



**Board of Commissioners of Cook County
Minutes of the Environmental Control Committee**

Wednesday, April 12, 2017

9:15 AM

**Cook County Building, Board Room,
118 North Clark Street, Chicago, Illinois**

ATTENDANCE

Present: Steele, Morrison, Boykin, Moody, Schneider and Silvestri (6)

Absent: Gainer (1)

PUBLIC TESTIMONY

Chairman Steele asked the Secretary to the Board to call upon the registered public speakers, in Accordance with Cook County Code.

No Public Speakers

COMMITTEE MINUTES

17-2627

Approval of the minutes from the meeting of 12/16/2015

A motion was made by Commissioner Boykin, seconded by Vice Chairman Morrison, to approve 17-2627. The motion carried by the following vote:

Ayes: Steele, Morrison, Boykin, Moody, Schneider and Silvestri (6)

Absent: Gainer (1)

17-0059

Sponsored by: TONI PRECKWINKLE (President), Cook County Board of Commissioners

PROPOSED ORDINANCE AMENDMENT

CHAPTER 30 - ENVIRONMENT

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, of the Cook County Code is hereby amended as Follows:

Chapter 30 - ENVIRONMENT

ARTICLE I. - IN GENERAL

Sec. 30-1. - Short title.

Sec. 30-2. - Findings, intent, and purpose and scope.

Sec. 30-3. - Definitions.

Sec. 30-4. - Interpretation.

Sec. 30-5. - SeverabilitySeparability.

Sec. 30-6. - Scope of chapter.

Sec. 30-7. - Adoption of State rules by reference.

~~**Sec. 30-8. - Malfunctions, breakdowns or startups.**~~

~~**Secs. 30-89-30-5840. - Reserved.**~~

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

~~**DIVISION 1. - GENERALLY**~~

~~**Sec. 30-41. - Advisory Committee.**~~

~~**Sec. 30-42. - Special processes and equipment; environmental impact statement.**~~

~~**Secs. 30-43-30-60. - Reserved.**~~

DIVISION 12. - DEPARTMENT OF ENVIRONMENTAL CONTROL AND SUSTAINABILITY

Sec. 30-5961. - Created; membership.

Sec. 30-60. Rulemaking authority.

Sec. 30-61. Membership.

Sec. 30-62. - Duties of the Director of the Department.

~~Sec. 30-63. - Duties of the Assistant Director.~~

~~Sec. 30-64. - Qualifications of the Assistant Director.~~

~~Sec. 30-65. - Technical personnel.~~

~~Sec. 30-66. - Inspector's qualifications, duties, and authority.~~

~~Sec. 30-67. - Complaints and reports.~~

~~Sec. 30-6368. - LiabilityImmunity~~

~~Secs. 30-6469-30-90. - Reserved.~~

DIVISION 23. - FEES

Sec. 30-91. - Established.

Sec. 30-92. - Payment of fees.

~~Sec. 30-93. - Fees are debt due the County; suit for.~~

~~Sec. 30-94. - Refund of permit fees.~~

~~Sec. 30-95. - Remittance of fees.~~

~~Sec. 30-96. - Installation permit fee schedule.~~

~~Sec. 30-97. - Original inspection fee schedule.~~

~~Sec. 30-98. - Annual inspection fees.~~

~~Sec. 30-99. - Fee on generation of liquid waste.~~

~~Secs. 30-93100-30-120. - Reserved.~~

DIVISION 3. - ENFORCEMENT PROCEDURES

Subdivision I. - In general

Sec. 30-121. - Generally.

Sec. 30-122. - Failure to comply.

Sec. 30-123. - Separate violations.

Sec. 30-124. - Warning.

Sec. 30-125. - Citation.

Sec. 30-126. - Notice.

Sec. 30-127. - Assistance from other officers.

Secs. 30-128-30-130. - Reserved.

Subdivision II. - Penalty

Sec. 30-131. - Penalties, cost recovery, and remedies.

Secs. 30-132. -30-135. - Reserved.

Subdivision III. - Cessation and Abatement

Sec. 30-136. - Public nuisance cessation and abatement

Secs. 30-137-30-140. - Reserved.

~~DIVISION 4. - APPEALS, VARIANCES, GRACE PERIODS~~

~~Sec. 30-121. - Reserved.~~

~~Sec. 30-122. - Period of grace.~~

~~Sec. 30-123. - Filing for appeals.~~

~~Sec. 30-124. - Variances.~~

Sec. 30-141. - Filing for appeals.

Secs. 30-142-30-150. - Reserved.

ARTICLE III. AIR

DIVISION 15. - AIR PERMITS AND PLANS

Subdivision I. Equipment Registration.

Sec. 30-151. - ~~Installation~~ Equipment registration permit.

Sec. 30-152. - ~~Contents of installation permit application.~~

Sec. 30-152. - Equipment registration permit application fee.

Sec. 30-153. - ~~Standards for issuance of installation permit~~Equipment registration permit fee schedule.

~~Sec. 30-154. - Conditional installation permit.~~

Sec. 30-154155. - Action on application for equipment registration permit.

Sec. 30-155. - Effective date.

~~Sec. 30-156. - Compliance with approved plans.~~

~~Sec. 30-157. - Completion of work.~~

~~Sec. 30-158. - Proof of responsibility bond.~~

~~Sec. 30-159. - Secret process; plans for, suspended when affidavit filed.~~

Sec. 30-156160. - Violation of ~~installation~~equipment registration permit.

~~Sec. 30-161. - Failure to procure installation permit.~~

~~Sec. 30-162. - Subsequent violation.~~

Sec. 30-157163. - Duty to report discontinuance or dismantlement.

Sec. 30-158164. - Permission for startup of previously discontinued or dismantled equipment.

Secs. 30-159165-30-165185. - Reserved.

Subdivision II. - Inspections related to equipment registration

Sec. 30-166. - Inspections.

Sec. 30-167. - Inspection fee schedule.

Secs. 30-168-30-182. - Reserved.

Subdivision III~~DIVISION 6. - CERTIFICATE OF OPERATION~~

Sec. 30-183. - Fee for certificate of operation.

Sec. 30-184. - Certificate of operation; issuance.

Sec. 30-185. - Certificate of operation; conditions.

Sec. 30-186. - Certificate of operation required.

~~Sec. 30-187. - Standards for issuance.~~

~~Sec. 30-188. - Conditions.~~

Sec. 30-189187. - Certificate of operation to be posted; contents.

Sec. 30-188. - Non-transferability of certificate of operation.

Sec. 30-189. - New owners.

Sec. 30-190. - Effective date.

Secs. 30-191-30-210. - Reserved.

~~**DIVISION 7. - ENFORCEMENT PROCEDURES**~~

~~**Subdivision I. - In General**~~

~~Sec. 30-211. - General.~~

~~Sec. 30-212. - Citation, hearing, and sealing.~~

~~Sec. 30-213. - Violations and penalty.~~

~~Sec. 30-214. - Breaking of the seal.~~

~~Sec. 30-215. - Public nuisance cessation and abatement.~~

~~Secs. 30-216-30-220. - Reserved.~~

~~**Subdivision II. - Inspections**~~

~~Sec. 30-221. - Duties of Director.~~

~~Sec. 30-222. - Preliminary inspections; records.~~

~~Sec. 30-223. - Final inspection; notification of discrepancies.~~

~~Secs. 30-224-30-230. - Reserved.~~

~~**Subdivision III. - Annual Inspection and Certificate of Operation**~~

~~Sec. 30-231. - Generally.~~

~~Sec. 30-232. - Government and municipal fuel-burning, combustion or process equipment, processes, or devices.~~

~~Sec. 30-233. - Certificate of operation Issuance; posting.~~

~~Sec. 30-234. - Same Effective date or term.~~

~~Secs. 30-235-30-240. - Reserved.~~

~~Subdivision IV. - Compliance Programs and Project Completion Schedule~~

~~Sec. 30-241. - Prohibition.~~

~~Sec. 30-242. - Contents of compliance programs and project completion schedules.~~

~~Sec. 30-243. - Effects of approval.~~

~~Sec. 30-244. - Final compliance date.~~

~~Sec. 30-245. - Tier II notification When required.~~

~~Secs. 30-246-30-270. - Reserved.~~

Subdivision IV. - Inspections related to equipment operation.

Sec. 30-211. - Inspections.

Secs. 30-212 - 30-215. - Reserved.

Subdivision V. - Malfunctions, breakdowns, and startups.

Sec. 30-216. - Duty to notify.

Secs. 30-217 - 30-320. - Reserved.

~~DIVISION 8. - POLLUTION CONTROL FACILITY SITING~~

~~Sec. 30-271. - Rules and definitions.~~

~~Sec. 30-272. - Purpose and intent.~~

~~Sec. 30-273. - Procedure for filing an application; pre-filing notice of intent to file an application.~~

~~Sec. 30-274. - Request for application and filing location.~~

~~Sec. 30-275. - Pre-filing review.~~

~~Sec. 30-276. - Payment of processing costs/surety bond.~~

~~Sec. 30-277. - Application receipt and distribution.~~

~~Sec. 30-278. - Withdrawal of an application.~~

~~Sec. 30-279. - General supervision of application review process.~~

~~Sec. 30-280. - Appointment of hearing officer.~~

~~Sec. 30-281. - Responsibilities of hearing officer.~~

~~Sec. 30-282. - Public hearing on an application.~~

~~Sec. 30-283. - Presentations to the County Board.~~

~~Sec. 30-284. - County Board approval of a proposed site.~~

~~Secs. 30-285-30-289. - Reserved.~~

~~DIVISION 9. - ENVIRONMENTAL MANAGEMENT FUND~~

~~Sec. 30-290. - Environmental management fund.~~

~~Secs. 30-291-30-320. - Reserved.~~

DIVISION 2ARTICLE III. - AIR POLLUTION

Subdivision I~~DIVISION 1. - GENERALLY~~

Sec. 30-321. - Compliance date for all emission sources.

~~Sec. 30-322. - Condensable emissions.~~

~~Sec. 30-323~~322. - Circumvention clause.

Sec. 30-324323. - Tests of fuel-burning, combustion ~~or~~, process equipment, or air pollution control devices.

~~Sec. 30-325. - Leaded gas ban.~~

~~Sec. 30-326. - Climate change mitigation.~~

~~Secs. 30-324~~327-30-380350. - Reserved

~~DIVISION 2. - EPISODES~~ moved remaining sections down to new Subdivision III

~~Sec. 30-351. - Generally.~~

~~Sec. 30-352. - Monitoring.~~

~~Sec. 30-353. - Determination of actions required.~~

~~Sec. 30-354. - Episode~~Air quality index levels.

~~Sec. 30-355. - Areas affected by watch, alert, or emergency.~~

~~Sec. 30-356. - Episode action watch.~~

~~Sec. 30-357. - Yellow alert.~~

~~Sec. 30-358. - Red alert.~~

~~Sec. 30-359. - Emergency.~~

~~Sec. 30-360. - Air pollution episode action plans.~~

~~Sec. 30-361. - Sealing of offenders.~~

~~Sec. 30-362. - Termination of watch and lowering of alerts.~~

~~Secs. 30-363-30-380. - Reserved.~~

Subdivision II~~DIVISION 3. - SMOKE AND PARTICULATE MATTER~~

~~Sec. 30-381. - Visible emissions.~~

~~Sec. 30-382. - Particulate matter~~ Air emission standards.

~~Sec. 30-383. - Sulfur standards and limitations for fuel-burning and process emission sources.~~

~~Sec. 30-384. - Organic material emission standards and limitations.~~

~~Sec. 30-385. - Carbon monoxide emission standards and limitations.~~

~~Sec. 30-386. - Nitrogen oxides emission standards and limitation.~~

~~Sec. 30-383. - Compliance Programs and Project Completion Schedule_~~

Sec. 30-384. - Idling of motor vehicles.

~~Sec. 30-387~~385. - Open burning.

~~Sec. 30-388~~386. - Materials subject to becoming windborne.

~~Sec. 30-389. - Compliance with State standards.~~

~~Sec. 30-390. - Nondegradation.~~

Sec. 30-387. - Internal combustion engines.

Secs. 30-388391-30-409420. - Reserved.

~~ARTICLE IV. - NOXIOUS, ODOROUS AND TOXIC MATTER~~

~~DIVISION 1. - GENERALLY~~

~~Sec. 30-421. - Generally.~~

~~Sec. 30-422. - Discharge of toxic matter.~~

~~Sec. 30-423. - Internal combustion engines.~~

~~Sec. 30-424. - Nuisances.~~

Subdivision III. - EPISODES_

Sec. 30-410. - Generally.

Sec. 30-411. - Monitoring.

Sec. 30-412. - Determination of actions required.

Sec. 30-413. - Air quality index levels.

Secs. 30-414 - 30-424. - Reserved.

~~Subdivision IV~~DIVISION 2. - COOK COUNTY GASOLINE VAPOR COLLECTION AND CONTROL

~~SYSTEMS~~DISPENSING FACILITIES (STORAGE TANK FILLING OPERATIONS) ORDINANCE

~~Sec. 30-425. - Short title and definitions.~~

~~Sec. 30-425.1. - Dispensing motor fuel and inspection.~~

~~Sec. 30-425.2. - Record keeping obligations.~~

Sec. 30-425. - Stage 1 Systems.

Sec. 30-426425.3. - Penalties and inspection fees.

Secs. 30-427426-30-440449. - Reserved.

Subdivision V~~ARTICLE IX. - GREEN CONSTRUCTION~~

Sec. 30-441950. - Board of Commissioners findings.

Sec. 30-442951. - Definitions.

Sec. 30-443952. - Emission reduction.

Sec. 30-444953. - Costs.

Sec. 30-445954. - Compliance.

Sec. 30-446955. - Enforcement.

~~Sec. 30-956. - Regulations.~~

Secs. 30-447957-30-449960. - Reserved.

ARTICLE IV. - NOISE

DIVISION 1. - GENERALLY

~~Sec. 30-450. - Noise and vibration control-d~~Definitions.

~~Sec. 30-451. - Penalty.~~

~~Sec. 30-452. - Public performance exemption.~~

~~Sec. 30-453. - Excess noise or vibration declared a public nuisance.~~

~~Sec. 30-454. - Other private or public nuisance action not impaired.~~

~~Secs. 30-455-30-457. - Reserved.~~

~~Sec. 30-458. - Scavenger operations.~~

~~Sec. 30-459. - Use of construction equipment.~~

Sec. 30-451460. - ~~Idling of motor vehicles;~~ nNew motor vehicle noise; performance; ~~motor vehicle use noise performance;~~ muffler modification.

Sec. 30-452461. - New motor powered equipment noise performance.

~~Sec. 30-462. - Property use noise performance consistent with zone.~~

~~Sec. 30-463. - Noise level measurement.~~

~~Sec. 30-464. - I-2-I-4 Zone noise performance standards applied in nonabutting I-2-I-4 Zones.~~

~~Sec. 30-465. - R-1-R-8, C1-C-5 Zone noise performance standards.~~

~~Sec. 30-466. - I-2 Zone noise performance standards.~~

~~Sec. 30-467. - I-3 and I-4 Zone noise performance standards.~~

~~Sec. 30-468. - R-1 R-6, B1 B-5 and I-1 Zone vibration standards.~~

~~Sec. 30-469. - I-2 Zone vibration standards.~~

~~Sec. 30-470. - I-3 and I-4 Zone vibration standards.~~

~~Sec. 30-471. - Regulations for impulse noise and vibration resulting from controlled detonations.~~

~~Sec. 30-472. - General department policies and methods for complaint investigation, field monitoring and resolution of dispute in vibration problems.~~

~~Sec. 30-473. - Automobile horn or audible signal device.~~

~~Sec. 30-474. - Engine powered watercraft noise limitations.~~

~~Sec. 30-475. - New off highway recreational vehicle noise performance.~~

~~Secs. 30-476-30-500. - Reserved.~~

~~DIVISION 2. - TEST PROCEDURES~~

~~Sec. 30-501. - New motor vehicles.~~

~~Sec. 30-502. - Motor vehicles in use.~~

~~Sec. 30-503. - Engine powered equipment or powered hand tools.~~

~~Sec. 30-504. - Property uses along property lines and zoning district boundaries.~~

~~Sec. 30-505. - New motor driven recreational or off-highway vehicles.~~

~~Secs. 30-506-30-540. - Reserved.~~

~~ARTICLE VI. - ASBESTOS AND RELATED SUBSTANCES~~

~~Sec. 30-541. - Definitions. UPDATED~~

~~Sec. 30-542. - Scope of Article.~~

~~Sec. 30-543. - Adoption of State and Federal rules by reference.~~

~~Sec. 30-544. - Variances.~~

DIVISION 1. - Asbestos

Sec. 30-545. - In General.

Sec. 30-546. - Obligation to maintain ACM.

Sec. 30-547. - Duty to register; asbestos abatement contractors.

Sec. 30-548. - Asbestos Removal Permit required.

Sec. 30-549. - Performance Standards for the abatement, demolition, alteration, or repair of asbestos containing structures or structural components.

Sec. 30-550. - Inspection.

Sec. 30-551. - Reports.

Sec. 30-552. - Transporting.

~~Sec. 30-542. - General requirements.~~

~~Sec. 30-543. - Fibrous material restrictions.~~

Sec. 30-553 - 30-559. - Reserved.

DIVISION 2. - Demolition

Sec. 30-560. - In General.

Sec. 30-561. - Demolition Permit required; general.

~~Sec. 30-544. - Demolition of asbestos-containing structure.~~

~~Sec. 30-545. - Sampling and counting of particulate matter from manufacture of asbestos-containing product.~~

~~Sec. 30-546. - Controlling asbestos handling facilities.~~

~~Sec. 30-547. - Inspection.~~

~~Sec. 30-548. - Sampling.~~

~~Sec. 30-549. - Transporting.~~

~~Sec. 30-550. - Violation.~~

~~Sec. 30-551. - Asbestos abatement contractor registration, registration fees and penalties.~~

Secs. 30-562~~552~~-30-768~~775~~. - Reserved.

~~ARTICLE X. - DEMOLITION DEBRIS DIVERSION~~

DIVISION 3. - Demolition Debris Diversion

Sec. 30-769~~961~~. - Short title.

Sec. 30-770. - In General.

Sec. 30-771~~962~~. - Purpose and intent.

Sec. 30-772~~963~~. - Findings.

~~Sec. 30-964. - Definitions.~~

Sec. 30-773~~965~~. - Demolition debris diversion requirements.

~~Sec. 30-966. - Submission of demolition permit application.~~

~~Sec. 30-967. - Exceptions to the demolition debris diversion requirements.~~

~~Sec. 30-968. - Submission of demolition debris diversion report.~~

~~Sec. 30-969. - Exceptions to the demolition debris diversion report.~~

~~Sec. 30-970. - County's right to monitor and inspect.~~

Sec. 30-774. - Inspection.

~~Sec. 30-971. - Rulemaking.~~

Sec. 30-775~~972~~. - Penalties.

ARTICLE VII. - SOLID WASTE AND RECYCLING

DIVISION 1. - IN GENERAL

Sec. 30-776. - Short title.

~~Sec. 30-777. - Findings, purpose, intent and scope.~~

Sec. 30-777~~778~~. - Definitions.

~~Sec. 30-779. - Rule making.~~

Sec. ~~30-778~~30-780. - ViolationsPenalties.

Sec. 30-779. - Penalties.

Sec. 30-780~~781~~. - Permit denial, refusal of renewal or permit revocation.

Secs. 30-781~~782~~-30-800. - Reserved.

DIVISION 2. - SOLID WASTE MANAGEMENT PLAN IMPLEMENTATION

Sec. 30-801. - Purpose for Solid Waste Management Plan.

Sec. 30-802. - County Solid Waste Management Coordinating Committee.

Sec. 30-803. - Solid Waste Coordinator.

Sec. 30-804. - Municipal solid waste and recycling reporting requirements and exemptions.

Secs. 30-805-30-821. - Reserved.

DIVISION 3. - SOLID WASTE FACILITIES

Sec. 30-822. - Compliance with rules and regulations.

Sec. 30-823. - County inspections.

Sec. 30-824. - Operational requirements.

Sec. 30-825. - Sanitary landfill fees and exemptions.

Sec. 30-826. - Municipal solid waste transfer station fees and exemptions.

Sec. 30-827. - Reporting requirements for sanitary landfills and municipal solid waste transfer stations.

Sec. 30-828. - Permits for clean construction or demolition debris fill operations.

Sec. 30-829. - Permit renewal for clean construction and demolition debris fill operation.

Sec. 30-830. - Reporting requirements for clean construction and demolition debris fill operation.

Sec. 30-831. - Solid Waste Management Fund created.

Sec. 30-832. - Waste Processing Facilities.

Secs. 30-833-30-856. - Reserved.

DIVISION 4. - RECYCLING FACILITIES

Sec. 30-857. - Intent and purpose.

Sec. 30-858. - Recycling facility permit required.

Sec. 30-859. - Recycling facility permit classifications.

Sec. 30-860. - Recycling facility fees.

Sec. 30-861. - Recycling facility permit term; permit nontransferability.

Sec. 30-862. - Recycling facility permit renewal.

Sec. 30-863. - Recycling facility report required.

Sec. 30-864. - Operating requirements-Recycling facilities.

Sec. 30-865. - Additional facility requirements-Class III Recycling Facilities.

Sec. 30-866. - Class V Facilities-Additional duties; recordkeeping.

Sec. 30-867. - Recyclable materials-Designated.

Sec. 30-868. - Recyclable materials-Segregation and storage.

Sec. 30-869. - Recyclable materials-Receptacles.

Sec. 30-870. - Recyclable materials-Storage areas to be kept clean.

Sec. 30-871. - Building and fire regulations-Applicable.

Sec. 30-872. - Storage time limit-Maintenance of records.

Sec. 30-873. - Prohibited and regulated materials.

Sec. 30-874. - Inspection by owner or operator.

Sec. 30-875. - Recycling facility permit exemptions.

Sec. 30-876. - ~~Prohibited activities~~ Separate violations.

Sec. 30-877. - Penalties.

Secs. 30-878-30-900. - Reserved.

~~ARTICLE VIII. -- CLEAN INDOOR AIR~~

~~DIVISION 1. -- GENERALLY~~

~~Sec. 30-901. -- Smoking tobacco products in County facilities.~~

~~Secs. 30-902-30-910. -- Reserved.~~

~~DIVISION 2. -- COUNTY CLEAN INDOOR AIR ORDINANCE~~

~~Sec. 30-911. -- Title.~~

~~Sec. 30-912. -- Interpretation with other laws.~~

~~Sec. 30-913. -- Definitions.~~

~~Sec. 30-914. -- Prohibition of smoking in public places.~~

~~Sec. 30-915. -- Reasonable distance.~~

~~Sec. 30-916. -- Where smoking is not regulated.~~

~~Sec. 30-917. -- Declaration of establishment as nonsmoking.~~

~~Sec. 30-918. -- Posting of signs.~~

~~Sec. 30-919. -- Nonretaliation.~~

~~Sec. 30-920. -- Enforcement.~~

~~Sec. 30-921. -- Violations and penalties.~~

~~Sec. 30-922. -- Public education.~~

~~Sec. 30-923. -- Other applicable laws.~~

~~Sec. 30-924. -- Severability.~~

~~Sec. 30-925. -- Applicability of this division.~~

~~Sec. 30-926. -- Effective date.~~

~~Secs. 30-927-30-949. -- Reserved.~~

DIVISION 5. LIQUID WASTE

Sec. 30-901. - Definitions.

Sec. 30-902. - Audits and reports.

Sec. 30-903. - Fee on generation of liquid waste.

Secs. 30-904-30-915. - Reserved.

DIVISION 6. - POLLUTION CONTROL FACILITY SITING_

Sec. 30-916. - Rules and definitions.

Sec. 30-917. - Purpose and intent.

Secs. 30-918-30-940. - Reserved.

ARTICLE VII. - Tier II

Sec. 30-941. - Definitions.

Sec. 30-942. - Hazardous chemical inventory form and diagram - required.

Sec. 30-943. - Inventory form - contents and requirements.

Sec. 30-944. - Change of information - inventory update required.

Sec 30-945. - Diagram - contents and requirements.

Sec. 30-946. - Enforcement.

Secs. 30-947-30-972. - Reserved.

Effective date: This ordinance shall be in effect immediately upon adoption

Full text of ordinance amendment can be found here: <https://cook-county.legistar.com/LegislationDetail.aspx?ID=2985120&GUID=1F198076-E8E5-480F-BADC-862275AAC3DA&Options=Advanced&Search=>

A motion was made by Vice Chairman Morrison, seconded by Commissioner Boykin, to accept as substituted 17-0059. The motion carried by the following vote:

Ayes: Steele, Morrison, Boykin, Moody, Schneider and Silvestri (6)

Absent: Gainer (1)

**PROPOSED SUBSTITUTE TO FILE 17-0059
(Environmental Control Committee 4/12/17)**

PROPOSED ORDINANCE AMENDMENT

CHAPTER 30 - ENVIRONMENT

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, of the Cook County Code is hereby amended as Follows:

ARTICLE I. - IN GENERAL

Sec. 30-1. - Short title.

This chapter shall be known and may be cited as the Cook County Environmental Control Ordinance.

Sec. 30-2. - Findings, intent, and purpose ~~and scope~~.

- (a) The County Board hereby finds and determines that in the public policy of the County to preserve, protect and improve the air, water and land resources of the County so as to promote the health, safety, welfare and comfort, prevent injury to human health, plant and animal life, and property; foster the comfort and convenience of its inhabitants and to the greatest degree practicable, facilitate the enjoyment of residents and visitors of the living, recreational and business environment of the County and recognizing that environmental damage does not respect political boundaries or subdivisions of the County, and:
 - (1) Recognizing that air, water, and other types of pollution, solid waste disposal and noise are closely interrelated and must be dealt with as a unified whole;
 - (2) Recognizing it is the obligation of the Board of Commissioners of the County to manage the affairs of the County so as to minimize environmental damage and encourage and assist local governmental ~~agencies~~ entities within the County to adopt and implement environmental protection programs consistent with this chapter;
 - (3) Recognizing the need to assist industry and municipal corporations within the County to promote the development of technology for environmental protection and conservation of natural resources; and
 - (4) Recognizing the desirability of uniform and consistent pollution abatement, regulations, programs and enforcement, this chapter is being enacted.
- (b) The environment in which we live is a basic natural resource of the community. The purity of this resource has been increasingly threatened with the incidental by-products of processes and activities which constitute modern technology. Heating plants, vehicles, industrial processes, and various phases of everyday living contribute increasingly to contamination of the environment. That such contamination, if unchecked, works to the detriment of all by affecting health, property, and the appearance of the community, is now a well-accepted fact.
- (c) Cook County in its rapid growth since World War II is becoming a completely urbanized part of the Chicago Metropolitan Area. As such, it is both generator and recipient of environmental contaminants which are increasing, and will continue to increase unless appropriate measures are taken.

- (d) To prevent this from happening, the people of the County, acting through their elected representatives, have declared that environmental control legislation is both reasonable and desirable.
- (e) This chapter constitutes the above mentioned legislation. ~~It applies to all existing and new pollution sources within the County, except within the corporate limits of the City of Chicago.~~ It has been written to be comprehensive, fair to all concerned, and consistent with the latest scientific and technical knowledge available. With its adoption, the chapter will secure for present and future ~~citizens~~residents of the community an environment which is clean, healthful and wholesome.
- (f) The administration and enforcement of this chapter falls under the jurisdiction of the Department of Environmental Control. Effective December 1, 2017, the Department of Environmental Control will be renamed and referred to as the Department of Environment and Sustainability.

Sec. 30-3. - Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural wastes means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape wastes.

Air contaminant means and includes, but is not limited to the following: dust, soot, mist, smoke, fumes, fly ash, vapor, corrosive gas, or other discharge, and any other airborne material or substance that is offensive, nauseous, irritating, or noxious to human health and welfare or to other animal life and/or plant life.

Air contaminant source means any and all sources of emission capable of emitting any air contaminant, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of businesses, commercial and industrial plants, works, shops and stores, heating power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartment buildings, office buildings, hotels, restaurants, schools, hospitals, churches, vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, both indoor and outdoor, refuse dumps and piles, and all stacks and other chimney outlets and any other openings from any of the foregoing.

Air pollution means presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property.

~~*Air Pollution Episode Action Plan. See Episode Action Plan.*~~

Air pollution control equipment means any equipment or facility of a type intended to eliminate, prevent, reduce, or control the emission of specified air contaminants to the atmosphere. Pollution control equipment includes, but is not limited to, landfill gas recovery facilities, fly ash collector, electrostatic precipitator, smoke arresting or prevention equipment, and all other types of environmental control equipment.

Air quality index (AQI) is an index for reporting daily air quality; specifically, it indicates how clean or polluted the air is and what associated health effects may be experienced within a few hours or days after breathing polluted air.

Air quality standard means ambient air quality goal, established by Federal, State, or local governmental ~~agencies/entities~~, for the purpose of protecting the public health and welfare.

ANSI means the American National Standards Institute or its successor bodies.

Architectural coating means any coating used for residential or commercial buildings or their appurtenances, or for industrial buildings which is site applied.

ARI means the Air Conditioning and Refrigeration Institute or its successor bodies.

ASHRAE means the American Society of Heating, Refrigeration, and Air Conditioning engineers or its successor bodies.

ASME means the American Society of Mechanical Engineers or its successor bodies.

ASTM means the American Society of Testing Materials or its successor bodies.

Ashes shall include cinders, fly ash, or any other solid material resulting from combustion, and may include unburned combustibles.

Atmosphere means all spaces outside of buildings, stacks or exterior ducts.

~~*Atmospheric pollution* means the discharging from stacks, chimneys, exhausts, vents, ducts, openings, buildings, structures, premises, open fires, portable boilers, vehicles, processes, or any other source, of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, noise, waste, particulate, solid, liquid or gaseous matter, or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance, or annoyance to the public, or to endanger the health, comfort, repose, safety or welfare of the public, or in such a manner as to cause or have a natural tendency to cause injury or damage to business or property.~~

~~*Atmospheric pollution source* means any and all sources of emission of any type of atmospheric pollution, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, heating power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartment buildings, office buildings, hotels, restaurants, schools, hospitals, churches, vehicles, garages, vending and service locations or stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel burning equipment, incinerators of all types both indoor and outdoor, refuse dumps and piles, and all stacks and other chimney outlets and any other openings from any of the foregoing.~~

Authorized representative means any individual, firm or corporation designated by a person who shall be given authority to act for such "person" in all matters pertaining to the County Department of Environmental Control. Such authorization shall be transmitted to such Department in writing.

Automobile and/or truck sales lot means any land area used or intended to be used for the display and/or sale of passenger automobiles and/or commercial vehicles.

Boat shall include, but shall not be limited to all ships, vessels, boats, floating equipment, floating structures, or any device operating, existing, anchored, or moored upon the surface of the water.

British Thermal Unit (BTU) means the quantity of heat required to raise one pound of water from 60 degrees Fahrenheit to 61 degrees Fahrenheit (~~abbreviated B.T.U. or BTU~~).

~~*Building fires.* The term, "a new fire being built," means the period during which a fresh fire is being started and does not mean the process of replenishing an existing fuel bed with additional fuel.~~

Carbonaceous fuel means any form of combustible matter, either solid, liquid, vapor, or gas, consisting primarily of carbon containing compounds in either fixed or volatile form which are burned primarily for their heat content.

Chimney shall include, but shall not be limited to any conduit, duct, vent, or flue, arranged to conduct any products of combustion into the atmosphere. It does not include breeching.

~~*Combustible refuse* means any combustible waste material containing carbon in a free or combined state other than liquids or gases.~~

~~*Combustion for indirect heating* means the combustion of fuel to produce usable heat that is to be transferred through a heat conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.~~

Commercial sites mean any business that is absent of Process Equipment as defined in this subsection business or facility with a total BTU capacity of 1,000,000 BTU or less for all of the listed equipment and processes.

~~*Condensed fumes* means fumes which have cooled and returned to a liquid or solid.~~

Construction means the installation or erection of any fuel-burning combustion, or process equipment, process, or air pollution control device.

Cook County as used in this chapter (with the exception of the use of the words to describe or identify the Government or Board of Commissioners thereof), means all of the territory in the County exclusive of the City of Chicago.

Criteria means information used as guidelines for decisions when establishing air quality goals, aid quality standards and the various air quality alert levels. In no case should criteria be confused with actual air quality standards or goals.

Decibel (db) means a unit used in sound measurements to relate to logarithmic basis a given sound intensity to a standard reference intensity. ~~Abbreviated "db."~~

Department means the Cook County Department of Environmental Control.

Director means the Director of the Department, or the Chief Executive of the Department regardless of the official title in the organizational chart.

Discrete tone means a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of the time.

Distillate fuel oil means fuel oils of grade No. 1 or 2 as specified in detailed requirements for fuel oil ASTM D396-02a.

Domestic heating plant means a plant generating heat for a single-family residence, or for two residences either in duplex or double house form, or for multiple-dwelling units in which such plant serves fewer than three apartments. Under this designation are also hot water heaters, stoves, and space heaters used in connection with the foregoing establishments, or to heat shacks and other temporary buildings, such as used by the railroad and construction industries; provided, however, that like equipment used in multiple-dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments are not to be construed to be included under this designation.

~~*Domestic refuse burning equipment* means any incinerator used for a single family residence or for two residences either in duplex or double house form or for multiple dwelling units in which such incinerator serves fewer than three apartments.~~

~~*Domicile waste* means any refuse generated on single family domiciliary property as a result of domiciliary activities. This term excludes landscape waste, garbage, and trade waste.~~

Dust means solid, particulate matter released into the air by natural forces, or by any fuel-burning, combustion, or process equipment, process, or air pollution control device, or by construction work, or by mechanical or industrial processes, such as crushing, grinding, milling, drilling, demolishing, shoveling, bagging, sweeping, covering, conveying, transferring, transporting, and the like.

~~*Episode Action Plan* means a program, outlined by an individual company and approved by the County Department of Environmental Control and the State Environmental Protection Agency, providing for the reduction of emissions during periods of high pollution concentration that are forecasted to remain high for a minimum of 24 hours.~~

Excess air means that air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel and/or combustible waste material present.

~~*Fluctuating noise* means noise whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.~~

Fuel means any form of combustible matter, solid, liquid, vapor or gas, or any combination thereof, excluding refuse.

~~*Fuel burning, combustion, or process equipment, process or device* shall include, but shall not be limited to any furnace, incinerator, fuel burning equipment, refuse burning equipment, refuse disposal practices of any type including sanitary landfill and dumping of any type, boiler, apparatus, device, mechanism, fly ash collector, electrostatic precipitator, smoke arresting or prevention equipment, and all other types of environmental control equipment, stack, chimney, breeching, structure or process used for the burning of fuel or other combustible material, or for the emission of products of combustion or any other type of emission, or used in connection with any process which generates heat or may emit products of combustion, as well as any other emissions which can be considered pollutants, and shall include but not be limited to process furnaces such as heat treating furnaces, by product coke plants, core baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, heating and reheating furnaces, puddling furnaces, sintering plants, Bessemer converters, electric steel furnaces, ferrous foundries, nonferrous foundries, kilns, stills, dryers of all types, roasters, processes, sanitary landfills, disposal ponds, dumps and equipment used in connection therewith, and all other methods or forms of manufacturing, chemical, metallurgical, mechanical processing or any other type of process which may emit smoke, vapors, odors or particulate, liquid, gaseous, or other matter.~~

Fuel-burning or combustion equipment means and includes any furnace, boiler, apparatus, device, mechanism, stack or structure used in the process of burning fuel for the primary purpose of producing heat or electricity.

Fuel dealer means any person who sells or delivers any fuel directly or indirectly to the ultimate consumer, without regard to price, quantity, or frequency of delivery.

Fugitive particulate matter means any particulate matter emitted into the atmosphere other than through a stack, provided that nothing in this definition or in Section 30-381(b) shall exempt any source from compliance with other provisions of ~~Article II, Division 3~~ of this chapter otherwise applicable merely because of the absence of a stack.

Fumes means gases, vapors, particulate matter, or any combination thereof that are of such character as to cause ~~atmospheric~~ air pollution.

Garbage means refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

Goal means level of air quality which is expected to be obtained.

