



**A G E N D A**

**O'HARE AIRPORT COMMISSION**

**CITY HALL COUNCIL CHAMBERS  
505 BUTLER PLACE  
PARK RIDGE, IL 60068**

**WEDNESDAY, SEPTEMBER 17, 2014 AT 7:00 P.M.**

**Mission Statement**

*To develop and recommend appropriate solutions enabling Park Ridge city officials to take decisive action to reduce noise and environmental impacts from operations at Chicago O'Hare International Airport, while protecting the health and safety of area residents, educating the community, positively impacting and protecting property, sense of community, and quality of life.*

- I. Roll Call**
- II. Approval of the Minutes**
  - A. June 18, 2014**
- III. Aldermen Who Wish to be Heard on a Non-Agenda Item**
- IV. Citizens Who Wish to be Heard on a Non-Agenda Item**
- V. Action Items**
  - A. Standing Reports**
    - 1. Communication - Salomea Klunzinger/Ray Klaus
    - 2. In the News - Rebecca Mills
    - 3. Health/Safety Issues - Bob Harrington
    - 4. City Council Updates - Jim Argionis
    - 5. Data - Mike Ferraro
    - 6. FAiR Update - Jim Argionis/Bob Harrington
- VI. Discussion items**
  - A. Status of O'Hare build out**
  - B. Creation of an informational HELP tri-fold brochure for residents**
  - C. HB 6234 regarding IEPA and IDOT to conduct study impact of air pollution, noise pollution, emissions – plan for keeping this resolution alive**
  - D. O'Hare referendum question for November ballot finalized; Park Ridge reached out to several suburbs and other suburbs are or have finalized referendum questions**
  - E. September ONCC meeting; Park Ridge to re-introduce a version of its 2012 resolution asking the ONCC to support Park Ridge's Request for an SEIS (see attached)**
  - F. Eight additional Noise Monitors to be installed by Chicago; ONCC Technical Committee to consider (see attached for current locations)**
  - G. Air Quality Monitor at Maine South: update on when to expect data and outreach to Universities for help in interpreting**
  - H. FAiR meeting with Members of Congress (Schakowsky, Duckworth)**
- VII. New Business**
- VIII. Adjournment**



**DRAFT MINUTES**

**O'HARE AIRPORT COMMISSION  
CITY HALL COUNCIL CHAMBERS  
505 BUTLER PLACE PARK RIDGE, IL 60068**

**WEDNESDAY, JUNE 18, 2014 at 7:00 P.M.**

**Mission Statement**

*To develop and recommend appropriate solutions enabling Park Ridge city officials to take decisive action to reduce noise and environmental impacts from operations at Chicago O'Hare International Airport, while protecting the health and safety of area residents, educating the community, positively impacting and protecting property, sense of community, and quality of life.*

Chairman Argionis called the meeting to order at 7:02 p.m.

**I. Roll Call**

On Roll Call, the following indicated their presence: Chairman Argionis and Commissioners Klaus, Mills, Korovilas, Harrington, and Klunzinger.

Alderman Marty Maloney, Alderman Marc Mazzuca, and City Manager Shawn Hamilton were also present.

**II. Approve Minutes – April 16, 2014**

Moved by Korovilas. Seconded by Harrington.  
**Motion carried, voice vote.**

**III. Aldermen Who Wish to be Heard on a Non-Agenda Item**

Chairman Argionis thanked Aldermen Maloney and Mazzuca for attending the meeting.

**IV. Citizens Who Wish to be Heard on a Non-Agenda Item**

There were 7 citizens who were in attendance who spoke and commented throughout the meeting.

**V. Action Items**

**A. Finalize recommendation to Council regarding O'Hare referendum question for November ballot (enclose attached packet materials on referendum question that previously went to council)**

Motion by Harrington. Seconded by Korovilas.

Chairman Argionis discussed an item from the last meeting about setting up standing committees with Commissioners chairing committees. Discussion about the roles and purpose of the committees followed. After discussion and consensus, the standing reports / committees and Commissioner assigned would be:

1. Communication – Klunzinger
2. In the News (current events) – Mills
3. Health / Safety – Harrington
4. City Council Updates – Argionis
5. Data – Ferraro
6. FAiR / Community Liaison – Argionis / Harrington

**Motion carried, voice vote.**

**B. Recommendation to Council to Write Letters in Support of passing HB 6234 (enclose attached copy of draft city council resolution)**

Moved by Klunzinger. Seconded by Mills.

Chairman Argionis read the language from the resolution. Argionis stated that the resolution aligned with the SEIS request by the City to the FAA. It was reported that the House Bill did not get called to the floor before the House adjourned for the summer.

**Motion carried, voice vote.**

**C. Standing Reports (verbal reports presented, no action taken)**

1. Communication
2. In the News
3. Health/Safety Issues
4. City Council Updates
5. Data – no report, absent
6. FAiR Update

**VI. Discussion Items**

**A. HB 6234 regarding IEPA and IDOT to conduct study impact of air pollution, noise pollution, emissions**

Chairman Argionis included letters in the packet and they were discussed. FAiR has been working on sending letters and is working on a draft letter to be sent currently. Discussions about having individual Alderman and/or Commissioners draft a similar letter to be sent to local Legislators. Argionis will draft a letter to be forwarded to Alderman Maloney and Mayor Schmidt, to be considered to be forwarded to Legislators.

**B. City Manager Meeting with Jeanette Camacho**

The Commission has discussion about whether or not to request making the monitor permanent. Commissioner Harrington stated the location was perfect for the Belle Plaine runway. Consensus was for the Commission to ask to make the monitor permanent. Before a recommendation letter is sent, additional research on who to ask and what specifically to ask for would be required. There was consensus to place the item on the next meeting for further discussion.

**C. Air Quality Monitor at Maine South**

Articles and information was shared and discussed.

**D. Revisit Recommendation to Council Regarding SEIS in light of June 9, 2014 Sun-Times Article entitled "Hearings on runway changes at O'Hare out of earshot of affected residents: analysis", that the public hearings on the 2005 ROD were held in areas where air traffic was to decrease after OMP complete.**

Chairman Argionis discussed the letter that was distributed as part of the packet. The letter was sent from the Norridge Village President to residents regarding O'Hare and noise. The Commission discussed the information the Commission included in the Spokesman the month before.

**VII. New Business**

None

**VIII. Adjournment**

The meeting adjourned at 9:05 p.m.

# HINSHAW

& C U L B E R T S O N L L P

October 25, 2011

Mr. Barry D. Cooper  
Regional Administrator, Great Lakes Region  
Federal Aviation Administration  
2300 East Devon Avenue  
Des Plaines, IL 60018

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**Re: City of Park Ridge, Illinois Request that Federal Aviation Administration Prepare a Supplemental Environmental Impact Statement for the O'Hare Modernization Program**

Dear Mr. Cooper:

It has now been six years since the Federal Aviation Administration published its Environmental Impact Statement and issued its Record of Decision concerning the O'Hare Modernization Program. Although work on the O'Hare Modernization Program (OMP) is proceeding, and the northern-most runway (9L/27R) has been opened, the project is still far from completion. Since the time that the Federal Aviation Administration completed the final Environmental Impact Statement (EIS) for the OMP, many significant changes have occurred that affect the environmental impact the OMP has had and will have on the communities surrounding O'Hare.

Because of those changes, some of which are detailed below, the City of Park Ridge, Illinois, through its attorneys, Hinshaw & Culbertson, requests that the FAA use its delegated authority under the National Environmental Policy Act (NEPA) and the regulations promulgated thereunder and begin a Supplemental Environmental Impact Study (SEIS) that will address the myriad of issues that have arisen since the completion of the EIS and the issuance of the Record of Decision for the OMP. While the City of Park Ridge believes it is the FAA's duty to prepare an SEIS, Park Ridge hopes that the FAA will take this opportunity to reach out to the communities surrounding O'Hare and address some of the communities' concerns through the preparation of an SEIS.

**I. BRIEF OVERVIEW OF THE LAW SURROUNDING SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS**

As you are well aware, the National Environmental Policy Act (NEPA) requires federal agencies to prepare an Environmental Impact Statement when a federal action will cause a significant impact on the environment. Most federal agencies' actions under NEPA are governed by NEPA, and the regulations promulgated by the Council on Environmental Quality ("NEPA Regulations"). The Department of Transportation has adopted the NEPA Regulations as being

applicable to the FAA's actions. In addition, the FAA has adopted at least two Orders that specify how the FAA must handle its obligations under NEPA: FAA Order 5050, 4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions* (April 28, 2006) and FAA Order 1050.1E *Environmental Impacts: Policies and Procedures* (March 20, 2006). With respect to OMP, the Environmental Impact Statement for OMP (EIS) was published in July 2005, with the FAA issuing its ROD on September 30, 2005. Sometimes, however, after an environmental impact statement is issued, but before the federal action has been completed, the situation concerning the action changes. If this happens, NEPA *requires* that the federal agency prepare an SEIS. Before launching into the substantive reasons why the FAA should perform an SEIS for OMP, a brief overview of the administrative framework surrounding SEISs and the FAA's responsibilities is in order.

**A. Federal Law and Regulations Require an SEIS When There Have Been Significant New Circumstances or Information**

The subject of post-decision supplemental environmental impact statements is not expressly addressed in the National Environmental Policy Act (NEPA). However, as the U.S. Supreme Court pointed out in *Marsh v. Oregon National Resources Council*, 109 S.Ct. 1851 (1989), requiring such supplemental reports serves the twin goals of (1) ensuring that the agency will not act on incomplete information, only to regret its decision after it is too late to correct; and (2) allowing both the public and other governmental agencies to react to the effects of a proposed action at a meaningful time. 109 S.Ct. at 1858. In addition, the CEQ codified the requirement to prepare an SEIS in the NEPA Regulations. 40 C.F.R. §1502.9(c) states:

(c) Agencies:

- (1) Shall prepare supplements to either draft or final environmental impact statements if:
  - (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
  - (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
- (2) May also prepare supplements when the agency determines that the purposes of [NEPA] will be furthered by doing so.

40 C.F.R. § 1502.9(c). The Supreme Court, in interpreting this regulation, held that the federal agency's decision to prepare an SEIS is similar to the decision to prepare an EIS. *Marsh*, 109 S.Ct. at 1859. The U.S. Supreme Court then concluded that, if there remains "major Federal action" to occur, and if the new information is sufficient to show that the remaining action will "affect the quality of the human environment" in a significant manner or to a significant extent not already considered, a supplemental EIS must be prepared. *Id.*; *see also, Highway J Citizens Group v. Mineta*, 349 F.3d 938, 959 (7<sup>th</sup> Cir. 2003). Thus, since there still remains "major

federal action” with respect to OMP, and since there is new information that significantly<sup>1</sup> affects the quality of the human environment, an SEIS must be prepared for OMP.

**B. FAA Orders Require At Least a Written Re-Evaluation Every Three Years for Long Term Projects.**

The FAA has, by order, imposed further requirements upon itself for airport projects. Since some airport projects, like OMP, occur in phases or stages, the FAA has ordered that a “written re-evaluation” must be prepared if “more than 3 years elapse between the date of a final EA or EIS and one of those stages.” FAA Order 5050.4B, ¶ 1401(c)(3); *see also*, FAA Order 1050.1E, ¶514b(2). This “written re-evaluation” focuses on the EIS’s continued “adequacy, accuracy, and validity,” and determines if an SEIS is necessary. *Id.* (“[t]his evaluation, signed by the responsible FAA official, will either conclude the contents of previously prepared environmental documents remain valid or that significant changes require the preparation of a supplement or new EIS”).

