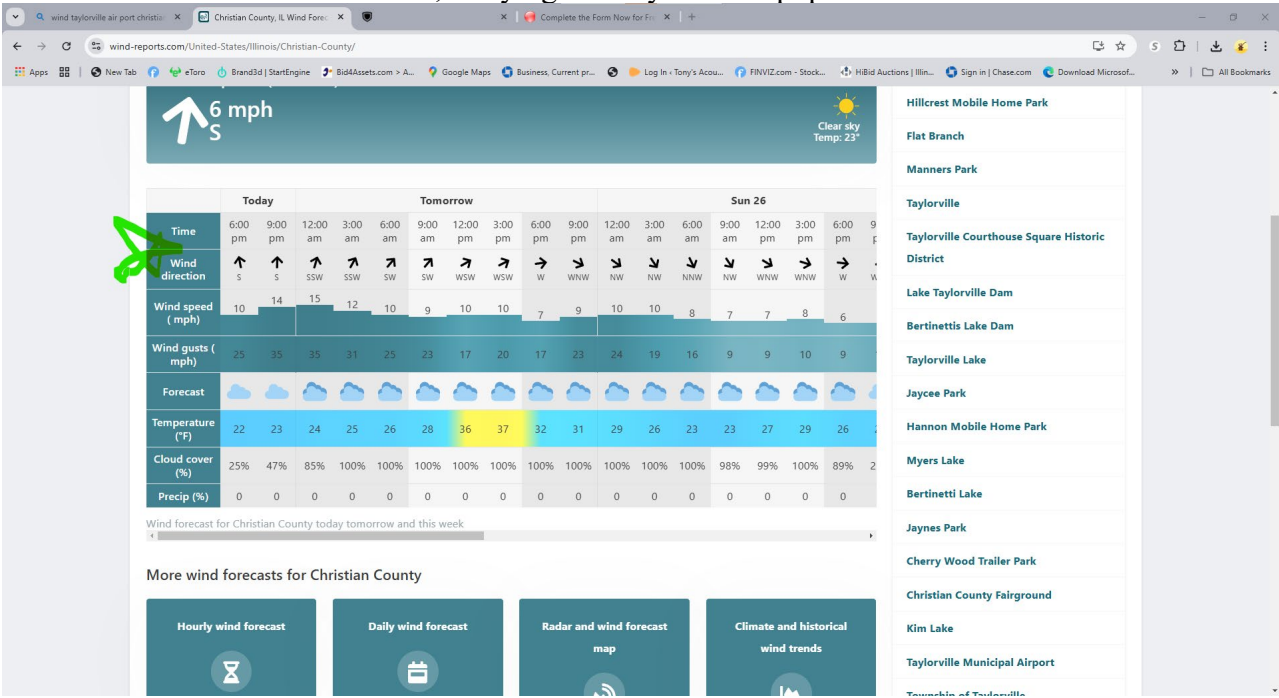
It was presented to the board that this decision will also affect Sangamon County. Lake Sangchris is shared within both counties. Has anyone reached out to Sangamon County and explained the potential risks they may face if there were an anhydrous leak? This should include the impact on the environment as well as the potential hazards to the lake and its ecosystem. Ethically, we should inform our constituents of these risks prior to making a decision that will affect both counties. Additionally, there are ethical questions regarding transparency within the two counties. I am sure we can agree on that.







Winds come out of the Southwest, carrying directly into the populated area to the East.



### **Ensuring Community Safety**

The special use permit that was passed did not comply with all the statutes required by Special Use Permit Section 1-10-20. Section 1-10-20 states that structures containing humans must be at least ¼ mile away. This does not extend to storage tanks, as presented to the board. This is in direct violation because the property at 1528 N 600 East Road, Taylorville, IL 62568, is within this proximity. An email was sent to you on 10/03/23 at 5:12 regarding the first application presented by Central Commodities.

Additionally, filing an appeal with the Illinois Pollution Control Board (IPCB) was an arduous process due to the complex forms required. We strongly urge the board to consider developing a simplified form for future appeals to assist those without legal expertise.