~~*IEC* means International Electro-technical Commission or its successor bodies.~~

Governmental entity means any unit of federal, state or local government.

Impulsive noise means noise characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.

Incinerator means a combustion apparatus for which an Installation Permit could be issued by the Department, excluding fuel-burning equipment, in which solid, semi-solid, liquid, or gaseous combustible wastes are ignited and burned, from which the gaseous products of combustion are exhausted into the atmosphere after first passing through a stack.

Industrial sites mean any business or facility with Process Equipment or Processes as defined in this subsection with a total BTU capacity of more than 1,000,000 BTU for all of the listed equipment and processes.

~~*Industrial wastes* means solid, liquid, or gaseous wastes resulting from any process or excess energy of industry, manufacturing, trade, or business or from the development, processing, or recovering, except for agricultural crop raising, or any natural resource.~~

Intermittent noise means noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.

Internal combustion engine means an engine in which combustion of gaseous, liquid, or pulverized solid fuel takes place.

IOS means the International Organization for Standardization or its successor bodies.

Landscape wastes means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

~~*Maximum level continuous or semi-continuous vibration* means the root mean square (rms) value of the oscillatory particle motion of the structure or land area involved with the transducer oriented to produce a maximum indication.~~

Motor vehicle means any passenger vehicle, truck, truck-trailer or semi-trailer that is propelled or drawn by mechanical power.

New equipment means any fuel-burning, combustion, or process equipment, process, or air pollution control device, the construction of which was less than 50 percent complete on the date of enactment of this chapter.

~~*Nonsteady noise* means a noise whose level shifts significantly during the period of observation.~~

Noxious odors means any odors which are unwholesome, offensive, harmful, or injurious to the public health, its comfort or its welfare.

Odors means that quality of an emission of any kind, whether it be solid, liquid or gaseous that renders it perceptible to the sense of smell.

Opacity means the property of a material whereby it is partially or wholly resistant to the transmission of light and thus also the tendency to obscure an observer's view.

Opacity, equivalent means a percentage expression of the degree of resistance to light transmission identical in meaning to relative opacity save that the concept is extended from situations involving only black, white and intermediate shade of grey to include also situations where coloration may be present.

~~*Opacity, relative* means a relative percentage measurement of the degree of opacity of a material on the basis of 100 percent relative opacity or no light transmission to zero percent relative opacity or complete light transmission; i.e. transparency. the following equivalence between Relative Opacity and Ringelmann number shall be employed:—~~

Relative Opacity (percent)	Ringelmann Number
0	0
20	1
40	2
60	3
80	4
100	5

~~Fractional Ringelmann numbers represent a linear interpolation of the respective increment of Relative Opacity.—~~

Open air means all spaces outside of buildings, stacks or exterior ducts.

~~*Open burning* means the combustion of any matter in the open or in an open dump such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which an Installation Permit could be issued by the Department.~~

Organic material means any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as solvers, viscosity reducers or cleaning agents, but

excluding compounds such as methane, carbon monoxide, carbon dioxide acid, metallic carbonic acid, metallic carbide, metallic carbonates, and ammonium carbonate.

Organic vapor means the gaseous phase of an organic material or a mixture of organic materials present in the atmosphere.

Owner and/or Operator means any person who alone, jointly, or severally with others has legal title to any premises, with or without accompanying actual possession thereof; or, has charge, care, control and/or possession of any premises. Wherever used in the provisions of this chapter, the term "owner and/or operator" shall include any person entitled under any agreement to the control or direction of the management or disposition of a vehicle regulated by the Department.

~~*Parking lot* means any land area used or intended to be used for the storage of passenger automobiles or commercial vehicles.~~

Particulate matter means any material, other than ~~uncontaminated~~ water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid, or a combination thereof. "Particulate matter" includes emissions other than uncontaminated water vapor from any sources that are liable to generate or evolve into particulate form through phase change or other transformation from a gas or liquid form.

Peak level of an impulsive sound means the maximum excursion of the sound pressure level as detected by methods and instruments approved by the Director and described in any of the Department's Suggested Guidelines for Noise ~~and Vibration~~ Control when published.

~~*Peak level impulsive vibration* means the vector sum of the instantaneous peak level of all three components, one vertical and two horizontal of the earth borne impulses measured at or beyond the boundaries of the emitter's property.~~

Period of observation means the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least ten times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.

Person means any individual, natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, governmental corporation, municipality, district or other political subdivision, department, bureau, agency or instrumentality of Federal, State or local government entity, contractor, supplier, vendor, installer, operator, user or owner, or any officer, agency, employee, factor, or any kind of representative of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law, or other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

~~*Photochemically reactive material* means any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage composition limitations:~~

- ~~(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cycloolefinic type of unsaturation: five percent. This definition does not apply to perchloroethylene or trichloroethylene.~~
- ~~(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: eight percent.~~

~~(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures or toluene: 20 percent.~~

~~Whenever any photochemically reactive material or any constituent of any organic material may be classified from its chemical structure a., b., c., it shall be considered as a member of the most reactive into more than one of the above groups of organic materials numbered group, that is, that group having the least allowable percent of the total organic materials.~~

~~*Plan documents* means reports, proposals, preliminary plans, surveys and bases of design data, general and detail construction plans profiles, specifications and all other information pertaining to the equipment.~~

~~*Political subdivision* means any municipality, city, incorporated town, village, county, township, district or authority, or any portion or combination of two or more thereof.~~

~~*Portable boiler* means a boiler used separately or in connection with a power shovel, road roller, hoist, derrick, or pile driver, steam locomotive, diesel locomotive, steamboat, tugboat, tar kettle, asphalt kettle, and all other portable equipment capable of emitting smoke, particulate and other matter.~~

~~*Power or high pressure boilers* means all boilers designed for operating at a steam pressure greater than 15 pounds per square inch gauge.~~

PPM (Vol. Basis) means a volume over volume ratio which expresses the volumetric concentration of a gaseous air contaminant in 1,000,000-unit volumes of gas, such as the number of microliters of sulfur dioxide per 1,000,000 microliters of air would be expressed in ppm (vol.).

Premises means any real estate or real property.

Pressure tank means a tank in which fluids are stored at a pressure greater than atmospheric pressure.

Process or process equipment means any action, operation, or treatment embracing chemical, industrial or manufacturing factors, ~~such as including but not limited to~~ heat treating furnaces, ~~by product~~ coke plants, core-baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, sintering plants, ~~Bessemer converters, electric steel furnaces,~~ ferrous and nonferrous foundries, kilns, stills, dryers, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing which may emit smoke, particulate matter, odors, gases or any other matter.

Process weight rate means the actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours of operation excluding any time during which the equipment is idle. For continuous processes, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours in one complete operation, excluding any time during which the equipment is idle.

Reconstruction means any material change or alteration of any existing fuel-burning, combustion, or process equipment, process, or device from that physical or operating condition for which a certificate of operation was last obtained; or the addition, removal or replacement of any appurtenances or devices which materially affect the method or efficiency of preventing the discharge of pollutants into the environment.

Refuse means any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

~~*Residual fuel oil* means fuel oils of grade Nos. 4, 5, and 6 as specified in detailed requirements for fuel oils ASTM D396-02a.~~

Restricted areas means the area within the boundaries of any "municipality" as defined in the Illinois Municipal Code, (65 ILCS 5/1-1-1 et seq.), plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1,000 or more according to the latest Federal census.

~~*Restricted use* means certain designated waters which are not protected for aquatic life.~~

~~*Ringelmann Chart* means the chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333, and on which are illustrated graduated shades of gray to black for use in estimating the light obscuring capacity of smoke.~~

~~*Ringelmann Number* means the number appearing on the Ringelmann Chart ascribed by the observer to the density or equivalent opacity of the smoke emission.~~

Rubbish means solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, trees, branches, yard trimmings, furniture, tin cans, glass, crockery, masonry.

SAE means Society of Automotive Engineers or its successor bodies.

~~*Salvage operations* means any business, trade or industry engaged in whole or in part, in salvaging or reclaiming any product or material such as, but not limited to, metals, chemicals, shipping containers or drums.~~

Smoke means air or gas borne particles, other than uncontaminated water, that form a visible plume in the air from an ~~atmospheric~~air pollution source.

~~*Smoke monitor* means a device using a light source and a light detector which can automatically measure and record the light obscuring power of smoke at a specific location in the flue or stack of a source. Measuring and recording to be at intervals of not less than 15 seconds.~~

~~*Smokeless flare* means a combustion unit and the stack to which it is affixed in which organic material achieves combustion by burning in the atmosphere such that the smoke or other particulate matter emitted to the atmosphere from such combustion does not have an appearance, density, or shade darker than No. 1 of the Ringelmann Chart.~~

Sound level means a general term for the metered value root mean square of the pressure of an air borne sound as measured under a defined condition of frequency weighting and meter response rate. With a conventional sound level meter the duration time of the sound should be much longer than the response time of the meter. In most cases, levels in this chapter are specified as measured with "A" scale standard frequency weighted response and are always noted as db(A) (standard reference level as in "sound pressure level" is always implied). Peak levels of impulse sounds are always specified as measured with flat, nonweighted, or "C" scale response. Such peak levels are noted as db only, not db "C," as "C" weighting is defined as a flat, "unweighted" response. Peak values as specified in this chapter are the absolute values of the maximum instantaneous sound pressure levels attained throughout the duration of any impulse sounds not the root mean square equivalents and require a special meter which can capture and store for display these maxima. See peak level of an impulse sound.

Sound pressure level means the sound pressure level, in decibels of a sound, is 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective root mean square pressure is to be understood. The reference sound pressure is 20 micro-newtons per square meter. (Often used interchangeably with sound level.)

~~*Splash loading* means a method of loading a tank, railroad tank car, tank truck or trailer by use of other than a submerged loading pipe.~~

Stack shall include but shall not be limited to any conduit, duct, vent, flue, or chimney, arranged to conduct any discharge from any fuel-burning, combustion, or process equipment, process, or device into the atmosphere.

Standard condition means a gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 of mercury.

Standard cubic foot (scf) means a measure of the volume of gas under standard conditions.

Stationary emission source means any ~~atmospheric~~ air pollution source whatsoever, excluding vehicles while they are in motion.

Steady noise means a noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation.

~~*Storet* means the National Water Quality Data System of the Federal Environmental Protection Agency.~~

Submerged loading pipe means any loading pipe the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the tank. When applied to a tank which is loaded from the side, the term means any loading pipe the discharge of which is entirely submerged when the liquid level is 18 inches or two times the loading pipe diameter, whichever is greater, above the bottom of the tank. This definition shall also apply to any loading pipe which is continuously submerged during loading operations.

~~*Trade waste* means any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.~~

Unit operations means methods where raw materials undergo physical change; methods by which raw materials may be altered into different states, such as vapor, liquid, or solid without changing into a new substance with different properties and composition.

~~*Unit process* means reactions where raw materials undergo chemical change, where one or more raw materials are combined and completely changed into a new substance with different properties and composition.~~

Used for shall include the phrases "arranged for," "designed for," "intended for," "occupied for" and "maintained for."

Vehicle means any type of land, rail, or water conveyance whatsoever operated within the County.

~~*Vibration* means a vibration is the oscillatory motion of the particles of a solid, propagated as a wave, which is felt through physical contact rather than heard. Any vibration can, however, under proper conditions produce a radiated audible sound wave, but this is to be considered a secondary, separate consequence herein, unless specifically cited.~~

Visible emissions means emissions of greater than five percent opacity or one fourth Ringelmann any emissions containing particulate which are visually detectable without the aid of instruments.

~~*Volatile matter* means the gaseous constituents of solid fuels as determined by the standard ASTM procedure as amended or revised to date.~~

Volatile organic material means any organic material which has a vapor pressure of 2.5 pounds per square inch absolute (psia) or greater at 70 degrees Fahrenheit.

Watercraft means every type of boat, ship, or barge used or capable of being used as a means of transportation on water.

Zoning district means those districts established by Appendix A, Zoning.

Sec. 30-4. - Interpretation.

- (a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- (b) Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of any other applicable law, ordinance, resolution, rule, or regulation, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- (c) This chapter is not intended to abrogate any covenant or any other private agreement, provided that where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than such covenant or other private agreement, the requirements of this chapter shall govern.
- (d) Nothing contained in this chapter shall be deemed to be a consent, license, or permit to locate, construct, or maintain any building, structure, or facility, or to carry on any trade, industry, occupation, or activity.
- (e) The provisions of the Cook County Environmental Control Ordinance are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this chapter.

Sec. 30-5. - ~~Separability~~Severability.

If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular building, process, or source of emission, such judgment shall not affect the application of said provision to any other building, process, or source of emission not specifically included in this judgment.

Sec. 30-6. - Scope of chapter.

- (a) This chapter shall be applicable to ~~all new and existing sources of environmental pollution or contamination located in, or operated within;~~ the boundaries of the County, except within the corporate limits of the City of Chicago. This chapter is designed to lessen or prevent the discharge of environmental contaminants or pollutants ~~through the regulation of:~~
 - ~~(1) The design and installation of accessory or appurtenant parts and equipment of buildings and structures, and the uses of land connected with the emission of environmental contaminants;~~
 - ~~(2) The operation or use of equipment and appliances emitting environmental contaminants;~~
 - ~~(3) The conduct or carrying on of uses of land which cause the emission of environmental contaminants;~~
 - ~~(4) The abatement of an operation, activity, or use causing environmental contamination.~~
- (b) The rules and regulations for controlling ~~Air~~ Pollution, as adopted by the Illinois Pollution Control Board, shall apply.

Sec. 30-7. - Adoption of State rules by reference.

- (a) The following parts, and any amendments to these parts, of the State Pollution Control Board Regulations are incorporated by reference:
- (1) Monitoring and Testing, 35 Ill. Admin. Code 201 - Subpart J ~~(1988)~~;
 - (2) Alternate Control Strategies, 35 Ill. Admin. Code 202 ~~(1988)~~;
 - (3) Major Stationary Sources Construction and Modifications, 35 Ill. Admin. Code 203 ~~(1988)~~;
 - (4) Emission Standards and Limitations for Stationary Sources, 35 Ill. Admin. Code 211 ~~(1988)~~;
 - (5) Visual and Particulate Emissions, 35 Ill. Admin. Code 212 ~~(1988)~~;
 - (6) Sulfur Limitation, 35 Ill. Admin. Code 214 ~~(1988)~~;
 - (7) Organic Material Emission Standards and Limitations, 35 Ill. Admin. Code 215 ~~(1988)~~;
 - (8) Carbon Monoxide Emissions, 35 Ill. Admin. Code 216 ~~(1988)~~;
 - (9) Nitrogen Oxides Emissions, 35 Ill. Admin. Code 217 ~~(1988)~~;
 - (10) Asbestos, 35 Ill. Admin. Code 228 ~~(1988)~~;
 - (11) New Source Performance Standards, 35 Ill. Admin. Code 230 ~~(1988)~~;
 - (12) Hazardous Air Pollutants, 35 Ill. Admin. Code 231 ~~(1988)~~;
 - (13) Air Quality Standards, 32 Ill. Admin. Code 243 ~~(1988)~~;
 - (14) Episodes, 35 Ill. Admin. Code 244 ~~(1988)~~;
 - (15) Odors, 35 Ill. Admin. Code 245 ~~(1988)~~;
 - (16) Storage Tank Filling Operations, 35 Ill. Admin Code 218.583;
 - (17) Solid Waste, 35 Ill. Admin Code 807;
 - (18) Special Waste Classifications, 35 Ill. Admin Code 808;
 - (19) Special Waste Hauling, 35 Ill. Admin Code 809;
 - (20) Solid Waste Disposal: General Provisions, 35 Ill. Admin Code 810;
 - (21) Standards for New Solid Waste Landfills, 35 Ill. Admin Code 811;
 - (22) Procedural Requirements for Permitted Landfills, 35 Ill. Admin Code 813;
 - (23) Standards for Existing Landfills and Units, 35 Ill. Admin Code 814; and,
 - (24) Procedural Requirements for All Landfills Exempt From Permits, 35 Ill. Admin Code 815.
- (b) Wherever the word "agency" is used in the incorporated Pollution Control Board Regulations, the word "department" may be substituted when appropriate.
- (c) Any duty on the agency that is created by the incorporated Pollution Control Board Regulations is not binding on the Department.
- (d) Definitions of any terms used in the incorporated Pollution Control Board Regulations are those that are adopted or approved by the Illinois Statutes or the Pollution Control Board Regulations.
- (e) If there is any inconsistency or conflict, especially those relating to substantive rules, between the Pollution Control Board Regulations that are incorporated and this chapter, the Pollution Control

Board Regulations will be followed unless the inconsistency or conflict relates to fees, permits, inspections, penalties or procedure.

~~Sec. 30 8. Malfunctions, breakdowns or startups.~~

- ~~(a) In the event of unavoidable malfunction or breakdown of any fuel burning, combustion, or process equipment, process, or device, or other circumstances beyond the control of any person owning or operating such equipment, including necessary shut downs of pollution abatement equipment, or control devices for purposes of maintenance or repair, which tends to produce unlawful emission of smoke, particulate, or any other matter as described by this chapter, the owner or managing agent of such equipment or process shall immediately notify, by telephone, the County Department of Environmental Control of such malfunction, breakdown, or other circumstance together with all pertinent facts relating thereto. The telephone notification shall, within a reasonable period of time, be followed by a written statement describing all pertinent facts and containing a commitment relating to the date upon which the condition will be rectified.~~
- ~~(b) The statement must provide a detailed explanation regarding the malfunction or breakdown, and shall include the following:
 - ~~(1) The company identification and its location;~~
 - ~~(2) The date and exact time of the occurrence;~~
 - ~~(3) A description of the fuel or refuse burning, combustion, or process equipment, process, or device, that was involved;~~
 - ~~(4) An explanation accounting for the occurrence;~~
 - ~~(5) The type of emission resulting from the malfunction or breakdown and any precautionary measures that have been taken to minimize them; and~~
 - ~~(6) An estimate of the time required for necessary repairs.~~~~
- ~~(c) It shall be the responsibility of the person experiencing the malfunction or breakdown to notify the Department by telephone, telegraph, or such other method as constitutes the fastest available alternative when the necessary repairs have been completed, and to request permission to resume operations. Permission for startup shall be granted by the Director or by the Director's designated authorized representative.~~
- ~~(d) Permission shall not be granted to allow continued operation during a malfunction or breakdown unless adequate proof is supplied to the Department that such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be a sufficient reason for the granting of permission. Permission to operate during a malfunction or breakdown shall be granted by the Director or designated authorized representative. Permission shall not be granted to allow violation of the standards or limitations of this chapter during startup unless the applicant has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emission, duration of individual startups and frequency of startups.~~
- ~~(e) The granting of permission to operate during a malfunction or breakdown, or to violate the standards or limitations of this chapter during startup, and full compliance with any terms and conditions connected therewith, shall be a prima facie defense to an enforcement action alleging a violation of~~

~~Subsections (b), (c) and (d) of this section, and of the prohibition of environmental pollution during the time of such malfunction, breakdown, or startup.~~

~~Secs. 30-89—30-5840. - Reserved.~~

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

~~DIVISION 1. - GENERALLY~~

~~Sec. 30-41. - Advisory Committee.~~

~~There is hereby established an Advisory Committee to consult with, assist and advise the Director of the Department of Environmental Control on all matters relating to the jurisdiction and responsibility of the Department. The Advisory Committee shall consist of nine members: one member shall be the Director of the Department of Environmental Control, who shall be Chairman; one member shall be the Chief Operating Officer of the County Department of Public Health; one member shall be the Coordinator of the County Emergency Services and Disaster Agency; one member shall be the Superintendent of the Forest Preserve District; one member shall be the Superintendent of the County Highways; one member shall be the Chairman of the County Zoning Board of Appeals, and three to be appointed by the President of the County Board, one of which must be an engineer of ecology. All shall be residents of the County. The Committee shall:~~

- ~~(1) Aid and advise the Director with respect to obtaining the active support and cooperation of industry, commercial enterprises, municipal and governmental agencies and other organizations interested in or affected by the provisions of this section.~~
- ~~(2) Advise and consult with the Director with respect to amendments to this section considered appropriate by reason of research conducted in accordance with section hereof, or as otherwise provided.~~
- ~~(3) Advise and consult with the Director with respect to the membership of the advisory committee.~~
- ~~(4) Attend meetings called by the Chairman from time to time.~~
- ~~(5) Institute, support and encourage such programs for research and education in the field of ambient air control.~~
- ~~(6) With the Director, appoint appropriate subcommittees to carry out such research programs as is deemed appropriate.~~

~~Sec. 30-42. - Special processes and equipment; environmental impact statement.~~

~~No person shall cause or allow the construction of any special process or process equipment, which shall include, but shall not be limited to, Portland cement processes, catalyst regenerators of fluidized catalytic converters, sinter processes, corn wet milling processes, coke manufacturing plants, beehive coke ovens, by product coke plants, inedible rendering plants, or any other process plant with a potential of emitting a minimum of 100 tons per year of any type of pollution, or any other process plant which handles or is capable of emitting noxious materials, without an environmental impact statement as described by the County Department of Environmental Control Suggested Guidelines for Environmental Impact Statements, containing the most currently required information.~~

~~Secs. 30-43—30-60. - Reserved.~~

DIVISION ~~21~~. - DEPARTMENT OF ENVIRONMENTAL CONTROL_

Sec. 30-~~59~~64. – Created; ~~membership~~.

There is hereby created the Cook County Department of Environmental Control.

Sec. 30-60. –Rulemaking authority.

The Department is hereby authorized to adopt, promulgate and enforce rules and regulations and prepare forms to effectuate the purposes of this Chapter.

Sec. 30-61. –Membership.

The Department is hereby vested with the administration of this chapter, and shall consist of the Director of the Department, ~~Assistant Director~~, and such other officers and employees as the County Board may designate by annual appropriation ordinance. The President of the County Board is hereby authorized to designate the Director as the chief executive of the Department, who shall exercise the duties set forth in this chapter ~~and who shall serve in such capacities without additional compensation.~~

Sec. 30-62. - Duties of the Director of the Department.

(a) ~~Generally.~~ Duties. In general, ~~t~~The duties or functions of the Director shall be:

- (1) To supervise the execution of all laws, ordinances, rules and regulations pertaining to the control of environmental pollution;
- (2) To issue notices of violation for the purpose of giving notice to persons allegedly violating any of the provisions of this chapter or other ordinances relating to environmental pollution; ~~If at any time of any original inspection, or annual inspection, or any other inspection, it is found that any fuel burning, combustion, or process equipment, process, or device, or premises, is being operated or managed or is in such a condition or so installed that smoke, particulate or other matter is being emitted or may be emitted therefrom in violation of any emission limitation or other requirement provided in this chapter, the Director shall give notice in writing to any or all persons owning, operating, or in charge of such equipment, process, device, or premises, of the defective equipment or device, condition or operation, or violation. Such notice shall be given by any inspector or other properly trained, authorized agent of the Director, by delivering such notice to any person owning, operating, or in charge of the equipment, process, device, or premises, involved, or by leaving a copy thereof, with a person in charge of such equipment, process, device, or premises, or by mailing a copy directed to the last known address of the person to be notified. Such notice shall direct the alleged violator to appear before the Circuit Court of Cook County. Prosecution under this chapter shall be instituted by the Department and shall be carried out by the State's Attorney in the name of the County;~~
- (3) To institute necessary proceedings to prosecute violations of this chapter and to compel the ~~prevention~~ cessation and abatement of the issuance of smoke or gases, solids, or liquids, or other matter causing any environmental pollution, and nuisances arising therefrom;
- (4) To examine and approve the plans of fuel-burning, combustion, ~~or~~ process equipment, processes, air pollution control devices, furnaces, and smoke prevention and pollution control devices to be installed, constructed, reconstructed, repaired, or added to, in any building, location, or on any premises as herein provided to assure that they are in accordance with the requirements of this chapter;

- (5) To cause inspections to be made in accordance with the provisions of this chapter, including all Government installations, unless otherwise provided in this chapter of fuel burning, combustion, or process equipment, processes, devices, furnaces, and all types of pollution control devices;
 - (6) To investigate complaints of violations of this chapter;
 - (7) To encourage and conduct studies, tests of any type, investigations, and research relating to the physical, chemical, biological, engineering, and meteorological aspects of any type of pollution, and its causes, prevention, control, and abatement as is deemed advisable and necessary;
 - (8) To develop plans and proposals for joint cooperative investigation and research with public and private agencies and organizations on methods for eliminating or reducing pollution;
 - (9) To enlist voluntary cooperation by the public, municipalities, counties, and civic, technical, scientific, and educational societies;
 - (10) To advise, consult, and cooperate with other governmental ~~agencies~~ entities in the furtherance of the purposes of this chapter;
 - (11) To collect, publish, and disseminate appropriate educational literature and other information to the public for the purpose of advising of the necessity, purpose, and methods for the prevention of environmental pollution and securing cooperation for the reduction of environmental pollutants;
 - (12) ~~To institute such measures and prescribe such rules and regulations for the control and guidance of the Director's officers and employees as shall secure maximum working efficiency, including the careful examination of drawings and plans and diligent inspection of all sources of emission~~ To maintain records of investigations together with reports and findings signed by the inspector(s), in accordance with applicable law;
 - (13) To issue all permits, certificates, notices, orders, or other matters required under the provisions of this chapter; ~~and to notify all persons concerned of any decision rendered and to provide such persons with an opportunity to be heard;~~
 - (14) To promulgate and publish ~~with the advice and consent of the Advisory Committee~~ Suggested Guidelines for the purpose of abating pollution. These guidelines will provide, with clarity and in detail, any information by which an establishment may be guided in the design and/or operation of equipment or process;
 - (15) To conduct periodic inventories of emissions of all types, equipment and processes associated with the emissions or that which can potentially cause pollution from its operation; and,
 - (16) To enter into delegation agreements with other units of government, and execute associated forms.
- (b) *Right of entry.* In the discharge of duties, the Director or authorized inspector shall have the authority to enter, at any reasonable hour, any building, structure, or premises within the ~~unincorporated areas of the~~ County to enforce the provisions of this chapter. If the property subject to entry is a residence, then, in the absence of an emergency that poses an immediate, direct, and serious threat to health, safety, or the environment, the Department will provide notice to owner at least three (3) business days in advance, requiring the owner to provide sufficient notice of inspection to tenant (i.e., at least two (2) calendar days), and providing the name and contact information of a Department representative that the owner may contact to reschedule the inspection, if necessary, to a mutually agreeable date and time. If entry is denied, the Department shall have the authority to seek an Order of Inspection from a tribunal with jurisdiction to enter such an Order.

- (c) *Badge of office.* The Director shall adopt a badge of office ~~for himself and representatives~~ which shall be displayed by representatives of the Department for the purpose of identification while conducting County business.
- (d) ~~Assistance from other officers. The assistance and cooperation of health, police, legal, and other officers shall be available to the Director as required in the performance of duties.~~ *Variances.* The Director is authorized to grant individual variances for any rule, regulation, requirement, or previous order of the Director; and, to prescribe other and different requirements, not more onerous, in such cases, if it determines that a variance is necessary to prevent/address health or safety concerns for the public, or to avoid an arbitrary and unreasonable taking or property or the practical closing and elimination of any lawful business, occupation, or activity, without a sufficient corresponding benefit or advantage to the people in the reduction of pollution.
- (e) *Grace Periods.* The Director is empowered to grant reasonable extensions of time to achieve compliance with any provision of this chapter upon proof of extenuating circumstances.
- (f) *Conditions.* The Director is authorized to impose conditions on any privilege, including but not limited to permits and/or certificates, as may be necessary to accomplish the purposes of this chapter. The Director is further authorized to revise any permit and/or certificate granted, and/or any condition imposed or contained in any such permit and/or certificate, consistent with the provisions of this chapter.
- (g) *Denial, Suspension or Revocation.* The Director is authorized to issue to the Owner a notice of violation recommending denial, nonrenewal, suspension, or revocation of any privilege, including but not limited to permits and/or certificates, if it determines that renewal will present health or safety concerns for the public, or the owner and/or operator has failed to comply with any provision of this chapter and/or has outstanding debts due the County. However, no such privilege shall be denied issuance or renewal, be suspended, or revoked except after a hearing with the Cook County Department of Administrative Hearings in accordance with Cook County Code of Ordinances, Chapter 2, Administration, Article IX, Administrative Hearings.
- (h) *Assistance from Other Officers.* The Director is authorized to request assistance from health, police, legal, and other officers, and to request the State's Attorney to make application on behalf of the county to any court of competent jurisdiction for such order as the court may deem necessary or appropriate, to secure compliance with any provision of this chapter.

~~Sec. 30 63. — Duties of the Assistant Director.~~

~~The Assistant Director shall be appointed by the Director, according to law, and shall have authority under and subject to the order, direction, and control of the Director to act for the Director, and shall perform such duties as may be required by the Director. The Assistant Director shall act as Director of Environmental Control in the absence of the Director from the Assistant Director's office and while acting shall discharge all the duties and possess all the powers imposed upon or vested in the Director. The Assistant Director shall, under the direction of the Director, have general control of all matters and things pertaining to the work of the Department.~~

~~Sec. 30 64. — Qualifications of the Assistant Director.~~

~~The Assistant Director of the Department shall be a professional engineer qualified by technical training in any one of the fields of Sanitary, Combustion, Civil, Environmental, Mechanical, or Chemical engineering and shall have at least five years' experience in any one of these fields.~~

~~Sec. 30-65. — Technical personnel.~~

~~Technical personnel shall be qualified by training in any of the environmental or technical sciences.~~

~~Sec. 30-66. — Inspector's qualifications, duties, and authority.~~

- ~~(a) The Director shall have, under his or her supervision and control environmental inspectors in such number as may be deemed necessary by the County Board.~~
- ~~(b) An inspector shall be qualified by technical training or experience in the theory and practice of construction or operation of steam boilers and fuel burning, combustion or process equipment, and in the theory and practice of smoke abatement for environmental control.~~
- ~~© It is the duty of the inspector to enforce the provisions of this chapter. Whenever necessary, the inspector may solicit the cooperation of the Sheriff and the Sheriff's deputies and/or local municipal police officers to carry out the inspector's duties.~~

~~Sec. 30-67. — Complaints and reports.~~

~~It shall be the duty of the Director to cause an investigation to be made of all complaints made to the Department which come within its jurisdiction. A record of such investigation shall be kept on file together with the reports and findings signed by the inspector or inspectors.~~

~~Sec. 30-6368. — LiabilityImmunity.~~

- ~~(a) In all cases where any action is taken by the Director, or the Director's duly appointed representative, to enforce the provisions of this chapter, such acts shall be done in the name of and on behalf of the County, and the Director or representative in so acting for the County shall not render himself/herself liable personally. The Director or representative is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any such act committed in good faith in the discharge of his/her duties. Any suit brought against said Director or representative by reason thereof shall be defended by the State's Attorney's Office. The Director or representative shall be saved harmless from all costs or fees arising from such legal action.~~
- ~~(b) The issuance and delivery by the Department of any permit, certificate for installation, erection, construction, reconstruction, repair, alteration, or addition thereto, of any fuel burning, combustion or process equipment or device, or any appurtenance thereto, or certificate for use or operation of any such property, or permit to maintain an open fire, or permit to operate any portable boiler or vehicle, shall not be held to exempt any person to whom any such permit or certificate, from prosecution on account of the emission of smoke, particulate or other matter in violation of this chapter, caused or permitted by any such person or persons, or any other violation of the provisions of this section by such person or persons.~~

~~Secs. 30-6964—30-90. - Reserved.~~

~~DIVISION 23. - FEES~~

~~Sec. 30-91. - Established.~~

~~Fees required by the Department for permits, certificates, and inspection of equipment and other sources of emission shall be as established by separate resolution of the Cook County Board of~~

Commissioners, and set forth in Chapter 32 of the Cook County Code of Ordinances, Section 32-1. All fees shall be collected by the Director for deposit with the County Treasurer.

Sec. 30-92. - Payment of fees.

- (a) All fees or penalties prescribed by the Department for the issuance of permits, licenses or certificates, or for the inspection of plans, premises or equipment, under any provision of this chapter, shall be paid to the Director-Cook County Department of Revenue within sixty (60) calendar days after issuance of statement of account, who shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid, a duplicate of which shall be made part of the records of the Department. All fees and penalties thus received shall be deposited with the County Treasurer and placed in the County's general fund or other account deemed appropriate by the Budget Director.
- (b) Failure to make payment within sixty (60) calendar days after issuance of statement of account may result in a \$25 late fee under this subsection.
- (c) All fees prescribed, the payment of which is required under any provision of this chapter, shall constitute a debt due the County.
- (d) All fees prescribed shall not be prorated and are not refundable.

~~Sec. 30-93. - Fees are debt due the County; suit for.~~

~~All fees or penalties prescribed, for the payment of which is required under any provision of this chapter, shall constitute a debt due the County. The State's Attorney shall, at the direction of the Director, institute civil suit in the name of the County to recover the amount of any such unpaid fee or penalty. No civil judgment, or any act by the State's Attorney, the Director, or the violator, shall bar or prevent a criminal prosecution for each and every violation of this chapter.~~

~~Sec. 30-94. - Refund of permit fees.~~

~~In the event the installation of the fuel burning, combustion or process equipment or device is not completed or that the Director or any other authorized officer of any department of the County refuses issuance of a permit for the erection or construction of any building or structure in which such equipment, process or device was to be located, the fee which has been paid for the permit or the certificate of operation may be refunded upon proper presentation of the facts; provided, however, that no refund shall be made after a period of one year from the payment of the fee.~~

~~Sec. 30-95. - Remittance of fees.~~

~~The Director shall remit all inspection or examination fees charged against any charitable, religious or educational institution when the furnace or other combustion equipment, device or apparatus inspected is located in or upon premises used and occupied exclusively by such institution: provided, however, that such charitable, religious or educational institution is not carried on for, or connected with any institution conducted for, private gain or profit. The Director may require every application for the remission of such fees to be verified by affidavit of one or more taxpayers of the County. Nothing in this section shall apply to fees prescribed and required for permits for demolition or renovation of structures containing asbestos material or removal of asbestos containing material (ACM) structure or premises.~~

~~Sec. 30-96. - Installation permit fee schedule.~~

~~Fees for the inspection of plans, open burning applications, and the review issuance of an equipment registration permit application installation permit for the installation, erection, construction, reconstruction, alteration of, or addition to any fuel burning, combustion, or process equipment, process or device, storage tank, land remediation process, and installation of any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter shall be as set out in Section 32-1 (Exception: Fees for addition of afterburners and control devices for any existing refuse combustion equipment shall be based on SCFM calculated at 50 percent excess air, including the burner input.)~~

~~Sec. 30-97. Original inspection fee schedule.~~

~~Fees for the examination or inspection of any new, reconstructed, or altered fuel burning, combustion, or process equipment, process or device, storage tank, or any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter after completion of its installation or reconstruction and before its regular operation or for site inspection of any open burning shall be as set out in Section 32-1. (Exception: Fees for the addition of afterburners and control devices for any existing refuse combustion equipment shall be based on SCFM calculated at 50 percent excess air, including the burner input.)~~

~~Sec. 30-98. Annual inspection fees.~~

~~Fees shall be as set out in Section 32-1 for the annual inspection of any subject fuel burning, combustion, or process equipment, process, or device controlling pollution, or any storage tank.~~

~~Sec. 30-99. Fee on generation of liquid waste.~~

- ~~(a) On and after January 1, 2016, a fee is imposed on the generation of liquid waste that is generated within the County, except within the corporate limits of the City of Chicago. The liquid waste generator, as defined herein, shall submit the fees directly to the department.~~
- ~~(b) For purposes of this section, the term "liquid waste" means any discarded or abandoned material which maintains the physical state of continuous volume relatively independent of pressure and which takes the shape of its container at ambient temperature.~~
- ~~(c) For purposes of this section, the term "liquid waste generator" means any natural individual, person, corporation, partnership, trust, association, limited liability company, joint venture, foundation or other legal entity that generates liquid waste and meets the following criteria:
 - ~~(1) The liquid waste is designated pursuant to Section 5/3.475 of the Illinois Environmental Protection Act as "special waste", and is containerized and transported off site under manifest according to federal Resource Conservation and Recovery Act (RCRA) regulations.~~~~
- ~~(d) The fee imposed on each liquid waste generator for the generation of liquid waste as defined in Section 30-99(c)(1) shall be as set in Section 32-1.~~
- ~~(e) Each liquid waste generator shall submit periodic reporting statements to the department along with the fee attributable to the liquid waste generated during the reporting period, on forms supplied by the department, certifying the quantities of liquid waste generated during the corresponding reporting period as follows:
 - ~~(1) For waste generated from January 1 June 30, 2016, the reporting statement and fee is due September 1, 2016.~~~~

- ~~(2) For waste generated from July 1—December 31, 2016, the reporting statement and fee is due March 1, 2017.—~~
- ~~(3) For waste generated each year after 2016, the reporting period is January—December and the reporting statement and fee is due 90 calendar days following the end of the reporting period (March 1).—~~
- ~~(f) Every liquid waste generator shall be subject to periodic audits by the department to assess compliance with the requirements of this section. The department shall have the authority and the right to corroborate quantities of liquid waste reported to the department with quantities reported to the Illinois Environmental Protection Agency.—~~
- ~~(g) Any person who violates any provision of this section shall be fined not less than \$300.00 and not more than \$10,000.00 for each offense.—~~
- ~~(h) Notwithstanding any other provision of this section, generators of liquid waste who are governmental entities ("governmental entity" means any unit of federal, state or local government) are exempt from the fees and reporting requirements imposed by this section.—~~
- ~~(i) Notwithstanding any other provision of this section, any facility that is issued a permit to operate as a liquid waste handling facility from the Illinois Environmental Protection Agency is exempt from the fees and reporting requirements imposed by this section.—~~

Secs. 30-93+00—30-120. - Reserved.