According to the FAA Orders, the preparation of a new EIS or an SEIS is assumed to be necessary unless the written re-evaluation documents that the

- (1) Proposed action conforms to plans or projects for which a prior EIS has been filed and there are no substantial changes in the proposed action that are relevant to environmental concerns;
- (2) Data and analyses contained in the previous EIS are still substantially valid and there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts; and
- (3) Pertinent conditions and requirements (all) of the prior approval have, or will be, met in the current action.

FAA Order 1050.1E, ¶515a. There can be no doubt that OMP is a phased or staged project, such that these provisions are applicable. *See, e.g.*, OMP EIS, pp.1-56 (“significant projects associated with Phase 1 include: New Runway 9L; New Runway 10C”). Moreover, it has been

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<sup>1</sup> “Significantly” is a defined term under the NEPA Regulations. In 40 C.F.R. §1508.27, “significantly” as used in NEPA requires considerations of both context and intensity: (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant. (b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity: (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. (2) The degree to which the proposed action affects public health or safety . . .(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial. (5) The degree to which the possible effects on the human environment is highly uncertain or involves unique or unknown risks. (6) The degree to which the actions may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration... (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

over six years since issuance of the final EIS and there are several more stages or phases of the OMP that have not been initiated. To Park Ridge's knowledge, no such written re-evaluation has been performed with respect to the OMP EIS. Thus, at a minimum, the FAA should perform a "written re-evaluation" to determine if an SEIS is required.

**C. Based Upon the Provisions of Federal Law, CEQ Regulations and FAA Orders, the City of Park Ridge Contends that the FAA Must Prepare an SEIS for OMP.**

There are three reasons why, pursuant to NEPA, CEQ Regulations and FAA Orders the FAA should prepare an SEIS. First, the FAA *must* prepare a supplement because there have been significant changes to the project. Second, pursuant to CEQ Regulations, an SEIS must be prepared because of the significant new information and circumstances that affect the quality of the human environment in and around O'Hare. Finally, if the FAA decides that it is not required to prepare an SEIS, the FAA should exercise its discretion and prepare an SEIS because it would further the purposes of NEPA.

**II. THE SIGNIFICANT NEW INFORMATION AND CIRCUMSTANCES REQUIRE THAT AN SEIS BE PERFORMED.**

Since the publication of the EIS, there have been significant changes in how federal agencies handle critical environmental impacts analyzed in the EIS. For example, since the publication of the EIS, the EPA has developed new criteria for assessing two "Criteria Pollutants": 8-hour ozone and particulate matter smaller than 2.5 microns (PM<sub>2.5</sub>). The impact that emissions from OMP may have on the Chicago area's ability to meet the federal standards must be reviewed in an SEIS. Likewise, since the EIS, there have been significant developments in understanding air toxics or Hazardous Air Pollutants (HAPs) and greenhouse gases. Both of these types of air pollutants are produced by the various air pollution sources operated at O'Hare, including aircraft and ground support vehicles. With the modernization and expansion authorized by the OMP, the increased emissions and associated impact on the surrounding population must be analyzed through performance of an SEIS. Finally, the noise contours created by the completion of 9L/27R have changed from when they were first modeled under the EIS. Each one of these elements is significant in its own right and provides the FAA with sufficient cause to prepare an SEIS. Taken together, they are a compelling statement that the FAA must take the changing environmental landscape into account by preparing an SEIS.

**A. Since the completion of the OMP EIS, there have been significant changes to EPA rules and regulations with respect to Two Criteria Pollutants that require a Supplemental EIS.**

Separate and apart from NEPA, the FAA must determine that, prior to commencing a federal action, the project will "conform" to the Clean Air Act. EPA regulations state that so long as the project commences *within* five years of the Conformity Determination and is "showing continuous progress" thereafter, a new Conformity Determination is not necessary so long as the project remains "within the scope of the final conformity determination reported under §93.155." 40 C.F.R. §93.157. However, when EPA acts to revise or promulgate new National Ambient Air

Quality Standards (NAAQS) for the six criteria air pollutants, a new conformity determination must be made. *Id.* The FAA's conformity determination did not address OMP's conformity with (i) the revised NAAQS for ozone (8-hour ozone NAAQS); (ii) EPA's notice of plans to lower the 8-hour primary ozone NAAQS; (iii) the new primary and secondary NAAQS for PM<sub>2.5</sub>. The "federal activities" at O'Hare are not "within the scope of the final conformity determination reported under §93.155." 40 C.F.R. §93.157(c).

### 1. Ozone Air Pollution – New and Revised Eight-Hour Ozone Standard

Under §109 of the Clean Air Act, EPA is required to issue national ambient air quality standards (NAAQS) for six air pollutants: ozone, particulate matter, NO<sub>x</sub>, CO, sulfur dioxide, and lead. EPA is required to issue both primary and secondary standards. Primary standards are requisite to protect the public health with an adequate margin of safety. Secondary standards are requisite to protect the public welfare from any known or anticipated adverse effects of the pollutants. These adverse effects include effects on vegetation, wildlife, and visibility. EPA must review existing NAAQS and issue revised or new primary and secondary standards (as appropriate) every five years. Under the statute, the Clean Air Scientific Advisory Committee (CASAC) provided EPA with advice on NAAQS. If EPA proposes a standard that differs "in any important respect" from the advice provided by CASAC, then EPA must provide an explanation in the proposed standard for the difference.

The initial NAAQS for the air pollutant ozone was an exceedance-based calculation where a violation occurred if a monitor recorded more than three days where the 1-hour ozone values were greater than 124 parts per billion in a three-year period. This NAAQS was referred to as the 1-hour ozone standard. In 1997, the EPA adopted a more stringent 8-hour ozone NAAQS based on concentration levels averaged over an 8-hour period instead of the number of exceedances. The 8-hour ozone standard was considered more protective of public health for population groups especially sensitive to air pollution--children who are active outdoors, adults engaged in moderate to strenuous outdoor activities, and individuals with respiratory disease, such as asthma.

At the time of the EIS, the FAA determined, and the Illinois and United States Environmental Protection Agencies agreed, that the VOC and NO<sub>x</sub> emissions associated with the OMP conformed to the State Implementation Plan for One-Hour Ozone attainment. *See, Final EIS*, p. J-345, and *OMP ROD*, p. 59. However, on June 15, 2005, three months before the Record of Decision for the OMP was issued, the Chicago area, including O'Hare, became subject to the eight-hour ozone NAAQS.

In March of 2008, the EPA significantly strengthened the NAAQS for ground-level ozone based on new scientific evidence reviewed by CASAC about ozone and its effects on public health and the environment. The new strengthened NAAQS for ground-level ozone was set at 0.075 ppm for an 8-hour period. On January 6, 2010, EPA proposed to further lower the 8-hour primary ozone NAAQS from 0.075 ppm, set in 2008, to a level within the range of 0.060 – 0.0790 ppm to protect public health. EPA is also proposing a new cumulative, seasonal secondary standard, to protect sensitive vegetation and ecosystems, within the range of 7-15 ppm-hours. Because the 2008 ozone NAAQS revisions were not as restrictive as was recommended by CASAC, EPA

elected to reconsider the ozone NAAQS and follow CASAC's recommendations for even lower concentrations of ambient ozone.

The final conformity determination for the OMP failed to address multiple actions by EPA to strengthen the NAAQS for ozone. Because that conformity determination failed to address the 1997 eight-hour ozone NAAQS, the more stringent 2008 eight-hour ozone NAAQS, and EPA's recent proposal to follow the recommendation of CASAC and further lower the allowable levels of ambient ozone pollution, FAA must make that conformity determination now.

## **2. Fine Particulate Matter Air Pollution – New PM<sub>2.5</sub> Standard**

EPA introduced the National Ambient Air Quality Standards (NAAQS) for airborne particles by regulating annual and 24-hour total suspended particulate (TSP) in 1971 and in 1987 revised these to PM-10 standards. However, the most challenging particle standard was introduced in 1997 when EPA regulated much finer particles by setting NAAQS for particles with an aerodynamic diameter less than 2.5  $\mu\text{m}$  (the PM<sub>2.5</sub> NAAQS). In its Statement of Need, EPA indicated that due to enough scientific data the coarse and the fine fractions of PM-10 could be considered separately and as a result, established the new PM-2.5 NAAQS. EPA set a short-term, 24-hour standard for PM-2.5 at 65 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and the annual standard at 15  $\mu\text{g}/\text{m}^3$ . In 2006, EPA revised these standards to 35  $\mu\text{g}/\text{m}^3$  (24-hour) and 15  $\mu\text{g}/\text{m}^3$  (annual). On September 21, 2006, the USEPA promulgated the 24-hour PM<sub>2.5</sub> standard with an effective date of December 18, 2006.

Although these PM<sub>2.5</sub> standards were implemented after the approval of the Record of Decision for OMP, there is substantial concern about PM<sub>2.5</sub> emissions due to OMP since PM<sub>2.5</sub> emissions "have been associated with increased respiratory diseases such as asthma, bronchitis, and emphysema; cardiopulmonary disease (heart attack); and cancer." See, EIS, Environmental Consequences §5.6.6. According to EIS, PM<sub>2.5</sub> emissions at O'Hare were recorded at 49-65 15  $\mu\text{g}/\text{m}^3$  over a 5-year period. EIS, Table 5.6.6, pp.5.6-17. The FAA was cognizant at the time of the ROD that PM<sub>2.5</sub> emissions were expected to increase with commencement of OMP. ROD, p.70.

Although at the time of the EIS, the measured PM<sub>2.5</sub> emissions were below the 1997 USEPA standards of 65 15  $\mu\text{g}/\text{m}^3$ , as noted above, that standard changed in 2006 to 35 micrograms per cubic meter. Thus, OMP's PM<sub>2.5</sub> emissions **substantially exceed** the allowable amount under the current NAAQS established by the USEPA at levels required to protect human health and the public welfare. Consequently, it is likely the Chicago metropolitan area will be redesignated as non-attainment for the PM<sub>2.5</sub> NAAQS with ambient air quality in violation of the Clean Air Act.

## **3. Nitrogen Dioxide Air Pollution – Revised One-Hour NO<sub>2</sub> Standard**

On January 22, 2010, the EPA established a new one-hour NAAQS for Nitrogen Dioxide (NO<sub>2</sub>) at 100 parts per billion (approximately 189  $\mu\text{g}/\text{m}^3$ ). The new one-hour standard is calculated on a data set of three years of ambient monitoring data. EPA based its decision to lower the one-hour NAAQS for NO<sub>2</sub> based on studies showing increases in respiratory symptoms and hospital visits related to short-term exposure to high levels of NO<sub>2</sub>. The new one-hour NO<sub>2</sub> NAAQS is a

primary standard which aims to protect public health associated with short-term exposure to NO<sub>2</sub>, including respiratory effects. EPA decided to retain the existing annual NO<sub>2</sub> NAAQS of 53 ppb (100 µg/m<sup>3</sup>), and is separately reviewing the secondary NO<sub>2</sub> standard.

Because of EPA's decisions to revise and strengthen the ozone NAAQS, promulgate the new PM<sub>2.5</sub> NAAQS established for fine particulate matter, and revise and strengthen the NO<sub>2</sub> NAAQS, the FAA should prepare an SEIS that addresses the individual and cumulative impacts to ambient air quality in Park Ridge and other communities surrounding O'Hare Airport that are associated with the OMP. Failure to do so ignores scientific evidence that ozone, inhalable particulates, and nitrogen oxides can cause significant risks to human health and the public welfare.