DIVISION 3. – ENFORCEMENT PROCEDURES

Subdivision I. - In General

Sec. 30-121. – Generally.

No activity, omission, or operation shall cause the emission, presence, and/or discharge of noxious, odorous, toxic or other gaseous, liquid, or solid matter in such manner or quantity as to be detrimental to, or endanger, the public health, safety, or welfare, or to cause injury or damage to property or business, or to be needlessly destructive of any insect, plant, or animal life.

Sec. 30-122. - Failure to comply.

- (a) All Persons must comply with all applicable requirements of this chapter, and any rule, regulation, requirement, condition, or order, arising pursuant to this chapter.
- (b) Failure to comply with all applicable requirements of this chapter, and any rule, regulation, requirement, condition, or order, arising pursuant to this chapter will result in penalties, cost recovery, and remedies pursuant to section 30-131.
- (c) The issuance by the Director of any permit, certificate, notice, order, or other matter pursuant to the provisions of this chapter shall not be held to exempt the person to whom such permit, certificate, notice, order, or other matter has been issued or who is in possession of the same, from prosecution for failing to comply with any provision of this chapter.

Sec. 30-123. - Separate violations.

- (a) Knowingly furnishing false or misleading information or complaint(s) to the Department shall constitute a separate violation of this chapter.
- (b) Failure to make payment within 75 calendar days after issuance of statement of account shall constitute a separate violation of this chapter.

Sec. 30-124. – Warning.

If, at any time, the Department determines that a provision of this chapter is being violated, then the Person may receive a Warning containing written notice of the violation and a time provided by the Department for correction of the violation. If, after the time provided by the Department in the Warning for correction of the violation, the Department determines that the violation still exists, then the Owner and/or Operator shall receive a Citation containing written notice of the violation and directing the alleged violator to appear before the Cook County Department of Administrative Hearings, for adjudication in accordance with Cook County Code of Ordinance, Chapter 2, Administration, Article IX, Administrative Hearings.

Sec. 30-125. – Citation.

If, at any time, the Department determines that a provision of this chapter is being violated, and no Warning is provided, then the Person shall receive a Citation containing written notice of the violation and directing the alleged violator to appear before the Cook County Department of Administrative Hearings, for adjudication in accordance with Cook County Code of Ordinance, Chapter 2, Administration, Article IX, Administrative Hearings.

Sec. 30-126. - Notice.

The notice issued by the Director shall contain such information and shall be served as required by Cook County Code of Ordinance, Chapter 2, Administration, Article IX, Administrative Hearings, Section 2-910.

Sec. 30-127. – Assistance from other officers.

The Cook County Sheriff and State’s Attorney are authorized to, and shall assist the Department, in enforcement of this chapter. In addition, the assistance and cooperation of other health, police, and legal officers shall be available to the Director as needed in furtherance of his/her duties.

Secs. 30-128—30-130. - Reserved.

Subdivision II. – Penalty

Sec. 30-131. – Penalties, cost recovery, and remedies.

- (a) Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of, any of the provisions of this chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than \$10,000.00.
- (b) A violation of any provision of this chapter not listed in the following table is subject to fines not less than \$300.00 and not more than \$10,000.00.

- (c) A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof.
- (d) In determining the amount of the fine the following factors shall be taken into consideration:
- (1) The gravity of the offense;
 - (2) The respondent's past history with respect to compliance with the provisions of this chapter;
 - (3) The respondent's financial situation;
 - (4) The extent of respondent's cooperation;
 - (5) The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine; and,
 - (6) Any other factors relevant to the circumstances relating to the violation.
- (e) In addition to such fines and penalties, any privilege accorded to such person, including but not limited to permits and certificates issued pursuant to this chapter may be denied, suspended, and/or revoked, such person may be required to pay fees owed to the Department, and such person may be required to cease and/or abate public nuisance, in accordance with section 30-136 of this chapter.

<u>Code Section</u>	<u>Violation</u>	<u>Minimum Fine (\$)</u>
<u>30-136(b)(i)</u>	<u>Causing, creating or contributing to any activity or condition that poses an imminent and substantial risk to the public health or safety or to the environment</u>	<u>5,000</u>
<u>30-136(b)(ii)</u>	<u>Operating a facility or conducting an activity without a required permit or other written authorization issued by the Director</u>	<u>500</u>
<u>30-136(b)(iii)</u>	<u>Violating any of the provisions of this chapter or the rules and regulations promulgated thereunder or the conditions of any privilege, including but not limited to permits and certificates, issued thereunder</u>	<u>500</u>
<u>30-446(b)</u>	<u>Failure to remove or retrofit noncompliant equipment or vehicle within 24 hours (per day for each piece of equipment / vehicle)</u>	<u>5,000</u>
<u>30-446(c)</u>	<u>False statement or claim with respect to solicitation for public works contract or removal or retrofit of noncompliant equipment or vehicle (per false statement or claim)</u>	<u>10,000</u>
<u>30-546</u>	<u>Failure to maintain ACM</u>	<u>500</u>

<u>30-549(a)</u>	<u>Release of ACM in the air</u>	<u>5,000</u>
<u>30-549(a)(3)</u>	<u>Workers without valid IDPH ACM Abatement license</u>	<u>1,000</u>
<u>30-549(a)</u>	<u>Lack of vacuumed or sealing ACM waste</u>	<u>3,000</u>
<u>30-549(a)</u>	<u>Lack of enclosure if required</u>	<u>5,000</u>
<u>30-549(a)</u>	<u>Structure not adequately wet</u>	<u>1,000</u>
<u>30-549(a)(1)</u>	<u>ACM dropped without dust-tight method</u>	<u>3,000</u>
<u>30-552</u>	<u>ACM not contained for transportation</u>	<u>5,000</u>
<u>30-561</u>	<u>No valid demolition permit</u>	<u>1,000</u>
<u>30-548</u>	<u>No valid ACM abatement permit</u>	<u>1,000</u>
<u>30-121</u>	<u>Noxious odors</u>	<u>500</u>
<u>30-547</u>	<u>No valid Asbestos Removal Contractor Certificate of Registration</u>	<u>1,000</u>
<u>30-773(c)</u>	<u>Late filing of the required Demolition Debris Diversion report</u>	<u>500</u>
<u>30-773</u>	<u>Failing to submit complete and required documentation, which includes submitting inaccurate, incomplete, or inconsistent information</u>	<u>1,000</u>
<u>30-773</u>	<u>Failing to divert demolition debris as required</u>	<u>5,000</u>

Secs. 30-132—30-135. - Reserved.

Subdivision III. – Cessation and Abatement

Sec. 30-136. - Public nuisance cessation and abatement.

(a) Definitions.

- (1) For the purposes of this section, "imminent and substantial risk to the public health or safety or to the environment" shall include a threat to human health or safety or to the environment that is expected to occur within a reasonably short time, or that is present now, although the impact of the threat may not be felt until later.
- (2) For the purposes of this section, "cease and desist" or "cessation" shall mean stopping or suspension or bringing an end to a particular course of action or conduct, including, but not limited to, the closure of any business or part of any business or the closure or dismantling of any equipment.
- (3) For the purposes of this section, "abate" or "abatement" shall include the remediation or correction of any activity or condition that amounts to a public nuisance or a violation of any of the provisions of this Code which are under the jurisdiction of the Director or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, including, but not limited to, the controlling, sealing, removing or disposing of any such activity or condition.
- (4) For the purposes of subsection (b)(4) of this section, "current threat" shall mean an emergency that (i) poses a direct and serious threat to human health, public health or safety or to the environment, and (ii) which is occurring now.

(b) Cessation and abatement.

- (1) Cessation—Authority. The Director is hereby authorized to issue a cessation order to any person whom the Director concludes is:
 - (i) Causing, creating or contributing to any activity or condition that poses an imminent and substantial risk to the public health or safety or to the environment;
 - (ii) Operating a facility or conducting an activity without a required permit or other written authorization issued by the Director; or
 - (iii) Violating any of the provisions of this chapter or the rules and regulations promulgated thereunder or the conditions of any privilege, including but not limited to permits and certificates, issued thereunder.
- (2) Abatement—Authority. In the event that the Director concludes that any person is causing, creating or contributing to any activity or condition that has created, or is creating, an imminent and substantial risk to the public health or safety or to the environment, then the Director may order such person to abate the risk within a time frame prescribed by the Director.
- (3) Duty to comply. Upon service of an order issued under this subsection, the person to whom the order is issued shall immediately comply with the requirements of the order. The duty to comply with such order shall arise at the moment of service of the order and shall continue until the time of cancellation, if any, of such order by the Director, or until adjudication by a judge.
- (4) Authority to abate.
 - (i) If the person to whom an order was issued under this subsection does not comply with the requirements in the order as ordered by the Director, then the Director may undertake any abatement activities reasonably necessary to correct any imminent and substantial risk to the public health or safety or to the environment.
 - (ii) In addition, such person may be required to pay up to three times the abatement costs incurred by the Department plus its attorney fees.

(iii) Nothing in this subsection shall be construed to prevent the Director from acting without issuing an abatement or cessation order, where issuing such order is not practicable or the activity or condition poses a current threat to public health or safety or to the environment, nor shall this section be construed to deny any common law right to anyone to abate a nuisance.

(5) Cancellation of order. The Director shall cancel a cessation or abatement order issued by the Director in accordance with this subsection (b) when the Director determines that the person to whom an order was issued has complied with the requirements in the order as ordered by the Director. Cancellation of the Director's order shall be made in writing and shall be served in the same manner as an order or notice may be served.

Secs. 30-137—30-140. - Reserved.

DIVISION 4. - APPEALS, VARIANCES, GRACE PERIODS

Sec. 30-121. - Reserved.

Sec. 30-122. - Period of grace.

~~(a) In the event any person is compelled to, or deems it advisable to, install any new equipment, processes, or devices, appliances, means, or methods, including needed control equipment, in order to comply with any provision of this chapter and exemption from the operation of this chapter is reasonably necessary in order to allow sufficient time for such installation such exemption may be granted by the Director on good cause shown. Upon complaint in writing by any such person setting forth that it is impossible in the operation of any plant, fuel burning, combustion or process equipment or device, or apparatus, to operate the same in complete compliance with the requirements of this chapter, and stating evidence satisfactory to the Director that such person has taken, or will take all steps necessary to provide for future compliance with the provisions of this chapter, and giving assurance to the Director that the acquisition and installation of the proper equipment, process, device, or appliance, or control equipment, will be effected within a reasonable period of time, stating specifically by nature and extent thereof, and upon the finding by the Director on investigation of the facts, that the complaint is well grounded, the Director is authorized to permit the operation of such plant, fuel burning, combustion, or process equipment or device, or apparatus, for a reasonable period of time within which period necessary equipment, process, device, means or methods, or control equipment, is to be acquired and installed. The Director, however, is empowered to grant further reasonable extensions of time upon proof of extenuating circumstances. An order of the Director denying a complaint for a period of grace or an extension of time shall be subject to an appeal as set out in below. During any such granted period, such persons shall not be subject to the fines and penalties hereinafter provided for the noncompliance sought to be remedied. If, however, such person willfully fails in the time allowed to conform with the applicable provision or provisions of this chapter, or to comply with the person's assurance and agreement, such person shall be subject to all applicable fines and penalties herein provided dating from the date of the beginning of the period or periods.~~

~~(b) It shall be the duty of such person to notify the Director immediately of the completion of such installation.~~

~~Sec. 30-123. - Filing for appeals.~~

~~Any person taking exception to and affected by any final decision, ruling, requirement, rule, regulation, or order, or failure to act upon request within a reasonable period by the Director, may take an appeal to the Department of Administrative Hearings. The Department's written decisions shall include information about the right to appeal to the Department of Administrative Hearings. Such appeal shall be taken within 30 days after receiving notice of such decision, ruling, requirement, rule, regulation, or order or failure to act upon request within a reasonable period, by filing with the Director and the Department of Administrative Hearings a notice of appeal, specifying the grounds thereof and the relief prayed for. The Director, upon receipt of notice of appeal, shall forthwith furnish to the Department of Administrative Hearings all the papers relating to the case.~~

~~Sec. 30-124. —Variances.—~~

~~The Director is hereby given authority for the granting of individual variances for any fuel burning, combustion, or process equipment or device, beyond the limitations prescribed in this chapter whenever it is found, upon the presentation of adequate proof, that compliance with any provision of this chapter or other chapter relating to atmospheric pollution, or any rule, regulation, requirement, or previous order of the Director, will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation, or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of atmospheric pollution; in such case, there shall be prescribed other and different requirements, not more onerous, applicable to plants or equipment involved.~~

~~Sec. 30-141. - Filing for appeals.—~~

- (a) Any person taking exception to and affected by any final decision, ruling, requirement, or order by the Department of Environment and Sustainability may take an appeal to the Department of Administrative Hearings per Cook County Code of Ordinance, Chapter 2, Administration, Article IX, Administrative Hearings.
- (b) The Department of Environment and Sustainability's written decisions shall include information about the right to appeal to the Department of Administrative Hearings.
- (c) Such appeal shall be initiated within 30 calendar days after receiving notice of such decision, ruling, requirement, or order, by filing with the Director and the Department of Administrative Hearings a notice of appeal, in such form and accompanied by such information as required by the Department of Administrative Hearings per Cook County Code of Ordinance, Chapter 2, Administration, Article IX, Administrative Hearings.

Secs. 30-~~142~~25—30-150. - Reserved.

ARTICLE III. - AIR

DIVISION 51. — AIR PERMITS AND PLANS

Subdivision I. Equipment Registration.

Sec. 30-151. - ~~Installation~~Equipment registration permit.

- (a) An equipment registration permit shall be required for the installation, erection, construction, reconstruction, alteration of, repair or addition to any fuel-burning, combustion, or process equipment, process or air pollution control device, storage tank, land remediation process, and installation of any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter.
- (b) Except as provided in Section 30-151(c) below, it shall be unlawful for any person to operate install, erect, construct, reconstruct, alter or add to, or cause to be installed, erected, constructed, reconstructed, altered, or added to, any fuel-burning, combustion, or process equipment, process or air pollution control device, or any equipment pertaining thereto, or any stack or chimney connected therewith, within the County, excepting domestic heating plants, locomotives, steamships and mobile internal combustion engines, or to make, or cause to be made, major repairs to any high pressure boiler furnace on or about the same in the County, unless and until an installation permit application for equipment registration permit has been made to the Department in such form and accompanied by such information as required by the Department on forms supplied by the Department including suitable plans, specifications, and any other documents requested by the Department of the fuel burning, combustion, or process equipment, process, or device, or high pressure boiler furnace repair, and the structures or buildings used in connection therewith, has been filed in triplicate by the owner, contractor, installer, or other person, or agent, in the office of, and; such application has been approved by, the Director as being so designed that the same can be managed and operated to conform to the provisions of this chapter; and, an installation equipment registration permit has been issued by the Director for such installation, erection, construction, reconstruction, alteration, addition to, or repair.
- ~~(c) Provided, however, that Notwithstanding the above, maintenance or repairs or alterations which are minor in scope or do not change the capacity of such fuel-burning, combustion, or process equipment, process, or air pollution control device, and which do not involve any change in the method of combustion or operation or materially affect the emission of smoke, dust, fumes, or other products therefrom, may be made without an installation equipment registration permit; provided further, that an emergency repair may be made prior to the application for, and the issuance of, a required installation permit in the event an emergency arises and serious consequences would result if the repair were to be deferred. When such repair is made in an emergency, application for an installation permit therefor shall be filed in accordance with Section 30-7 in the office of the Director within a reasonable period of time after the start of such work.~~

~~Sec. 30-152. Contents of installation permit application.~~

~~An application for an installation permit shall contain, as a minimum, the following data and information: the nature of the emission source and pollution control equipment, including the expected life and deterioration rate information concerning processes to which the emission source or pollution control equipment is related; the quantities and type of raw materials to be used in the emission source or pollution control equipment; the nature, specific sources, and quantities of uncontrolled and controlled pollution contaminant emissions at the facility which includes the emission source or pollution control equipment; the type, size, efficiency, plans, and specifications (including engineering drawings), certified to by a registered Illinois professional engineer, of the proposed emission source or pollution control equipment; maps, statistics, and other data reasonably sufficient to describe the location of the emission source or pollution control equipment. The Department may waive the submission by the applicant of such engineering drawings, plans, specifications, or such other portions of the above data or information as it shall deem inappropriate or unnecessary to the installation permit application. The Department may~~

~~adopt procedures which require data and information in addition to and in amplification of the matters specified in the first sentence of this section, which are reasonably designed to determine compliance with this chapter, and which set forth the format by which all data and information shall be submitted. All applications and supplements thereto shall be signed by the owner of the emission source or pollution control equipment, or authorized agent.~~

Sec. 30-152. – Equipment Registration Permit Application Fee.–

The fee for the review of the equipment registration application shall be as set forth in Chapter 32 of the Cook County Code of Ordinances, Section 32-1. However, such fee shall be waived for any Government or non-profit organization.

~~Sec. 30-153. – Standards for issuance of installation permit~~Equipment Registration Permit Fee Schedule.

~~No installation permit shall be granted unless the applicant submits proof to the Department that:—~~

- ~~(1) The emission source or pollution control equipment will be constructed or modified to operate so as not to cause a violation of this chapter; and~~
- ~~(2) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subdivision IV of Division 7.–~~

The fees for the review of plans, open burning applications, and issuance of an equipment registration permit for the installation, erection, construction, reconstruction, alteration of, or addition to any fuel-burning, combustion, or process equipment, process or device, storage tank, land remediation process, and installation of any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter shall be as set out in Chapter 32 of the Cook County Code of Ordinances, Section 32-1. Exception: Fees for addition of afterburners and control devices for any existing refuse combustion equipment shall be based on SCFM calculated at 50 percent excess air, including the burner input. However, such fee shall be waived for any Government or non-profit organization.

~~Sec. 30-154. – Conditional installation permit.~~

~~The Department may impose such conditions in an installation permit as may be necessary to accomplish the purposes of this chapter. Except as herein specified, nothing in this section shall be deemed to limit the power of the Department in this regard. Such conditions may include conditions specifying any testing operations that may be conducted under the installation permit.–~~

Sec. 30-154.55. - Action on Application for Equipment Registration Permit.

- (a) An application for equipment registration may shall be approved with or without conditions, or rejected within 30 ~~working~~45 business days after it is officially received in the office of by the Director with payment of the prescribed fees.
- (b) Upon the approval of the application and upon the payment of the prescribed fees, the Director of the Department shall issue applicant will receive an equipment registration permit for the construction, installation or alteration of such equipment.

(c) The Department may impose such conditions in an equipment registration permit as may be necessary to accomplish the purposes of this chapter. Such conditions may include and are not limited to conditions specifying any testing operations that may be conducted under the equipment registration permit. If the approval of the application is with conditions, then the equipment registration permit will state as much.

Sec. 30-155. – Effective date.

The equipment registration permit shall be valid for one year from the date of issuance, unless it is suspended or revoked prior to expiration resulting in automatic termination of the equipment registration permit.

Sec. 30-156. – Compliance with approved plans.

Without the approval of the Director, no construction, installation, or alteration shall be made which is not in accordance with the plans, specifications, and other pertinent information upon which the installation permit was issued.

Sec. 30-157. – Completion of work.

If construction, installation, or alteration is not completed within one year of the date of issuance of the installation permit, the permit shall become void and all fees shall be forfeited unless an extension is granted by the Director of the Department in accordance with Section 30-122. Any extension applied for under such section shall be filed in the office of the Director no later than 30 days prior to the date on which the permit shall become void.

Sec. 30-158. – Proof of responsibility bond.

- (a) If the proposed plans and specifications submitted pursuant to this division are not sufficiently complete, in the judgment of the director to show that the equipment or device for which such plans and specifications were submitted can consistently comply with and can be operated within the provisions of this chapter, either because the design or process is unconventional or untried, or because the person has elected to omit confidential details, or because there is insufficient data on which to estimate the ability to control pollution, the director is authorized to require as a condition precedent to the issuance of an installation permit or certificate of operation, proof of financial responsibility and of ability to make any changes that may be required after construction to insure compliance with the provisions of this chapter. Such proof, in the discretion of the director, may be a written statement to such effect, signed by the owner or a responsible officer of a financially sound organization, or a written guarantee of performance signed by a responsible supplier or contractor or other responsible person. The responsibility of any such person or soundness of any such organization shall be a matter within the judgment of the director, subject to the right of appeal.
- (b) In the event that the Director is not given adequate proof of financial responsibility and of ability to make any changes that may be required, the Director may require any such person, as owner, lessee, operator, supplier, contractor, vendor, or other person, to file with the director a surety bond running to the County in the sum of not to exceed \$50,000.00, executed by such person or persons, as principal, and two or more sureties, or a surety company authorized to do business in this state, the bond to be approved as to form and amount, assuring compliance with the conditions of the permit, any agreement or guarantee and assuring such person or persons ability to make changes necessary for compliance with the provisions of this chapter.

~~Sec. 30-159. - Secret process; plans for, suspended when affidavit filed.~~

~~The requirement of filing plans and specifications involving the installation, erection, construction, reconstruction, alteration of, or addition to, any fuel burning, combustion, or process equipment, process, or device, or the building of pilot plants or processes, or repair to any high pressure boiler furnace, to be used in or to become a part of a secret process may be suspended, upon the filing with the Department, in lieu of the filing of plans and specifications, of an affidavit of a responsible person to the effect that such equipment or process is to be so used. Such person may also be required to furnish bond or other proof of financial responsibility in accordance with. The suspension of the filing of such plans and specifications shall in no way relieve the person responsible for the secret process from complying with all other provisions of this chapter.~~

~~Sec. 30-156160. - Violation of installation equipment registration permit.~~

~~Any person who is responsible for any work that is done shall if any work for which an installation permit has been issued fails to comply with the plans and specifications filed in connection therewith with the equipment registration permit and/ or with the terms and conditions of such permit the Director shall have authority to stop all work and seal the installation or equipment and further work or operation shall not proceed until the Director has been assured that the work will proceed in accordance with the installation permit. Persons responsible for such equipment may also be required to furnish bond or other proof of responsibility in accordance with Section 30-158.~~

~~Sec. 30-161. - Failure to procure installation permit.~~

~~Any person who has started or completed the installation, erection, construction, reconstruction, alteration of, or addition to, any fuel burning, combustion, or process equipment, process, or device, or any equipment pertaining thereto, or any stack or chimney connected therewith, or has started or completed, the major repair of any fuel burning, combustion, or process equipment, process, or device, on or about the same without first having obtained a permit for such work from the Director pursuant to Section 30-151 shall be subject to the issuance of a notice of violation pursuant to Section 30-62(2) and shall be subject to the fines and penalties set forth in this chapter.~~

~~Sec. 30-162. - Subsequent violation.~~

~~The issuance by the Director of any installation permit or operating permit shall not be held to exempt the person to whom the permit has been issued or who is in possession of the same, from prosecution for the emission of smoke, dust, and fumes prohibited by this chapter.~~

~~Sec. 30-157163. - Duty to report discontinuance or dismantlement.~~

~~It shall be the duty of any person responsible for any discontinued or dismantled fuel-burning, combustion, or process equipment, process, or air pollution control device coming under the jurisdiction of the permit and/or fee provisions of this chapter to notify the Department in writing within thirty (30) calendar days of the discontinuance or dismantlement of such equipment or device, in such form and accompanied by such information as required by the Director. The notification shall include the reason for such discontinuance or dismantlement.~~

~~Sec. 30-158164. - Permission for startup of previously discontinued or dismantled equipment.~~

It shall be the duty of any person responsible for any previously discontinued or dismantled fuel-burning, combustion, ~~or~~ process equipment, process, or air pollution control device as specified in Section 30-163 to request ~~in writing~~ permission from the Department for startup of such fuel-burning, combustion, or process equipment, process, or air pollution control device, in such form and accompanied by such information as required by the Director. The Director may require that such equipment, process, or air pollution control device be up-graded in accordance with ~~Sections 30-151 through 30-162~~this Subdivision before permission for startup is granted.

Secs. ~~30-159-165~~—~~30-165~~185. - Reserved.

Subdivision II. – Inspections related to equipment registration.

Sec. 30-166. – Inspections.

In order to obtain an equipment registration permit, the Owner and/or Operator shall allow inspections of the equipment, process, or air pollution control device for which the Director has issued an equipment registration permit during installation, erection, construction, reconstruction, alteration, addition, or repair and/or upon completion.

Sec. 30-167. - Inspection fee schedule.

Fees for the examination or inspection of any new, reconstructed, or altered fuel burning, combustion, process equipment, process or air pollution control device, storage tank, or any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter after completion of its installation or reconstruction and before its regular operation or for site inspection of any open burning shall be as set out in Section 32-1. Exception: Fees for the addition of afterburners and control devices for any existing refuse combustion equipment shall be based on SCFM calculated at 50 percent excess air, including the burner input. However, such fees shall be waived for any Government or non-profit organization.

Secs. ~~30-168~~—~~30-182~~. - Reserved.

Subdivision III~~DIVISION 6~~. - CERTIFICATE OF OPERATION

Sec. 30-183. – Fee for Certificate of Operation.

The fee for certificate of operation shall be as set forth in Chapter 32 of the Cook County Code of Ordinances, Section 32-1. However, such fee shall be waived for any Government or non-profit organization.

Sec. 30-184. – Certificate of operation; issuance.

Upon equipment registration and expiration of the equipment registration permit, the Owner and/or Operator will be billed for an annual certificate of operation, and a certificate of operation will be issued with or without conditions upon payment of the required fee.

Sec. 30-185. – Certificate of operation; conditions.

Conditions on a certificate of operation may include, and are not limited to, a requirement that the Owner and/or Operator adequately maintain any equipment covered by the permit according to a maintenance program and keep maintenance records as are necessary to demonstrate compliance with this section. If the certificate of operation is issued with conditions, then the certificate of operation will state as much.

Sec. 30-186. Certificate of operation required.

~~A current certificate of operation shall be required. It shall be unlawful for any person to use or operate any fuel-burning, combustion, or process equipment, process, or air pollution control device which is subject to annual inspection, as set forth in Section 30-231, without having an effective certificate of operation thereof. Failure to have an effective certificate of operation shall constitute a violation of this division.~~

~~Sec. 30-187. Standards for issuance.~~

~~No certificate of operation shall be granted unless the applicant submits proof to the Department that:~~

- ~~(1) The emission source or pollution control equipment has been constructed or modified to operate so as not to cause a violation of this chapter or has been granted a variance therefrom by the County Environmental Control Board of Appeals and is in full compliance with such variance;~~
- ~~(2) The emission source or pollution control equipment has been shown by tests in accordance with the provisions of this chapter to operate in compliance with the emission limitations set forth in this chapter, provided that the Department may waive the requirement for actual tests where sufficient standard testing information is available;~~
- ~~(3) The emission source or pollution control equipment has been constructed or modified in accordance with the installation permit and any special conditions therein, where applicable;~~
- ~~(4) The applicant has taken all technically feasible measures, including changes in work rules, to minimize the duration and frequency of startups and to reduce the quantity of emissions during startup;~~
- ~~(5) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule;~~
- ~~(6) If required, the applicant has an approved episode action plan in effect in accordance with the provisions of this chapter; and~~
- ~~(7) If subject to a future compliance date, the applicant was, on the effective date of this chapter, and is at the time of application for a certificate of operation pursuant to this division, in compliance with any applicable emission standards; or was, on the effective date of this chapter, in full compliance with any variance from those regulations granted by the County Environmental Control Board of Appeals; or has been, since the effective date of this chapter, granted a variance from those regulations, and is in full compliance with such variance.~~

~~Sec. 30-188. Conditions.~~

~~The Department may impose such conditions in a certificate of operation as may be necessary to accomplish the purposes of this chapter. Except as herein specified, nothing in this chapter shall be deemed to limit the power of the Department in this regard. When deemed appropriate as a condition to~~

~~the issuance of a certificate of operation, the Department may require that the permittee adequately maintains any equipment covered by the permit. To be assured of such maintenance, the Department may require that the permittee have a maintenance program and keep maintenance records as are necessary to demonstrate compliance with this section; provided, however, the Department shall not have the authority to approve the maintenance programs required thereunder.~~

Sec. 30-~~187~~189. - Certificate of operation to be posted; contents.

~~Upon a finding that any fuel burning, combustion, or process equipment, process, or device inspected, on any original or annual inspection, has been found to comply with the provisions of this chapter and after payment of the prescribed fees, the Director shall issue a Any certificate of operation issued by the Department which shall be posted in a conspicuous place on or near the equipment, process, or device until the date of expiration. Any certificate of operation may contain such information and certifications as the Director may require.~~

~~Sec. 30 187. — Reinstatement of certificate of operation.~~

~~If the Department subsequently determines that the subject equipment, process or device has been brought into compliance with the provisions of this chapter, then the Department will lift the suspension, reinstate the certificate of operation, or issue a new certificate of operation.~~

~~Sec. 30-188. – Non-transferability of certificate of operation.~~

~~No certificate of operation shall be transferable to another piece of equipment, process or device.~~

~~Sec. 30-189. - New Owners.~~

~~Any new owner of equipment that is or was subject to an existing certificate of operation shall notify the Department within 45 calendar days of becoming the owner of record.~~

~~Sec. 30-190. - Effective date.~~

~~Each annual certificate of operation shall be effective from the date thereof for a period of one year until the due date for payment for the next annual certificate of operation, unless it is suspended or revoked, or ownership of the subject property is transferred prior to expiration resulting in automatic termination of the certificate of operation. Notwithstanding the above, a certificate of operation is required for each calendar year within which the business operates equipment requiring a certificate of operation, or until the next annual inspection.~~

~~Secs. 30-~~191~~191—30-210. - Reserved.~~

~~DIVISION 7. — ENFORCEMENT PROCEDURES~~

~~Subdivision I. — In General~~

~~Sec. 30 211. — General.~~

~~No installation or operating permit shall be approved or issued until all applicable provisions of this chapter have been complied with.~~

~~Sec. 30 212. — Citation, hearing, and sealing.~~

- ~~(a) After any person has been previously notified of three or more violations of this chapter within any consecutive 12 month period in respect to the emission of smoke, particulate, or other matter by the same piece of equipment in excess of the emission limitations herein provided or in respect to violations of other requirements provided in this chapter, such person shall be notified in writing to show cause before the Director on a day certain, not less than 20 days from date of service of such notice, why the equipment or process causing such violations should not be sealed. The Director may refer the violation notice to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. This last notice herein provided for may be given by mail, directed to the last known address of the person to be notified, or if such person or the whereabouts of such person is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon the date specified in the notice such person may appear at such hearing in person or by representative, with or without counsel. If such person fails to appear at such hearing or if upon such hearing the administrative law officer or administrative law judge shall find and determine that the violations are due to defective equipment or equipment which is incapable of being operated within the maximum emission limitations established by or under this chapter, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, the administrative law officer or administrative law judge may enter an order revoking any certificate or permit outstanding for such equipment or process and directing that the same be sealed by an inspector or other authorized agent of the Director. In making the finding and determination hereinabove referred to, the administrative law officer or administrative law judge shall, in the case of smoke density or opacity measurements, take into consideration whether the equipment is capable of being operated within the particulate matter limitations provided in Division 3 of this article.~~
- ~~(b) Upon notice and hearing, if notice and hearing has not previously been provided, the Director may order that the use of any fuel burning, combustion, or process equipment or device shall be discontinued and may seal such equipment or process:~~
- ~~(1) When a certificate of operation is refused in the case of any original, annual, or subsequent inspection, because the person required to procure such certificate has not complied with the provisions of this chapter;~~
 - ~~(2) In the case of movable equipment, or portable boilers, or vehicles, when immediate correction of a condition causing a violation of this chapter is not made by the operator of such equipment, portable boiler, or vehicle when ordered to do so by the Director or authorized representative.~~

~~Sec. 30 213. Violations and penalty.~~

~~(a) *Persons liable.*~~

- ~~(1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs.~~

~~Unless otherwise specifically provided, where the violation of the provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.~~

~~(2) The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.~~

~~(b) *Penalty clause.* Any person, firm, or corporation or agents, employees or contractors of such who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than \$10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than \$300.00 and not more than \$10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be suspended or revoked as hereinbefore provided.~~

~~Any person, firm, or corporation that issues a check or other draft to the Department or the Department of Revenue that is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in his account, or because the drawer does not have sufficient credit with the drawee, shall be liable in the amount of \$25.00 and shall be liable for interest upon the amount at the rate of nine percent annually.~~

~~The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In determining the amount of the fine the following factors shall be taken into consideration:~~

~~The Director shall refer a violation citation to the Cook County Department of Administrative Hearings for adjudication seeking a fine, collection of compliance fees owed to the Cook County Department of Environmental Control, and, if applicable, a \$25.00 fee for all checks and drafts not honored by a financial institution. The Cook County Department of Administrative Hearings shall set the matter for a hearing to be conducted by an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In addition to assessing a fine, the administrative law judge may, as a sanction, order the respondent to pay any outstanding compliance fees alleged in the citation and found by the administrative law judge to be due and owing to the Department. In determining the amount of the fine the following factors shall be taken into consideration:~~

~~(1) The gravity of the offense,~~

- ~~(2) The respondent's past history with respect to compliance with the provisions of this chapter,~~
- ~~(3) The respondent's financial situation,~~
- ~~(4) The extent of respondent's cooperation,~~
- ~~(5) The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and~~
- ~~(6) Any other factors relevant to the circumstances relating to the violation.~~

<u>Code Section</u>	<u>Violation</u>	<u>Minimum Fine</u>
30-542(a)	Release of ACM in the air	\$5,000.00
30-542(g)(1)a	Workers with no valid IDPH ACM Abatement license	1,000.00
30-542(a)(4)	Lack of vacuumed or sealing ACM waste	3,000.00
30-543(c)(1)	Lack of enclosure if required	5,000.00
30-543(d)	Visible release of ACM in the air	5,000.00
30-544(a)(3)	Structure not adequately wet	1,000.00
30-544(a)(4)	ACM dropped without dust tight method	3,000.00
30-544(a)(5)	ACM not contained for transportation	5,000.00
30-542(h)(1)	No valid demolition permit	1,000.00
30-542(h)(2)	No valid ACM abatement permit	1,000.00
30-92	Late payment of fees	300.00
30-186	No valid certificate of operation	300.00
30-421	Noxious odors	500.00

30-551-	No valid Asbestos Removal Contractor Certificate of Registration	1,000.00
30-968(e)-	Failing to submit Demolition Debris Diversion Report	1,000.00
30-968(e)-	Late filing of the required Demolition Debris Diversion report. Filing is considered late 11 days after permit expiration date-	500.00
30-968-	Failing to submit complete and required documentation, which includes submitting inaccurate, incomplete, inconsistent, or illegible information-	1,000.00
30-965-	Failing to divert demolition debris as required by Sec. 30-965-	5,000.00