**B. Since the publication of the EIS, the issue of air toxics or hazardous air pollutants from aircraft has undergone substantial scrutiny and should be the subject of a Supplemental EIS.**

**1. The City of Park Ridge's Air Toxics Study is Ignored by the FAA.**

Prior to the issuance of the EIS and the ROD, the City of Park Ridge commissioned an air toxics study. The analyses and results of the Environ and Mostardi-Platt studies demonstrated that O'Hare is a major source of HAPs and that OMP will impose an undesirable increase in cancer risks on a vast area of residential communities in the Chicago metropolitan area. The Mostardi-Platt Study found that O'Hare already was a major emitter of HAPs, which needs to have its HAPs emissions controlled and reduced. The Executive Summary of the Mostardi-Platt Study concluded:

While public health assessment and potential control measures need to be carefully evaluated and debated one thing is clear. Given the massive and widespread impact of O'Hare's toxic emissions on the health risk of hundreds of thousands of residents in almost 100 metro Chicago communities, O'Hare should not be expanded.

Mostardi-Platt Air Toxics Study, Vol. I, p.14.

The findings of the Mostardi-Platt Air Toxics Study were largely dismissed by the FAA when it was preparing the EIS. The FAA discounts the findings of the Mostardi-Platt Air Toxics Study because they were "preliminary" and did not follow AERMOD protocols. Final EIS, pp. I-38-I-39. "Because of the numerous variables in dispersion models, it is not known if the results would be higher or lower than reported in the Park Ridge analysis." *Id.* Aside from the fact that AERMOD was not adopted for use by FAA until September 2001,<sup>2</sup> after completion of the Mostardi-Platt Air Toxics Study, the FAA conclusions were based on a lack of evidence and

<sup>2</sup> See, [http://www.faa.gov/about/office\\_org/headquarters\\_offices/aep/models/history/media/2005-06\\_Integration\\_of\\_AERMOD\\_into\\_EDMS.pdf](http://www.faa.gov/about/office_org/headquarters_offices/aep/models/history/media/2005-06_Integration_of_AERMOD_into_EDMS.pdf)

methodology, not on the substantive position that air toxics would be increased significantly by OMP. Since recent research has established the deleterious effect HAPs from airports have on surrounding communities, the FAA's conclusions regarding the Mostardi-Platt Air Toxics Study should be amended and an SEIS should be prepared.

- 2. Recent studies indicate the Mostardi-Platt Air Toxics Study was correct and that air toxics need to be addressed by airports and the FAA.**

Since the issuance of the EIS, substantial research has been performed on the health risks posed by air toxics emissions from airports. This includes an aviation industry report issued through Airport Cooperative Research Program's 2008 analysis entitled "Aircraft and Airport-Related Hazardous Air Pollutants: Research Needs and Analysis," which was funded through the FAA. That analysis provides direction on how airports should be able to address the requests from states and "communities surrounding airports to analyze the health impacts of aircraft and other airport-related sources of air toxics, also known as hazardous air pollutants (HAPs), in National Environmental Policy Act (NEPA) and state-level documents." Indeed, as the EIS acknowledges, the health effects of emissions of air toxics from airports on the surrounding communities [has been studied with regard to large California airports under state law]. The conclusion is inescapable: the HAPs emitted by airports create health risks to the surrounding communities and any project that increases the emission of HAPs into the air should be analyzed.

At the very least, the FAA should supplement the EIS by including a Hazardous Air Pollutants inventory pursuant to its guideline set out in *Guidance for Quantifying Speciated Organic Gas Emissions from Airport Sources*, (Ver. 1, September 2, 2009) ("HAP Guidance").<sup>3</sup> According to the FAA, the HAP Guidance "provides an approach to, and technical guidance for, preparing speciated OG/HAP emission inventories in support of environmental documents prepared by, or on behalf of, the FAA under the National Environmental Policy Act (NEPA)". Indeed, the FAA HAP Guidance specifically states that OMP is the type of project for which a HAP inventory must be developed: "[n]otably, if a proposed project/action is evaluated through an EIS, an [HAP] emission inventory must be prepared (for each alternative under consideration) if an inventory of the criteria air pollutants and/or precursors to the criteria air pollutants must be prepared." HAP Guidance, p.13. With the establishment of HAP Inventory, there would be at least, a baseline for future health risk assessments showing the deleterious effect that airport emissions of HAPs have on the surrounding communities.

While establishing a HAP inventory is a step in the right direction, what is needed is a study that quantifies the substantial health risks that HAP emissions from OMP present to surrounding populations. Toward that end, a more significant finding is the May 8, 2009 article *Between-airport heterogeneity in air toxics emissions associated with individual cancer risk thresholds and populations risks*, by Ying Zhou and Jonathan I. Levy. In that article, the authors conclude:

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<sup>3</sup> In addition, the FAA and the EPA have published the *Recommended Best Practice For Quantifying Speciated Organic Gas Emissions From Aircraft Equipped with Turbofan, Turbojet, and Turboprop Engines* which details joint efforts between the FAA and the EPA to update OG/HAP speciation profile data from these types of aircraft.

Using state-of-the-art four-dimensional emissions characterization and atmospheric dispersion modeling, we demonstrated that both the emission rate contributing to a  $10^{-6}$  maximum individual risk and the total population exposure within 50 km of the airport per unit emissions vary substantially across airports *but can be predicted with reasonable precision using easy to obtain variables, such as distance from the airport, total population, and mixing height.* These results provide a method to quickly but reasonably determine the likelihood of public health impacts of concern for airport modifications or expansions.

Zhou Levy Article, p.10 (emphasis added). This conclusion is in direct conflict with the conclusion in the EIS, which the Zhou Levy Article cites. *Id.*, p.2.<sup>4</sup> Moreover, it should be noted that in developing their conclusions about air toxics at airports, Zhou and Levy used the AERMOD high-resolution atmospheric dispersion model.

Thus, the study of HAPs emitted from airports has progressed substantially from the time the EIS was issued. Since Park Ridge has consistently expressed its concerns with respect to air toxics and HAPs, the FAA should take advantage of the new research and prepare an SEIS that addresses HAPs.

**C. The Noise Contours Set Out in the OMP EIS Have Changed, Especially with Respect to Single Noise Events Over 65 DNL.**

Although the EIS complied with the then existing regulations, it has become apparent that the noise contours set out in the EIS are expanding. The Chicago Department of Aviation (CDA) has issued a couple of reports indicating the single noise event levels for the area surrounding O'Hare. The last report, issued in August 2010 for the months January 2010 through June 2010, shows the number of noise events, by monitor location, at 85dB or greater and at 65dB or greater. There are several monitors located in Park Ridge. Monitor 26, in the heart of Park Ridge, showed that there were 18 noise events about 85dB or greater and 116 noise events over 65dB. This is an increase over the number of noise events recorded in December 2008, when there were eight events over 85dB and 87 over 65dB. This shows noise is becoming increasingly louder within this residential neighborhood with an average, daily, of seven noise events each hour louder than 65 decibels – roughly one every eight minutes.

Not only are the single noise events becoming more frequent, the noise reports published by the O'Hare Noise Compatibility Commission show noise spreading at 3.0dB or greater over Park Ridge, beyond the noise contours established for OMP in the EIS. *See*, EIS, App. F, Ex. 19. Looking at current noise data by month, this would suggest that the noise contour, depicted in the EIS for "OMP build out," will actually look much different, encompassing additional communities and many more residents. Actual noise monitoring since completion of Phase I

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<sup>4</sup> "however, modeling risks from airports or from proposed airport expansions can be complex and somewhat uncertain, given the need for accurate emissions inventories and atmospheric dispersion models that address the intricacies of airport emissions (i.e. aircraft emissions that vary over time and space, including vertically). [OMP EIS]. For this reason, some have concluded that currently available data are inadequate to conduct air toxics risk assessments for airports. [OMP EIS]." Zhou Levy Article, p.2.

(that is, the opening of 9L/27R) has shown increases when this runway has been in full use. But this runway has not reached its projected usage of 22% of all arrivals to O'Hare upon completion of OMP, running at half that percentage or less. With the reconfiguration of the airfield, the three northern runways will account for over 50% of daily flight operations, post OMP completion. See, EIS, App. F, Table F-39. Thus, while usage for Runway 9L/27R remains lower than what is expected on build-out, the noise it is creating is approaching the build-out levels.

Finally, the noise created by OMP is having a significant effect on the education of children in Park Ridge. A two-week noise monitor test at Maine South High School recorded 50-60 decibels and higher during school hours with many noise events above 85 decibels. The FAA sets the threshold for noise at 60 decibels for schools. The World Health Organization recommends Leq 35dBA for the learning environment, which is far exceeded by the noise events that occur at Maine South High School. The soundproofing that has been installed is, at best, a partial fix since it filters, but does not eliminate this noise. Thus, aircraft noise still disrupts classrooms, causing teachers to pause in the middle of class while aircraft land and losing the students' attention as a result. During the test period there was an average of 154 flights a day from all runways. Upon completion of OMP, the school will experience an average of 350 flights a day from one runway. As the number of flights using 9L/27R increases, the noise levels within the school will only rise. Aircraft over the school are two miles out from the edge of 9L/27R and 400 to 600 feet above the athletic field. ANMS Portable Noise Monitoring Summary Report, Site 1968, Maine South High School, February 6, 2010 - February 21, 2010.

**D. Since the Publication and the Issuance of the ROD, Federal Agencies Have Been Required to Address Greenhouse Gas Emissions in Their Environmental Impact Statements**

While NEPA predates the current sensitivity to climate change, courts have already recognized that its analysis falls within NEPA's purview. NEPA requires that federal agencies consider adverse effects of major federal actions, whether the effects are direct or indirect. 42 U.S.C. §4332(C), 40 C.F.R. §1508.8. Indirect effects are those that "are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. §1508.8. The U.S. Court of Appeals for the Ninth Circuit stated as recently as 2008, in *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 538 F.3d 1172, 1214-1215 (9th Cir. 2008), that it is NEPA's purpose to ensure that environmental information, including information about climate change, is made available to public officials and citizens before decisions are made and actions are taken. That would apply equally to preparing an SEIS.

Information about broad-scale causes and effects of climate change has been well publicized. In *Center for Biological Diversity, supra*, the Ninth Circuit summarized the following findings from International Panel on Climate Change reports and other sources:

- Carbon dioxide concentrations increasing over the 21<sup>st</sup> century are virtually certain to be mainly due to fossil-fuel emissions;
- The average earth surface temperature has increased by about 0.6 degrees;

- There have been severe impacts in the Arctic due to warming, including sea ice decline;
- Global warming will affect plants, animals, and ecosystems around the world. Some scientists predict that it will cause 15 to 37 percent of species in certain regions to be extinct;
- Global warming will cause serious consequences for human health, including the spread of infections and respiratory diseases;
- Climate change is associated with increasing variability and heightened intensity of storm such as hurricanes; and,
- Climate change may be non-linear, meaning there are positive feedback mechanisms that may push global warming past a dangerous threshold (the “tipping point”).

*Id.* at 522-23. These findings indicate that greenhouse gases from combustion of fossil fuels substantially contribute to climate change, and climate change is expected to result in widespread adverse environmental effects. It is indisputable that aircraft and ground operations at airports emit greenhouse gases and contribute to climate change, as well as the construction associated with reasonable foreseeable projects.

In the past year, the CEQ has advised federal agencies that they should consider opportunities to reduce GHG emissions caused by proposed federal actions and adapt their actions to climate change impacts throughout the NEPA process and to address these issues in their agency NEPA procedures. The CEQ explains how federal agencies should analyze the environmental impacts of greenhouse gas emissions and climate change when they describe the environmental impacts of a proposed action under NEPA. The CEQ has provided instruction to the agencies on how to assess the effects of climate change on the proposed action and their design. The EIS did not provide any such analysis.

While it is doubtful that individual projects, standing alone, could result in significant climate change effects, in *Center for Biological Diversity*, the Ninth Circuit faulted NHTSA’s Environmental Assessment, which quantified the expected amount of CO<sub>2</sub> emitted from light trucks under the proposed CAFE standard, because the EIS did not include an evaluation of the “incremental impact” that such emissions will have on climate change or on the environment more generally in light of other past, present, and reasonably foreseeable actions. *Id.* At 549. Based on legal precedent and the CEQ Guidelines, the FAA should evaluate the incremental impact that OMP’s emissions of greenhouse gases will have on climate change or on the environment more generally in light of other past, present, and reasonably foreseeable actions in an SEIS.

### **III. FAA SHOULD EXERCISE ITS DISCRETION AND PREPARE AN SEIS IN ORDER TO FURTHER THE PURPOSES OF NEPA.**

Even if the FAA deems the changes, new information and circumstances not significant enough to require the preparation of an SEIS, “the purposes of [NEPA] will be furthered by doing so.” Section 4331 of title 42 of the U.S. Code outlines the purposes of NEPA:

It is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

42 U.S.C. §4331. Since the OMP EIS is almost six years old and the project has yet to be completed,<sup>5</sup> the FAA should “use all practicable means and measures” to “foster and promote the general welfare” of the citizens in the communities surrounding O’Hare by preparing an SEIS. There are essentially two issues about which the City of Park Ridge is very concerned: air quality and noise. The study of noise and its health effects has changed substantially over the past six years, despite the fact that the way that the FAA measures noise at airports has not.

#### **A. Noise**

- 1. FAA must protect the communities surrounding airports from the substantial health effects and risks that accompany aircraft noise.**

The FAA last reviewed the technical bases for its noise policies in 1992. For example, 65 DNL as the “threshold of significant impact” under the NEPA and the level below which land uses are deemed compatible has been used by the FAA without substantial change since 1978 (it was “re-affirmed” by FICAN in 1992). It is safe to say that the FAA’s policy no longer reflects the best scientific evidence of the effects of aircraft noise exposure. This failure on the part of the FAA to update its policy undermines the trust that the public places in the FAA in their pursuit to understand noise exposure and its effects.

This is particularly true since substantial research done on the measurement and effect of aircraft noise on the communities surrounding airports has come from sources outside the United States. For example, the Hypertension & Exposure to Noise Near Airports (HYENA) study evaluated the effects of aircraft noise on 4,861 persons residing near seven European airports between 2002 and 2006. The 2002 RANCH study from London studied the effect of aircraft and road traffic noise on 2,844 children’s cognition and health. Both of these studies came out with rather startling results concerning the effect aircraft noise has on the quality of human life. Finally,

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<sup>5</sup> Indeed, OMP lacks a projected completion date, due to the recent agreement between AA/UAL and Chicago Department of Aviation.

WHO Europe issued "Night Noise Guidelines," which were based on research done by the European Union. This type of study has largely been absent in the United States.

The emerging research suggests that current standards associated with the modeled science contained in the EIS are outdated. The current understanding of the health effects of aircraft noise goes beyond mere annoyance and sleep disturbance. The new research shows a strong correlation between aircraft noise and significant, serious health outcomes, such as hypertension and heart disease. Four studies from Europe have shown this connection:

1. Haralabidis AS, Dimakopoulous K, Velonaki V, Barbaglia G, Mussin M, Giampaolo M, Selander J, Pershagen G, Dudley ML, Babisch W, Swart W, Katsouyanni K, Jarup L; for the HYENA Consortium. Can exposure to noise affect the 24 h blood pressure profile? Results from the HYENA study. *J. Epidemiol Community Health*. 2010 Jun 27.
2. Haralabidis AS, Dimakopoulou K, Vigna-Taglianti F, Giampaolo M, Borginia A, Dudley ML, Pershagen G, Bluhm G, Houthuijs D, Babish W, Velonakis M, Katsouyanni K, Jarup L; for the HYENA Consortium. Acute effects of night-time noise exposure on blood pressure in populations living near airports. *Eur Heart J*. 2008 Feb 12.
3. Jarup L, Babisch W, Houthuijs D, Pershagen G, Katsouyanni K, Cadum E, Dudley M-L, Savigny P, Seiffert I, Swart W, Breugelmans O, Bluhm G, Selander J, Haralabidis A, Dimakopoulou K, Sourtzi P, Velonakis M, Vigna Taglianti F, on behalf of the HYENA study team. Hypertension and Exposure to Noise near Airports – the HYENA study. *Environ Health Perspect* 2008; 116:329-33.
4. Jarup L, Dudley ML, Babish W, Houthuijs D, Swart W, Pershagen G, Bluhm G, Katsouyanni K, Velonakis M, Cadum E, Vigna-Talianti F for the HYENA Consortium. Hypertension and exposure to noise near airport (HYENA) – Study design and noise exposure assessment. *Environ Health Perspect* 2005; 113:1473-8.

This is not to say that there has not been any research done in the United States on this issue. In March 2007, for example, Lisa Goines and Louis Hagler published their article entitled "Noise Pollution: A Modern Plague" in the South Medical Journal. While it did not concentrate solely on aircraft noise, the article concluded that

Noise produces direct and cumulative adverse effects that impair health and that degrade residential, social, working, and learning environments with corresponding real (economic) and intangible (well-being) losses. It interferes with sleep, concentration, communication, and recreation. The aim of enlightened governmental controls should be to protect citizens from the adverse effects of airborne pollution, including those produced by noise. People have the right to

choose the nature of their acoustical environment; it should not be imposed by others.

When the FAA approved the OMP, it was imposing “the nature of” Park Ridge’s “acoustical environment” on them, rather than having the citizens choosing for themselves.

In addition several “findings” have been issued by governmental or quasi-governmental sources. Since the publication of the EIS and the issuance of the ROD, the Federal Interagency Committee on Aviation Noise (FICAN) has issued two findings: *FICAN Recommendation for use of ANSI Standard to Predict Awakenings from Aircraft Noise* (2008) and *Findings of the FICAN Pilot Study on the Relationship between Aircraft Noise Reduction and Changes in Standardized Test Scores* (2007). Partnership for Air Transportation Noise and Emissions Reduction (PARTNER), a collaboration among the FAA, NASA and TransportCanada, issued in July 2010, its *Review of the Literature Related to Potential Health Effects of Aircraft Noise*, (prepared by Hales Swift). That review concluded that “[p]otentially serious health outcomes have been identified in studies involving transportation noise exposure in a population. These include heart disease and hypertension and the observed effects seem to be related especially to nighttime noise exposure although similar daytime exposure effects have also been identified.” PARTNER 2010, p.62. PARTNER has also issued several other reports:

- Sonic Boom and Subsonic Aircraft Noise Outdoor Simulation Design Study. Victor W. Sparrow, Steven L. Garrett. A PARTNER Project 24 report. May 2010. Report No. PARTNER-COE-2010-002.
- Passive Sound Insulation: PARTNER Project 1.5 Report. Daniel H. Robinson, Robert J. Bernhard, Luc G. Mongeau. January 2008. Report No. PARTNER-COE-2008-003.
- Vibration and Rattle Mitigation: PARTNER Project 1.6 Report. Daniel H. Robinson, Robert J. Bernhard, Luc G. Mongeau. January 2008. Report No. PARTNER-COE-2008-004.
- Low Frequency Noise Study. Kathleen Hodgdon, Anthony Atchley, Robert Bernhard. April 2007. (Report No. PARTNER-COE-2007-001) PARTNER Project 1, Low Frequency Noise Study, final report.
- Land Use Management and Airport Controls: A further study of trends and indicators of incompatible land use. Kai Ming Li, Gary Eiff. September 2008. Report No. PARTNER-COE-2008-006.
- En Route Traffic Optimization to Reduce Environmental Impact: PARTNER Project 5 Report. John-Paul Clarke, Marcus Lowther, Liling Ren, William Singhose, Senay Solak, Adan Vela, Lawrence Wong. July 2008. Report No. PARTNER-COE-2008-005.

- Land Use Management and Airport Controls: Trends and indicators of incompatible land use. Kai Ming Li, Gary Eiff, John Laffitte, Dwayne McDaniel. December 2007. (Report No. PARTNER-COE-2008-001) PARTNER Project 6 final report.

Thus, there is no shortage of relevant, topical information for the FAA to use in assessing the health risks and impacts of noise on the communities surrounding O'Hare. It is readily apparent that the current system does not fully account for the increased health risks communities surrounding airports are subject to due to the increased noise levels. Because of the serious nature of the health risks that the FAA has imposed on the communities surrounding O'Hare, the FAA certainly would "further the purpose" of NEPA by undertaking an SEIS to address the newly discovered and significant health effects of noise exposure.

**2. The FAA must protect the schools located in noise-impacted areas to a higher degree than the rest of the community.**

Of particular concern to the citizens of Park Ridge is the fact that several schools, including the Maine South High School campus, lie within the 65 DNL contour. Because of this fact, these schools have received (or will receive) noise mitigation. However, that noise mitigation is inadequate to combat the multitude of issues that are raised by an increase in noise levels in a school environment. For three years (2002, 2003 and 2004), researchers at Queen Mary, University of London carried out the largest study on the effects of long-term exposure to noise on children's health to date, examining almost 3,000 children living in the UK, Spain and the Netherlands. That study found discernible impacts on children's cognitive development to aircraft noise exposure as low as 50 DNL. The reading age in children exposed to high levels of aircraft noise was delayed by up to two months in the UK for a five decibel change in noise exposure.

In July 2007, FICAN published its study documenting the relationship between aircraft noise reduction and changes in standardized test scores. It concluded that: "[a]fter controlling for demographics, the study found (1) a substantial association between noise reduction and decreased failure (worst-score) rates for high-school students, and (2) significant association between noise reduction and increased average test scores for student/test subgroups." FICAN 2007, p.1. In addition, FICAN found that the FAA's standard use of DNL was not helpful in assessing the impact of noise on schools and students. FICAN 2007, p.2 ("[a]lthough contours of day-night sound levels (DNL) were available for each airport, such contours are influenced by early morning, evening and nighttime aircraft activity, and were not used. Instead, a series of noise exposures were developed – all for the 9-hour school day (7am to 4pm), and all inside the school classrooms"). Single event and the intermittent nature of aircraft noise all have a significant impact on the ability of children to be educated in such an environment.

A third study, by the World Health Organization, also studied the effect of noise on education. It concluded that:

...the authors pointed out that aircraft noise, because of its intensity, the location of the source, and its variability and unpredictability, is likely to have a greater

effect on children's reading than road traffic noise, which might be of a more constant intensity. Thus, it is conceivable that aircraft noise is more damaging than road traffic noise for children's cognition. This may also be true when Ldn level is controlled for, which has been reported for children's memory in an experimental acute noise study.

WHO 2010, p.51. In study after study it has been shown that the EIS (and FAA) cookie-cutter approach to addressing noise impacts on schools and school children is not effective. The FAA should exercise its discretion and prepare an SEIS to address the harmful impact that the noise from O'Hare is having on the schoolchildren in the surrounding communities.

### **B. Air Quality**

For the reasons expressed in Sections II A, B and D of this letter, even if the FAA disagrees as to whether it is *required* to update the findings of the EIS relative to the effects of the OMP on (i) the NAAQS established for the criteria air pollutants ozone, fine particulate matter, and nitrogen dioxide; (ii) ambient levels of hazardous air pollutants; and (iii) greenhouse gas emissions, the FAA should exercise its discretion and prepare an SEIS "to further the purposes of NEPA."