~~Sec. 30-214. Breaking of the seal.~~

~~Whenever, in connection with the enforcement of this chapter, any fuel burning, combustion, or process equipment or device, or any plant, building, structure, premises, portable boiler, or vehicle, has been sealed at the direction of the Director, the seal shall not be broken or removed except on written order of the Director. The breaking or removal of this seal without such order shall be a violation of this chapter.~~

~~Sec. 30-215. Public nuisance cessation and abatement.~~

~~(a) Definitions.~~

- ~~(1) For the purposes of this section, "imminent and substantial risk to the public health or safety or to the environment" shall include a threat to human health or safety or to the environment that is expected to occur within a reasonably short time, or that is present now, although the impact of the threat may not be felt until later.~~
- ~~(2) For the purposes of this section, "cease and desist" or "cessation" shall mean stopping or suspension or bringing an end to a particular course of action or conduct, including, but not limited to, the closure of any business or part of any business or the closure or dismantling of any equipment.~~
- ~~(3) For the purposes of this section, "abate" or "abatement" shall include the remediation or correction of any activity or condition that amounts to a public nuisance or a violation of any of the provisions of this Code which are under the jurisdiction of the Director or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, including, but not limited to, the controlling, sealing, removing or disposing of any such activity or condition.~~
- ~~(4) For the purposes of subsection (b)(4) of this section, "current threat" shall mean an emergency that (i) poses a direct and serious threat to human health, public health or safety or to the environment, and (ii) which is occurring now.~~

~~(b) Emergency cessation and abatement.~~

- ~~(1) Emergency cessation Authority. The Director is hereby authorized to issue an emergency cessation order to any person who the Director concludes is:~~

- ~~(i) Causing, creating or contributing to any activity or condition that poses an imminent and substantial risk to the public health or safety or to the environment; or~~
- ~~(ii) Operating a facility or conducting an activity without a required permit or other written authorization issued by the Director.~~
- ~~(2) *Emergency abatement Authority.* In the event that the Director concludes that any person is causing, creating or contributing to any activity or condition that has created, or is creating, an imminent and substantial risk to the public health or safety or to the environment, then the Director may order such person to abate the risk within a time frame prescribed by the Director.~~
- ~~(3) *Duty to comply.* Upon service of an order issued under this subsection (b), the person to whom the order is issued shall immediately comply with the requirements of the order. The duty to comply with such order shall arise at the moment of service of the order and shall continue until the time of cancellation, if any, of such order by the Director, or until the order automatically expires in accordance with subsection (b)(9) of this section. Submittal of a demand for hearing as set out in subsection (b)(6) of this section shall not relieve any person of the duty to comply with the order issued by the Director.~~
- ~~(4) *Authority to abate.*~~
 - ~~(i) If the person to whom an order was issued under this subsection (b) does not comply with the requirements in the order as ordered by the Director, then the Director may undertake any abatement activities reasonably necessary to correct any imminent and substantial risk to the public health or safety or to the environment.~~
 - ~~(ii) Nothing in this subsection shall be construed to prevent the Director from acting without issuing an emergency abatement or emergency cessation order, where issuing such order is not practicable and the activity or condition poses a current threat to public health or safety or to the environment, nor shall this section be construed to deny any common law right to anyone to abate a nuisance.~~
- ~~(5) *Cancellation of order.* The Director shall cancel a cessation or abatement order issued by the Director in accordance with this subsection (b) when the Director determines that the person to whom an order was issued has complied with the requirements in the order as ordered by the Director. Cancellation of the Director's order shall be made in writing and shall be served in the same manner as an order or notice may be served.~~
- ~~(6) *Demand for a hearing.* The person to whom an order was issued pursuant to this subsection (b) shall have 14 calendar days from the service date of the order to notify the Director, on the appropriate form as provided by the Director, of her or his demand for a hearing. Failure to notify the Director of a demand for a hearing in accordance with this subsection shall constitute a waiver of the opportunity for a hearing.~~
- ~~(7) *Initiation of a hearing.* Within seven calendar days of receiving a demand for a hearing on the appropriate form as provided by the Director, the Director shall initiate an administrative hearing in the department of administrative hearings, specifying the basis for the order, any related violations alleged in the order, and any allegation of noncompliance with such order. At the time of initiating such hearing, the Director shall serve notice upon the person demanding the hearing. Said notice shall set out the date, time, the location of the hearing, and an explanation of the penalties for failure to appear at the hearing.~~

- ~~(8) *Hearing.* The hearing shall be commenced in the department of administrative hearings, no later than 14 calendar days after the date on which the Director received the demand for such hearing, unless a later hearing date is scheduled upon mutual consent of the parties. Upon the conclusion of the hearing, in addition to the finding of liability or no liability and imposing of fines and penalties consistent with this section, the administrative hearings officer shall have the authority to affirm or vacate the Director's order.~~
- ~~(9) *Expiration of order.* If a hearing is not initiated or commenced in accordance with the terms set out in subsection (b)(7) or subsection (b)(8) above, then the order that would have been the subject of such hearing shall expire at 11:59 p.m. on the fourteenth calendar day after the date on which the Director received notice of the demand for a hearing or at 11:59 p.m. on the hearing date scheduled upon mutual consent of the parties.~~
- ~~(c) *Nonemergency cessation and nonemergency abatement.*~~
- ~~(1) *Nonemergency cessation—Authority.* The Director is hereby authorized to issue a nonemergency cessation order to any person, in the event that the Director determines that any such person is violating any of the provisions of this Code which are under the jurisdiction of the Director or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above.~~
- ~~(2) *Nonemergency abatement—Authority.* If the Director determines that any person is violating any of the provisions of this Code which are under the jurisdiction of the Director or the rules and regulations promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation has not created, or is not creating, an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above, then the Director may provide the person with a written order to address and correct the violation(s) within a time frame prescribed by the Director.~~
- ~~(3) *Cancellation of order.* The Director shall cancel a cessation or abatement order issued by the Director in accordance with this subsection (c) when the Director determines that the person to whom an order was issued has complied with the requirements in the order as ordered by the Director. Cancellation of the Director's order shall be made in writing and shall be served in the same manner as an order or notice may be served.~~
- ~~(4) *Demand for a hearing.* Any person to whom the Director issues an order under this subsection (c) shall comply with such order as ordered by the Director; provided, however, that if the person contests the order, she or he shall notify the Director within 15 calendar days from the service date of the order, on the appropriate form as provided by the Director, of her or his demand for a hearing. If the person notifies the Director of her or his demand for a hearing in accordance with this subsection, the order shall be stayed by the Director until the department of administrative hearings issues a final determination finding the person liable for one or more of the violations, or not liable for any of the violations, specified in the Director's order, or affirming or vacating the Director's order. Failure to notify the Director of a demand for a hearing in accordance with this subsection shall constitute a waiver of the opportunity for a hearing, and the person to whom the Director issued an order shall comply with the order and shall not recommence any operations or activities prohibited by such order unless the order is cancelled by the Director.~~
- ~~(5) *Initiation of a hearing.* Within 30 calendar days of receiving a demand for a hearing on the appropriate form as provided by the Director, the Director shall initiate an administrative hearing in the department of administrative hearings, specifying the basis for the order, and any related~~

~~violations alleged in the order. At the time of initiating such hearing, the Director shall serve notice upon the person demanding the hearing of the date, time, the location of the hearing, and the penalties for failure to appear at the hearing. Upon the conclusion of the hearing, in addition to the finding of liability or no liability and imposing of fines and penalties consistent with this section, the administrative hearings officer shall have the authority to affirm or vacate the Director's order.~~

~~(6) *Expiration of order.* If a hearing is not initiated in accordance with the terms set out in subsection (c)(5) above, then the order that would have been the subject of such hearing shall expire at 11:59 p.m. on the thirtieth calendar day after the date on which the Director received notice of the demand for a hearing.~~

~~(7) *Authority to abate.* If (i) the person to whom an order was issued under this subsection (c) does not comply with the requirements in the order as ordered by the Director, and does not notify the Director of her or his demand for a hearing as provided in subsection (c)(4), or (ii) if any person does not comply with the requirements in the order after the department of administrative hearings has affirmed the Director's order, and such order has not been stayed by a court of competent jurisdiction, then the Director may proceed to control, remove, dispose or otherwise abate the nuisance.~~

~~(d) *Order or notice.*~~

~~(1) *Content.* The order or notice issued by the Director under this section shall:~~

~~(i) Be in writing;~~

~~(ii) Specify the activities to be ceased or the nuisance to be abated or the violation(s) to be corrected;~~

~~(iii) Specify the time frame within which the activities must be ceased or the nuisance must be abated or the violation(s) must be corrected;~~

~~(iv) Specify any related violations, for which the Director seeks any remedy, that the person to whom such order or notice is issued is alleged to have committed;~~

~~(v) Inform such person of the time and manner to request a hearing before the department of administrative hearings, to present evidence as to why the person is not liable for all or any of the violations specified in the Director's order, and/or why the order should be vacated, and to contest any allegations specified in the order; and~~

~~(vi) Inform such person of the consequences of failing to request a hearing, and the consequences of failing to comply with the order or notice.~~

~~(2) *Manner of service.* An order or notice issued by the Director under this section shall be served:~~

~~(i) By first class or priority mail, or express courier service at the person's residence address or, if the person is a business entity, at any mailing address identified for its registered agent or at its principal place of business; or~~

~~(ii) By facsimile transmission or e-mail at the person's facsimile or e-mail address or, if the person is a business entity, at the facsimile or e-mail address identified for its registered agent; or~~

~~(iii) By personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or~~

~~(iv) If service cannot be made by either of (i) or (ii) or (iii) above, when the alleged violator is the owner or manager of the property by posting a copy of the order or notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the order or notice in a prominent place upon the property where the violation is found.~~

~~(3) *Date of service.* An order or notice issued by the Director under this section shall be deemed served:~~

~~(i) Four days after mailing if issued by first class mail;~~

~~(ii) Upon delivery confirmation or four days after delivery to the United States Postal Service for delivery by priority mail with delivery confirmation if issued by priority mail, whichever occurs sooner;~~

~~(iii) Upon delivery confirmation or four days after delivery to an express courier service if issued by express courier service, whichever occurs sooner;~~

~~(iv) At 9:00 a.m. on the next business day if issued by facsimile transmission or e-mail;~~

~~(v) Upon delivery if issued by personal service; or~~

~~(vi) Upon posting of the copy of the order or notice if issued as provided in subsection (d)(2)(iv) above.~~

~~(e) *Penalty, cost recovery and remedies.*~~

~~(1) *Penalty.* Failure to comply with an order or notice issued under this section constitutes a violation of this section and is a separate and distinct violation from any related or unrelated violations of any other provision of this Code. Any person who violates subsection (b) of this section shall pay a penalty of \$5,000.00 per day for every day the person is in violation; and any person who violates subsection (c) of this section shall pay a penalty of \$500.00 per day for every day the person is in violation. Such person incurs daily penalties for her or his violations of an order or a notice during the pendency of that order or notice, regardless whether that order or notice is ultimately cancelled or modified by the Director.~~

~~(2) *Cost recovery.* The County shall be authorized to bring a civil action to recover penalties from the person to whom an order or notice was issued under this section, and up to the amount of three times the abatement costs incurred by the department plus its attorney fees may be recovered in an appropriate action instituted by the State's Attorney or in a proceeding initiated by the Director at the department of administrative hearings.~~

~~(3) *Liability.* In addition to the penalties set forth hereinabove, any person adjudicated liable for any related or unrelated offenses alleged by the Director in an administrative hearing held pursuant to this section shall also be liable for all applicable penalties for those violations.~~

~~(4) *Injunction.* In addition to any other remedies, penalties or means of enforcement, the Director may request the State's Attorney to make application on behalf of the county to any court of competent jurisdiction for an injunction requiring compliance with this section or for such other order as the court may deem necessary or appropriate to secure such compliance.~~

~~Secs. 30 216 — 30 220. — Reserved.~~

~~Subdivision II. — Inspections.~~

~~Sec. 30 221. — Duties of Director.~~

~~Sec. 30 222. — Preliminary inspections; records.~~

~~The Director shall conduct preliminary inspections during construction of the work for which the Director has issued an installation permit; and the Director shall maintain a record of all such examinations and inspections and of all violations of this chapter. The holder of the permit shall be notified of any violations found.~~

~~Sec. 30 223. — Final inspection; notification of discrepancies.~~

~~Upon completion of the equipment for which an was issued, and before issuance of the operating permit required in Division 5 of this article, a final inspection be made and violations of the approved plans and, if any, shall be noted and the holder of the permit shall be notified of the discrepancies. All violations shall be corrected before issuance of the operating permit.~~

~~Secs. 30 224 — 30 230. — Reserved.~~

~~Subdivision III. — Annual Inspection and Certificate of Operation~~

~~Sec. 30 231. — Generally.~~

~~An annual inspection shall be made by the Department of all fuel burning, combustion or process equipment or devices coming under the provisions of this chapter, whether or not a certificate of operation or allowable fuel certificate allowing use of such equipment or process has been previously issued by the Director to see that such equipment or process can be so managed and operated that no smoke, particulate, or other matter shall be emitted therefrom in violation of any emission limitation or other requirement provided under this chapter; provided, however, that no annual inspection shall be required of locomotives, ships, boats, tugs, internal combustion engines, domestic heating plants, or domestic refuse burning equipment; and provided, also, that where any fuel burning combustion or process equipment or device has been installed, erected, constructed, reconstructed, altered, added to, or repaired pursuant to a permit issued under Section 30 151, has been inspected in accordance with the requirements of Section 30 232 hereof, and has been in operation less than six months, an annual inspection will not be required until six months from the date such equipment was first put under fire after the completion of such work. Commercial and industrial sites will not require an annual~~

~~inspection. Inspections of commercial and industrial sites will be conducted on a random schedule as designated by the Director. Upon notice that the equipment has been found to comply with the provisions of the chapter, and after payment of the prescribed fee, the Director shall issue a certificate of operation, which shall be posted in a conspicuous place within the plant. If, at the time of the annual inspection, it is found that the equipment is in such condition that it cannot be operated within the provisions of the chapter, the Director shall give notice in writing to the person owning, operating, or in charge of such equipment of the defects found and order the person to correct, repair, or replace the defective equipment. Failure to comply with this order within 30 days from its date shall be a violation of this section, and the Director is hereby authorized to seal the equipment. No person shall violate the seal on any equipment that has been sealed at the direction of the Director unless authorized by the Director in writing to do so.~~

~~Sec. 30-232. — Government and municipal fuel burning, combustion or process equipment, processes, or devices.~~

~~The Director shall have the same power and jurisdiction over all fuel burning, combustion, and process equipment, processes, and devices owned or operated by any branch of the Federal, State, or local governments and any municipal corporation as over all other fuel burning, combustion, and process equipment, processes, and devices subject to the terms of this chapter and all such branches and corporations shall be subject to the requirements of this chapter. It shall be the duty of the Director to inspect at least once in each year all of such installations, and also to preserve a record of the condition with respect to the requirements of this chapter of such installation as shown by such inspection. No fee shall be charged or paid to the Department or to any of its employees for any permit or inspection of any such installation or for the certificate of operation therefor issued by the Department.~~

~~Sec. 30-233. — Certificate of operation — Issuance; posting.~~

~~Certificates of operation will be issued on a schedule determined by the Director. The certificate of operation shall be posted in a conspicuous place at or near the equipment or process. Any certificate of operation may contain such information and certifications as the Director may require. Commercial and industrial sites will receive a certificate of operation from the Department based on information in the~~

~~Emission Inventory Master File. This file is updated as specified by the Director either (1) based on information and documentation submitted to the Department by the site or (2) by inspection.~~

~~Sec. 30 234. Same Effective date or term.~~

~~Each annual certificate of operation shall be effective from the date thereof for a period of one year or until the next annual inspection.~~

~~Secs. 30 235—30 240. Reserved.~~

~~Subdivision IV. Compliance Programs and Project Completion Schedule~~

~~Sec. 30 241. Prohibition.~~

~~No person shall cause or allow the operation of an emission source which is not in compliance with all applicable emission limitations set forth in Article III, Division 3 without a compliance program and a project completion schedule approved by the Department.~~

~~Sec. 30 242. Contents of compliance programs and project completion schedules.~~

~~(a) A compliance program shall contain, as a minimum, the following data and information: the nature and/or type of the proposed pollution control equipment or proposed pollution control technique which has been chosen to achieve compliance; the cost, availability and technical reasonableness of the proposed pollution control equipment or proposed pollution control technique, including detailed cost analyses and copies of engineering reports or studies sufficient to prove to the Department that compliance with the limitations set forth in this chapter will be achieved.~~

~~(b) A project completion schedule shall contain, as a minimum, the following data and information: a final compliance date, which date shall be no later than a date prescribed by or approved by the Department; and interim dates, no longer than six months apart, by which various increments of the proposed compliance program shall be completed, such as dates when contracts will be awarded, dates for equipment delivery, and dates for construction of preliminary structural work.~~

~~(c) The Department may adopt procedures which require data and information in addition to and in amplification of the matters specified in Subsections (a) and (b) of this section, and which set forth the format by which all data and information shall be submitted.~~

~~Sec. 30-243.— Effects of approval.~~

~~The approval of a compliance program and project completion schedule shall be a prima facie defense to any enforcement action alleging a violation of the standards and limitations set forth in this chapter only with respect to pollution emanating from sources covered by the compliance program and project completion schedule. Sources not covered by the compliance program and project completion schedule are not considered immune from enforcement action.~~

~~Sec. 30-244.— Final compliance date.~~

~~Failure to meet an approved final compliance date or any interim date, as required by Section 30-242(b) may constitute a violation of this subdivision, which shall be decided by the Department. The Department may, in such an instance, withdraw its approval of the compliance program and project completion schedule, after which enforcement action would follow.~~

~~Sec. 30-245.— Tier II notification — When required.~~

~~(a) Definitions. As used in this section:~~

~~*Department* means the Cook County Department of Environmental Control.~~

~~*Federal Act* means Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq., as amended.~~

~~*Hazardous chemical* has the meaning ascribed to the term in Section 3 of the State Act.~~

~~*Local emergency planning committee* or *L.E.P.C.* means the committee appointed by the State Emergency Response Commission in accordance with Section 301(e) of the Federal Act.~~

~~*Local fire department* means the fire department with jurisdiction over the facility.~~

~~*Safety data sheet* means the sheet required to be developed under 29 C.F.R. 1910.1200(g).~~

~~State Act means the Illinois Emergency Planning and Community Right To Know Act, codified at 430 ILCS 100/1, et al., as amended.~~

~~Subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right to Know Act means any owner or operator of a facility who is required under Section 12 of the State Act to prepare and submit an emergency and hazardous chemical inventory form containing either tier I or tier II data with respect to the preceding calendar year.~~

~~Tier II information means information meeting the requirements of subsections (e) and (f) of Section 12 of the State Act.~~

~~(b) Hazardous chemical inventory form and diagram—Required. If the owner or operator of a facility located within the County (except within the corporate limits of the City of Chicago) is subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right to Know Act ("the State Act"), as defined in subsection (a) of this section, such owner or operator shall submit the following documents to the local emergency planning committee ("L.E.P.C.") and local fire department:~~

~~(1) An emergency and hazardous chemical inventory form containing tier II information for each hazardous chemical present at the facility during the preceding calendar year, if such chemical was present at the facility in an amount that equals or exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986 ("the Federal Act"); and~~

~~(2) An emergency preparedness diagram of the facility.~~

~~(c) Inventory form—Contents and requirements. The emergency and hazardous chemical inventory form required by item (1) of subsection (b) of this section shall be the tier II inventory form promulgated by:~~

~~(1) The United States Environmental Protection Agency for use in meeting the requirements of Section 312 of the Federal Act, or~~

~~(2) The Illinois Emergency Management Agency for use in meeting the requirements of the State Act.~~

~~Such inventory form shall be completed in full, except to the extent that the owner or operator of the facility is authorized under Section 322 of the Federal Act or Section 13 of the State Act to withhold information for trade secret protection, and shall be submitted annually, along with the required diagram, by March 1. Provided, however, that if the Illinois Emergency Management Agency extends the annual tier II filing deadline under the State Act to a later date, the filing date for the inventory form required by this subsection shall also be extended to such later date.~~

~~(d)Change of information—Inventory update required. If a previously unreported hazardous chemical becomes present at a facility in an amount that equals or exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Federal Act, the owner or operator of such facility shall file with the L.E.P.C. and local fire department, no later than 60 calendar days after the occurrence of such event, a facility inventory update for such hazardous chemical. Such update shall be filed using the tier II inventory form required by subsection (c) of this section.~~

~~(e)Diagram—Contents and requirements. The emergency preparedness diagram required by item (2) of subsection (b) of this section shall:~~

~~(1)Be drawn to scale;~~

~~(2)Identify (i) the location(s) at the facility of all hazardous chemicals for which a safety data sheet is required under the Occupational Safety and Health Act of 1970, as amended; (ii) the location(s) where the facility's on-site emergency response equipment is stored; and (iii) the location(s) where the facility's safety data sheet(s) is stored; and~~

~~(3)Be submitted annually to the L.E.P.C. and local fire department, along with the required tier II inventory form, by March 1. Provided, however, that if the Illinois Emergency Management Agency extends the annual tier II filing deadline under the State Act to a later date, the filing date for the inventory form required by this subsection shall also be extended to such later date.~~

~~The contents of the emergency preparedness diagram required by subsections (b) and (e) of this section shall be kept current. If there is a change in any information required by item (2) of this subsection, the owner or operator of the facility shall, no later than 60 calendar days after such change, submit to the L.E.P.C. and local fire department a new diagram meeting the requirements of item (2) of this subsection.~~

~~(f)Penalty for violation. In addition to any other penalty provided by law, any person who violates the requirements of this section shall be fined not less than \$300.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.~~

~~(g)Enforcement. The Director of the Department, and the Executive Director of the Cook County Department of Homeland Security and Emergency Management, and their respective designees are authorized:~~

- ~~(1)To inspect, at reasonable hours or in case of an emergency, any facility subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right to Know Act for the purpose of determining compliance with the requirements of this section; and~~
- ~~(2)To examine the applicable books and records of any person subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right to Know Act in order to corroborate the quantities of hazardous chemicals reported or required to be reported under Section 30-245 by the owner or operator of the facility; and~~
- ~~(3)To jointly promulgate rules and regulations necessary to implement this section.~~

~~Sees. 30-246—30-270. Reserved.~~

Subdivision IV. Inspections related to equipment operation.

Sec. 30-211. Inspections.

The Department may conduct inspections of all commercial and industrial sites including all fuel-burning, combustion, process, process equipment or air pollution control devices, whether or not a certificate of operation allowing use of such equipment or process has been previously issued by the Director, to see that such equipment or process can be managed and operated in compliance with the provisions of this chapter.

Secs. 30-212—30-215. - Reserved.

Subdivision V. Malfunctions, breakdowns and startups.

Sec. 30-216. Duty to notify.

- (a) In the event of unavoidable malfunction or breakdown of any fuel-burning, combustion, or process equipment, process, or air pollution control device, or other circumstances beyond the control of any person owning or operating such equipment, including necessary shut-downs of pollution abatement equipment or control devices for purposes of maintenance or repair, which tends to produce unlawful emission of smoke, particulate, or any other matter as described by this chapter, the owner or operator

of such equipment or process shall immediately notify the County Department of Environment and Sustainability in such form and including such information as required by the Director.

- (b) It shall be the responsibility of the person experiencing the malfunction or breakdown to notify the Department in such form and containing such information as required by the Director when the necessary repairs have been completed.
- (c) Permission shall not be granted to allow continued operation during a malfunction or breakdown unless adequate proof is supplied to the Department that such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be a sufficient reason for the granting of permission. Permission to operate during a malfunction or breakdown shall be granted by the Director or designated authorized representative. Permission shall not be granted to allow violation of the standards or limitations of this chapter during startup unless the applicant has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emission, duration of individual startups and frequency of startups.
- (d) The granting of permission to operate during a malfunction or breakdown, or to violate the standards or limitations of this chapter during startup, and full compliance with any terms and conditions connected therewith, shall be a prima facie defense to an enforcement action alleging a violation of Subsections (a), (b) or (c) of this section, and of the prohibition of environmental pollution during the time of such malfunction, breakdown, or startup.

Secs. 30-217—30-320. - Reserved.

DIVISION 8. POLLUTION CONTROL FACILITY SITING

Sec. 30-271. Rules and definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cook County Solid Waste Management Coordinating Committee means the committee as defined in Section 70-32 of this Code.

County means the unincorporated area of Cook County, Illinois.

Pollution control facility means as provided in 415 ILCS 5/3.330 (Environmental Protection Act — pollution control facility defined), except that the term does not include facilities exempt from 415 ILCS 5/39.1 (Environmental Protection Act — permits for alternative emission control strategies). A new pollution control facility is:

- (1) A pollution control facility initially permitted for development or construction after July 1, 1982;
- (2) The area of expansion beyond the boundary of a currently permitted pollution control facility; or
- (3) A permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

Site means as provided in 415 ILCS 5/3.460 (Environmental Protection Act — site defined).

~~Special waste means as provided in 415 ILCS 5/3.475 (Environmental Protection Act—special waste defined).~~

~~Storage means as provided in 415 ILCS 5/3.480 (Environmental Protection Act—storage defined).~~

~~Treatment means as provided in 415 ILCS 5/3.505 (Environmental Protection Act—treatment defined).~~

~~Waste means as provided in 415 ILCS 5/3.535 (Environmental Protection Act—waste defined).~~

~~Sec. 30-272.— Purpose and intent.~~

~~The purpose of this division is to adopt rules and regulations relating to the form, content, fees and filing procedures for applications and approval of sites for the location of new Pollution Control Facilities in unincorporated Cook County, Illinois. The intention of the article is to be consistent with 415 ILCS 5/39.2 (Environmental Protection Act—local siting review).~~

~~Sec. 30-273.— Procedure for filing an application; pre-filing notice of intent to file an application.~~

~~The applicant shall meet all pre-application notice and proof of notice requirements specified in Illinois 415 ILCS 5/39.2 (Environmental Protection Act—local siting review).~~

~~Sec. 30-274.— Request for application and filing location.~~

~~In order to request approval of a new pollution control facility or expansion of an existing pollution control facility in unincorporated Cook County, a person must file an application with the President of the County Board and with the County Clerk, together with a minimum of 30 copies of the application and all site plans, exhibits and maps. The application may be obtained from the County Department of Building and Zoning. The application for local site approval shall be accompanied by copies of all documents submitted by the applicant as of the date of the application, to the State Environmental Protection Agency in connection with the application there.~~

~~Sec. 30-275.— Pre-filing review.~~

- ~~(a) The applicant for site location approval shall provide full and complete answers to all the questions on the application form. At the time the applicant files an application with the President of the County Board and with the County Clerk, a copy of the application shall be immediately delivered by the County Clerk to the County Department of Building and Zoning for review. The County Clerk shall also deliver copies of the application to the County Department of Environmental Control, County Department of Planning and Development and to the County Highway Department. The Commissioner of the Department of Building and Zoning, or an assistant, shall examine the application to determine that all questions are fully and completely answered.~~
- ~~(b) If the Commissioner or assistant finds that all questions are fully and completely answered, the County Clerk shall file the application and date stamp all copies. This date shall be considered the official filing date for all time limit purposes. Such date must be at least 14 days after the notices required by Section 30-273 of this chapter have been properly served.~~
- ~~(c) If the Commissioner or assistant finds that the application is not complete, the Commissioner shall specify to the applicant the portions of the application which are deficient, and inform the applicant that the application will not be filed until such time as those portions are completed. Once an application has been officially filed according to the above procedures, no amendments, alterations or changes to the application may be made by the applicant.~~

~~Sec. 30-276. Payment of processing costs/surety bond.~~

- ~~(a) The Department of Building and Zoning shall bill the applicant for the costs, including overhead expenses, incurred by the County in processing an application for a New pollution control facility or any expansion of any existing facility. The County shall bill the applicant for costs incurred every 30 days. Any such bill shall be payable 30 days after it is rendered by the County.~~
- ~~(b) A two percent penalty, compounded monthly, shall be added to the total outstanding balance of any bill not paid by the 30th day after it has been rendered, unless otherwise regulated by State statute.~~
- ~~(c) The processing fees shall reimburse the County for the costs of processing the application, including: space rental, hearing officer(s), court reporter, transcription costs, public notice, staff review time, County consultant (including tests and testimony, if any, provided by such consultants), and any other costs incident to the consideration of an application.~~
- ~~(d) As part of the application process, to insure the payment of costs incurred by the County, the applicant shall post a surety bond with the County Clerk naming the County as obligee, in the amount of \$250,000.00. The applicant shall maintain such surety bond in full force and effect for a period of 180 days from the date of filing the application, unless the applicant withdraws the application. The applicant shall be obligated to pay all costs incurred by the County. Such costs shall not be limited to the amount of the surety bond.~~
- ~~(e) When costs incurred by the County in processing an application for a new Pollution Control Facility, have been billed to the applicant and remain unpaid for a period of 90 days, the applicant shall be considered in default. The County shall cease to provide any further services to the applicant and shall reject the application, such rejection being termed as a final action and thereby eliminating further County responsibilities under this chapter. The County shall collect any amounts due from the surety bond posted for that purpose.~~

~~Sec. 30-277. Application receipt and distribution.~~

- ~~(a) Upon receipt of a completed application and posting of the required surety bond, the County Clerk shall date stamp all the copies and immediately deliver one copy to the President of the County Board, one copy to the Commissioner of Building and Zoning, one copy to the County Solid Waste Management Coordinating Committee, one copy to each municipality within 1½ miles of the proposed facility, one copy to the Pollution Control Facility Hearing Officer(s), and one copy to the Office of the State's Attorney.~~
- ~~(b) A copy of the application shall be made available for public inspection in the office of the County Board or in the office of the County Clerk. Any person shall be allowed to obtain a copy of the application or any part thereof upon paying the cost of reproduction and filing the proper request as outlined in the Freedom of Information Act (5 ILCS 5/140/1 et seq.).~~

~~Sec. 30-278. Withdrawal of an application.~~

~~An applicant may withdraw an application any time prior to 14 days before the first scheduled hearing. An applicant may file a new application. Where an application is withdrawn, after payment of any costs incurred to the date of withdrawal, the County Clerk shall release the applicant's surety bond. The refiling of an application puts into operation the notice and time requirements for a new application, and the required surety bond must be maintained in full force and effect as specified in Section 30-276 of this chapter.~~

~~Sec. 30-279. General supervision of application review process.~~

~~The President of the County Board shall supervise the application review process and set times for public hearings. The President of the County Board shall employ a court reporter to be present at any and all public hearings on an application. The court reporter shall be required to provide the President of the County Board with a certified transcript of the proceedings.~~

~~Sec. 30-280. Appointment of hearing officer.~~

~~The President of the County Board shall appoint a Pollution Control Facility Hearing Officer to serve during any public hearings concerning an application for site location approval. The Hearing Officer shall serve at the pleasure of the President of the County Board. Compensation for services of the Hearing Officer shall be mutually agreed upon before a hearing.~~

~~Sec. 30-281. Responsibilities of hearing officer.~~

~~The Hearing Officer shall be responsible for calling the hearing to order and for deciding points of order. The Hearing Officer shall determine the order of presentation of testimony. The Hearing Officer may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or other evidence. The Hearing Officer shall rule on all questions relating to the admissibility of evidence. The Hearing Officer shall make all rulings and decisions in accordance with fundamental fairness. These rulings shall not be appealable to the County Board.~~

~~Sec. 30-282. Public hearing on an application.~~

~~At least one public hearing shall be held by the Pollution Control Facility Hearing Officer no sooner than 90 days, but no later than 120 days after the filing of an application for site location approval. The notice requirements shall be the same as those in Section 30-273 of this chapter.~~

~~Sec. 30-283. Presentations to the County Board.~~

~~After the public hearing, the Hearing Officer shall make a recommendation concerning site location approval to the President of the County Board and the County Solid Waste Management Committee for presentation to the County Board. Any findings of fact and the Hearing Officer's recommendations shall be in writing and be supported by the record. Copies of this report must be filed with the President of the County Board and the County Clerk as soon as practical, but at least before 160 days has expired since the official filing of the application.~~

~~Sec. 30-284. County Board approval of a proposed site.~~

- ~~(a) The County Board's decision to grant or deny an application for site location approval shall be in writing, specifying the reasons for the decision, such reasons shall be in conformance with 415 ILCS 5/39.2(a) (Environmental Protection Act—local siting review). A decision to grant site location approval may be made subject to certain conditions as may be reasonable and necessary to accomplish the purposes of this chapter, and as are not inconsistent with the rules and regulations promulgated by the State Pollution Control Board.~~
- ~~(b) Whether the County Board approves or disapproves the proposed site location, a Resolution shall be passed to that effect, stating the reason(s) for the decision. If there is no final action by the County Board within 180 days after the filing of the request for site approval, the applicant, according to 415 ILCS 5/39.2 (Environmental Protection Act—local siting review), may deem the request approved.~~

~~(c) The County Board's decision concerning an application for site location approval shall be available for public inspection in the Office of the County Board and in the Office of the County Clerk. Any person shall be allowed to obtain a copy of the Board's decision upon paying the cost of reproduction.~~

~~Sees. 30-285—30-289. Reserved.~~

~~DIVISION 9. ENVIRONMENTAL MANAGEMENT FUND~~

~~Sec. 30-290. Environmental management fund.~~

~~There is hereby created the Cook County Environmental Management Fund. The fund shall be used for environmental management purposes, including, but not limited to, consulting fees; long term monitoring and maintenance of air pollution emitting sites; proper management of Cook County waste streams; environmental initiative planning, implementation, inspection, and enforcement; operational expenses for personnel and equipment procurement; and other activities consistent with activities of the Cook County Environmental Control Ordinance. Effective December 1, 2012, the Environmental Management Fund previously established is hereby eliminated and all funds in the Environmental Management Fund on or before November 30, 2012, and all of the various fees of the Department of Environmental Control received on or after December 1, 2012, shall be transferred or deposited into the County's general fund or other account deemed appropriate by the Budget Director for use by the Department of Environmental Control.~~

~~Sees. 30-291—30-320. Reserved.~~

~~DIVISION 2. Article III. - AIR POLLUTION~~

~~Subdivision I. Division 1 - Generally~~

~~Sec. 30-321. - Compliance date for all emission sources.~~

~~Notwithstanding the issuance of a certificate of operation, no person shall cause or allow the operation of any emission source which is not in compliance with the standards and limitations set forth in this chapter after December 31, 1973, unless provided by a compliance date specifically set forth for a particular category of emission source in this chapter.~~

~~Sec. 30-322. - Condensable emissions.~~

~~Emissions other than uncontaminated water vapor from any sources that are liable to generate or evolve into particulate form through phase change or other transformation from a gas or liquid form shall, in accordance with Section 30-324, be deemed to be particulate matter at the emission point.~~

~~Sec. 30-~~322~~323. - Circumvention clause.~~

~~A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, dilutes or conceals an emission which would otherwise constitute violation of this chapter.~~

~~Sec. 30-~~323~~324. - Tests of fuel-burning, combustion, ~~or~~ process equipment, process, or air pollution control devices.~~

The Director is hereby authorized to conduct, or cause to be conducted, at the expense of the owner and/or operator, any test or tests as may be necessary to determine the extent of particulate matter and/or any other discharge from any fuel-burning, combustion or process equipment or air pollution control device, if and when, in the Director's judgment, there is evidence that any such equipment, process or air pollution control device is exceeding any emission limitation described by or under this chapter. ~~Tests shall be made and the results calculated in accordance, where applicable, with American Society of Mechanical Engineers Power Test Codes, entitled *Determining the Properties of Fine Particulate Matter PTC 27-1965 (R-1985)* procedures as revised from time to time or in accordance with modified procedures published by the Department. All tests and calculations shall be made under the direction of a competent engineer. Any test or tests to be conducted on the premises where such equipment or device is located shall be made after written notice to, and with the cooperation of, the owner or operator. The cost of any test or tests and calculations shall be a debt due the County from any person responsible as owner, operator or otherwise of such fuel-burning, combustion or process equipment or device in all cases when such test or tests shall have proved any emission of particulate matter in violation of any provision of this chapter, and such unpaid debt shall be recoverable in court of competent jurisdiction. If any such emission is shown by such test or tests within the limits of emission prescribed in this chapter, the cost of such test or tests shall be charged to the annual appropriation of the Department.~~