### **C. Use of FAA's Discretion Would Be Advantageous to FAA as well as to the Surrounding Communities.**

The provision in NEPA giving federal agencies the discretion to undertake SEISs when it will further the purposes of NEPA was designed to produce the best environmental results and to limit litigation that is both costly and damaging to growth and development projects. It is certainly the City of Park Ridge's desire to see that its issues with the air quality and noise emanating from O'Hare are addressed without litigation. However, evidence is increasing that the environmental effects of OMP go far beyond what is stated in the EIS. The citizens of Park Ridge need to be able to trust the FAA that it has their best interests at heart and that it will not do anything that would jeopardize the health of Park Ridge's citizens and their children's future. Although the tension between the communities that surround O'Hare and the FAA is palpable, preparing an SEIS to address ongoing noise and air quality concerns without having to resort to litigation would assist in the rebuilding of that trust.

## **IV. CONCLUSION**

In *Marsh*, the Supreme Court admonished federal agencies that "NEPA does require that agencies take a 'hard look' at the environmental effects of their planned action, even after a proposal has received initial approval" (109 S.Ct. at 1859) and they should not rely on "an interest in finality without carefully reviewing the record and satisfying themselves that the agency has made a reasoned decision based on its evaluation of the significance – or lack of significance – of the new information." *Marsh*, 109 S.Ct. at 1861. The City of Park Ridge believes that the conditions are ripe for the preparation of an SEIS. For the reasons presented above, the FAA should "carefully review the record" and evaluate the new and significant information presented here. If it does so, there can be only one conclusion: an SEIS needs to be prepared.

Mr. Barry D. Cooper  
October 25, 2011  
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The City of Park Ridge would like to set up a meeting with you to discuss how the FAA and the City of Park Ridge can reach an agreement about the necessary steps to take to resolve these environmental issues. If you have any questions or comments, please feel free to call me at (815) 490-4920 or send me an e-mail at [rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com).

Sincerely,

HINSHAW & CULBERTSON LLP



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**Re: Reply to Federal Aviation Administration Response to City of Park Ridge, Illinois Request that FAA Prepare a Supplemental Environmental Impact Statement for the O'Hare Modernization Program**

Dear Mr. Cooper:

The City of Park Ridge, Illinois, through its attorneys, Hinshaw & Culbertson LLP, presents this Reply to the document entitled "FAA Response to City of Park Ridge Request Dated October 25, 2011" dated February 23, 2012.

As previously indicated in correspondence with the FAA, the Final Environmental Impact Statement ("EIS") is not as "final" as the title may indicate. The Supreme Court has stated that "[i]t would be incongruous with [NEPA's] approach to environmental protection," however, "for the blinders to adverse environmental effects, once unequivocally removed, to be restored before the completion of agency action simply because the relevant proposal has received initial approval." *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 371, 109 S.Ct. 1851, 104 L.Ed.2d 377 (1989).

The City of Park Ridge believes that there have been (1) substantial changes to the proposed action that are relevant to environmental concerns and (2) significant new circumstances and information relevant to environmental concerns and bearing on the proposed action and its impacts to warrant a Supplement to the EIS which the FAA prepared almost ten years ago.

**1. FAA Orders Require Written Re-Evaluation Every Three Years for Long Term Projects**

The FAA attempts to differentiate between their "phased" approach, and the "staged" approach referred to in FAA Order 5050.4B, ¶ 1401(c)(3) and FAA Order 1050.1E, ¶ 514b(2). However, this is just the agency playing with semantics. In one of the seminal NEPA guidance documents issued by the Council on Environmental Quality ("CEQ"), the CEQ equates staged plans or projects, such as the O'Hare Modernization Program, as plans or projects which must go through phases of development. See "Forty Most Asked Questions Concerning CEQ's National

Environmental Policy Act Regulations,” at Question 23.b. [46 Fed. Reg. 18026 (March 16, 1981)].

The different Phases which are established in the full O’Hare Modernization Program are clearly the same as the “stages” to which the FAA Orders refer. FAA Order 5050.4B is very clear in that the “FAA considers a final EA or final EIS valid for 3 years.” ¶ 1401(c). Furthermore, for airport actions which occur in stages, the “responsible FAA official *must* prepare a written re-evaluation if more than 3 years elapse between the date of a final EA or EIS and one of those stages.” ¶ 1401(c)(3) (emphasis added).

In a footnote, the FAA attempts to assert that similar arguments were raised previously in *St. John’s United Church of Christ v. FAA*, 550 F.3d 1168 (D.C. Cir.2008). The *St. John’s United Church of Christ* case, however was not decided on the issue of “phased” versus “staged” development subject to FAA Order 5050.4B, but instead, dealt with whether the authorization of particular funds should be considered arbitrary and capricious. Consequently, this issue has not been addressed in any previous legal proceeding.

It has now been over seven years since issuance of the final EIS, and there are still several more stages or phases of the O’Hare Modernization Program which have yet to be initiated. At an absolute minimum, the FAA is required to perform a “written re-evaluation” to determine if an SEIS is required.

## **2. Proposed Northeast Cargo Area Improvements**

The FAA has proposed substantial changes for the Proposed Northeast Cargo Area Improvements (“PNECAI”), encompassing in excess of 122 acres which were not taken into account in the initial EIS and which are relevant to environmental concerns. Through submittal of a Short Form Environmental Assessment (“SFEA”), the FAA asserts that the environmental impacts of the proposed project are not expected to be significant, and a detailed Environmental Assessment (“EA”) or SEIS is not appropriate.

The information contained in the SFEA dictates otherwise. The SFEA details the substantial proposed improvements for the PNECAI, including:

- The ability to park 18 B747 or A380 sized aircraft while providing five co-located cargo warehouse buildings totalling approximately 1.1 million square feet;
- Development of a three phase consolidated cargo complex that groups multiple cargo warehouses around a shared apron with airfield access, parking/truck docks, and landside access over approximately 122 acres;
  - Phase 1, as proposed, consists of two cargo buildings providing approximately 532,000 square feet of warehouse space, associated apron, and parking/truck dock and landside access facilities. The first of the two cargo buildings is a 200,000 square foot warehouse, and the second is a 332,000 square foot warehouse. Additionally, 4000,000 gallons of Jet A fuel capacity will be

added, including fuel tanks and a fuel containment area on approximately three acres;

- Phase 2, as proposed, consists of two additional cargo buildings, one of 203,000 square feet and the other of 161,000 square feet, as well as associated aircraft parking ramp and taxiway, auto parking, truck docks, and the extension of landside access to Bessie Coleman Drive;
- Phase 3, as proposed, consists of a single 182,000 square foot building and associated aircraft parking ramp, auto parking, and truck docks; and
- The future General Aviation Terminal location will also be relocated from the location shown on the Approved Airport Layout Plan (“ALP”).

The following substantial changes to the Approved ALP are also detailed in the SFEA:

- Changing the alignment of Bessie Coleman Drive;
- Modifying the westerly extension of Zemke Road;
- Demolishing existing Building 850, the Central Field Office;
- Relocating the General Aviation facility;
- Relocating the Bessie Coleman Drive/Lot E North Intersection;
- Changing the layout of long-term public parking;
- Accommodating future commercial vehicle staging in the Commercial Vehicle Holding Area;
- Removing areas identified for future taxi staging and future limousine service center; and
- Changes to assumptions related to collateral development to include more warehousing.

Furthermore, while the SFEA repeatedly indicates that the number of aircraft operations, the time of operation, and the runway use would remain the same as that assumed in the EIS, Section 5 of the SFEA, Proposed Development Action, indicates that the proposed improvements include the ability to park 18 B747 or A380 sized aircraft not accounted for previously. In addition, Section 6 of the SFEA, Purpose and Need for the Project, indicates that newer, larger, and wider wingspan aircraft are anticipated after the expansion. Even if these aircraft will not be flying overhead, they will create noise and environmental impact which was not accounted for in the EIS. Airplanes engines run whether they are airborne or not, and with the PNECAI located very

close to the border of the City of Park Ridge, citizens of Park Ridge are likely to be adversely affected in a manner not accounted for in the EIS.

The potential impacts on water quality associated with construction and operation of the PNECAI is another significant environmental issue which has not been adequately addressed. The PNECAI would result in an additional impervious area of approximately 60 acres, which will substantially increase the volume and velocity of storm water runoff as well as the concentration of pollutants carried in that runoff to area surface waters. Unquestionably, the use of salt and other chemicals to melt ice on the paved areas and the use of chemicals for deicing of the additional aircraft utilizing the PNECAI were not even considered in the EIS.

The increase in construction activities have not been addressed by the EIS either. In the EIS, as evaluated, construction activities in the area were to commence in May 2007 and be completed by April 2009. Under the proposed plan, which was not taken into account in the EIS, construction was to begin in 2008 and continue through 2018. These construction schedules and impacts are clearly not comparable and justify preparation of an SEIS.

By the FAA's own description, the SFEA is only appropriate where the project involves extraordinary circumstances and where the sponsor demonstrates that involvement with, or impacts to, the extraordinary circumstances are not notable in number or degree of impact, and that any significant impacts can be mitigated below threshold levels. This is not the case for the PNECAI project. As such, the SFEA is inappropriate for this project, and an SEIS should be prepared.

### **3. FAA Should Exercise Its Discretion and Prepare an SEIS in Order to Further the Purposes of NEPA**

NEPA was enacted to ensure that information on the environmental impacts of any Federal action is available to public officials and citizens before actions are taken. It also established the Council on Environmental Quality to formulate and recommend national policies which ensure that the programs of the Federal government promote improvement of the quality of the environment.

The only reason that the FAA gives for not exercising its discretion and agreeing to prepare an SEIS is that the FAA provided extensive opportunities for the public to comment on the O'Hare Modernization throughout the EIS process. However, soliciting and considering public comment is not equivalent to conducting scientific, reproducible analyses of the potential environmental and human health impacts associated with a planned federal action. Moreover, the public review and comment process concluded almost 10 years ago, and by FAA's own admission, there have been many changes to the EPA rules and regulations with respect to criteria pollutants and green house gasses – not to mention additional studies which address detrimental effects on human health inherent to working, living, and learning near airport facilities. Even if these changes are not "significant new circumstances or information" for the purposes of an SEIS being mandatory, surely they are new circumstances and information which warrant exercise of FAA discretion.

Furthermore, FAA's discussion of the process implemented to finalize the EIS is not pertinent to whether an SEIS should now be performed. The City of Park Ridge is not asserting that FAA was not comprehensive in its preparation or defense of the EIS. The City of Park Ridge is asserting that, considering the new information that has come to light in the past 10 years, and the new rules and regulations that have been passed in that time in order to properly protect human health and the environment, the FAA should exercise its discretion in order to further the stated purposes of NEPA.

Surely, the decision to perform an SEIS would serve to ensure that information on the environmental impacts of the O'Hare Modernization Program is available to public officials and citizens before further phases are implemented. In addition, performing an SEIS will help to ensure that the programs of the Federal government promote improvement of the quality of the environment, as the stated purpose of NEPA requires.

#### **4. Questions Lingering Over Noise Contours Justify Re-Evaluation**

The FAA performed initial noise studies in their EIS which utilized FAA methodologies that have been in place, without modification, since 1992. Over the past twenty years, and particularly in the past ten years, since the EIS was prepared, many studies have conclusively found that the impacts from exposure to noise from aircraft is more significant than previously accounted for. The FAA should be required to perform an SEIS in order to take into account this new research, which has the potential to affect many of the children living, and learning, in Park Ridge.

The FAA ignores the impacts that the noise created from the O'Hare Modernization Project will have on the education of children in Park Ridge. The FAA has an internal threshold for noise in schools of 60dB, which has been exceeded on many occasions during school hours at Main South High School. The FAA also chose to ignore the recommendations of the World Health Organization, which indicate that there should be a maximum allowable level of Leq 35 dBA in learning environments.