~~Sec. 30-325. — Leaded gas ban.~~

- ~~(a) *Short title.* This section shall be known and may be cited as "The Cook County Leaded Gas Ban Ordinance."~~
- ~~(b) *Sale unlawful; exception.* It shall be unlawful within the County for any person, firm or corporation to sell, offer or expose for sale at retail, give or furnish, except in containers of one gallon or less, any motor fuel containing ethylene dibromide (EDB) or lead in excess of .05 grams per gallon (leaded gasoline as defined by 40 CFR § 80.2), for use in motor vehicles using internal combustion engines.~~
- ~~(c) *States Attorney injunction.* In addition to any other remedies, penalties or means of enforcement provided herein, if the Director of the Department of Environmental Control ("Director") on due investigation determines that compliance has not been made, the Director may request the States Attorney to make application on behalf of the County to the Circuit Court of the County for an injunction requiring compliance with the provisions of this section and for such other order as the Court may deem necessary or appropriate to secure compliance. The States Attorney may then institute proceedings on behalf of the County, as provided by law.~~
- ~~(d) *Interference with Director.* It shall be unlawful for any person to interfere with or hinder or prevent the Director from discharging any duty in the enforcement of this section.~~
- ~~(e) *Violation of section; penalty.* Any person found in violation of the provisions of this section shall be fined not less than \$500.00 for the first offense and not less than \$1,000.00 for the second and each subsequent offense. Each day a violation shall continue shall constitute a separate and distinct offense.~~
- ~~(f) *Interpretation.* This section shall be so interpreted as to effect its general purpose to make uniform the law of those municipalities within the County which enact laws regulating the sale of leaded gasoline or motor fuel.~~

~~Sec. 30-326. — Climate change mitigation.~~

- ~~(a) *Short title.* This Ordinance [section] shall be known as "The Cook County Climate Change Mitigation Act."~~

~~(b) *Joining the Chicago Climate Exchange (CCX).* Cook County shall enter into Phase II of the CCX, committing to a reduction of 1.5 percent of its greenhouse gas emissions each year between 2006 and 2010.~~

~~The County will deliver energy consumption and other relevant data to the CCX which will assist the County in creating an emissions baseline from which future reductions will be measured.~~

~~The County will develop a strategic plan within three months of the passage of this Ordinance [section] that outlines where the County will cut greenhouse gas emissions by the amounts required, or exceeding the amounts required, in Phase II of the CCX. This plan will be made publicly available through the President's Web site.~~

~~As the emissions reduction plan is implemented, the County will sell any extra emissions credits that it has on the CCX's online trading platform.~~

~~(c) *Effective date.* This Ordinance [section] shall take effect on January 1, 2009.~~

~~Secs. 30-327324—30-350380. - Reserved.~~

~~DIVISION 2.— EPISODES—~~

~~Sec. 30-351.— Generally.—~~

~~(a) This division is designed to prevent, during periods of atmospheric stagnation, ambient air pollution concentrations from reaching levels which could cause significant harm to the health of humans. Emissions which do not normally cause established air quality standards to be exceeded might well be capable of producing dangerously high concentrations of pollutants during periods of atmospheric stagnation. Such periods, generally of a few days duration, occur whenever high atmospheric pressure, very low wind speeds, and a temperature inversion exist in the same place at the same time. These conditions prevent normal ventilation of the air both horizontally and vertically, and pollutants released into the atmosphere are literally trapped near their sources.~~

~~(b) In highly industrialized areas, if atmospheric stagnation persists, pollutants can reach unusually high levels and a serious threat to public health may result. During recorded episodes of atmospheric stagnation, an increase in the number of cases of illness and death has occurred with substantial evidence that air pollution was the cause.~~

~~Sec. 30-352.— Monitoring.—~~

~~(a) For purposes of this division, monitoring stations used to determine watch, alert, or emergency levels shall be officially recognized stations located in any portion of the Federally designated air quality control region in which a part of the County is included and shall be located according to guidelines for establishment of air quality surveillance networks as developed by the Federal Environmental Protection Agency, and shall use measurement methods or equivalent methods as officially authorized by that agency.~~

~~(b) If any monitoring station registers air contaminant concentrations in excess of any episode level and if weather conditions indicate that such concentrations would not be expected, proper operation of the sampling equipment at these stations will be verified by the Department before the concentrations are used to declare any watch, alert, or emergency level.~~

~~Sec. 30-353.— Determination of actions required.—~~

~~To the maximum degree practicable, emission control actions taken pursuant to this division shall be consistent with the extent of any air pollution alert or emergency. When the Department determines that the existence of any episode level is exclusively caused by one or more specific emission sources, emission control action steps applicable to such source or sources shall be taken. When the Department determines that the existence of any episode level is exclusively caused by one or more specific air contaminants, action shall be taken to reduce the concentration of such contaminant or contaminants.~~

~~Sec. 30-354. Episode levels.~~

~~(a) An episode may be initiated with any of the following four levels, which are, in order of increasing severity of air contamination:~~

- ~~(1) Watch.~~
- ~~(2) Yellow alert.~~
- ~~(3) Red alert.~~
- ~~(4) Emergency.~~

~~(b) During an episode, the Department, through its monitoring facilities, may declare different levels throughout the County as the Director or representatives deem necessary.~~

~~Sec. 30-355. Areas affected by watch, alert, or emergency.~~

~~A watch shall be declared for the County portion of the air quality control region of which it is a part, excluding the municipality of Chicago, if any part of the air quality control region meets the watch criteria set forth in Section 30-356(b). When part of the County has acceptable air quality but air contaminant levels at one or more monitoring stations are high enough to call for alert or emergency action, corridors of the region shall be defined depending upon meteorological factors, emission inventory data, and mathematical simulation modeling, alerts or emergencies shall then be declared for one or more of these individual corridors.~~

~~Sec. 30-356. Episode action watch.~~

~~(a) Requirements for initiating watch. The Director or designated representative shall declare an episode action watch when:~~

- ~~(1) An air stagnation advisory is received for any area within the State; or~~
- ~~(2) Any two-hour average of pollutant or product specified by this section at any monitoring station is equal to or greater than any watch level and the official National Weather Service forecast for the next 24 hours does not indicate substantial improvement of conditions which cause atmospheric stagnation.~~

~~(b) Watch criteria.~~

SO₂-ppm	Particulate	Product	CO ppm	O₃-ppm	NO₂-ppm
2-hr. avg.	COH 2-hr. avg.	2-hr. avg.	2-hr. avg.	2-hr. avg.	2-hr. avg.
0.30	5.0	1.0	30	0.07	0.40

~~(c) Actions during watch.~~

- ~~(1) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State Environmental Protection Agencies.~~
- ~~(2) The Department, or a local agency designated by the Department, shall notify all facilities having episode action plans, giving significant lead time for alert actions of emission reducing consequence that an episode action watch exists and that they may be required within a short time to take action to reduce emissions.~~
- ~~(3) The public shall be notified by radio and/or television that meteorological conditions are such that there is substantial danger of an air pollution alert; that the public may be asked within a few hours to take steps to minimize air pollutant emissions; and that persons suffering from respiratory or heart conditions should take appropriate precautions.~~

~~Sec. 30 357. Yellow alert.~~

~~(a) Requirements for initiating yellow alert. The Director or designated representative shall declare a yellow alert whenever:~~

- ~~(1) An episode action watch has been in effect for four hours in the area in which such yellow alert is to be declared;~~
- ~~(2) Any yellow alert criteria at any monitoring station is equaled or exceeded; and~~
- ~~(3) The official National Weather Service forecast for the next 12 hours does not indicate substantial improvement of conditions which cause atmospheric stagnation.~~

~~(b) Yellow alert criteria.~~

SO₂ ppm	Particulate	Product		CO ppm	O₃ ppm	NO₂ ppm	
4 hr. avg.	COH 24 hr. avg.	4 hr. avg.	24 hr. avg.	8 hr. avg.	1 hr. avg.	1 hr. avg.	24 hr. avg.
0.30	3.0	1.0	0.20	15	0.10	0.60	0.15

~~(c) Actions during yellow alert.~~

- ~~(1) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State Environmental Protection Agencies.~~

- ~~(2) The Department, or a local agency designated by the Department, shall notify facilities required to take yellow alert actions of major emission reducing consequence that a yellow alert is in effect and that they are required to take action in accordance with the air pollution episode action plan required by Section 30-360.~~
- ~~(3) The public shall be notified by radio and/or television that a yellow alert is in effect; that the public is required to take action in accordance with this division; that the public is requested to avoid the unnecessary use of automobiles and of electricity; and that persons suffering from respiratory or heart conditions should take appropriate precautions.~~
- ~~(4) Electric power generating stations shall effect the maximum feasible reduction of emissions by utilizing fuels which have low ash content and contain sulfur not in excess of the amount specified in Section 30-383 for such fuel, provided, however, that emissions from such stations shall not exceed the applicable emission standards and limitations of Division 3 of this article; by limiting soot blowing and boiler lancing where essential, to periods of maximum atmospheric turbulence; by diverting power generation to stations outside the area for which the alert is in effect; or by any other means approved by the Department. Such actions will be in accordance with the air pollution episode action plan if such plan has been approved for that station.~~
- ~~(5) Facilities having fuel burning emission sources with a total rated capacity in excess of 10,000,000 BTU/hr. and burning coal and/or fuel oil shall reduce emissions by utilizing fuels which have low ash content and contain sulfur not in excess of the amount specified in Section 30-383 for such fuel, provided, however, that emissions from such facilities shall not exceed the applicable emission standards and limitations of Division 3 of this article; by limiting soot blowing and boiler lancing, where essential, to periods of high atmospheric turbulence, or by any means approved by the Department. If fuels of low ash and sulfur content are not available, such facilities with the exception of residences, hospitals, and other essential facilities as designated by the Department, shall curtail fuel burning to the maximum degree consistent with avoiding injury to persons or severe damage to property. Such actions will be in accordance with the air pollution episode action plan if such plan has been approved for that facility.~~
- ~~(6) Facilities engaged in manufacturing required to submit an air pollution episode action plan shall curtail or defer production and allied operations in accordance with the plan, if such plan has been approved for that facility insofar as such reductions can be achieved without creating injury to persons or severe damage to property. Such reductions shall be made notwithstanding any variance or compliance program.~~
- ~~(7) All open burning and all incineration except as provided in Subsection (c)(8) of this section are prohibited. Certain burning of explosive or pathological wastes may be exempted from this restriction by the Department in writing upon specific written application.~~
- ~~(8) Incinerators meeting the emission standards and limitations of this chapter may be operated only during the hours of maximum atmospheric turbulence as designated by the State Environmental Protection Agency.~~

~~Sec. 30-358. — Red alert.~~

- ~~(a) *Requirements for initiating red alert.* The Director or designated representative shall declare a red alert whenever:—~~
 - ~~(1) A yellow alert has been in effect for four hours in the area for which such red alert is to be declared; and—~~

~~(2) The official National Weather Service forecast for the next 12 hours does not indicate substantial improvement of conditions which cause atmospheric stagnation; and either of the following conditions is met:~~

~~a. Any red alert criteria is equaled or exceeded at any monitoring station; or~~

~~b. Yellow alert criteria has been met for the preceding 24 hour period at any monitoring station.~~

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~~(b) Red alert criteria.~~

SO₂ ppm	Particulate	Product		CO ppm	O₃ ppm	NO₂ ppm	
4 hr. avg.	COH 24 hr. avg.	4 hr. avg.	24 hr. avg.	8 hr. avg.	1 hr. avg.	1 hr. avg.	24 hr. avg.
0.35	5.0	2.0	0.80	30	0.40	1.2	0.30

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~~(c) Actions during red alert.~~

~~(1) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State of Illinois Environmental Protection Agencies.~~

~~(2) The Department, or a local agency designated by the Department, shall notify facilities required to take Red Alert actions of major emission reducing consequence that a red alert is in effect and that they are required to take action in accordance with the air pollution episode action plan as required by Section 30-360.~~

~~(3) The public shall be notified by radio and/or television that a red alert is in effect; that the public is required to take action in accordance with this division; that the public is requested to avoid the unnecessary use of automobiles and electricity; and that persons suffering from respiratory or heart conditions should take appropriate precautions.~~

~~(4) All actions required during the yellow alert shall be continued.~~

~~(5) All incineration and all open burning are prohibited. Certain burning of explosive or pathological wastes may be exempted from these restrictions by the State Environmental Protection Agency in writing upon specific written application.~~

~~(6) Facilities engaged in manufacturing required to submit an air pollution episode action plan shall curtail production in accordance with the air pollution episode action plan if such plan has been approved for that facility.~~

~~Sec. 30-359. Emergency.~~

~~(a) Requirements for initiating emergency. The Director or designated representative shall declare an emergency whenever:~~

- ~~(1) A red alert has been in effect for 12 hours in the same area for which the emergency is to be declared; and~~
- ~~(2) The official National Weather Service forecast for the next 12 hours does not indicate substantial improvement of conditions which cause atmospheric stagnation; and any of the following conditions is met:~~
 - ~~a. Any emergency criteria is equaled or exceeded at any monitoring station;~~
 - ~~b. Red alert criteria has been met for the preceding 24 hours at any monitoring station; or~~
 - ~~c. Yellow alert criteria has been met for the preceding 36 hours at any monitoring station.~~

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~~(b) Emergency criteria.~~

SO₂ ppm	Particulate	Product		CO ppm	O₃ ppm	NO₂ ppm	
4 hr. avg.	COH 24 hr. avg.	4 hr. avg.	24 hr. avg.	8 hr. avg.	1 hr. avg.	1 hr. avg.	24 hr. avg.
0.40	7.0	2.4	1.2	40	0.60	1.6	0.40

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~~(c) Actions during emergency.~~

- ~~(1) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State of Illinois Environmental Protection Agencies.~~
- ~~(2) The public shall be notified by radio and/or television that an emergency is in effect; that the public is required to take action in accordance with this division; and that persons suffering from respiratory or heart conditions shall take appropriate precautions.~~
- ~~(3) The Department, or a local agency designated by the Department shall notify facilities required to take emergency actions of major emission reducing consequence that an emergency is in effect and that they are required to take action in accordance with the air pollution episode action plan as required in Section 30-360.~~
- ~~(4) All actions required during the yellow or red alert shall be continued.~~
- ~~(5) The unnecessary use of electricity, such as for decorative or amusement purposes, is prohibited.~~
- ~~(6) The use of motor vehicles is prohibited except for essential uses such as police, fire and health services, delivery of food or essential fuel, waste collection, utility or pollution control, emergency repairs, and such comparable uses as may be designated by authorized highway and~~

~~law enforcement officials in accordance with the State Emergency Highway Traffic Regulation Plan.~~

- ~~(7) All aircraft flights leaving the area of the emergency are forbidden except for reasons of public health or safety as approved by the State Environmental Protection Agency.~~
- ~~(8) Buildings shall be maintained at temperatures no greater than 65 degrees Fahrenheit, except for hospitals and for other buildings approved by the Department for reasons of health or severe damage to property.~~
- ~~(9) All manufacturing activities shall be curtailed to the greatest extent possible without causing injury to persons or severe damage to equipment.~~
- ~~(10) All facilities or activities listed below shall immediately cease operations:
 - a. Mining and quarrying;
 - b. Contract construction work;
 - c. Wholesale trade establishments;
 - d. Schools, except elementary schools which shall close at the end of the normal school day and not reopen until the emergency is terminated;
 - e. Governmental entities except those needed to administer air pollution alert programs and other essential agencies determined by the Department to be vital for public safety and welfare;
 - f. Retail trade stores except those dealing primarily in the sale of food or pharmaceuticals;
 - g. Real estate agencies, insurance offices and similar business;
 - h. Laundries, cleaners and dryers, beauty and barber shops and photographic studios;
 - i. Amusement and recreational service establishments such as motion picture theaters;
 - j. Automobile repair and automobile service garages;
 - k. Advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies, and commercial testing laboratories.~~

~~Sec. 30 360. Air pollution episode action plans.~~

~~(a) *Submission of plans.*~~

- ~~(1) All persons responsible for the operation of a facility of a type set forth in Subsection (b) of this section shall prepare a written air pollution episode action plan, consistent with safe operating procedures, for reducing the emission of air contaminants during yellow alerts, red alerts, and emergencies. These plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the provisions of this chapter. If any plan does not conform with, or effectively implement the requirements of this chapter, the Department may disapprove the plan and require the plan to be revised.~~
- ~~(2) Plans required by this section shall be submitted to the Department or to the State Environmental Protection Agency within 30 days after notification by either agency that such plans must be submitted.~~

~~(b) *Facilities for which plans are required.* Plans are required for the following types of facilities:~~

- ~~(1) Electric power generating stations.~~
- ~~(2) Facilities having fuel burning emission sources and a rated heat input in excess of 10,000,000 BTU/hr. burning coal and/or fuel oil.~~
- ~~(3) Facilities engaged in manufacturing which are included in the following SIC group designations which employ more than 20 employees at any one location:—~~
 - ~~a. Paper and allied products industries, Group 26;—~~
 - ~~b. Chemicals and allied products industries, Group 28;—~~
 - ~~c. Petroleum refining and related industries, Group 29;—~~
 - ~~d. Stone, glass, clay, and concrete products industries, Group 32;—~~
 - ~~e. Primary metals industries, Group 33.—~~
- ~~(4) Public and commercial refuse disposal operations.~~
- ~~(5) Other facilities certified by the Department as having substantial sources of emissions, including all those emitting more than 100 tons per year of any air contaminants.—~~

~~(c) Contents of plans.—~~

- ~~(1) Plans shall list all possible sources of air contaminants within the facility; shall describe the manner in which contaminant emissions will be reduced during yellow alert, red alert, and emergency; and shall specify the approximate magnitude of the reduction of emissions that will be achieved.—~~
- ~~(2) Plans required of facilities according to Subsections (2)(b)(1) and (2)(b)(2) of this section shall specify the means whereby a supply of low ash, low sulfur fuel, adequate for at least four days operation, will be assured.—~~
- ~~(3) Plans for facilities having incinerators shall specify what preparations have been made to handle and store the amount of refuse that could accumulate during four days, including the acquisition of leak proof covered containers of a design acceptable by the local sanitation authorities.—~~

~~(d) Failure to submit or revise plans. Failure to submit a plan, or revise any unacceptable plan, when required by the Department, shall constitute a violation of this chapter.—~~

~~(e) Availability of plans. During alerts or emergencies, plans required by this section shall be made available at the facility in question to any person authorized to carry out the provisions of this division.—~~

~~Sec. 30 361. Sealing of offenders.—~~

~~The Department may seal any facility, vehicle, vessel, aircraft, fuel burning, combustion, or process equipment, process, or device operated in violation of this chapter or contributing to an immediate danger to health.—~~

~~Sec. 30 362. Termination of watch and lowering of alerts.—~~

~~When the concentration of all pollutants no longer prevails for any watch, alert, or emergency level, and when, in the judgment of the Director or representative, meteorological conditions are such as to warrant the termination of any watch, or the lowering of any alert or emergency level, the Director shall notify all Department personnel, all other concerned County Departments and local agencies, and a public notice shall be issued that the watch has been terminated or the alert or emergency level has been lowered.—~~

~~Secs. 30-363 - 30-380. Reserved.~~

Subdivision II ~~DIVISION~~ 3. - SMOKE AND PARTICULATE MATTER

Sec. 30-381. - Visible emissions.

(a) *Emissions.*

- (1) *Smoke and other visible emissions.* It shall be unlawful within the jurisdictional boundaries of the County Department of Environmental Control for any person owning, or in charge of, or operating any fuel-burning, refuse-burning, combustion, or process equipment, process, air pollution control device, portable boiler, stacks, vents, or premises to cause, suffer or allow the emission or discharge of smoke, particulate matter, or other visible emission (other than uncontaminated water vapor) with an opacity greater than 30 percent into the atmosphere unless otherwise permitted by a permit issued under Title V of the Clean Air Act, a Federally Enforceable State Operating Permit (FESOP), or applicable state law. This subsection (a) shall not apply to stationary emission limits subject to the visible emissions limitations set forth in the Illinois Pollution Control Board Rules and Regulations, codified at Section 212.122 of 35 Illinois Administrative Code, as amended. ~~from any single such source into the atmosphere the appearance, density, or shade of which is darker than No. 1 1/2 of the Ringelmann Chart, except in conformity with the limits set forth in the following table:-~~

	<i>Opacity percent</i>	<i>Smoke Ringelmann No.</i>	<i>Minutes Per 30 Minutes</i>
Normal Operation	80 or 100	4 or 5	0
	60	3	0
	40	2	0
	30	1½	30
	less than 30	less than 1½	30
Building new fires	80 or 100	4 or 5	0
Banking	40 to 60	2 to 3	1½
Cleaning fires	30	1½	30
Soot blowing	less than 30	less than 1½	30

-
- (2) ~~All other visible emissions. It shall be unlawful within the jurisdictional boundaries of the County Department of Environmental Control for any person owning, or in charge of, or operating any process, process equipment, any type of device, stack, vent or premise to cause, suffer or allow the emission other than uncontaminated water vapor from any single source into the atmosphere with a density having the opacity or light obscuring ability greater than 30 percent. Any visible emission with an opacity of 30 percent or less is allowable. Limited Exception. Except to the extent permitted by an operating permit issued under Title V of the Clean Air Act, a FESOP, or applicable state law, the emission of smoke or other particulate matter from any such emission unit in the jurisdictional boundaries of the County Department of Environment and Sustainability may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only one such emission unit located within a 305 meter (1000 ft) radius from the center point of any other such emission unit owned or operated by such person, and provided further that such opaque emissions permitted from each such emission unit shall be limited to 3 times in any 24 hour period. This subsection (b) shall not apply to stationary emission sources subject to the visible emissions limitations set forth in Illinois Pollution Control Board Rules and Regulations, Codified at Section 212.122 of 35 Illinois Administrative Code, as amended.~~
- (3) ~~Qualifications of the Department of Environmental Control Inspectors. Visible emission determination shall be made by qualified, authorized Department of Environmental Control Inspectors having successfully completed a course of training by the County Department of Environmental Control or any other governmental agency sponsoring qualification training courses, or by Environmental Control Inspectors having at least three years of past experience directly in the determination of visible emissions for an authorized governmental control agency.~~
- (4) ~~Determination of Ringelmann readings. Use of the Ringelmann Chart in making measurements of smoke emissions shall be discretionary with the inspector making the observation.—~~
- (b) *Fugitive particulate matter.*
- (1) No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.
 - (2) Subsection (b)(1) of this section shall not apply to emissions of fugitive particulate matter from stockpile of materials when the wind speed is greater than 25 miles per hour. Determination of wind speed for the purposes of this subsection shall be by a one-hour average at the nearest official station of the United States Weather Bureau, by interpretation of surface weather maps by a meteorologist, or by wind speed instruments installed at the stockpile site.
 - (3) No person shall cause or allow the operation of a vehicle of the second division as defined by 625 ILCS 5/1-217 (Illinois Vehicle Code—vehicle defined), or a semitrailer as defined by 625 ILCS 5/1-187 (Illinois Vehicle Code—semitrailer defined) without a covering sufficient to prevent the release of particulate matter into the atmosphere, provided that this section shall not apply to automotive exhaust emissions.

- (4) ~~Except for the stockpiling of materials; Subsection (b) of this section shall not apply to emissions resulting from the manufacture of coke. (See Subsection (b)(1) of this section.)~~
- (5) ~~This s~~Subsection (b) of this section shall not apply to emissions of water and water vapor from cooling towers.

(c) Fibrous material restrictions.

- (1) The spraying of asbestos-containing material is prohibited.
- (2) The spraying of nonasbestos fibrous matter in an area open to the atmosphere is prohibited, unless the procedures listed below are followed:
 - (i) The entire floor or area to be sprayed shall be enclosed with plastic-coated tarpaulins in a manner which shall preclude the escape of fiber-containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the working area.
 - (ii) The entire sprayed area, all ledges and surfaces, including tarpaulins within the enclosure, shall be thoroughly vacuumed upon completion of the spraying operation and immediately before the enclosure is dismantled.
- (3) The visible emission of fiber-containing material in an area open to the atmosphere is prohibited.

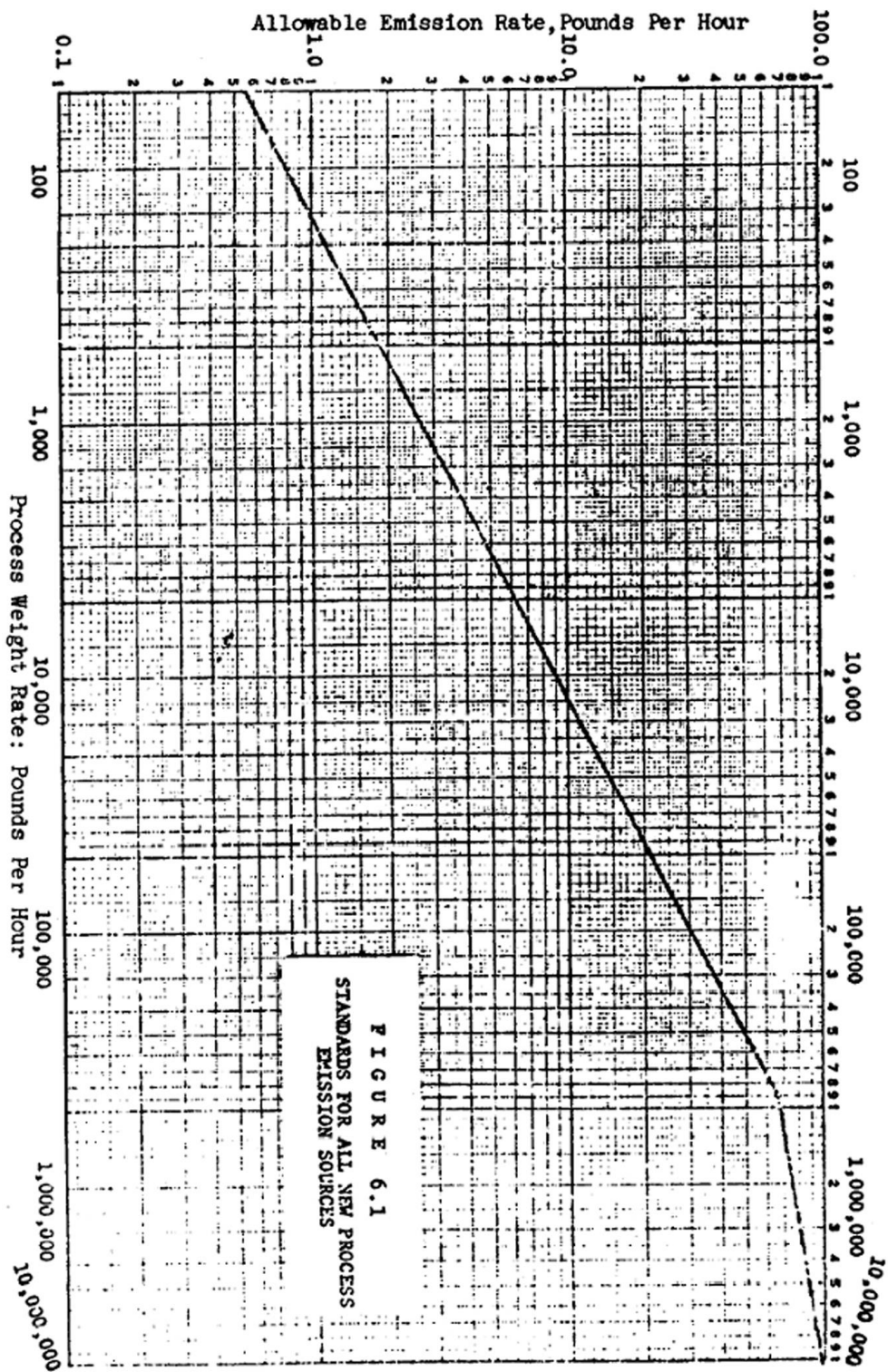
Sec. 30-382. - ~~Particulate matter standards~~Air Emission Standards.

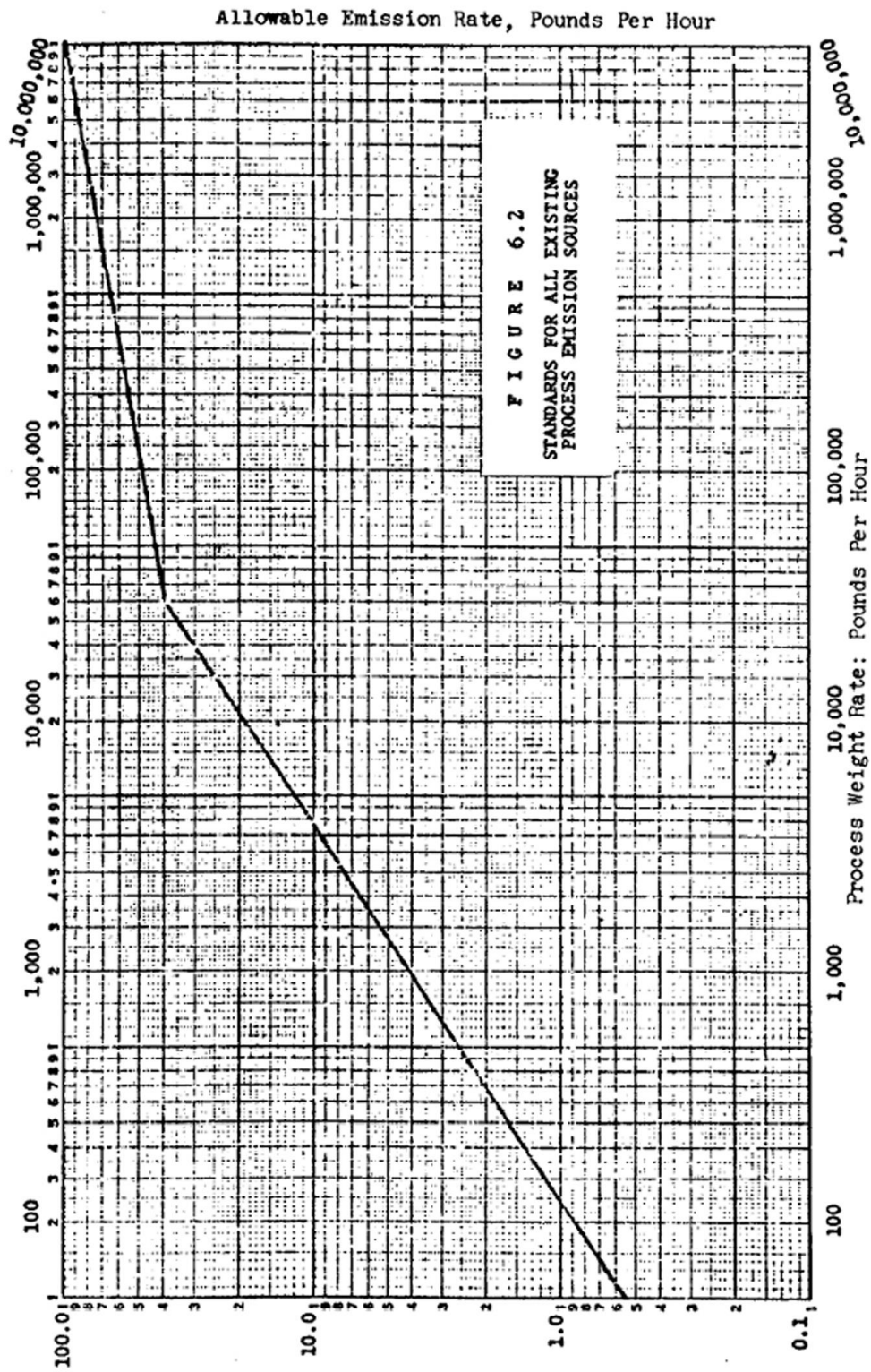
The rules and regulations for controlling Air Pollution, as adopted by the Illinois Pollution Control Board, shall apply, as set out in Sec. 30-7.