Noises from aircraft still disrupt classrooms, even with the "soundproofing" that has been installed. Teachers have to pause in the middle of class to wait for aircraft to fly overhead, thus losing their own train of thought and student's attention. The FAA also neglected to address that while the two-week test period at Main South High School there were an average of 154 flights per day from all of the runways at O'Hare, after the completion of the project, however, the school will have an average of 350 flights per day, from one runway alone, flying overhead.

As we pointed out last October, researchers at Queen Mary, University of London carried out a large study (Road Traffic and Aircraft Noise Exposure and Children's Cognition and Health (RANCH), published in The Lancet on June 4, 2005), likely the largest of its kind, on the effects of long-term exposure to noise on children's health, examining almost 3,000 children living in the UK, Spain and the Netherlands over a period of three years. The study determined that long term aircraft noise exposure impairs children's reading and has discernible impacts on the cognitive development of children, and that schools which are exposed to high levels of aircraft noise are not healthy educational environments.

Furthermore, a follow up study to the RANCH study indicates that aircraft noise exposure at school could have long-term consequences for children's learning outcomes. ("Does Exposure to Aircraft Noise at Primary School Influence Later Learning Outcomes?: Findings from the UK RANCH follow-up study" (5aNSc1) by Charlotte Clark, Jenny Head, and Stephen A. Stansfeld, presented at the 163rd Acoustical Society of America Meeting, on May 18, 2012). In addition, a chronic environmental stressor-aircraft noise-could impair learning and development in children. *Id.* This follow-up study also re-emphasized the one of the conclusions of the initial study, that schools exposed to high levels of aircraft noise are not healthy educational environments. *Id.*

In its response, the FAA does not dispute that Monitor 26, in the heart of Park Ridge, showed that there were 18 noise events at 85 dB or greater and 116 noise events over 65dB. Nor does the FAA dispute that this is a 225% increase in noise events above 85dB (from 8 to 18) and a 133% increase in noise events above 65dB (from 87 to 116) from December 2008 to August 2010. In fact, the FAA makes it clear that the monthly monitoring data (i.e. actual recorded noise levels from the communities surrounding O'Hare Airport), is "not the basis for the noise contours presented in the FEIS." The noise contours do not utilize actual data from the surrounding areas, but rather are based upon hypothetical inputs, with results which remain unconfirmed, according to the FAA. The FAA should be required to readdress the noise assessment taking into account actual data, to which the community members and students of Park Ridge are being subjected.

Regardless of what the circumstances were at the time the EIS was prepared, conditions have changed such that the FAA should re-evaluate the situation in order to properly protect the communities surrounding the airport from the substantial health effects and risks that accompany aircraft noise. Multiple studies have been performed (some addressed here, some addressed in the October 2011 correspondence, and many others yet to be addressed) which conclusively determine that the impacts from noise pollution emanating from airports is more significant than was accounted for in the EIS. Surely, the FAA must agree that auditory technology and science has changed since 1992, and therefore policies with regard to noise which were implemented over 20 years ago should be re-evaluated.

##### **5. FAA Failed to take a "Hard Look" at the New Information and Circumstances Identified by The City of Park Ridge**

In order to comply with NEPA's "hard look" requirement, the decision of the FAA to refuse to prepare a supplemental environmental impact statement "must not only reflect the agency's thoughtful and probing reflection of the possible impacts associated with the proposed project, but also provide a [potential] reviewing court with the necessary factual specificity to conduct its review." *Silverton Snowmobile Club v. U.S. Forest Serv.*, 433 F.3d 772, 781 (10th Cir.2006) (quoting *Comm. to Pres. Boomer Lake Park v. U.S. Dep't of Transp.*, 4 F.3d 1543, 1553 (10th Cir.1993)).

FAA action will be considered "arbitrary and capricious" if the FAA, in deciding not to prepare a supplemental environmental impact statement, "has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency," or if the agency

action “is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Copar Pumice Co. v. Tidwell*, 603 F.3d 780, 793–94 (10th Cir.2010) (quoting *Motor Vehicle Mfrs. Ass’n of the U.S. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983)).

While the FAA is correct that an agency need not supplement an EIS every time new information comes to light after the EIS is finalized, the FAA fails to adequately address the fact that if there remains “major Federal action” to occur, and if there is new information which is sufficient to show that the remaining action may “affect the quality of the human environment” in a significant manner or to a significant extent not already considered, a supplemental EIS *must* be prepared. *Marsh*, 490 U.S. at 374, 109 S.Ct. 1851. This is not at the agency’s discretion, it is mandatory.

The FAA, in its response, does not dispute that the EIS did not address the new 1997 National Ambient Air Quality Standards (NAAQS) for ozone (85 ppb) based on an 8-hour average. Nor does the FAA dispute that the EIS could not have possibly addressed the latest 2008 tightening of the 8-hour ozone standard (75 ppb). Furthermore, the FAA did not dispute that the EIS considered only the impacts of the O’Hare Airport expansion/modernization on the 1997 NAAQS for PM<sub>2.5</sub> (65 ppb) based on 24-hour average and could not have addressed the 2006 tightening of the PM<sub>2.5</sub> NAAQS (35 ppb – 24 hour average). Finally, with regards to deficiencies in meeting current NAAQS, the EIA did not address the Primary NAAQS for NO<sub>2</sub> based on a 1-hour average (100 ppb) to supplement the long-standing NO<sub>2</sub> standard (53 ppb).

In its response, the FAA focuses on the numerical changes to the NAAQS, but fails to account for the rationale underlying the more stringent standards. The USEPA implemented more stringent standards for ozone, PM<sub>2.5</sub>, and NO<sub>2</sub> based upon new information. Utilizing that new information, the USEPA determined that the old standards were inadequate to properly protect human health and the environment. As such, by adhering to NAAQS standards that the USEPA found inadequate to protect human health and the environment, the FAA, in implementing the O’Hare Modernization Project puts at risk both human health and environmental health. Since the EIS does not address the information which instigated promulgation of the new NAAQS standards, it does not adequately address the USEPA’s determinations as to the maximum concentration of pollution allowed in the ambient air to protect human health and the environment, and the FAA must consider this new information in an SEIS.<sup>1</sup>

---

<sup>1</sup> The FAA Regional Administrator attempts to bolster his argument that air quality impacts have already been addressed by comparing actual measurements of PM<sub>2.5</sub> in the communities surrounding O’Hare Airport to the new, more stringent NAAQS for PM<sub>2.5</sub>. However, FAA compares the actual annual concentrations of PM<sub>2.5</sub> recorded at the Schiller Park monitoring station (14.6 ppb annual average) to the short-term 24-hour NAAQS for PM<sub>2.5</sub>. Had the FAA compared “apples to apples” the comparison loses its persuasiveness. The actual annual measurements of 14.6 ppb at the Schiller Park location are extremely close to the 15 ppb annual NAAQS for PM<sub>2.5</sub> that has been in place since 1997.

Mr. Barry D. Cooper  
October 4, 2012  
Page 8

Once again, we would like to reiterate that The City of Park Ridge would like to set up a meeting with you to discuss how the FAA and the City of Park Ridge can reach an agreement about the necessary steps to take to resolve these outstanding environmental issues. If you have any questions or comments, please feel free to contact either of the undersigned at their respective telephone numbers or e-mail addresses.

Sincerely,

HINSHAW & CULBERTSON LLP



Richard S. Porter  
815-490-4920  
[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)



Jon S. Faletto  
909-999-9809  
[jfaletto@hinshawlaw.com](mailto:jfaletto@hinshawlaw.com)

RSP:dbm

cc: Mr. Shawn Hamilton (Acting City Manager, City of Park Ridge)  
Mr. James Argionis (Chair of the Park Ridge O'Hare Airport Commission)  
Mr. David Schmidt (Mayor, City of Park Ridge)

**Congress of the United States**  
**Washington, DC 20515**

June 19, 2014

Mr. Michael Huerta  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Administrator Huerta:

We write to express our disappointment with the Federal Aviation Administration's handling of public hearings in 2005 in advance of the approval of the O'Hare Modernization Program (OMP) and call attention to the significant changes in OMP's implementation that have taken place in the decade since the FAA's original environmental impact study (EIS). It is our understanding that the FAA may not have violated any rules in organizing these public hearings or implementing the OMP. However, the FAA's failure to focus on areas most impacted by the OMP in their public hearings and the inaccuracy and incompleteness of the information provided given the changes that have taken place since then is disappointing and calls into question the integrity of the environmental impact study process. As such, we write to request a full explanation of the FAA's outreach to affected areas in advance of the OMP's approval and strongly urge the FAA to undertake a new environmental impact study (EIS), accompanied by a new round of public hearings that will afford vigorous citizen input. Impacted citizens deserve a chance to participate and comment upon the changes that have so profoundly affected their lives.

Since October 2013, our offices have received countless complaints on the impact the new runway and attending flight pattern changes at O'Hare have had on everyday life. The O'Hare Modernization Program has disturbed many of our constituents' daily lives, negatively impacting their schedules, leisure activities, and even home values in areas overwhelmed with noise pollution. In the ten years since the original EIS, significant changes to the implementation of the OMP underscore the necessity for a new assessment. Runways have opened out of sequence; new rules governing converging runways have pushed even more air traffic on the east-west configuration; and our neighborhoods have been flooded with unexpected noise.

It's also clear that the FAA's execution of public hearings in advance of the OMP's approval—part of the agency's environmental impact study—ran contrary to their required purpose. The hearings should have provided an open and easily accessible forum for those residents most affected by the shift in flight paths to learn about and comment on the plan's impact. Instead, the FAA's public hearings back in 2005 were held in areas largely unaffected by increased noise. Moreover, constituents were never informed in any meaningful way how many additional flights—and how much more noise—they would be asked to endure once these changes took effect. Given these factors, residents deserve the assurance that the environmental assumptions—now a decade old—are still valid. A new environmental impact study is more than appropriate.

In addition to the new EIS, we urge your agency to move quickly to address key issues that affect the health and well-being of our constituents. First, we believe the FAA's ongoing 65DNL assessment needs to be expedited. Telling constituents, who hope to qualify someday for sound insulation, that the study is not near completion after five years offers them cold comfort when jet noise is blanketing their communities. Additionally, we believe the FAA—in conjunction with City of Chicago and the airlines—needs to devise a course of action that will bring relief to our residents. Whether such a plan involves changes to the airspace, keeping all runways open indefinitely, asking airlines to make some operational accommodations, or likely a combination of all three, we need to start work now. Our constituents should not have to wait until the airport expansion is completed in 2020 to decide if they can endure the increase in noise pollution. We want your guarantee to explore whatever practicable changes are necessary to protect our neighborhoods, while keeping O'Hare safe and efficient.

Our offices stand ready to assist you in this important task. Meanwhile, we invite you out to our districts to see the problem firsthand. Thank you for your time and consideration.