~~(a) Particulate emission standards for all process emission sources.—~~

- ~~(1) No person shall cause, suffer, allow or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Section 30-382(b)(1), Section 30-382(c)(1), or Section 30-382(d)(1), whichever is applicable, for the process weight rate allocated to such source or in excess of 0.1 grains per standard cubic foot of exhaust at any given time during the process where Section 30-382(b)(1), (c)(1), or (d)(1) is not applicable.—~~
- ~~(2) Process weight per hour, or process weight rate, is the actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.—~~
- ~~(3) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the minimum value for allowable emission shall apply.—~~

~~(4) For purposes of this section, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.~~





~~(b) Standards for new process emission sources.~~

(1) ~~TABLE 16-6.1~~

Process Weight Rate Pounds per Hour	Process Weight Rate Tons Per Hour	Allowable Emission Rate Pounds per Hour
100	0.05	0.55
200	0.10	0.77
400	0.20	1.10
600	0.30	1.35
800	0.40	1.58
1,000	0.50	1.75
1,500	0.75	2.40
2,000	1.00	2.60
4,000	2.00	3.70
6,000	3.00	4.60
8,000	4.00	5.35
10,000	5.00	6.00
20,000	10.00	8.70
30,000	15.00	10.80
40,000	20.00	12.50
50,000	25.00	14.00
60,000	30.00	15.60

70,000	35.00	17.00
80,000	40.00	18.20
90,000	45.00	19.20
100,000	50.00	20.50
200,000	100.00	29.50
300,000	150.00	37.00
400,000	200.00	43.00
500,000	250.00	48.50
600,000	300.00	53.00
700,000	350.00	58.00
800,000	400.00	62.00
900,000	450.00	66.00
1,000,000	500.00	67.00

~~(2) Interpolation of the data in this Section 30-382(b)(1) for process weight rates up to 450 tons per hour shall be accomplished by use of the equation $E = 2.54 (P)^{0.534}$, where E = allowable emission rate in pounds per hour and P = process weight rate in tons per hour.~~

~~(3) Interpolation of the data in this table for process weight rates greater than or equal to 450 tons per hour shall be accomplished by use of the equation $E = 2.48 (P)^{0.16}$. A graphical interpolation of the data in this Section 30-382(b) Table (1) shall be obtained from the graph following Subsection (e).~~

~~(c) Standards for existing process emission sources.~~

~~(1) TABLE 16-6.2~~

Process Weight Rate Pounds per Hour	Process Weight Rate Tons Per Hour	Allowable Emission Rate Pounds Per Hour
100	0.05	0.55
200	0.10	0.87
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
4,000	2.00	6.52
6,000	3.00	8.56
8,000	4.00	10.40
10,000	5.00	12.00
20,000	10.00	19.20
30,000	15.00	25.20
40,000	20.00	30.50
50,000	25.00	35.40
60,000	30.00	40.00
70,000	35.00	41.30

80,000	40.00	42.50
90,000	45.00	43.60
100,000	50.00	44.60
200,000	100.00	51.20
300,000	150.00	55.40
400,000	200.00	58.60
500,000	250.00	61.00
600,000	300.00	63.10
700,000	350.00	64.90
800,000	400.00	66.20
900,000	450.00	67.70
1,000,000	500.00	69.00

-

~~(2) Interpolation of the data in Subsection (c)(1) of this section for process weight rates up to 30 tons per hour shall be accomplished by use of the equation $E = 4.10 (P)^{0.67}$, where E = allowable emission rate in pounds per hour and P = process weight rate in tons per hour.~~

~~(3) Interpolation of the data in this table for process weight rates greater than or equal to 30 tons per hour shall be accomplished by use of the equation $E = [55.0 (P)^{0.14}] - 40.0$. A graphical interpolation of the data in Subsection (c)(1) of this section shall be obtained from the graph following Subsection (a) of this section.~~

~~(d) Allowable emissions from cupolas with a process weight rate of less than or equal to 20,000 lb./hr.~~

~~(1) TABLE~~

Process Weight Rate Pounds Per Hour	Allowable Emission Rate Pounds Per Hour
1,000	3.05

2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10

~~Intermediate values not listed in this Section 30.382(d)(1) shall be linearly interpolated.~~

~~(2) All new processes and/or process equipment shall comply with all applicable provisions of Subsections (a) through (d) of this section upon installation.~~

~~(3) All existing processes and/or process equipment shall comply with all applicable provisions of Subsections (a) through (d) of this section no later than six months after adoption of this Subsections (a) through (d) of this section.~~

~~(e) Particulate emission standards and limitations for fuel burning and refuse burning emission sources.~~

~~(1) Fuel burning emission sources using solid fuel exclusively.~~

~~a. Existing fuel burning emission sources. No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel burning emission source using~~

~~solid fuel exclusively, to exceed 0.1 pound of particulate matter per 1,000,000 BTU of actual heat input in any one hour period except as provided in Subsection (e)(1)b.~~

~~b. Existing controlled fuel burning emission sources.~~

~~1. Notwithstanding Subsection (e)(1)a, any existing fuel burning emission source using solid fuel exclusively may emit up to, but not exceed, 0.2 pound per 1,000,000 BTU, if either of the following conditions is met:~~

~~(i) The emission source has an emission rate based on original design or equipment performance test conditions, whichever is stricter, which is less than 0.2 pound per 1,000,000 BTU of actual heat input, and the emission control of such source is not allowed to degrade more than 0.05 pound per 1,000,000 BTU from such original design or acceptance performance test conditions; or~~

~~(ii) The source is in full compliance with the terms and conditions of a variance granted under Article II, Division 4 of this chapter sufficient to achieve an emission rate less than 0.2 pound per 1,000,000 BTU, and construction has commenced on equipment or modifications prescribed under that program, and emission control of such source is not allowed to degrade more than 0.05 pound per 1,000,000 BTU from original design or equipment performance test conditions, whichever is stricter.~~

~~c. New fuel burning emission sources. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new fuel burning emission source using solid fuel exclusively, to exceed 0.1 pound of particulate matter per 1,000,000 BTU of actual heat input.~~

~~(2) Fuel burning emission sources using liquid fuel exclusively. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period to exceed 0.10 pound of particulate matter per 1,000,000 BTU of actual heat input from any fuel burning emission source using liquid fuel exclusively.~~

~~(3) Fuel burning emission sources using more than one type of fuel. No person, while simultaneously burning more than one type of fuel in a fuel burning emission source, shall cause or allow the emission of particulate matter into the atmosphere in any one hour period in excess of the following equation:~~

$$~~E = S_s H_s + 0.10 H_l~~$$

~~Where:~~

~~E = Allowable particulate emission rate in pounds per hour;~~

~~S_s = Solid fuel particulate emission standard which is applicable, pounds per 1,000,000 BTU of actual heat input;~~

~~H_s = Actual heat input from solid fuel in 1,000,000 BTU per hour; and~~

~~H_l = Actual heat input from liquid fuel in 1,000,000 BTU per hour.~~

- ~~(4) *Aggregation of existing fuel burning emission sources.* Subsection (e)(3) of this section may be applied to the aggregate of all fuel burning emission sources vented to a common stack provided that:~~
- ~~a. Ductwork has not been modified so as to interconnect such existing fuel burning emission sources;~~
 - ~~b. The actual heat input to any such existing fuel burning emission source is not increased; and~~
 - ~~c. No new fuel burning emission source is added to reduce the degree of control of emission of particulate matter required by this Subsection (e) of this section.~~
- ~~(5) *Measurement methods.* Particulate emissions from fuel burning emission sources shall be determined by the procedures described in the ASME Power Test Code 27-1957 as revised from time to time, or by any other equivalent procedures approved by the Department which procedures are found to accurately and fairly measure such emissions.~~
- ~~(6) *Compliance dates.*~~
- ~~a. Every owner or operator of a new fuel burning emission source shall comply with the standards and limitations of this Subsection (e) upon installation.~~
 - ~~b. Every owner or operator of an existing fuel burning emission source shall comply with the standards and limitations of this Subsection (e) by May 30, 1975.~~
- ~~(f) *Prohibition of the use of fuel burning equipment for the purpose of refuse disposal.* No person shall cause, suffer, allow, or permit the burning of refuse or any type of waste whatsoever in any boiler, furnace, or other fuel burning equipment, unless adequate proof is supplied to the Department that such equipment shall be in compliance with all applicable provisions of this chapter.~~
- ~~(g) *Particulate emission standards for incinerators.*~~
- ~~(1) No person shall cause or allow the emission of particulate matter into the atmosphere from any incinerator burning more than 60,000 pounds of refuse per hour to exceed 0.05 grains per standard cubic foot of effluent gases corrected to 12 percent carbon dioxide.~~
 - ~~(2) No person shall cause or allow the emission of particulate matter into the atmosphere from any incinerator burning more than 2,000 but less than 60,000 pounds of refuse per hour to exceed 0.08 grains per standard cubic foot of effluent gases corrected to 12 percent carbon dioxide.~~
 - ~~(3) No person shall cause or allow the emission of particulate matter into the atmosphere from all other existing incinerators to exceed 0.20 grains per standard cubic foot of effluent gases corrected to 12 percent carbon dioxide.~~
 - ~~(4) No person shall cause or allow the emission of particulate matter into the atmosphere from all other new incinerators to exceed 0.1 grains per standard cubic foot of effluent gases corrected to 12 percent carbon dioxide.~~
 - ~~(5) Subsections (g)(1), (2), and (4), of this section shall not apply to incinerators which burn wood wastes exclusively, if all the following conditions are met:~~
 - ~~a. The emission of particulate matter from such incinerator does not exceed 0.2 grains per standard cubic foot of effluent gases corrected to 12 percent carbon dioxide;~~
 - ~~b. The location of such incinerator is not in a restricted area, and is more than 1,000 feet from residential or other populated areas; and~~

- ~~e. When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.~~
- ~~(6) All existing incinerators shall comply with this regulation by June 30, 1978, and all new equipment shall comply upon installation.~~
- ~~(h) Sale of domestic incinerators. It shall be unlawful for any person to sell, offer for sale, expose for sale, exchange, deliver or install for use within the County:~~
 - ~~(1) Any make, model, or type of domestic refuse burning equipment, which has not been approved by the Director; or~~
 - ~~(2) Any make, model or type of approved refuse burning equipment for the burning of any type of refuse other than the type for which the refuse burning equipment has been approved by the Director. The delivery or transportation of any refuse burning equipment by railroad companies and other common carriers in the course of common carrier business shall not be deemed to be a violation of the provisions of this section.~~
- ~~(i) Incinerator usage. Incinerator operation shall be limited to daylight hours only, unless special permission is granted by the Department. Such permission shall be applied for in writing, and shall include the justification for such use or operation. Permission shall be granted after a satisfactory engineering evaluation has been made and an inspection showing that the incinerator is not in violation of the provisions of this chapter has been conducted by the Department.~~

~~Sec. 30 383. Sulfur standards and limitations for fuel burning and process emission sources.~~

- ~~(a) Sulfur dioxide (SO₂) limitations for fuel burning emission sources.~~
 - ~~(1) Sulfur content limitation. No person shall cause or permit the use, or, if intended for use in the County, the purchase, sale, offer for sale, storage or transportation of fuel, which as determined by the methods of the American Society for Testing Materials contains more than 1.0 percent sulfur by weight. This limitation shall apply until May 30, 1975.~~
 - ~~(2) Sulfur dioxide emission standards and limitations for new fuel burning emission sources with actual heat input greater than 250,000,000 BTU per hour.~~
 - ~~a. Solid fuel burned exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel burning emission source greater than 250,000,000 BTU per hour, burning solid fuel exclusively, to exceed 1.2 pounds of sulfur dioxide per 1,000,000 BTU of actual heat input.~~
 - ~~b. Liquid fuel burned exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel burning emission source greater than 250,000,000 BTU per hour, burning liquid fuel exclusively:~~
 - ~~1. To exceed 0.8 pound of sulfur dioxide per 1,000,000 BTU of actual heat input when residual fuel oil is burned; and~~
 - ~~2. To exceed 0.3 pound of sulfur dioxide per 1,000,000 BTU of actual heat input when distillate fuel oil is burned.~~
 - ~~c. Compliance date. Fuel burning emission sources subject to this Subsection (a)(2) of this section shall comply upon installation.~~

~~(3) Sulfur dioxide emission standards and limitations for new fuel burning emission sources with actual heat input smaller than, or equal to, 250,000,000 BTU per hour.~~

~~a. Solid fuel burned exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel burning emission source with actual heat input smaller than, or equal to, 250,000,000 BTU per hour, burning solid fuel exclusively, to exceed 1.8 pounds of sulfur dioxide per 1,000,000 BTU of actual heat input.~~

~~b. Liquid fuel burned exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel burning emission source with actual heat input smaller than, or equal to, 250,000,000 BTU per hour, burning liquid fuel exclusively.~~

~~1. To exceed 1.0 pound of sulfur dioxide per 1,000,000 BTU of actual heat input when residual fuel oil is burned; and~~

~~2. To exceed 0.3 pound of sulfur dioxide per 1,000,000 BTU of actual heat input when distillate fuel oil is burned.~~

~~c. Compliance date. Fuel burning emission sources subject to this Subsection (a)(3) of this section shall comply upon installation.~~

~~(4) Sulfur dioxide emission limitations for existing fuel burning emission sources.~~

~~a. Solid fuel burned exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel burning emission source, burning solid fuel exclusively, to exceed 1.8 pounds of sulfur dioxide per 1,000,000 BTU of actual heat input.~~

~~b. Liquid fuel burned exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel burning emission source, burning liquid fuel exclusively;~~

~~1. To exceed 1.0 pound of sulfur dioxide per 1,000,000 BTU of actual heat input when residual fuel oil is burned; and~~

~~2. To exceed 0.3 pound of sulfur dioxide per 1,000,000 BTU of actual heat input when distillate fuel oil is burned.~~

~~c. Compliance date. Fuel burning emission sources subject to this Subsection (a)(4) of this section shall comply by May 30, 1975.~~

~~(5) Combination of fuels. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any fuel burning emission source burning simultaneously any combination of solid, liquid and gaseous fuels to exceed the allowable emission rate determined by the following equation:~~

$$E = S_s H_s + 0.3 H_d + S_R H_f$$

~~Where:~~

~~E = Allowable sulfur dioxide emission rate, in pounds per hour;~~

~~S_s = Solid fuel sulfur dioxide emission standard, in pounds per 1,000,000 BTU, which is applicable;~~

~~S_r = Residual fuel oil sulfur dioxide emission standard, in pounds per 1,000,000 BTU per hour;—~~

~~H_s = Actual heat input from solid fuel, in 1,000,000 BTU, per hour;—~~

~~H_r = Actual heat input from residual fuel oil, in 1,000,000 BTU per hour;—~~

~~H_d = Actual heat input from distillate fuel oil, in 1,000,000 BTU per hour;—~~

~~And where that portion of the actual heat input that is derived:—~~

~~a. From the burning of gaseous fuels produced by gasification of solid fuels shall be included in H_s;—~~

~~b. From the burning of gaseous fuels produced by the gasification of distillate fuel oil shall be included in H_d;—~~

~~c. From the burning of gaseous fuels produced by the gasification of residual fuel oil shall be included in H_r;—~~

~~d. From the burning of gaseous fuels produced by the gasification of any other liquid fuel shall be included in H_r; and—~~

~~e. From the burning of by product gases such as those produced from a blast furnace or a catalyst regeneration unit in a petroleum refinery shall be included in H_r.—~~

~~(6) *Compliance date.* Fuel burning emission sources subject to Subsection (a)(5) of this section shall comply by May 30, 1975.—~~

~~(b) *Sulfur Dioxide limitations for process emission sources.*—~~

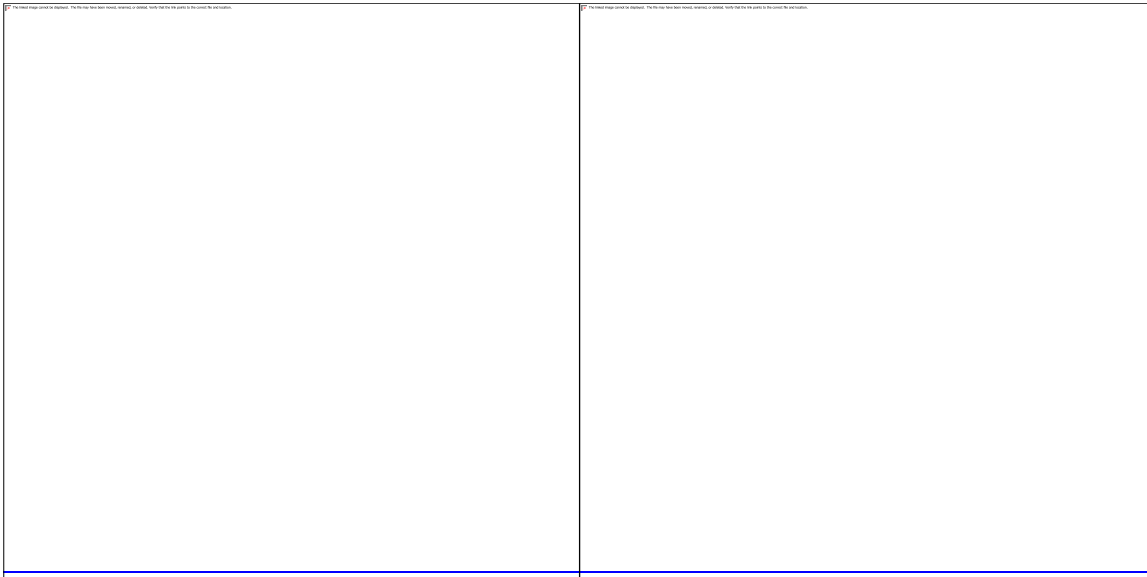
~~(1) Except as further provided by Subsections (b)(2), (b)(3), (b)(5), and (b)(6) of this section, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to exceed 2,000 ppm.—~~

~~(2) Subsection (b)(1) of this section shall not apply to new sulfuric acid manufacturing processes.—~~

~~(3) No person shall cause or allow the emission of sulfur dioxide into the atmosphere from any new sulfuric acid manufacturing plant, to exceed 4.0 pounds of sulfur dioxide per ton of acid produced.—~~

~~(4) Subsection (b)(1) of this section shall not apply to processes designed to remove sulfur compounds from the flue gases of fuel combustion emission sources.—~~

~~(5) Subsection (b)(1) of this section shall not apply to existing processes designed to remove sulfur compounds from the flue gases of petroleum and petrochemical processes, providing that the sulfur dioxide emissions from such removal processes do not exceed the emissions determined by the equations:—~~



$$E = 20,000 \left(\frac{H_s}{300} \right)^2 \quad H_s = \frac{P_1 H_1 + P_2 H_2 + \dots + P_n H_n}{100}$$

(Note): $P_1 + P_2 + \dots + P_n = 100$

- ~~(6) Subsection (b)(1) of this section shall not apply to existing hydrogen sulfide flares at a chemical manufacturing plant provided:~~
- ~~a. The flares are operative on existing batch type processes;~~
 - ~~b. The hydrogen sulfide emissions being flared are not, at the time of adoption of this Subsection (b)(6) passed through existing processes designed to remove sulfur compounds from the flue gases as provided in Subsection (b)(5) of this section;~~
 - ~~c. The emission of sulfur dioxide into the atmosphere from the flares does not exceed 500 pounds per hour and 3,500 pounds per eight hour period; and~~
 - ~~d. Provided, however, that if emission controls for the flares become economically reasonable and technically feasible the owner/operator of such hydrogen sulfide flares shall install such controls.~~
- ~~(7) All existing processes shall comply with the requirements of this Subsection (b) of this section by August 30, 1978, and all new emission sources shall comply upon installation.~~
- ~~(c) Sulfur dioxide measurement. Measurement of sulfur dioxide emissions from stationary sources shall be made according to the procedure published in 36 Fed. Reg. 24890, Method 6, or by measurement procedures specified by the Department and application of standard emission factors as published in Public Health Service Publication 999 AP 42, Compilation of Air Pollutant Emission Factors, as revised from time to time.~~

~~(d) *Sulfuric acid mist standards and limitations.* No person shall cause or allow the emission of sulfuric acid mist into the atmosphere from any process emission source to exceed 0.15 pound of acid mist per ton of acid used or manufactured.~~

~~(e) *Sulfuric acid mist and sulfur trioxide measurement.* Measurement of sulfuric acid mist and sulfur trioxide shall be according to the Barium Thorin titration method as published in 36 Fed. Reg. 24893.~~

~~Sec. 30 384. Organic material emission standards and limitations.~~

~~(a) *Storage.* No person shall cause or allow the storage of any volatile organic material in any stationary tank, reservoir or other container of more than 40,000 gallons capacity unless such tank, reservoir or other container:~~

~~(1) Is a pressure tank capable of withstanding the vapor pressure of such materials, so as to prevent vapor or gas loss to the atmosphere at all times; or~~

~~(2) Is designed and equipped with one of the following vapor loss control devices:~~

~~a. A floating roof which rests on the surface of the volatile organic material and is equipped with a closure seal or seals to close the space between the roof edge and the tank wall. Such floating roof shall not be permitted if the volatile organic material has a vapor pressure of 12.5 pounds per square inch absolute or greater at 70 degrees Fahrenheit. No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tanks, except during sampling.~~

~~b. A vapor recovery system consisting of:~~

~~1. A vapor gathering system capable of collecting 85 percent or more of the uncontrolled volatile organic material that would be otherwise emitted to the atmosphere; and~~

~~2. A vapor disposal system capable of processing such volatile organic material so as to prevent emission to the atmosphere. No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tank, reservoir or other container except during sampling.~~

~~c. Other equipment or means of equal efficiency approved by the Department according to the provisions of this chapter.~~

~~(b) *Loading.* _____~~

~~(1) No person shall cause or allow the discharge of more than eight pounds per hour of organic material into the atmosphere during the loading of any organic material from the aggregate loading pipes of any loading facility having a throughput of greater than 40,000 gallons per day into any railroad tank car, tank truck or trailer. The Department may accept, as a reasonable alternative, that each such loading pipe be equipped with pollution control equipment capable of reducing by 85 percent or more the uncontrolled organic material that would be otherwise emitted to the atmosphere if splash loading were employed.~~

~~(2) No person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 250 gallons, unless such tank is equipped with a permanent submerged loading pipe or an equivalent device approved by the Department according to the provisions of this chapter or unless such tank is a pressure tank as described in Subsection (a)(1) of this section or is fitted with a recovery system as described in Subsection (a)(2)b of this section.~~

- ~~(3) If no odor nuisance exists the limitations of this chapter shall only apply to volatile organic material.~~
- ~~(c) Organic material water separation.~~
- ~~(1) No person shall use any single or multiple compartment effluent water separator which receives effluent water containing 200 gallons a day or more of organic material from any equipment processing, refining, treating, storing, or handling organic material unless such effluent water separator is equipped with pollution control equipment capable of reducing by 85 percent or more the uncontrolled organic material emitted to the atmosphere.~~
- ~~(2) If no odor nuisance exists the limitations of this Subsection (c)(1) of this section shall only apply to volatile organic material.~~
- ~~(3) Subsection (c)(1) of this section shall not apply to water and crude oil separation in the production of Illinois crude oil, if both the following conditions are met:~~
- ~~a. The vapor pressure of such crude oil is less than five pounds per square inch absolute (psia); and~~
- ~~b. The location of such tank is outside a major metropolitan area.~~
- ~~(d) Pumps and compressors. No person shall cause or allow the discharge of more than two cubic inches of liquid volatile organic material into the atmosphere from any pump or compressor in any 15 minute period at standard conditions.~~
- ~~(e) Architectural coatings. No person shall cause or allow the sale or use of any architectural coating containing more than 20 percent by volume of photochemically reactive material in containers having a capacity of more than one gallon.~~
- ~~(f) Use of organic material.~~
- ~~(1) No person shall cause or allow the discharge of more than eight pounds per hour of organic material into the atmosphere from any emission source, except as provided in Subsections (f)(2) through (f)(4) of this section.~~
- ~~(2) If no odor nuisance exists the limitation of Subsection (f) of this section shall apply only to photochemically reactive material.~~
- ~~(3) Emissions of organic material in excess of those permitted by Subsection (d) of this section are allowable if such emissions are controlled by one of the following methods:~~
- ~~a. Flame, thermal or catalytic incineration so as either to reduce such emissions to ten ppm equivalent methane (molecular weight 16) or less, or to convert 85 percent of the hydrocarbons to carbon dioxide and water;~~
- ~~b. A vapor recovery system which absorbs and/or absorbs and/or condenses at least 85 percent of the total uncontrolled organic material that would otherwise be emitted to the atmosphere; or~~
- ~~c. Any other pollution control equipment approved by the Department capable of reducing by 85 percent or more the uncontrolled organic material that would be otherwise emitted to the atmosphere.~~
- ~~(4) The provisions of Subsection (f) of this section shall not apply to:~~
- ~~a. The spraying or use of insecticides, herbicides, or other pesticides;~~

- b.— Fuel burning emission sources;
- c.— The application of paving asphalt and pavement marking paint from sunrise to sunset and when air pollution watch, alert, or emergency conditions are not declared;—
- d.— Any owner, operator, user or manufacturer of paint, varnish, lacquer, coatings and printing ink whose compliance program and project completion schedule as required under Section 30-241 provides for the reduction of organic material used in such process to 20 percent or less of total volume by September 30, 1978.—

~~(g) Waste gas disposal.—~~

- ~~(1) Petroleum refinery and petrochemical manufacturing process emissions. No person shall cause or allow the discharge of organic materials into the atmosphere from:—~~
 - a.— Any catalyst regenerator of a petroleum cracking system;
 - b.— Any petroleum fluid coker; or
 - c.— Any other waste gas stream from any petroleum or petrochemical manufacturing process; in excess of 100 ppm equivalent methane (molecular weight 16.0).—
- ~~(2) Vapor blowdown. No person shall cause or allow the emission of organic material into the atmosphere from any vapor blowdown system or any safety relief valve, except such safety relief valves not capable of causing an excessive release, unless such emission is controlled:—~~
 - a.— To ten ppm equivalent methane (molecular weight 16.0) or less;
 - b.— By combustion in a smokeless flare; or
 - c.— By other pollution control equipment approved by the Department according to the provisions of this chapter.—
- ~~(3) Sets of unregulated safety relief valves capable of causing excessive releases. Subsection (g)(2) of this section shall not apply to any set of unregulated safety relief valves capable of causing excessive release, provided that the owner or operator thereof by October 1, 1972, provides the Department with the following:—~~
 - a.— A historical record of each such set (or, if such records are unavailable, of similar sets which, by virtue of operation under similar circumstances, may reasonably be presumed to have the same or greater frequency of excessive releases) for a three year period immediately preceding October 1, 1972, indicating:—
 - 1.— Dates on which excessive releases occurred from each such set;
 - 2.— Duration in minutes of each such excessive release; and
 - 3.— Quantities (in pounds) of mercaptans and/or hydrogen sulfide emitted into the atmosphere during each such excessive release.—
 - b.— Proof, using such three year historical records, that no excessive release is likely to occur from any such set either alone or in combination with such excessive releases from other sets owned or operated by the same person and located within a ten-mile radius from the center point of any such set, more frequently than three times in any 12-month period; and—
 - c.— Accurate maintenance records pursuant to the requirements of Subsection (g)(3) of this section; and—

~~d.— Proof, at three year intervals, using such three year historical records, that such set conforms to the requirement of Subsection (g)(3)c of this section.—~~

~~(h) *Emissions during clean up operations and organic material disposal.* Emissions of organic material released during clean up operations and disposal shall be included with other emissions of organic material from the related emission source or pollution control equipment determining total emissions.—~~

~~(i) *Testing method for determination of emissions of organic material.* The total organic material concentrations in an effluent stream shall be measured by a flame ionization detector, or by other methods approved by the Department according to the provisions of this chapter.—~~

~~(j) *Compliance dates.*—~~

~~(1) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 30 384 on the effective date of this article.—~~

~~(2) Every owner or operator of an existing emission source shall comply with the standards and limitations of Section 30 384 by December 31, 1973.—~~

~~Sec. 30 385.— Carbon monoxide emission standards and limitations.—~~

~~(a) *Fuel combustion emission sources with actual heat input greater than 10,000,000 BTU per hour.* No person shall cause or allow the emission of carbon monoxide into the atmosphere from any fuel combustion emission source with actual heat input greater than 10,000,000 BTU per hour to exceed 200 ppm, corrected to 50 percent excess air.—~~

~~(b) *Incinerators.*—~~

~~(1) No person shall cause or allow the emission of carbon monoxide into the atmosphere from any incinerator to exceed 500 ppm, corrected to 50 percent excess air.—~~

~~(2) Subsection (b) of this section shall not apply to existing incinerators burning less than 2,000 pounds of refuse per hour which are in compliance with this chapter.—~~

~~(c) *Petroleum and petrochemical processes.* No person shall cause or allow the emission of a carbon monoxide waste gas stream into the atmosphere from a petroleum or petrochemical process unless such waste gas stream is burned in a direct flame afterburner or carbon monoxide boiler so that the resulting concentration of carbon monoxide in such waste gas stream is less than or equal to 200 ppm corrected to 50 percent excess air, or such waste gas stream is controlled by other equivalent pollution control equipment approved by the Department according to the provisions of this chapter.—~~

~~(d) *Sintering plants, blast furnaces and basic oxygen furnaces.*—~~

~~(1) No person shall cause or allow the emission of gases containing carbon monoxide into the atmosphere from any sintering plant, from any blast furnace, or from any basic oxygen furnace to exceed a concentration of 200 ppm, corrected to 50 percent excess air.—~~

~~(2) Subsection (d) of this section shall not apply to blast furnaces during abnormal movement of the furnace burden when it is necessary to relieve pressure for safety reasons.—~~

~~(e) *Cupolas.* No person shall cause or allow the emission of gases containing carbon monoxide into the atmosphere from any cupola with a manufacturer's rate melt rate in excess of five tons per hour, unless such gases are burned in a direct flame after burner so that the resulting concentration of carbon monoxide in such gases is less than or equal to 200 ppm corrected to 50 percent excess air or such gas~~

~~streams are controlled by other equivalent pollution control equipment approved by the Department according to the provisions of this chapter.~~

~~(f) *Measurement methods.* Carbon monoxide concentrations in an effluent stream shall be measured by the nondispersive infrared method or by other methods approved by the Department according to the provisions of this chapter.~~

~~(g) *Compliance dates.*~~

~~(1) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 30-385 by the effective date of the ordinance from which this article is derived.~~

~~(2) Every owner or operator of an existing emission source shall comply with the standards and limitations of Section 30-385 by December 31, 1973.~~

~~Sec. 30-386. Nitrogen oxides emission standards and limitation.~~

~~(a) *New fuel burning emission sources.* No person shall cause or allow the emission of nitrogen oxides into the atmosphere in any one hour period from any new fuel burning emission source with an actual heat input equal to or greater than 250,000,000 BTU per hour to exceed the following standards and limitations:~~

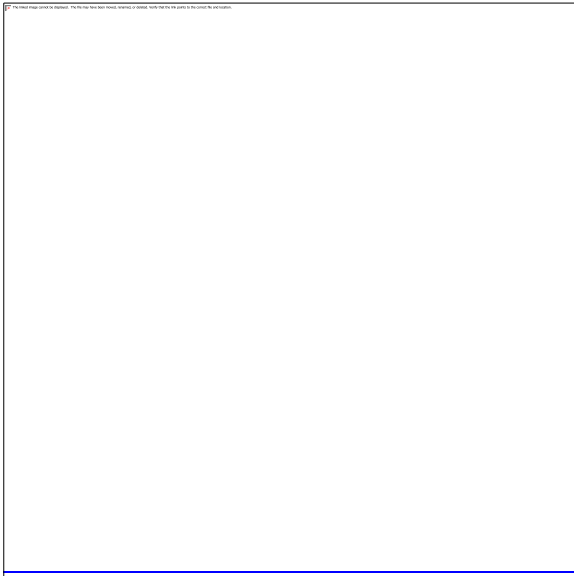
~~(1) For gaseous fossil fuel firing, 0.20 pound per 1,000,000 BTU of actual heat input;~~

~~(2) For liquid fossil fuel firing, 0.30 pound per 1,000,000 BTU of actual heat input;~~

~~(3) For dual gaseous and liquid fossil fuel firing, 0.30 pound per 1,000,000 BTU of actual heat input;~~

~~(4) For solid fossil fuel firing, 0.7 pound per 1,000,000 BTU of actual heat input; and~~

~~(5) For fuel burning emission sources burning simultaneously any combination of solid, liquid and gaseous fossil fuels and allowable emission rate shall be determined by the following equation:~~



$$E = \left[\frac{0.3(P_g + P_i) + 0.7(P_s)}{P_g + P_i + P_s} \right] Q$$

~~Where:-~~

~~E = Allowable nitrogen oxides emission rate in pound per hour;~~

P_g = percent of actual heat input derived from gaseous fossil fuel;—

P_{i} = Percent of actual heat input derived from liquid fossil fuel;—

P_s = Percent of actual heat input derived from solid fossil fuel;—

Q = Actual heat input derived from all fossil fuels in 1,000,000 BTU per hour.—

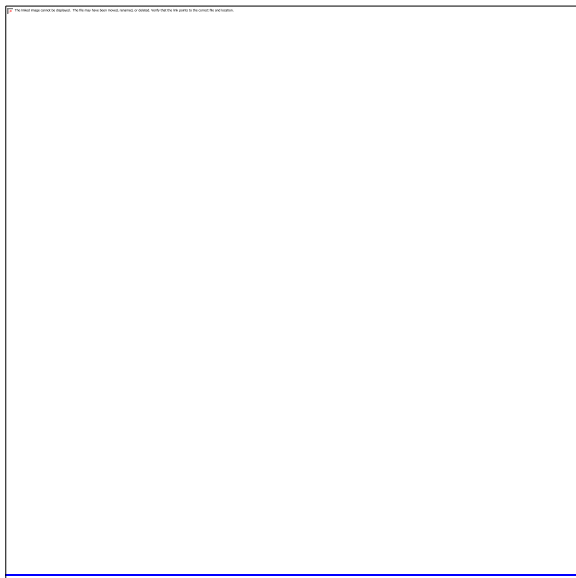
Note: $P_{i} + P_s + P_g = 100.00$.—

(b) ~~Existing fuel burning emission sources.~~ No person shall cause or allow the emission of nitrogen oxides into the atmosphere in any one-hour period from any existing fuel burning emission source with an actual heat input equal to or greater than 250,000,000 BTU per hour, to exceed the following limitations:—

(1) ~~For gaseous and/or liquid fossil fuel firing, 0.3 pound per 1,000,000 BTU of actual heat input;—~~

(2) ~~For solid fossil fuel firing, 0.9 pound per 1,000,000 BTU of actual heat input;~~

(3) ~~For fuel burning emission sources burning simultaneously any combination of solid, liquid and gaseous fuel the allowable emission rate shall be determined by the following equation:—~~



$$E = \left[\frac{0.3(P_g + P_i) + 0.9(P_s)}{P_g + P_i + P_s} \right] Q$$

Where:—

E = Allowable nitrogen oxides emission rate in pounds per hour;—

P_g = Percent of actual heat input derived from gaseous fossil fuel;—

P_{i} = Percent of actual heat input derived from liquid fossil fuel;—

P_s = Percent of actual heat input derived from solid fossil fuel;—

Q = Actual heat input derived from all fossil fuels in 1,000,000 BTU per hour.—

~~Note: $P_{sub} + P_s + P_g = 100.00$.~~

~~(4) Section 30.386(b) shall not apply to existing fuel burning emission sources which are either cyclone fired boilers burning solid or liquid fuel, or horizontally opposed fired boilers burning solid fuel.~~

~~(c) Nitric acid manufacturing processes.~~

~~(1) New weak nitric acid processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing process to exceed the following standards and limitations:~~

- ~~a. 3.0 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 percent acid basis);~~
- ~~b. Visible emissions in excess of five percent opacity;~~
- ~~c. 0.1 pound of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 percent acid basis) from any storage tank vents.~~

~~(2) Existing weak nitric acid processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing weak nitric acid manufacturing process to exceed the following standards and limitations:~~

- ~~a. 5.5 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 percent acid basis);~~
- ~~b. Visible emissions in excess of five percent opacity;~~
- ~~c. 0.2 pound of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 percent acid basis) from any acid storage tank vents.~~

~~(3) Concentrated nitric acid processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any concentrated nitric acid manufacturing process to exceed the following standards and limitations:~~

- ~~a. 3.0 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 percent acid basis);~~
- ~~b. 225 ppm of nitrogen oxides (expressed as NO₂) in any effluent gas stream emitted into the atmosphere;~~
- ~~c. Visible emissions in excess of five percent opacity.~~

~~(4) Nitric acid concentrating processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any nitric acid concentrating process to exceed the following limitations:~~

- ~~a. 3.0 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 percent acid basis);~~
- ~~b. Visible emissions in excess of five percent opacity.~~

~~(d) Industrial processes.~~

~~(1) New industrial processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new process producing products of organic nitrations and/or oxidations using nitric acid to exceed the following standards and limitations:~~

- a. ~~5.0 pounds of nitrogen oxides (expressed as NO₂) per ton of nitric acid (100 percent acid basis) used in such new processes.~~
- b. ~~Visible emissions in excess of five percent opacity.~~
- (2) ~~Existing industrial processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing process producing products of organic nitrations and/or oxidations using nitric acid to exceed 10.0 pounds of nitrogen oxides (expressed as NO₂) per ton of nitric acid (100 percent acid basis) used in such process.~~
- (3) ~~Exemption. Section 30-386(d)(1) and (2) shall not apply to any industrial process using less than 100 tons of nitric acid (100 percent acid basis) annually or which produces less than one ton of nitrogen oxides (expressed as NO₂) per year.~~
- (e) ~~Measurement method. Measurement of nitrogen oxides shall be according to the Phenol Disulfonic Acid Method as published 36 Federal Regulation 15718, Method 7.~~
- (f) ~~Compliance dates.~~
 - (1) ~~Every owner or operator of new emission source shall comply with the standards and limitations of Section 30-386 by the effective date of this article.~~
 - (2) ~~Except as otherwise provided in Subsection (f)(3) of this section, every owner or operator of an existing emission source shall comply with the standards and limitations of Section 30-386 by December 31, 1973.~~
 - (3) ~~Every owner or operator of an existing coal fired fuel combustion emission source shall comply with the applicable standards and limitations of Section 30-386 by May 30, 1975.~~

Sec. 30-383. - Compliance Programs and Project Completion Schedule.

(a) Prohibition.

No person shall cause or allow the operation of an emission source which is not in compliance with all applicable emission limitations set forth in Sec. 30-7 without a compliance program and a project completion schedule approved by the Department.

(b) Effects of approval.

The approval of a compliance program and project completion schedule shall be a prima facie defense to any enforcement action alleging a violation of the standards and limitations set forth in this chapter only with respect to pollution emanating from sources covered by the compliance program and project completion schedule. Sources not covered by the compliance program and project completion schedule are not considered immune from enforcement action.

(c) Final compliance date.

Failure to meet an approved final compliance date or any interim date, as required by

Secs. 30-384. - Idling of motor vehicles.

The state requirements for idling, as codified at 625 ILCS 5/11-1429, shall apply and supersede any conflicting requirements listed in this Chapter.

Sec. 30-387385. - Open burning.