Sincerely,

  
Mike Quigley  
Member of Congress

  
Tammy Duckworth  
Member of Congress

  
Janice D. Schakowsky  
Member of Congress

## Permanent Noise Monitor Addresses

Site	Address	Community
1	805 W. Victoria Lane	Arlington Heights
2	1700 Bloomingdale Drive	Melrose Park
3	96 N. Mason Street	Bensenville
4	9879 Ivanhoe Avenue	Schiller Park
5	6314 Rosendale Avenue	Chicago
7	1410-½ Dennis Place	Des Plaines
8	2605 Maple Street	Des Plaines
10	3506-½ Owl Drive	Rolling Meadows
11	7416 W. Roscoe Street	Chicago
12	343 E. Elk Grove Boulevard	Elk Grove Village
13	1600 Nicholas Avenue	Elk Grove Village
14	351 Briarwood	Elk Grove Village
15	10145 Minneapolis Avenue	Franklin Park
16	4001 Seymour Avenue	Franklin Park
17	7240 Argyle Street	Harwood Heights
19	3850 Division Street	Stone Park
20	1803 Lavergne Drive	Mount Prospect
21	799 School Street	Mount Prospect
22	5005 Plainfield Avenue	Norridge
23	31 W. King Arthur Court	Northlake
24	1100 Parkside Avenue	Park Ridge
25	1427 Granville Avenue	Park Ridge
26	1421 Garden Street	Park Ridge
27	6010 Ruby Street	Rosemont
28	4934-½ Harold Avenue	Schiller Park
29	427 Grove Avenue	Wood Dale
30	219 Aspen Road	Wood Dale
32	744 Edgewood Avenue	Wood Dale
33	717 S. Fairview Avenue	Park Ridge
34	1240 Somerset Lane	Elk Grove Village
35	458 Geneva Drive	Northlake
37	1835 Wood Lane	Mount Prospect

**Note:** There are gaps in the noise monitor site numbering due to some noise monitoring sites being sited but never installed, and some noise monitoring sites having been decommissioned. A detailed site history is outlined in the fact sheet titled *History of the Permanent Noise Monitors at O'Hare International Airport*.





O'Hare  
International  
Airport

## Permanent Noise Monitor Locations

**City of Chicago**  
Rahm Emanuel  
Mayor  
**Department of Aviation**  
Rosemarie S. Andolino  
Commissioner

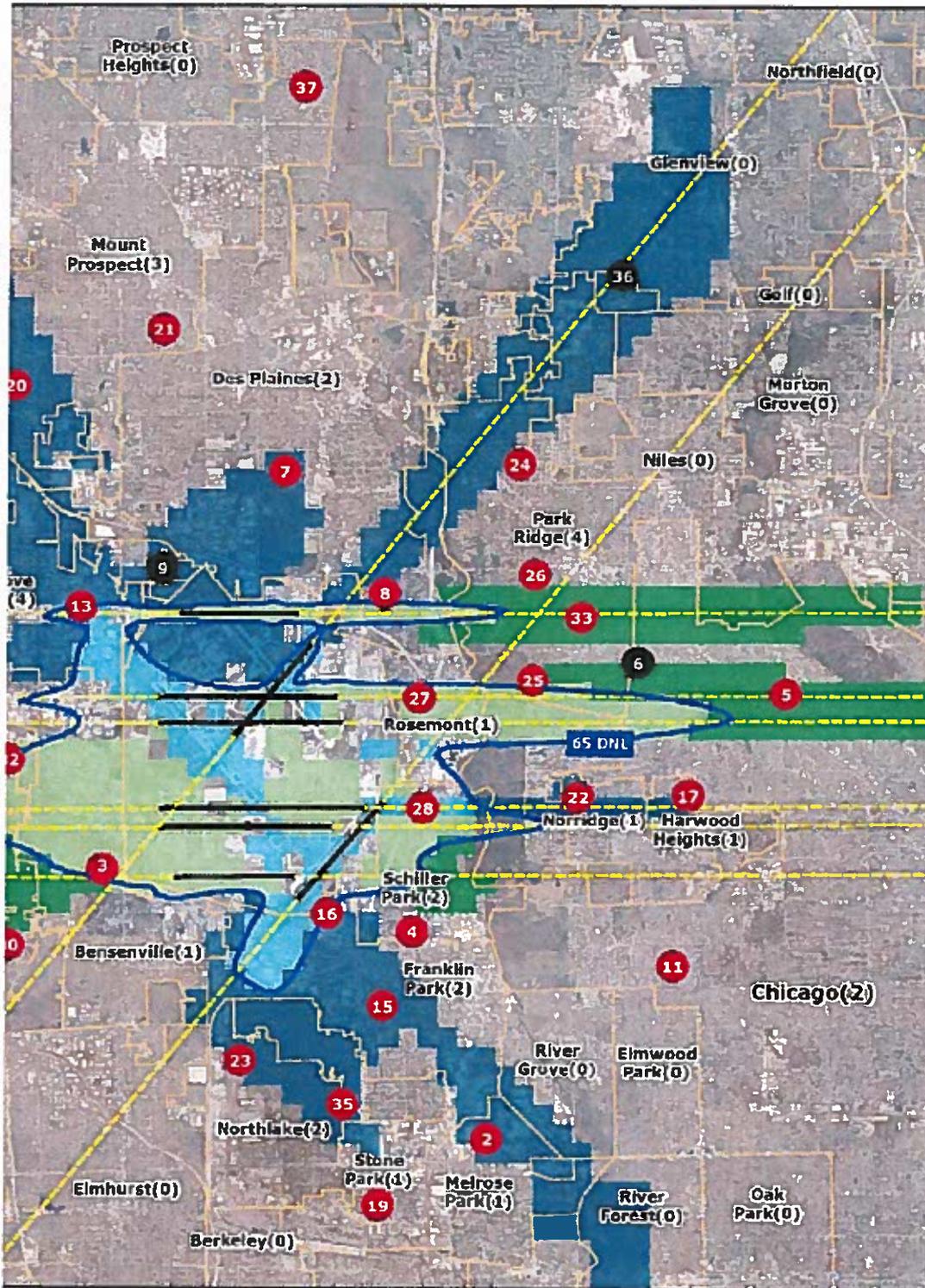
### Legend

- Existing Noise Monitors (32)
- Decommissioned Noise Monitors (3)
- O'Hare Modernization Program Build Out Runways
- Extended Runway Centerlines
- O'Hare Modernization Program Build Out Noise Contour (65 DNL)
- Areas of Aircraft Noise Decreasing 3.0dB and Greater<sup>1</sup>
- Areas of Aircraft Noise Decreasing 1.5dB to 3.0 dB<sup>1</sup>
- Areas of Aircraft Noise Increasing 1.5dB to 3.0dB<sup>1</sup>
- Areas of Aircraft Noise Increasing 3.0dB and Greater<sup>1</sup>
- Community Boundaries

<sup>1</sup> O'Hare Modernization Program Final Environmental Impact Statement, Appendix F, Build-Out - Exhibit 19, Page F-244



Date: April 7, 2014  
File: 14012\_ANN1\_VNCR0100





**ONCC RESOLUTION 2014 - \_\_**

**WHEREAS**, the O'Hare Noise Compatibility Commission ("ONCC") is an intergovernmental entity established to provide a common forum for interested parties to have a voice in noise issues related to Chicago O'Hare International Airport ("O'Hare") and whose responsibilities pursuant to the Intergovernmental Agreement Relating to the O'Hare Noise Compatibility Commission among the City of Chicago and various other communities and school districts include advising the City of Chicago concerning O'Hare related issues;

**WHEREAS**, the stated mission of the ONCC is to strive to reduce the impact of aircraft noise through home and school sound insulation, and to reduce aircraft noise, whenever possible at its source and thereby enhance the quality of life for area residents;

**WHEREAS**, the ONCC may make recommendations to the City of Chicago regarding noise reduction programs at O'Hare including, but not limited to, the use of new technologies and flight patterns, preferential runway usage, the implementation of sound insulation programs and implementation of FAA standard noise abatement, take-off and high altitude approach procedures;

**WHEREAS**, on October 25, 2011 the City of Park Ridge made a formal written request to the FAA for a Supplemental Environmental Impact Statement ("SEIS") and for a meeting with the FAA to discuss O'Hare expansion impact issues on surrounding communities, stating that substantial changes to the proposed expansion at O'Hare and significant new circumstances and information relevant to environmental and noise concerns bearing on the proposed action and its impacts warrant an SEIS for the area surrounding O'Hare. A copy of that written request is attached hereto as Exhibit A;

**WHEREAS**, on February 23, 2012 the FAA denied Park Ridge's request for an SEIS;

**WHEREAS**, on October 4, 2012 the City of Park Ridge made a second written request for an SEIS and for a meeting with the FAA to discuss O'Hare issues impacting surrounding communities. A copy of that second request is attached hereto as Exhibit B;

**WHEREAS**, on April 17, 2013 the FAA denied Park Ridge's second written request for an SEIS;

**WHEREAS**, on June 19, 2014, three members of Congress (Hon. Tammy Duckworth, Hon. Jan Schakowsky, and Hon. Mike Quigley) wrote a letter to the FAA discussing certain concerns over the FAA's execution of public hearings back in 2005 related to O'Hare expansion and calling for a new environmental impact study to be conducted. A copy of the June 19, 2014 letter is attached hereto as Exhibit C;

**WHEREAS**, FAiR Allocation in Runways, a citizen-led initiative of citizens and civics on Chicago's NorthWest side and near NorthWest suburbs also supports Park Ridge's request for an SEIS;

**WHEREAS**, the ONCC finds that it will benefit the ONCC member communities surrounding O'Hare that an SEIS be conducted;

**NOW THEREFORE**, be it hereby resolved by the ONCC that:

1. the above recitals are hereby incorporated by reference as if expressly set forth herein;
2. that the ONCC supports Park Ridge's request for an SEIS;
3. that this resolution shall have full force and effect from the date of its passage.

DATED this \_\_\_ day of \_\_\_\_, 2014

Ayes: \_\_\_ Nays: \_\_\_ Abstentions: \_\_\_

---

ONCC Chairperson

Attachments: Exhibit A  
Exhibit B  
Exhibit C

# **H E L P !**

**I can't take the noise any longer!**

**What can I do?**



**Contact the O'Hare Noise Reporting Hotline**

as often as you can at 1-800-435-9569 or online at

<http://www.flychicago.com/OHare/EN/AboutUs/NoiseManagement/NoiseComplaints/Pages/Noise-Complaints.aspx>

**Contact your State and Federal Representatives**

(see list on reverse side)

**Attend an O'Hare Airport Commission(OAC) Meeting**

held every other month at City Hall – 3<sup>rd</sup> Wednesday at 7:00 p.m.