(a) *Prohibited.*

- (1) No person shall cause or allow open burning except as provided in Subsections (a), (b) and (c) of this section.
 - (2) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.
- (b) *Exceptions.* The following activities are not in violation of this Section unless they cause ~~atmospheric~~ air pollution as defined in this section. Nothing in this section shall exempt such activities from applicable local restrictions.
- (1) The open burning of agricultural waste, but only:
 - ~~(i)a.~~ On the premises on which such waste is generated;
 - ~~(ii)b.~~ In areas other than restricted areas;
 - ~~(iii)c.~~ When atmospheric conditions will readily dissipate contaminants;
 - ~~(iv)d.~~ If such burning does not create a visibility hazard on roadways, railroad tracks, or air fields;
 - ~~(v)e.~~ More than 1,000 feet from residential or other populated areas, schools, hospitals, or nursing homes; and
 - ~~(vi)f.~~ When it can be affirmatively demonstrated to the Department that no economically reasonable alternative method of disposal is available.
 - (2) ~~The open burning of domicile waste, but only:~~
 - ~~a. — On the premises on which such waste is generated;~~
 - ~~b. — In areas other than restricted areas;~~
 - ~~c. — When atmospheric conditions will readily dissipate contaminants;~~
 - ~~d. — If such burning does not create a visibility hazard on roadways, railroad tracks, or airfields; and~~
 - ~~e. — When it can be affirmatively demonstrated to the Department that no reasonable alternative method of disposal is available.~~
 - ~~(3) — The open burning of landscape waste, but only:~~
 - ~~(i)a.~~ On the premises on which such waste is generated;
 - ~~(ii)b.~~ When atmospheric conditions will readily dissipate contaminants;
 - ~~(iii)c.~~ If such burning does not create a visibility hazard on roadways, railroad tracks, or airfields;
 - ~~(iv)d.~~ In those areas of the County which are not in the following prohibited areas:
 - ~~(A)1.~~ Municipalities in which open burning is prohibited;
 - ~~(B)2.~~ Unincorporated areas 1,000 feet or less from a municipality in which open burning of landscape waste is prohibited; and
 - ~~(v)e.~~ When it can be affirmatively demonstrated to the Department that no reasonable alternative method of disposal is available.
 - (43) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the Department.

- (54) The burning of fuels for legitimate campfire, recreational, and cooling purposes, or in domestic fireplaces, in such cases.
- (65) Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.
- (c) *Permits.*
- (1) *When granted.* The Department may grant permits for open burning in the following instances:
- (i)a. For instruction in the methods of fire fighting; or for testing of equipment for extinguishing fires, or flares and signals, or of experimental incinerators, or for research in control of fires;
 - (ii)b. For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;
 - (iii)e. For research or management in prairie or forest ecology;
 - (iv)d. For the destruction of landscape wastes, provided that such burning shall not occur:
 - (A)1. In restricted areas;
 - (B)2. Within 1,000 feet of any residential or other populated area, school, hospital, or nursing home;
 - (C)3. Unless the requirements of Subsection (b) of this section are met.
 - (v)e. For the destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require, such burning may be done without a permit, and a report shall be filed with the Department within ten (10) calendar days thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary.
- (2) *Application; required information.* An application for a permit shall be in such form and shall contain such information as shall be required in procedures adopted by the Department. ~~Such application shall contain, as a minimum, data and information sufficient to inform the Department with respect to: the exact quantities and types of material to be burned; the nature and quantities of air contaminants which will result; the exact frequency, including dates where appropriate, when such burning will take place; the exact location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, etc.; the methods or actions which will be taken to reduce the emission of air contaminants; the reasons why alternatives to open burning are not available; the name of the local fire fighting unit that has been contacted and if they will be present during the burning; and the reasons why such burning is necessary to the public interest. If the burning is a training session, a list of names of all of the trained personnel shall be submitted to the Department.~~
- (3) *Proof that burning is necessary.* No permit shall be granted unless the applicant proves to the satisfaction of the Department that the open burning: is necessary to the public interest; will be conducted in such a time, place and manner as to minimize the emission of air contaminants; and will have no serious detrimental effects upon adjacent properties or the occupants thereof.
- (4) *Conditions.* ~~The Department may impose such conditions in the permit as may be necessary to accomplish the purposes of this section.~~

~~(5) *Validity; renewal.* No permit shall be valid for longer than one (1) year from date of issuance. Applications for renewal of a permit shall be submitted to the Department at least ninety days prior to the expiration of the prior permit, and shall conform to Subsection (c)(3) of this section. The standards for issuance of renewal permits shall be as set forth in Subsection (c)(3) of this section.~~

~~(6) *Violation of permit conditions.* Violation of any of the conditions of the permit shall be grounds for revocation of the permit by the Department as well as for other sanctions provided in this section.~~

~~(7) *Revision of permit.* The Department may revise any permit granted pursuant to this section, or any condition contained in any such permit.~~

(5) *Open Burn Permit fees.* An open burn permit shall be obtained from the Director prior to any open burning requiring a permit under this section. The permit fees for open burning shall be as set out in Section 32-1. No fee shall be charged or paid to the Department or to any of its employees for any permit or inspection of any open burn permit issued to a government or municipality.

~~(d) *Burning of wastes.* Open burning of wastes creating a hazard of explosion, fire, or other serious harm is prohibited, unless authorized by other provisions of this section, shall be permitted only upon application for and grant of a variance as provided by the Department.~~

~~(e) *Enforcement.* It shall be the obligation of local governments, as well as of the Department, to enforce by appropriate means the prohibitions in this section.~~

Sec. 30-388386. - Materials subject to becoming windborne.

(a) *Generally.* Dusts and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and so forth within lot boundaries shall be kept to a minimum by such measures as wetting piles, landscaping, paving, oiling, or other acceptable means.

(b) *Handling.* It shall be unlawful for any person to cause or permit the handling, loading, unloading, reloading, storing, transferring, transporting, placing, depositing, throwing, discarding, or scattering of any ashes, fly ash, cinders, slag, or dust collected from any combustion process, any dust, dirt, chaff, wastepaper trash, rubbish, waste, or refuse matter of any kind or any other substance or material whatever which is likely to be scattered by the wind, or is susceptible to being windborne without taking reasonable measures or precautions so as to minimize atmospheric air pollution or nuisance to other property.

(c) *Storage.* It shall be unlawful for any person to operate or maintain or cause to be operated or maintained any building, structure, or premises, open area, right-of-way, storage pile of materials, vessel, or vehicle, or construction, alteration, building, demolition, or wrecking operation, or any other enterprise which has or involves any matter, material, or substance likely to be scattered by the wind or susceptible to being windborne, without taking reasonable precautions or measures so as to minimize atmospheric air pollution nuisance to other property.

(d) *Surfacing of roads and vehicle areas.* No person shall maintain or conduct, or cause to be maintained or conducted, any parking or automotive or machinery sales lot, or any private roadway unless such real property is covered or treated with a surface or substance or otherwise maintained in such manner as to minimize atmospheric air pollution or nuisance to other property.

~~Sec. 30-389. —Compliance with State standards.~~

~~Smoke and particulate matter emissions shall comply with the State Environmental Protection Agency "Air Pollution Control Regulations" as issued by the State Pollution Control Board. In case of overlapping requirements, the more restrictive shall apply.~~

~~Sec. 30-390. — Nondegradation.~~

~~Areas whose environment is better than limits established herein shall be maintained at its high quality. Such environment shall not be lowered in quality unless it can be demonstrated that such change is justifiable to accommodate necessary economic or social development.~~

Sec. 30-387. - Internal combustion engines.

No person shall operate or cause to be operated upon any street, highway, public place, stream, or waterway, or any private premises, any internal combustion engine of any motor vehicle, boat, or other vehicle, while stationary or moving, which emits from any source unreasonable and/or excessive smoke, obnoxious, or noxious gases, fumes, or vapors.

~~Secs. 30-390-388—30-409-420. - Reserved.~~

~~ARTICLE IV. — NOXIOUS, ODOROUS AND TOXIC MATTER~~

~~DIVISION 1. — GENERALLY~~

~~Sec. 30-421. — Generally.~~

~~The emission of noxious, odorous, or toxic matter in such manner or quantity as to be detrimental to or endanger the public health, comfort, or welfare is prohibited.~~

~~Sec. 30-422. — Discharge of toxic matter.~~

~~No activity or operation shall cause, at any time, the discharge of toxic matter into the atmosphere in such concentrations as to be detrimental to or endanger the public health, safety, or welfare, or cause injury or damage to property or business or be needlessly destructive of any insect, plant, or animal life which contributes to the general welfare.~~

~~Sec. 30-423. — Internal combustion engines.~~

~~No person shall operate or cause to be operated upon any street, highway, public place, stream, or waterway, or any private premises, any internal combustion engine of any motor vehicle, boat, or other vehicle, while stationary or moving, which emits from any source unreasonable and/or excessive smoke, obnoxious, or noxious gases, fumes, or vapors.~~

~~Sec. 30-424. — Nuisances.~~

~~(a) *Abatement.*~~

- ~~(1) Any emission of smoke, particulate matter, or other matter (gaseous, liquid, or solid) from any single source in excess of the limitations established in or pursuant to the provisions of this article, shall be deemed and is hereby declared to be a public nuisance, and may be summarily abated by~~

~~the Director. Such abatement may be in addition to the administrative proceedings herein provided.~~

~~(2) The Director is further empowered to institute legal proceedings for the abatement or prosecution of emissions of smoke, particulate or other matter which causes injury, detriment, nuisance or annoyance to the public or endangers the health, comfort, safety, or welfare of the public, or causes or has a natural tendency to cause injury or damage to business or property. Such abatement may be in addition to the administrative proceedings herein provided.~~

~~(b) *Preservation of common law rights.* Nothing in this article shall be construed to impair any cause of action, or legal remedy therefor, of any person or the public for injury or damage arising from the discharge, emission, or release into the atmosphere from any source whatsoever of such quantities of smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid, or gaseous matter, or any other materials in such place, manner, or concentration as to constitute atmospheric pollution, or a common law nuisance.~~

Subdivision III. - EPISODES

Sec. 30-410. - Generally.

(a) This division is designed to prevent, during periods of atmospheric stagnation, ambient air pollution concentrations from reaching levels which could cause significant harm to the health of humans. Emissions which do not normally cause established air quality standards to be exceeded might well be capable of producing dangerously high concentrations of pollutants during periods of atmospheric stagnation. Such periods, generally of a few days duration, occur whenever high atmospheric pressure, very low wind speeds, and a temperature inversion exist in the same place at the same time. These conditions prevent normal ventilation of the air both horizontally and vertically, and pollutants released into the atmosphere are literally trapped near their sources.

(b) In highly industrialized areas, if atmospheric stagnation persists, pollutants can reach unusually high levels and a serious threat to public health may result. During recorded episodes of atmospheric stagnation, an increase in the number of cases of illness and death has occurred with substantial evidence that air pollution was the cause.

Sec. 30-411. - Monitoring.

(a) For purposes of this division, monitoring stations used to determine watch, alert, or emergency levels shall be officially recognized stations located in any portion of the Federally designated air quality control region in which a part of the County is included and shall be located according to guidelines for establishment of air quality surveillance networks as developed by the Federal Environmental Protection Agency, and shall use measurement methods or equivalent methods as officially authorized by that agency.

(b) If any monitoring station registers air contaminant concentrations in excess of any air quality index level and if weather conditions indicate that such concentrations would not be expected, proper operation of the sampling equipment at these stations will be verified by the Department before the concentrations are used to declare any watch, alert, or emergency level.

Sec. 30-412. - Determination of actions required.

To the maximum degree practicable, emission control actions taken pursuant to this division shall be consistent with the extent of any air pollution alert or emergency. When the Department determines that the existence of any air quality index level is exclusively caused by one or more specific emission sources, emission control action steps applicable to such source or sources shall be taken. When the Department determines that the existence of any air quality index level is exclusively caused by one or more specific air contaminants, action shall be taken to reduce the concentration of such contaminant or contaminants.

Sec. 30-413. - Air Quality Index Levels

The Department may communicate to the public the level of air quality throughout suburban Cook County per the Air Quality Index.

Secs. 30-414 – 30-424. - Reserved

Subdivision IV ~~DIVISION 2.~~ - ~~COOK COUNTY GASOLINE VAPOR COLLECTION AND CONTROL SYSTEMS DISPENSING FACILITIES (STORAGE TANK FILLING OPERATIONS) ORDINANCE~~

~~Sec. 30-425. - Short title and definitions.-~~

~~(a) *Short title.* This section shall be known and may be cited as "The Cook County Gasoline Vapor Collection and Control System Ordinance."~~

~~(b) *Definitions.* For the purposes of this section, the following definitions apply:-~~

~~*Certified* means any vapor collection and control system which has been tested and approved by The California Air Resources Board (CARB) as having a vapor recovery and removal efficiency of at least 95 percent (by weight). CARB testing and approval is pursuant to the CARB manual incorporated by reference 35 Ill. Adm. Code 218.112.-~~

~~*Completion of installation* means the successful passing of one or more of the following tests applicable to the installed vapor collection and control system: Dynamic Backpressure Test, Pressure Decay/Leak Test, and Liquid Blockage Test, incorporated by reference at 35 Ill. Adm. Code 218.112.-~~

~~*Constructed* means fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.-~~

~~*CARB* means California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.-~~

~~*Employee* means any person who performs work for an Owner or Operator.-~~

~~*Gasoline Dispensing Operation or Gasoline Dispensing Facility* means any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2,176 liters (575 gallons) or more.-~~

~~*Modification* means any change, removal or addition, other than an identical replacement, of any component contained within the Vapor Collection and Control System.-~~

~~*Motor vehicle* means any self propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles and trucks. Specifically excluded from this definition are watercraft and aircraft.-~~

~~*Motor Vehicle Fuel* means any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles. Reid vapor~~

~~pressure for gasoline shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 218.112.~~

~~*Owner or Operator* means any Person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a Gasoline Dispensing Operation.~~

~~*Person or Persons* means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.~~

~~*Poppet valve* means a spring loaded valve that prevents vapor from escaping through the vapor recovery riser pipe opening of a storage tank.~~

~~*Stage II System Type* means a Stage II system that consists of special nozzles and coaxial hoses at each gasoline pump that captures vapors from the vehicle's fuel tank and routes them to the station's underground or aboveground storage tank(s) during the refueling process with System parts that are clearly identified to show that they are CARB certified by a CARB Executive Order number.~~

~~*Vapor Collection and Control System* means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of Motor Vehicle Fuel into motor vehicle fuel tanks.~~

~~Sec. 30-425.1. Dispensing motor fuel and inspection.~~

~~(a) No Owner or Operator of a Gasoline Dispensing Operation shall cause or allow the dispensing of Motor Vehicle Fuel at any time from a motor vehicle fuel dispenser unless the dispenser is equipped with and utilizes a Vapor Collection and Control System which is properly installed and operated as provided below:~~

- ~~(1) Any Vapor Collection and Control System installed, used or maintained has been CARB certified;~~
- ~~(2) Any Vapor Collection and Control System utilized is maintained in accordance with the manufacturer's specifications and the certification;~~
- ~~(3) No elements or components of a Vapor Collection and Control System are modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications;~~
- ~~(4) A Vapor Collection and Control System has no defective, malfunctioning or missing components. Malfunction includes but is not limited to a dry break on a Poppet valve;~~
- ~~(5) The Poppet valve must be in a closed position, so that if depressed it will spring up upon release;~~
- ~~(6) Operators and Employees of the Gasoline Dispensing Operation are trained and instructed in the proper operation and maintenance of a vapor collection and control system by trainers recognized by the Illinois Environmental Protection Agency to be qualified; and~~
- ~~(7) Instructions are posted in a conspicuous and visible place within the motor fuel dispensing area and describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.~~

~~(b) Gasoline Dispensing Operations shall be subject to an annual inspection by the Department.~~

~~(c) The Employee and/or Operator must cooperate with the Department's annual inspection and the Operator shall provide to the Department any records that may be requested pursuant to Section 30-425.2.~~

~~Sec. 30-425.2. Record keeping obligations.~~

- ~~(a) Gasoline Dispensing Facilities shall retain the operation copies of the registration information required in Subsection (b) for the current and previous calendar year.~~
- ~~(b) Records and reports required pursuant to this subsection shall be made available to the Department upon request. The owner or operator of the Gasoline Dispensing Operation shall maintain records and reports which clearly demonstrate:
 - ~~(1) That a Certified Vapor Collection and Control System has been installed and tested to verify its performance according to its specifications;~~
 - ~~(2) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements;~~
 - ~~(3) The time period and duration of all malfunctions of the Vapor Collection and Control System; and~~
 - ~~(4) That Operators and Employees are trained and instructed in the proper operation and maintenance of the Vapor Collection and Control System and informed as to the potential penalties associated with the violation of any provision of this section.~~~~
- ~~(c) The following documents shall also be made available upon request:
 - ~~(1) Illinois EPA Issued Registration Certificate/Proof of Registration;~~
 - ~~(2) Current and Consistent Maintenance Logs;~~
 - ~~(3) Pressure/Vacuum Relief Valve Test Results;~~
 - ~~(4) Training Certificate(s) for operators and Employees;~~
 - ~~(5) Malfunction Logs; and~~
 - ~~(6) Written verification of the Stage II System Type, dispenser brand name and model. This documentation shall be kept on site at the Gasoline Dispensing Operation. If system types cannot be determined through external visible inspection of the equipment, keys to the pump must be made available to the Cook County Environmental Control inspector in order to attain that information as well as the compatibility of the Stage I and Stage II equipment.~~~~

Sec. 30-425. - Stage 1 Systems.

The rules and regulations concerning Stage 1 systems, as adopted by the Illinois Pollution Control Board at ILL. ADMIN. CODE tit. 35 § 218.583, shall apply.

Sec. 30-426425.3. - Penalties and inspection fees.

- ~~(a) Any Person that violates the Cook County Gasoline Dispensing Facilities (Storage Tank Filling Operations) Ordinance is subject to the finespenalties, cost recovery, and remedies set out in Section 30-243131.~~
- ~~(b) An annual inspection-fee shall be assessed on all Gas Dispensing Operationsgasoline vapor collection and control systems, as The Owner or Operator of the gasoline dispensing operation shall pay these fees. The annual inspection fees are set out in Section 32-1.~~

Secs. 30-~~427426~~—30-~~440449~~. - Reserved.

Subdivision V, ARTICLE IX.— GREEN CONSTRUCTION

Sec. 30-~~441950~~. - Board of Commissioners findings.

- (a) Diesel exhaust particle pollution poses a clear and present health risk to the people of Cook County. The United States Environmental Protection Agency has classified diesel exhaust as a likely human carcinogen, and has identified diesel particulate matter and diesel exhaust organic gases as toxic air pollutants. Diesel exhaust is also a prime contributor to airborne fine particle pollution that is linked to premature death and other serious cardiovascular and pulmonary problems such as heart attacks, abnormal heart rhythms, atherosclerosis, stroke, asthma attacks, permanent respiratory damage and retardation of lung growth in children.
- (b) Cook County is a U.S. EPA designated nonattainment area for fine particulate matter pollution.
- (c) The health impacts from diesel emissions particularly affect children, the elderly, and people with weakened immune systems.
- (d) Particularly high concentrations of diesel emissions often occur in heavily traveled transportation corridors, intermodal yards, bus depots, and construction sites; these diesel "hot spots" often are found in densely populated, urban areas, disproportionately impacting ethnic minorities and people of lower economic status.
- (e) Diesel engine crankcases also are a source of emissions that can seep into the cabin and expose vehicle drivers and passengers to harmful diesel emissions.
- (f) Diesel exhaust also contains black carbon emissions, which contribute to global climate change.
- (g) Reduction of diesel emissions can help address these human health and environmental problems.
- (h) The United States Environmental Protection Agency has enacted requirements over the past few years requiring the substantial reduction of emissions from new diesel engines in both heavy-duty highway vehicles and land-based nonroad equipment. However, these regulations do not apply to any of the over 11 million existing diesel engines in the United States, most of which emit substantially more pollution and often remain in service for ten to 30 years, depending on the type of engine and equipment.
- (i) Practical, cost-effective measures to substantially reduce diesel particulate emissions are available today, and can be applied to many existing diesel engines. The same technology that limits diesel pollution from new diesel engines can be retrofitted onto existing engines or applied in new replacement engines to reduce diesel emissions by 85 percent or better.
- (j) Therefore, the purpose of this ordinance is to minimize the public health risks from exposure to diesel particulate emissions as expeditiously as practicable.

Sec. 30-~~442954~~. - Definitions.

CARB means the California Air Resources Board.

~~*County*, as used in this chapter (with the exception of the use of the words to describe or identify the Government or Board of Commissioners thereof), means all of the territory in the County exclusive of the City of Chicago.~~

~~*Department* means the Cook County Department of Environmental Control.~~

Fleet means one or more diesel vehicles or mobile or stationary diesel engines owned or operated by the same person or group of related persons.

Heavy duty diesel vehicle means a motor vehicle with a gross vehicle weight rating of at least 8,500 pounds that is powered by a diesel engine.

Level 1 Control means a Verified Diesel Emission Control Device that achieves a particulate matter (PM) emission reduction of 25 percent or more from uncontrolled engine emission levels.

Level 2 Control means a Verified Diesel Emission Control Device that achieves a particulate matter (PM) emission reduction of 50 percent or more from uncontrolled engine emission levels.

Level 3 Control means a Verified Diesel Emission Control Device that achieves a particulate matter (PM) emission reduction of 85 percent or more from uncontrolled engine emission levels, or that reduces emissions to less than or equal to 0.01 grams of PM per brake horsepower-hour. Level 3 Control includes repowering or replacing the existing diesel engine with an engine meeting USEPA's 2007 Heavy-Duty Highway Diesel Standards (66 Fed. Reg. 5002), or in the case of a nonroad engine, an engine meeting the USEPA's Tier 4 Nonroad Diesel Standards (69 Fed. Reg. 38958); Level 3 Control also includes new diesel engines meeting said emissions standards.

Motor vehicle means any self-propelled vehicle designed for transporting persons or property on a street or highway, including an on-road diesel vehicle.

Nonroad engine means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not a stationary source, except that this term shall apply to internal combustion engines used to power generators, compressors or similar equipment used in any construction program or project.

Nonroad vehicle means a vehicle or equipment that is powered by a nonroad engine, 50 horsepower and greater, and that is not a motor vehicle or a vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers and similar equipment; nonroad vehicles do not include locomotives or marine vessels.

Prime Contractor means any person or business entity that enters into a public works contract with Cook County.

Public works contract means a contract, budgeted at \$2,000,000.00 or more, with a County agency for a construction program or project bid by Cook County involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge; a contract with a County agency for the preparation for any construction program or project involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge; or a contract with a County agency for any final work involved in the completion of any construction program or project involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge.

Stationary generators means a nonmobile machine that uses diesel fuel to produce electrical energy.

Subcontractor means any person or business entity that enters into a contract with a Prime Contractor as defined herein to perform work on a public works contract with Cook County.

Ultra low sulfur diesel fuel means diesel fuel that has a sulfur content of no more than fifteen parts per million.

U.S. EPA means the United States Environmental Protection Agency.

Verified diesel emission control device means:

- (a) An emission control device or strategy that has been verified to achieve a specified diesel PM reduction by USEPA or CARB; or
- (b) Replacement or repowering with an engine that is certified to specific PM emissions performance by USEPA or CARB.

Sec. 30-443952. - Emission reduction.

- (a) Immediately after the effective date of this ordinance, any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that all contractors in the performance of such contract shall use Ultra Low Sulfur Diesel fuel for diesel motor vehicles, nonroad vehicles, and stationary generators used in the performance of the contract.
- (b) ~~Beginning January 1, 2014, for Prime Contractors, and beginning January 1, 2016, for Subcontractors,~~ Any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that a Prime Contractor and all Subcontractors in the performance of such contract shall not operate any heavy-duty diesel vehicle in the performance of a public works contract unless that vehicle has installed Level 3 Controls and ~~unless~~ such controls are properly maintained and operating (as may be provided by regulations promulgated pursuant to this act). Except that, upon provision, as a part of the bid package, by the Prime Contractor or Subcontractors ~~to the agency~~ of appropriate and sufficient documentary evidence:
 - (1) Subsection (b) shall not apply to any heavy-duty diesel vehicle on the construction site working three ~~(3)~~ calendar days or less over the life of the project.
 - (2) Subsection (b) shall not apply to any heavy-duty diesel vehicle with respect to which the ~~Department makes a written finding~~ Prime Contractor or Subcontractor certifies that such vehicle cannot be retrofit with Level 3 Controls, in which case such fleet owner or operator shall install Level 2 Controls that are available and appropriate for such vehicle ~~as determined by the Department~~. If the ~~Department makes a written finding~~ contractor certifies that any such vehicle cannot be retrofit with Level 2 controls, said vehicle shall be retrofit with Level 1 Controls that are available and appropriate for such vehicle ~~as determined by the Department~~.
 - ~~(3) Any heavy duty diesel vehicle that has operational Level 2 Controls installed prior to the effective date of this act shall have an additional one year to meet the requirements of Subsection (b).~~
- (c) ~~Within two years after the effective date of this ordinance, any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that all contractors in the performance of such contract shall not operate any diesel nonroad vehicle in the performance of a public works contract unless that vehicle has installed Level 2 Controls and unless such controls are properly maintained and operating (as provided by regulations promulgated pursuant to this act). Except that, upon provision by the contractor to the agency of appropriate and sufficient documentary evidence:~~
 - ~~(1) Subsection (c) shall not apply to any diesel nonroad vehicle on the construction site working three days or less over the life of the project.~~
 - ~~(2) Subsection (c) shall not apply to any diesel nonroad vehicle with respect to which the Department makes a written finding that such vehicle cannot be retrofit with Level 2 Controls, in which case~~

~~such fleet owner or operator shall install Level 1 Controls that are available and appropriate for such vehicle as determined by the Department.~~

~~(3) Any diesel nonroad vehicle that has operational Level 1 Controls installed prior to the effective date of this act shall have an additional one year to meet the requirements of Subsection (e).~~

~~(d) Beginning January 1, 2014, for Prime Contractors, and beginning January 1, 2016, for Subcontractors, a~~Any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that a Prime Contractor and all Subcontractors in the performance of such contract shall not operate any diesel nonroad vehicle in the performance of a public works contract unless that vehicle has installed Level 3 Controls and unless such controls are properly maintained and operating (as may be provided by regulations promulgated pursuant to this act). Except that, upon provision, as a part of the bid package, by the Prime Contractor or Subcontractors to the agency of appropriate and sufficient documentary evidence:

(1) Subsection ~~(d)~~ shall not apply to any diesel nonroad vehicle on the construction site working three (3) calendar days or less over the life of the project.

(2) Subsection ~~(d)~~ shall not apply to any diesel nonroad vehicle with respect to which ~~Department makes a written finding~~the Prime Contractor or Subcontractor certifies that such vehicle cannot be retrofit with Level 3 Controls, in which case such fleet owner or operator shall install Level 2 Controls that are available and appropriate for such vehicle ~~as determined by the Department.~~

~~(3) Any diesel nonroad vehicle that has operational Level 2 Controls installed prior to the effective date of this act shall have an additional one year to meet the requirements of Subsection (d).~~

Sec. 30-444953. - Costs.

All costs associated with meeting these requirements are incidental to the overall contract. No additional time or monies will be granted to the Prime Contractor for compliance with these requirements and any associated regulations.

Sec. 30-445954. - Compliance.

~~(a) Thirty days before beginning work,~~For any public works contract subject to the provisions of this section and any contract entered into as a result of such solicitation, the Prime Contractor shall submit to the Department for approval~~certify, as a part of their bid, a list of that all heavy-duty diesel vehicles, nonroad vehicles, and stationary generators to be used on the project comply with the requirements set out in this Article. The list shall include the following:~~

~~(1) Prime Contractor and Subcontractor name and address, plus contact person responsible for the vehicles or equipment.~~

~~(2) Equipment type, manufacturer, engine model year, engine certification (Tier rating), ECM calibration, horsepower, plate, serial number, and expected fuel usage and/or hours of operation.~~

~~(3) For the pollution control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date.~~

~~(b) If the Prime Contractor subsequently needs to bring on site equipment not on the list, the Prime Contractor shall submit the request in writing for prior approval. Additional equipment shall comply with all contract conditions.~~

~~(e)~~ During periods of inactivity, idling of diesel on-road motor vehicles and nonroad vehicles shall be minimized and shall not exceed the time allowed under state and local laws.

~~(d)~~ Any public works contract shall provide for enforcement of the contract provisions required by ~~Sections 30-952 and 30-955~~ this Subdivision and penalties for noncompliance ~~of such provisions~~.

Sec. 30-446955. - Enforcement.

(a) Any solicitation for a public works contract subject to the provisions of this section and any contract entered into as a result of such solicitation shall include provisions authorizing independent monitoring and inspection by the issuing department of the Prime Contractor and Subcontractor's compliance with the requirements of this ~~section~~ Subdivision and requiring that the Prime Contractor and Subcontractor comply with this ~~section~~ Subdivision. ~~The Prime Contractor shall be liable for a fee of \$200.00 for the review of Prime Contractor and Subcontractor's compliance with the provisions of this section, and the County may withhold and deduct the fee from monies otherwise due the Prime Contractor.~~

(b) All vehicles and equipment to which these requirements are applicable may be subject to random inspections to ensure full compliance with these requirements. If any equipment is found to be noncompliant, the Prime Contractor, Subcontractor or Supplier must remove or retrofit this equipment or vehicle within 24 hours. Failure to do so may or be subject the Prime Contractor to the penalties, cost recovery, and remedies listed under section 30-131 of this chapter ~~liquidated damages pursuant to subdivision (c) of this section until that piece of equipment or vehicle is removed from Project.~~

~~(c) In the event of a violation of any provision of this section, except as provided in subdivision (d) of this section, liquidated damages shall be assessed against the Prime Contractor in the amount of \$5,000.00 for each violation (with each piece of noncomplying equipment and each day of noncompliance being a separate violation, not to exceed a total of \$50,000.00 for any one piece of equipment). Said liquidated damages are not imposed as a penalty but as an estimate of the damages that the County will sustain from delay in completion of the work, as well as resultant damages to public health of its citizens, which damages by their nature are not capable of precise proof. The County may withhold and deduct from monies otherwise due the Prime Contractor the amount of liquidated damages due the County.~~

~~(d) No Prime Contractor or Subcontractor shall make a false statement or claim with respect to any matter material to compliance with the provisions of this section to the County. Any Prime Contractor or Subcontractor making such a false statement may subject the Prime Contractor to penalties, cost recovery, and remedies listed under section 30-131 of this chapter shall pay the County up to \$10,000.00 for each such statement as liquidated damages pursuant to the provisions of subdivision (c) of this section.~~

~~(e) Fees and liquidated damages paid to the County under this section shall be placed in the Cook County Environmental Management Fund.~~

~~Sec. 30-956. - Regulations.~~

~~Within six months of the effective date of this act, the Department of Environmental Control shall, after written notice and public hearing, promulgate regulations implementing the provisions of this act.~~

~~Secs. 30-447957—30-449960. - Reserved.~~

ARTICLE IV. - NOISE

DIVISION 1. - GENERALLY

Sec. 30-450. - ~~Noise and vibration control~~ Definitions.

(a) ~~The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Acoustical terminology.* All acoustical terminology shall be that contained in ANSI S1.1 "Acoustical Terminology."~~

~~*ANSI* means the American National Standards Institute or its successor bodies.~~

~~*ARI* means the Air Conditioning and Refrigeration Institute or its successor bodies.~~

~~*ASHRAE* means the American Society of Heating, Refrigeration and Air Conditioning Engineers or its successor bodies.~~

~~*ASTM* means the American Society for Testing of Materials or its successor bodies.~~

~~*Decibel (db)* means a unit used in sound measurements to relate on a logarithmic basis a given sound intensity to a standard reference intensity; abbreviated "db."~~

~~*Director* means the Director of Environmental Control of the County of Cook.~~

~~*Discrete tone* means a discrete tone is a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of the time.~~

~~*Fluctuating noise* means a noise whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.~~

~~*IEC* means the International Electrotechnical Commission or its successor bodies.~~

~~*Impulsive noise* means a noise characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.~~

~~*Intermittent noise* means a noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.~~

~~*ISO* means the International Standards Organization or its successor bodies.~~

~~*Maximum level continuous or semi-continuous vibration* means the root mean square (rms) value of the oscillatory particle motion of the structure or land area involved with the transducer oriented to produce a maximum indication.~~

~~*Motor vehicle* means any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.~~

~~*Nonsteady noise* means a noise whose level shifts significantly during the period of observation.~~

~~*Peak level of an impulsive sound* means the maximum excursion of the sound pressure level as detected by methods and instruments approved by the Director and described in any of the Department's Suggested Guidelines for control of Noise and Vibration when published.~~

~~*Peak level impulsive vibration* means the vector sum of the instantaneous peak level of all three components, one vertical and two horizontal of the earthborne impulses measured at or beyond the boundaries of the emitter's property.~~

Period of observation means the period of observation is the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least ten times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.

SAE means the Society of Automotive Engineers or its successor bodies.

Sound level means a general term for the metered value root mean square of the pressure of an air borne sound as measured under a defined condition of frequency weighting and meter response rate. With a conventional sound level meter the duration time of the sound should be much longer than the response time of the meter. In most cases, levels in this article are specified as measured with "A" scale standard frequency weighted responses and are always then noted as db (A) (standard reference level as in "sound pressure level" below is always implied). ~~Peak levels of impulse sounds are always specified as measured with flat, nonweighted, or "C" scale response. Such peak levels are noted as db only, not db "C," and "C" weighting is defined as a flat, "unweighted" response. Peak values as specified in this article are the absolute values of the maximum instantaneous sound pressure levels attained throughout the duration of any impulse sounds not the root mean square equivalents and require a special meter which can capture and store for display these maxima. See peak level of an impulse sound.~~

Sound pressure level means the sound pressure level in decibels, of a level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective root mean square pressure is to be understood. The reference sound pressure is 20Un/m². (Often used interchangeably with sound level.)

~~*Steady noise* means noise whose level remains essentially constant (i.e. fluctuations are negligibly small) during the period of observation is a steady noise.~~

~~*Vibration* means a vibration is the oscillatory motion of the particles of a solid, propagated as a wave, which is felt through physical contact rather than heard. Any vibration can, however, under proper conditions produce a radiated audible sound wave, but this is to be considered a secondary, separate consequence herein, unless specifically cited.~~

~~*Zoning district* means those districts established by Appendix A, Zoning.~~
Sec. 30 451. — Penalty.