Check online for the monthly meeting schedule

**Obtain information about the OAC**

on the City's website at <http://www.parkridge.us/airport.aspx>

**Are you aware of recent flight pattern changes which increased air traffic over Park Ridge and that more changes are scheduled that will impact Park Ridge? See flight pattern build-out.**

## ILLINOIS STATE SENATORS

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e-mail: [dan@senatorkotowski.com](mailto:dan@senatorkotowski.com)  
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& Twitter @MoylanStateRep

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e-mail: [johnd@ilga.gov](mailto:johnd@ilga.gov)

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Find your senator at [www.senate.gov](http://www.senate.gov)

**Richard J. (Dick) Durbin (D)**  
711 Hart Senate Bldg  
Washington, DC 20510  
(202) 224-2152  
FAX: (202) 228-0400  
e-mail web form: [durbin.senate.gov/public/index.cfm/contact](http://durbin.senate.gov/public/index.cfm/contact)

**Mark Kirk (R)**  
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Washington, DC 20510  
(202)-225-2854  
FAX: (202)-228-4611  
e-mail web form: [kirk.senate.gov/?p=contact](http://kirk.senate.gov/?p=contact)

**Kluczynski Federal Building**  
230 S. Dearborn St. Suite 3892  
Chicago, IL 60604-1690  
(312) 353-4952  
FAX: (312) 353-0150  
Available on Facebook & Twitter @SenatorDurbin

**230 South Dearborn Suite 3900**  
Chicago, IL 60604  
(312) 886-3506  
FAX: (312) 886-2117  
Available on Facebook & Twitter @SenatorKirk

## UNITED STATES CONGRESSMEN

Find your congressman at [www.house.gov](http://www.house.gov)

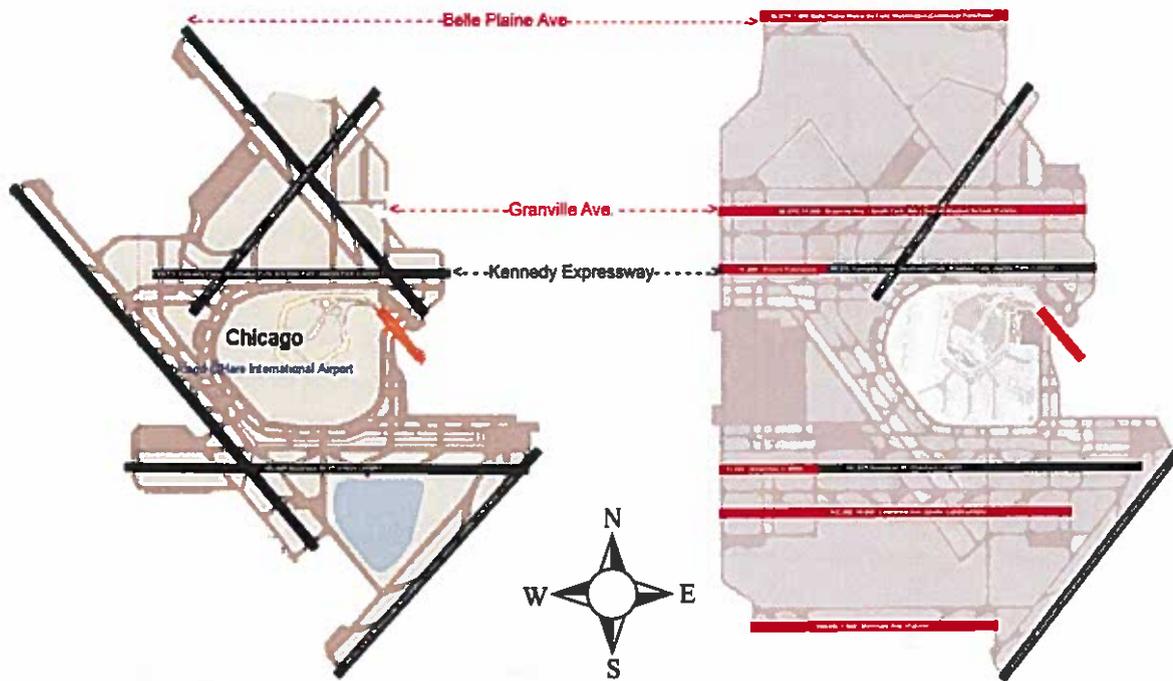
**Janice D. (Jan) Schakowsky (D)**  
(9<sup>th</sup> Congressional District)  
2367 Rayburn House Office Building  
Washington, DC 20515  
(202) 225-2111  
FAX: (202) 226-6890  
e-mail web form:  
[forms.house.gov/schakowsky/webforms/issue\\_subscribe.htm](http://forms.house.gov/schakowsky/webforms/issue_subscribe.htm)

**Brad Schneider (D)**  
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317 Cannon House Office Building  
Washington, DC 20515  
(202) 225-4835  
e-mail web form:  
<https://schneider.house.gov/contact/email-me>

820 Davis Street Suite 105  
Evanston, IL 60201  
(847) 322-2100

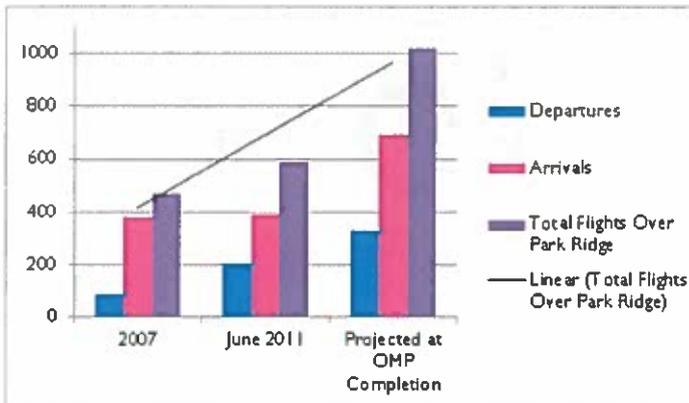
111 Barclay Boulevard Suite 200  
Lincolnshire, IL 60069  
(847) 702-0625

## Effects of O'Hare Expansion on Park Ridge

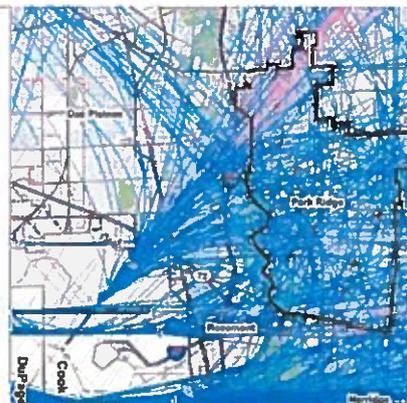


**O'Hare Runways Before Expansion**  
Original runways in black - heaviest flight usage to NW & SE

**O'Hare Runways After Expansion**  
New and future runways or extensions are shown in red  
NW & SE runways discontinued for takeoffs and landings



**O'Hare Flight Volume Over Park Ridge**



**O'Hare Flight Paths at Completion**  
Paths are not indicative of volume  
Flight paths will distribute aircraft over all of Park Ridge

### Relief Solutions for Park Ridge:

1. Limit hours of use on noise sensitive, residential flight paths.
2. Restrict size of aircraft on noise sensitive flight paths.
3. Modify new and planned flight paths to utilize existing non-residential runways for early morning, evening and weekend traffic.
4. Maintain the use of existing angle runways to the northwest as active take-off and landing runways.
5. Expand the noise contour to include areas experiencing noise levels above 55 decibels and make soundproofing available now for those communities.
6. Establish a new standard of noise sensitivity that includes residential flight paths 5 miles out from touchdown/take-off.
7. Provide a system of remuneration to affected municipalities which includes additional sound-proofing along with revenue to improve community infrastructure and development.

### Park Ridge O'Hare Airport Commission

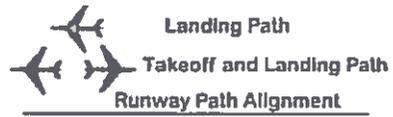
For more information and sources visit: [http://www.parkridge.us/living\\_in\\_park\\_ridge/airport\\_issues.aspx](http://www.parkridge.us/living_in_park_ridge/airport_issues.aspx)

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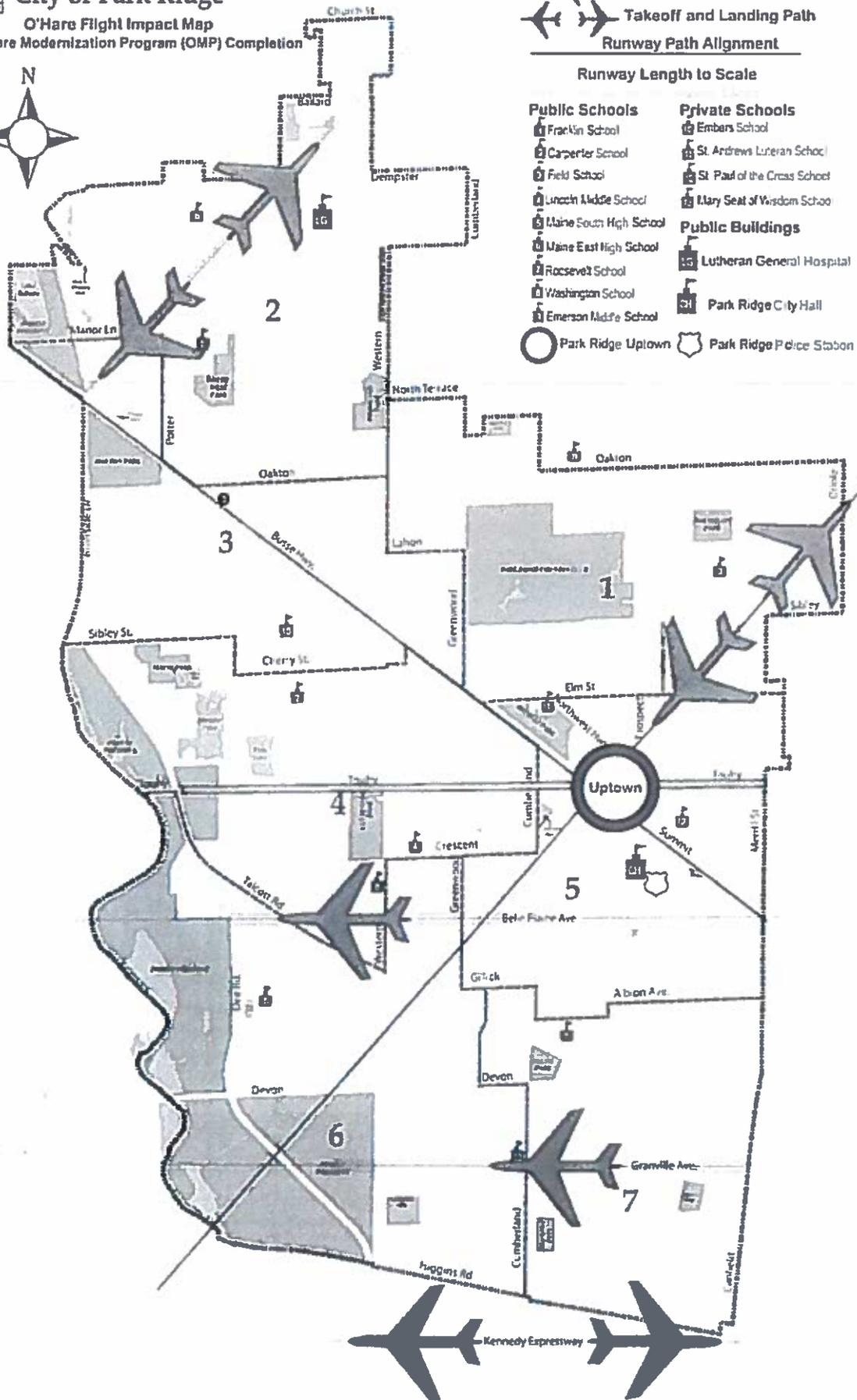
# City of Park Ridge

## O'Hare Flight Impact Map of O'Hare Modernization Program (OMP) Completion



Runway Length to Scale

- |                         |                              |
|-------------------------|------------------------------|
| <b>Public Schools</b>   | <b>Private Schools</b>       |
| Franklin School         | Embars School                |
| Carpenter School        | St. Andrews Lutheran School  |
| Field School            | St. Paul of the Cross School |
| Lincoln Middle School   | Mary Seat of Wisdom School   |
| Maine South High School | <b>Public Buildings</b>      |
| Maine East High School  | Lutheran General Hospital    |
| Roosevelt School        | Park Ridge City Hall         |
| Washington School       |                              |
| Emerson Middle School   |                              |
| Park Ridge Uptown       | Park Ridge Police Station    |



Park Ridge O'Hare Airport Commission

For more information visit [www.parkridge.us/living\\_in\\_park\\_ridge/airport\\_issues.aspx](http://www.parkridge.us/living_in_park_ridge/airport_issues.aspx)

Map 1720 2/1/2010. This map depicts the results of a study of proposed runway and taxiway construction at O'Hare International Airport. The City of Park Ridge is not responsible for the accuracy of the data used in this study. The City assumes no responsibility for the accuracy of any subsequent reports or maps.