~~Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$300.00 for the first offense, and not less than \$50.00 nor more than \$500.00 for the second and each subsequent offense, in any 180 day period, or shall be punishable as a misdemeanor by incarceration in the County jail for a term not to exceed six months, or by both fine and imprisonment. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation, or failure to comply as permitted to exist after notification thereof.~~

~~Sec. 30 452. — Public performance exemption.~~

~~The operational performance standards established by this ordinance shall not apply to any public performance being conducted in accordance with the provisions of a special permit granted by the County for the conduct of a public performance.~~

~~Sec. 30-453. Excess noise or vibration declared a public nuisance.~~

~~Any emission of noise or earth-shaking vibration from any source in excess of the limitations established in or pursuant to this article shall be deemed and is hereby declared to be a public nuisance, and may be subject to summary abatement procedures. Such abatement may be in addition to the administrative proceedings, fines and penalties herein provided. The Director is empowered to secure the institution of legal proceedings for the abatement or prosecution of emissions of noise and earth-shaking vibration which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public, or cause or have a natural tendency to cause injury or damage to public property. Such legal proceedings may be in addition to the administrative proceedings, fines and penalties herein provided.~~

~~Sec. 30-454. Other private or public nuisance action not impaired.~~

~~Nothing in this article shall be construed to impair any cause of action, or legal remedy therefor, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise or earthshaking vibration in such place or manner, or at such levels, so as to constitute a common-law nuisance.~~

~~Secs. 30-455—30-457. Reserved.~~

~~Sec. 30-458. Scavenger operations.~~

~~All scavenger operations in the unincorporated areas of Cook County, commercial and municipal, shall limit the actual contact hours involved in the pickup of refuse and all other solid waste in any residential or business-commercial zone (R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-1, C-2, C-3, C-4 and C-5) wherever regular human occupancy is involved by virtue of residence only and such contiguous portions of any I-1, I-2, I-3 or I-4 zone within 600 feet of any such place of regular residence or the institutional equivalents (hospitals, nursing homes, etc.) to the period of 7:00 a.m. to 6:00 p.m. These limits apply only to those contact periods wherein the collection function is in progress in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-1, C-2, C-3, C-4 and C-5) and contiguous portions of I-1, I-2, I-3 and I-4 zones and are not intended to include or confine such functions as start-up and shut-down operations at the central operating point (transfer station, sanitary landfill, incinerator, etc.) or the transit time of the first trip to and the last trip from the defined collection areas. Noise levels in such central operating points shall be governed by the property line values applicable for the location (Sections 30-464 through 30-467). The exemptions on engine operation when parked of Section 30-460(a) shall apply as will the restrictions on new vehicles of Section 30-460(b) and vehicle use of Section 30-460(c)(1). When under severe conditions it can be shown to the satisfaction of the Director that operation outside these hours is in the overall public interest or operationally essential, special variance can be requested for such period as can likewise be shown necessary.~~

~~Sec. 30-459. Use of construction equipment.~~

~~It shall be unlawful for any person to use any pile driver, shovel, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 6:00 p.m. and 7:00 a.m. except for emergency work on public service utilities, within 600 feet of any building used~~

~~for residential or hospital purposes. An exception to this rule can be made at the discretion of the Director and special operating hours permitted when to the Director's satisfaction it can be shown that more extended work hours would in any given case be in the overall public interest or technically essential, such as continuous cement pouring.~~

Sec. 30-451460. - ~~Idling of motor vehicles; n~~New motor vehicle noise; performance; ~~motor vehicle use noise performance; muffler modification.~~

- (a) ~~It shall be unlawful for any person to cause or permit the operation of the main engine of any vehicle when parked or standing, except for the following:~~
- ~~(1) Whenever engaged in any rescue operations attendant to accident or other common disaster.~~
 - ~~(2) Whenever operation of the main power train is essential to a basic function as with, but not necessarily limited to, premixed cement trucks, platform lift trucks, compactor refuse trucks, certain varieties of dump trucks and the like, while function is in action.~~
 - ~~(3) Whenever weather conditions justify the use of heating or air conditioning systems for the welfare and safety of any occupants (or future passengers in the case of public vehicles stopped in turn around or other such waiting areas) or when such low temperatures prevail that the startup of public conveyances or service vehicles might not otherwise be feasible.~~
 - ~~(4) Whenever the need for operation of refrigeration equipment on trailers carrying perishable contents is recognized, but then must conform with the appropriate boundary levels involved by location and most especially so when parked overnight in any district adjacent to occupied residences. In general when parked, the use of auxiliary power sources shall be subject to the same general caution regarding applicability of other noise level restrictions for operation of the main engine and when the vehicle is in motion shall be considered simply as a component of the overall resultant sound level as specified by Subsection (c)(1) below or in the case of private travel trailers with auxiliary air conditioning by Subsection (c)(3) and these latter, even while legally parked are subject to the same lot line and zone noise level restrictions described above.~~
 - ~~(5) Whenever main or auxiliary engines are operated for emergency repairs, or when properly housed for professional maintenance (subject to appropriate boundary level restrictions) and the occasional maintenance such as cleaning and flushing of the radiator and associated circulation system and/or seasonal change of antifreeze, cleaning of the carburetor or the like of a personally owned auto by a private citizen.~~
- (b) ~~No person shall sell, or offer for sale, a new motor vehicle that produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the center line of travel; under test procedures established by Section 30-501.~~

	<i>Type of Vehicle</i>	<i>Date of Manufacture</i>	<i>Noise Limit</i>
(1)	Motorcycle	Before January 1, 1973	88 <u>75</u> db (A)

	Same	After January 1, 1973	86 db (A)
	Same	After January 1, 1975	84 db (A)
	Same	After January 1, 1980	75 db (A)
(2)	Any motor vehicle with a gross vehicle weight rated in excess of 10,000 pounds G.V.W.R.	Before January 1, 1973	88 80 db (A)
	Same	After January 1, 1973	86 db (A)
	Same	After January 1, 1975	84 db (A)
	Same	After January 1, 1978	83 db (A)
	Same	After January 1, 1982	80 db (A)
(3)	Passenger cars, motor-driven cycle and any other motor vehicle	Before January 1,1973	86 80 db (A)
	Same	After January 1, 1973	84 db (A)
	Same	After January 1, 1975	80 db (A)
	Same	After January 1, 1980	80 db (A)

(b) Test procedures to determine whether maximum noise emitted by new motor vehicles sold or offered for sale meet the noise limits stated in this section shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc; SAE Recommended Practice J184; SAE Recommended Practice J366; and, SAE Standard J986.

(c) The manufacturer, distributor, importer, or designated agent shall certify in writing to the Department that such person's vehicles sold within the County comply with the provisions of this section.

~~(e) No person shall operate within the speed limits specified in this section either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such manner as to exceed the following noise limit for the category of motor vehicle, based on a distance of not less than 50 feet from the center line of travel under test procedures established by Section 30-502:-~~

	<i>Type of Vehicle</i>	<i>35 MPH or Less</i>	<i>Noise Limit in Relation To Posted Speed Limit Over 35 MPH</i>
(1)	Any motor vehicle with a manufacturer's GVW rating of 8,000 lbs. or more, and any combination of vehicles towed by such motor vehicle:-		
	Before January 1, 1973	88 db (A)	90 db (A)
	After January 1, 1973	86 db (A)	90 db (A)
(2)	Any motorcycle other than a motor driven cycle:		
	Before January 1, 1978	82 db (A)	86 db (A)
	After January 1, 1978	78 db (A)	82 db (A)
(3)	Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle:-		
	After January 1, 1973	76 db (A)	82 db (A)
	After January 1, 1978	70 db (A)	79 db (A)

~~This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers for noise control.~~

~~(d) No person shall sell, modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance of a new motor vehicle with the requirements of this subsection shall be those used to establish compliance of a new motor vehicle with the requirements of this article.~~

Sec. 30-~~452~~461. - New motor powered equipment noise performance.

(a) No person shall sell or lease, or offer for sale or lease, any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet ~~under test procedures established by Section 30-503:~~

	Type of Equipment	Noise Limit
(1)	Construction and industrial machinery, such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors, and pneumatic powered equipment, etc., but not including pile drivers:	<u>80 db</u> (A)
	Manufactured before January 1, 1973	94 db (A)
	Manufactured after January 1, 1973	88 db (A)
	Manufactured after January 1, 1975	86 db (A)
	Manufactured after January 1, 1980	80 db (A)

(2)	Agricultural tractors and equipment:	<u>80 db</u> (A)
	Manufactured before January 1, 1975	88 db (A)
	Manufactured after January 1, 1975	86 db (A)
	Manufactured after January 1, 1980	80 db (A)
(3)	Powered commercial equipment of 20 HP or less intended for infrequent use in a residential area, such as chain saws, pavement breakers, log chippers, powered hand tools, etc.:	<u>80 db</u> (A)
	Manufactured before January 1, 1973	88 db (A)
	Manufactured after January 1, 1973	84 db (A)
	Manufactured after January 1, 1980	80 db (A)
(4)	Powered equipment intended for repetitive use in residential areas. Such equipment includes lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment, general low horsepower (usually electric) hand power tools and the like:	<u>65 db</u> (A)
	Manufactured before January 1, 1975	74 db (A)
	Manufactured after January 1, 1975	70 db (A)
	Manufactured after January 1, 1978	65 db (A)

(b) Test procedures to determine whether maximum noise emitted by engine-powered equipment or powered hand tools, sold or leased, meet the noise limits stated in this section shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE Standard J952; and, SAE Recommended Practice J184.

(c) The manufacturer, distributor, lessor, or designated agent shall certify in writing to the Department of Environmental Control that such person's equipment sold within the County complies with the provisions of this section.

~~Sec. 30 462. Property use noise performance consistent with zone.~~

~~Any property use established in a Zoning District as defined and designated under the provision of Appendix A to this Code, Zoning, shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.~~

~~Sec. 30 463. Noise level measurement.~~

~~Noise levels shall be measured in terms of the sound pressure level in octave frequency bands using equipment which meets the requirements established by this article. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that equipment suitable for such noise measurement, as defined by this article, is used. Noises such as those of an irregular and intermittent nature shall be restricted as provided for hereinafter.~~

~~Sec. 30 464. I 2 I 4 Zone noise performance standards applied in nonabutting I 2 I 4 Zones.~~

~~In all instances in which an I 2 General Industrial, I 3 Intensive Industrial or I 4 Motor Freight Terminal District does not directly adjoin a Residence or Business District, the performance standards governing noise for the Districts shall apply at the nearest Residence or Business District boundary line, as these districts are defined and designated under the provisions of the Zoning Ordinance set forth in Appendix A to this Code.~~

~~Sec. 30 465. R 1 R 8, C1 C 5 Zone noise performance standards.~~

~~(a) In I 1 Restricted Industrial Zoning Districts, at no point on the boundary of an, R 1, R 2, R 3, R 4, R 5, R 5A, R 6, R 7, R 8, C 1, C 2, C 3, C 4 or C 5 District, shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation, exceed the decibel levels in the designated octave bands shown below for the zoning districts indicated as measured under test procedures established by Section 30 504.~~

	Maximum Sound Pressure Levels (db) Along District Boundaries	
Octave Band Center	Residence	Business-Commercial

Frequency (Hz)		
31.5	72	79
63	71	78
125	65	72
250	57	64
500	51	58
1,000	45	52
2,000	39	46
4,000	34	41
8,000	32	39
A—Scale Levels	55 db (A)	62 db (A)

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- (b) ~~In business and commercial zoning districts, all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods or products, or any property use shall conform with the performance standards stated above, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.~~
- (c) ~~In residential zoning districts, any property use shall conform with the performance standards stated above for residence district Boundaries, provided that performance standards shall in every case be applied at the boundaries of the lot on which such use is established, including boundaries between R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-1, C-2, C-3, C-4 and C-5 Districts. The maximum sound pressure levels established in this section to be applied to the boundaries of a lot shall not apply to construction sites. Construction site noise level shall be regulated by Section 30-459 to Section 30-461.~~

~~Sec. 30-466. I-2 Zone noise performance standards.~~

~~For I-2 General Industrial Zoning Districts, at no point either on the boundary of a residence, business or commercial district, or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant or the combined~~

operations of any person, firm or corporation, exceed the decibel levels in the designated octave bands shown below for the Zoning Districts included as measured under test procedures established by Section 30-504.

Octave Band Center Frequency (Hz)	Maximum Sound Pressure Levels (db) Along District Boundaries	
	Residence	Business-Commercial
31.5	72	79
63	71	78
125	66	73
250	60	67
500	54	61
1,000	49	55
2,000	44	50
4,000	40	46
8,000	37	43
A Scale Levels	58 db (A)	64 db (A)

Sec. 30-467. I-3 and I-4 Zone noise performance standards.

For I-3 and I-4 Zoning Districts, at no point either on the boundary of a residence, business or commercial District, or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant, or the combined operations of

any person, firm or corporation, exceed the decibel level in the designated octave bands shown below for the zoning districts included as measured under test procedures established by Section 30-504.

Octave Band Center Frequency (Hz)	Maximum Sound Pressure Levels (db) Along District Boundaries	
	Residence	Business-Commercial
31.5	75	80
63	74	79
125	69	74
250	64	69
500	58	63
1,000	52	57
2,000	47	52
4,000	43	48
8,000	40	45
A—Scale Levels	61 db (A)	66 db (A)

Sec. 30-468. R-1, R-6, B1, B-5 and I-1 Zone vibration standards.

No person located in an R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-1, C-2, C-3, C-4, C-5 or I-1 Zone shall cause or permit by the operation of impact tools, improperly balanced rotating equipments or any other source the propagation of earthborne tremors, continuous or intermittent vibrations or sharp impulses and shocks into any structure involving regular human occupancy whether by virtue of residence, occupation, commerce, recreation or other such reason, such that continued daily exposure is involved and

~~located on any property in the aforesaid zones (neither from one property lot to another within any one zone, nor from any property lot in one zone to any property lot in another zone of any of the three designated) of an intensity perceptible without the aid of instruments in the sense that the maximum amplitude of such vibrations shall never equal that level commonly referred to in the art as "imperceptible" or "threshold of perceptibility," or indistinguishable from the ambient, whichever is higher. (In terms of an instrumented decision in the latter case, the presence or absence of the given vibration shall not produce any change in the metered value of the ambient to show compliance, i.e., for a violation not to exist). Propagation of vibrations into I-1, I-2 and I-3 Zones shall be prescribed by the rules pertaining within these zones as set forth below.~~

~~Sec. 30 469. I-2 Zone vibration standards.~~

~~No person located in an I-2 General Industrial Zone, where higher energy operations such as impact extrusion, forming and stamping or any other such activity occurs, shall propagate into any structure involving regular human occupancy for any lawful reason as noted above and thus daily exposure and located in any R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-1, C-2, C-3, C-4, C-5 and I-1 Zone earthborne tremors, vibrations, etc., more than barely perceptible without the aid of instruments in the sense that the maximum amplitude involved can equal but not exceed by more than one db that level known in the art as "imperceptible" or "threshold of perceptibility" or of such level that they are barely distinguishable from the ambient, whichever is greater. (In terms of an instrumented decision in the latter case, the presence or absence of the given vibration shall not cause a change of more than one db from the metered value of the ambient, e.g., introduction of the vibration of which a resident has complained shall not produce an increase in excess of one db in the meter reading obtained at the person's residence). Vibration levels propagated within I-2 Zones may enter into the "just perceptible" or "barely perceptible" levels (save for personnel immediately involved with the operation of the source equipments where clearly perceptible levels may be unavoidable), but shall not approach levels and durations of exposure for any personnel that could result in discomfort or fatigue or in any other way produce a state endangering safety or welfare.~~

~~Sec. 30 470. I-3 and I-4 Zone vibration standards.~~

~~The same general conditions for propagation of vibrations and earthborne tremors into R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-1, C-2, C-3, C-4, C-5 and I-1 Zones as described above for I-2 Zones shall hold for operations located in I-3, heavy manufacturing and I-4, Motor Freight Terminals, save that since even higher energy operations such as heavy forging, impact forming and stamping of large parts, the constant ingress and egress of heavy trucks and the like are involved the maximum amplitude of vibrations propagated into the R-1 R-8, C-1 C-5 and I-1 Zones may exceed the level commonly known as "imperceptible" or "threshold of perceptibility" and enter into the range commonly identified as "just perceptible" or "barely perceptible," but not by more than a maximum of three db, or of such a level as to equal but not exceed the ambient, whichever is greater. (In terms of an instrumented decision in the latter case the presence or absence of the given vibration shall not cause a change of more than three db from the metered value of the ambient). The propagation of vibrations within I-3 and I-4 Zones shall be governed as are vibration within I-2 Zones.~~

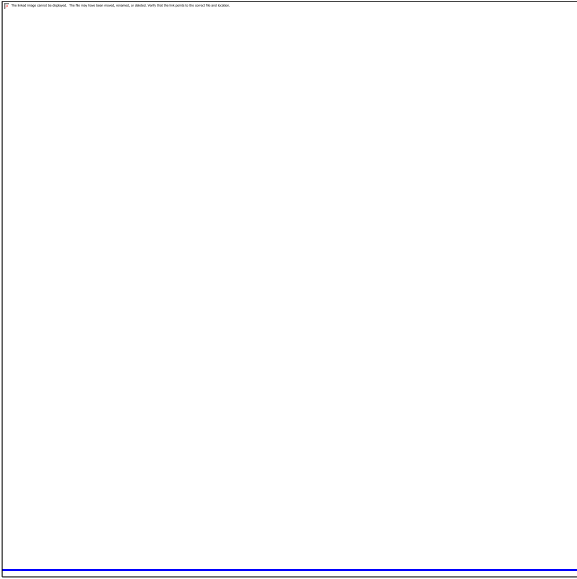
~~Sec. 30 471. Regulations for impulse noise and vibration resulting from controlled detonations.~~

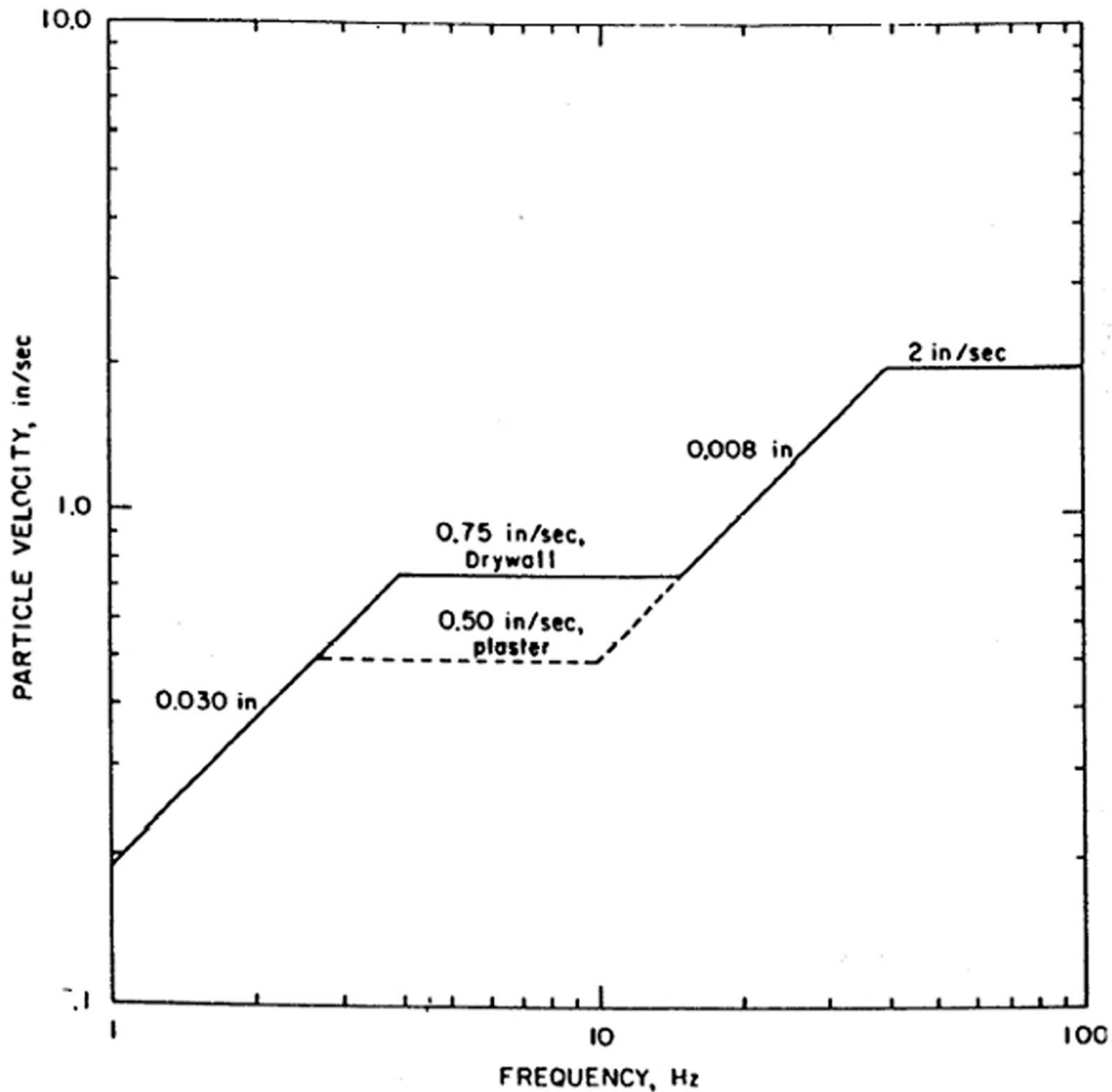
~~(a) Standard regulations.~~

- ~~(1) Earth tremors. No person shall cause or permit as the result of such controlled and earth confined explosions as are employed in quarrying, earth moving, tunneling, road building, excavating and the like the propagation of earth tremors and impulse vibrations of the closest structure beyond~~

~~the emitter's property line which result in a particle velocity in/sec based on frequency HZ in any of three components, longitudinal, vertical, or transverse components in excess of the graph shown at the end of this section.~~

- ~~(2) *Airborne impulse sounds.* No person as the result of any such blasting activities indicated above, including continued daily exposure, shall propagate at or beyond the boundaries of the emitter's property, air blasts and impulsive sounds which when measured at or beyond the boundaries of the emitter's property involved are found to have a peak sound pressure level in excess of 125 db.~~
- ~~(b) *Preemption of control of very high level impulses by State or Federal legislation involving potential damage to living creatures.*~~
 - ~~(1) Under no circumstances shall any person cause or permit the propagation beyond the property lines involved in any permanently located operation such a quarrying (or in the case of operations of potentially variable location such as construction, road building and the like beyond the boundaries of any control zone established by State or Federal legislation) of earthborne vibrations or air borne impulse sounds which shall exceed any safety limits or damage risk criteria set forth now or in the future by any State or Federal legislation involving the health, safety or physical injury of humans, domestic animals, farm animals or wildlife as shall be specified in any such legislation.~~
 - ~~(2) Within the property limits of such fixed operations, or within the control zones of operations of variable location, the production of such earth tremors or air blasts, or provision of protective measures therefrom shall be regulated by such State and Federal labor and safety laws as apply to any and all personnel involved.~~
- ~~(c) *General specifications.* All measurements taken to determine the quantities specified above shall utilize instruments and methods which meet the approval of the Director and which may be specified in any Suggested Guidelines for Control of Noise and Vibration published by the Department and such appropriate and applicable standards as are proposed, preliminary and/or adopted and issued by such appropriate and qualified groups as IEC, ISO, ANSI, CHABA (National Academy of Sciences-National Research Council, Committee on Hearing, Bioacoustics Biomechanics) and the like.~~





Sec. 30-472. — General department policies and methods for complaint investigation, field monitoring and resolution of dispute in vibration problems.—

In investigating and evaluating vibration problems, the Department shall employ the most judicious combination of subjective evaluation, controlled experiment where feasible and practicable, measurement by instruments and application of the most modern and widely accepted psycho-physical data and criteria. All procedures shall follow those outlined in any published Department's Suggested Guidelines for Control of Noise and Vibration. Examples of the psycho-physical criteria to be employed are, but shall not necessarily be limited to the work of Reier and Meister, that of Dieckman and its incorporation into German Standard DIN 4025, the researches of Goldman, von Giarke, von Bekesy, the proposed ISO standards as described in its report 108/WG-7 and discussed by Bender and Collins in BBN report 1767, etc.—

~~Sec. 30-473. — Automobile horn or audible signal device.~~

~~No person shall sound any horn or audible signal device of any motor vehicle of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.~~

~~Sec. 30-474. — Engine-powered watercraft noise limitations.~~

~~No person shall operate any engine-powered pleasure vessel, engine-powered craft or motorboat within a harbor within the County, on any waterway within the County, or anywhere within Lake Michigan within two miles of the County corporate limits at any time in such a manner as to exceed the following noise limit, as measured at a distance of not less than 50 feet from the path of travel:~~

	<i>Noise Limit</i>
Before January 1, 1975	85 db (A)
After January 1, 1975	76 db (A)

~~Sec. 30-475. — New off-highway recreational vehicle noise performance.~~

~~(a) No person shall sell or offer for sale a new motor-driven recreational or off-highway vehicle, including dune buggies, snowmobiles, all-terrain vehicles, go-carts, and mini-bikes, that produce a maximum noise exceeding the following noise limit at a distance of 50 feet from the center line of travel under test procedures established by Section 30-505.~~

<i>Type of Vehicle</i>	<i>Date of Manufacture</i>	<i>Noise Limit</i>
Snowmobile	Before January 1, 1973	86 db (A)
Same	After January 1, 1973	82 db (A)
Same	After June 1, 1974	73 db (A)
Any other vehicle including dune buggy, all-terrain vehicle, go-cart, minibike	Before January 1, 1973	86 db (A)
Same	After January 1, 1973	82 db (A)

Same	After January 1, 1975	73 db (A)
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~~(b) It shall be unlawful for any person to operate a motor driven vehicle of a type not subject to registration for road use, at any time or under any condition of load, acceleration, or deceleration, in such a manner as to exceed the following noise limit at any point on property zoned for business or residential use at a distance of not less than 50 feet from the path of travel:~~

	<i>Noise Limit</i>
Before January 1, 1973	86 db (A)
After January 1, 1973	82 db (A)

~~Secs. 30-476—30-500. Reserved.~~

~~DIVISION 2. TEST PROCEDURES~~

~~Sec. 30-501. New motor vehicles.~~

~~Test procedures to determine whether maximum noise emitted by new motor vehicles sold or offered for sale meet the noise limits stated in Section 30-460(b) shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc; SAE Recommended Practice J184; SAE Recommended Practice J366; SAE Standard J986 and such other and further standards as may be propounded in Suggested Guidelines of the Department of Environmental Control.~~

~~Sec. 30-502. Motor vehicles in use.~~

~~Test procedures to determine whether maximum noise emitted by motor vehicles in use meet the noise limits stated in Section 30-460(c) shall be in substantial conformity with Standards and Recommended Practices established by the Society of Automotive Engineers, Inc. including SAE Standard J986; SAE Recommended Practice J366; SAE Recommended Practice J184; and such other and further standards as may be propounded in Suggested Guidelines of the Department of Environmental Control.~~

~~Sec. 30-503. Engine powered equipment or powered hand tools.~~

~~Test procedures to determine whether maximum noise emitted by engine powered equipment or powered hand tools, sold or leased, meet the noise limits stated in Section 30-461 shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE Standard J952; SAE Recommended Practice J184; and such other further standards as may be propounded in the Suggested Guidelines of the Department of Environmental Control.~~

~~Sec. 30-504. Property uses along property lines and zoning district boundaries.~~

~~Test procedures to determine whether maximum noise levels emitted by property uses along property lines and zoning district boundaries meet the noise limits stated in Sections 30-465 through 30-467 shall be in substantial conformity with ANSI Standards S1.4-1961 or IEC Standard 123-1961; ANSI Standard S1-12-1967; ANSI Standard S1.11-1966; IEC Standard 179-1965; IEC Standard 225-1966; SAE Recommended Practice J184; and such other and further standards as may be propounded in Suggested Guidelines of the Department of Environmental Control.~~

~~Sec. 30-505. New motor driven recreational or off highway vehicles.~~

~~Test procedures to determine whether maximum noise emitted by new motor driven recreational or off-highway vehicles, including dune buggies, snowmobiles, all terrain vehicles, go-carts, and mini-bikes meet the noise limits stated in Section 30-475 shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE Standard J986; SAE Recommended Practice J184; and such other and further standards as may be propounded in Suggested Guidelines of the Department of Environmental Control.~~

~~Secs. 30-453-306—30-540. - Reserved.~~

ARTICLE VI. - ASBESTOS AND RELATED SUBSTANCES

Sec. 30-541. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequately Wet means sufficiently mixed or penetrated with liquid to prevent the release of particulates. Upon inspection, water has visibly attached itself to the Asbestos-Containing Material (ACM).

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including, but not limited to, the stripping or removal of ACM from a structural component.

AHERA means the Asbestos Hazard Emergency Response Act, 15 U.S.C. § 2641 et seq.

Applicant means the owner of a building or property who is required to obtain a permit under this Article and any agent of the owner who applies for said permit on behalf of the owner.

Asbestos means any fiber or any mixture containing fiber of hydrated silicate mineral, which, on the basis of its crystalline structure, falls into one of two categories:

- (1) ~~Pyroxenes~~ Serpentine (chrysotile fiber);
- (2) Amphiboles (crocidolite, amosite, tremolite, actinolite or ~~anthophilite~~ anthophyllite fiber).

Asbestos-containing material (ACM) means any material containing more than one percent asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

Asbestos Abatement Contractor means any Person, firm or corporation engaged in asbestos removal and abatement activities in Cook County, outside of the limits of the City of Chicago.

ASHARA means the Asbestos School Hazard Abatement Reauthorization Act, 15 U.S.C. § 2641 et seq.

Certificate of Registration means the physical documentation issued by the Cook County Department of Environmental Control.

Commercial activity means any activity done for hire or having financial profit as a primary aim.

Commercial, Industrial or Institutional structure means any structure vacant or occupied that is not a residential structure and may include confined space structures such as tanks and utility vaults.

Competent person means a person who is capable of identifying existing hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, and who has the authority to take prompt corrective measures to eliminate them.

Construction and Demolition Debris ("C&D debris") means waste produced by the demolition or alteration of a structure. C&D debris may include, but is not limited to, bricks, concrete, masonry materials, soil, rock scrap, scrap metal, plaster, gypsum drywall, plumbing fixtures and piping, insulation, roofing shingles, other roof coverings, reclaimed or other asphalt pavement, glass, plastics, electrical wiring, corrugated cardboard, piping or metals incidental to any of those materials, landscape waste and wood, including painted, treated, coated wood, wood products, wall coverings, and incidental dirt, metal, mortar, gypsum, plasterboard, wood and sand generated from demolition activities.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, shearing, slicing, or punching.

Debris means asbestos-containing waste produced by the demolition of a structure.

Deconstruction means the process of systematically dismantling a structure in an environmentally, economically and socially responsible manner, aiming to maximize the recovery of materials for reuse and recycling.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

~~*Demolition Project* means the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.~~

~~*Department* means the Cook County Department of Environmental Control.~~

~~*Director* means the Director of the Cook County Department of Environmental Control.~~

Divert or Diversion means to recycle or reuse demolition debris for any purpose other than disposal in a landfill, incineration facility.

Dwelling Unit means any room or group of rooms forming a single habitable unit which is used or intended to be used for living, sleeping, cooking, bathing, and eating.

Engage in Asbestos Abatement Activity shall refer to those activities provided in Sections 30-541 through 30-550 of the Ordinances of Cook County.

Federal, State, or Local Regulations means an law, administrative rule, or regulation of the federal government, any state in the United States of America, or any unit of local government, including, but not limited to, cities, counties, municipalities, or townships.

Hauler means a person that collects and transports material, including construction and demolition debris, from the original site of generation or intermediate site to another destination.

Permit Holder means the person who has received a permit under this Article VI.

~~*Person or Persons* means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.~~

Project means any activity which requires an application for any permit required by this Article VI.

Recycle or Recycling means to set aside, handle, package or offer for collection residential, commercial, or industrial solid waste materials or by-products for the purpose of being reused or processed and then returned to the economic mainstream as useful products.

Remodel or Renovation means the altering of an existing building or structure, or any portion of its structural components or systems, including the stripping, removal or abatement of ACM from a building or structure. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Residential structure means a structure that contains four or less dwelling units.

Reuse means recovering material for repeated use in the same form. This includes materials that are reused in the same location as they are generated.

School building means any public or nonpublic elementary and secondary school including:

- ~~a.~~ (a) Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;
- ~~b.~~ (b) Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education; or
- ~~c.~~ (c) Any other facility used for the instruction or housing of students or for the administration of educational or research programs; and,
- ~~d.~~ (d) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in (a), (b), and (c).

Spraying means the pneumatic application of material used for fireproofing or insulation.

Strip means to take off ACM from any part of a structure or structural components.

Structure means any building, or part thereof, enclosing any occupancy including residential, institutional, assembly, business, mercantile, industrial, storage, hazardous and miscellaneous uses. When separated by fire walls, each unit so separated shall be deemed a separate structure.

Structural component means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

Structural member means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

Vacuum means a vacuum cleaner which has been designed with a high efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it.

Waste means any asbestos-containing matter which has been or is intended to be discarded or abandoned.

Sec. 30-542. - Scope of Article.

This article shall apply within Cook County, outside the limits of the City of Chicago including but not limited to schools, public and private commercial industrial, and residential structures, garages, sheds, and utilities, unless otherwise stated in this article.

Sec. 30-543. – Adoption of State and Federal rules by reference.

All persons engaged in activities addressed in this Article shall comply with all applicable Federal, State, or Local Regulations. In the event that any conflict exists between this Article and other statutes, ordinances, laws, or regulations, the most stringent statute, ordinance, law, or regulation shall apply. Notwithstanding the provisions of applicable State and Federal law, the demolition of structures containing asbestos is prohibited, unless otherwise stated in this article.

Sec. 30-544. – Variances.

An application for variance, in such form and containing such information as required by the Department, may be submitted to the Department where compliance with any provision of this article is not possible due to a public safety risk, subject to payment of any additional variance fee as set forth in Section 32-1 and compliance with all conditions imposed by the Department.

Division 1: Asbestos

Section 30-545. – In General.

This division shall apply to activities including but not limited to the cutting, trimming, fitting, stripping, demolition or removal of asbestos-containing material in any quantities and the condition of ACM in facilities in Cook County, outside of the City of Chicago.

Sec. 30-546. – Obligation to maintain ACM.

The owner or operator of any structure shall maintain the structure's ACM at all times so that there is no ACM that is damaged or in poor condition at, on or within the structure.

Section 30-547. – Duty to register; asbestos abatement contractors.

- (a) In order to ensure that the health and safety of the public is protected from the harmful effects of exposure to asbestos materials caused by negligent or improper Asbestos Abatement Activities, contractors shall not engage in Asbestos Abatement Activities without first obtaining a Certificate of Registration from the Department of Environment and Sustainability.
- (b) To obtain a Certificate of Registration, contractors shall be required to submit an application for Certificate or Registration to the Department in such form and containing such information as required by the Department, accompanied by a registration fee as set forth in section 32-1.
- (c) Each Certificate of Registration shall be valid for a period of two (2) years from date of issuance, unless suspended or revoked prior to expiration. Basis of suspension or revocation are limited to:
 - (1) Failure to acquire and maintain any required licensure by the Illinois Department of Public Health;
 - (2) Five or more administrative violations;

- (3) Three or more enforcement actions impacting public health in the two years preceding the date of application; or,
- (4) A combined total of five administrative and enforcement actions in the two years preceding the date of application.
- (d) To renew a Certificate of Registration, contractors shall be required to submit an application for renewal in such form and containing such information as required by the Department, accompanied by a renewal fee as set forth in section 32-1.
- (e) All registered Asbestos Abatement Contractors shall promptly notify the Department of any material changes affecting the registration requirements.

Section 30-548. - Asbestos Removal Permit required.

- (a) An asbestos removal permit shall be required for all activities including, but not limited to, the cutting, trimming, fitting, stripping, demolition or removal of asbestos-containing material in any quantities hereinafter “project”) in addition to any demolition permit required by Section 30-961 [et seq.].
 - (1) An Operations and Maintenance Asbestos Removal Permit is available for large commercial and industrial sites, healthcare facilities, and schools with ongoing asbestos mitigation projects.
 - (2) A General Asbestos Removal Permit is available for all other projects.
- (b) An application for an asbestos removal permit must be submitted by the contractor to the Department in such form and containing such information as required by the Department, prior to the start of the project.
 - (1) An application for an Operations and Maintenance Asbestos Removal Permit must be submitted no less than fifteen (15) business days prior to the start of the project.
 - (2) An application for a General Asbestos Removal Permit must be submitted no less than ten (10) business days prior to the start of the project.
- (c) An asbestos removal permit shall be valid for the dates indicated on the permit.
 - (1) The duration of a General Asbestos Removal Permit shall not exceed 30 calendar days after the permitted start date of the project, unless a properly submitted revision, as provided for in section 30-542(h)(3) has been approved by the Department.
- (d) A General Asbestos Removal Permit may be revised up to six (6) times within one (1) year from the date of issuance, subject to Department approval.
 - (1) Department approval will be withheld where the activity at issue is a separate and distinct project requiring a new permit.
 - (2) Department approval will be withheld where the revised start date of the permit would be less than the ten (10) business days prior to the start of the project, or more than one (1) year from the original start date of the permit.

- (3) Each time a request for permit revision is submitted, including but not limited to requests affecting the permitted start date of the project, payment of a revision fee in the amount set forth in Section 32-1 shall be required.
- (e) The contractor shall comply with all conditions set out on the permit.
- (1) For a General Asbestos Removal Permit, the contractor may not be off-site for more than ten (10) consecutive calendar days during the dates indicated on the permit.
- (2) An Operations and Maintenance Asbestos Removal Permit requires notification to the Department in such form and containing such information as required by the Department, 48 hours prior to starting each removal episode. The notice must include the location within the building where work is to be performed, onsite contact information and the anticipated work hours.
- (f) The permit and inspection fees for an asbestos removal permit shall be as set out in Section 32-1. The inspection fee shall not be applicable to residential structures.

Section 30-549. - Performance Standards for the abatement, demolition, alteration, or repair of asbestos containing structures or structural components.

(a) Performance Standards, General.

1. (1) Asbestos-containing debris shall not be dropped or thrown from the roof or any floor but shall be transported by dust-tight chutes or buckets.
2. (2) Asbestos-containing debris shall be handled in a manner to prevent the release of visible quantities of asbestos fibers into the atmosphere.
3. (3) Asbestos abatement involving exterior components must be performed in a manner that prevents the dispersion of asbestos fibers and debris beyond the immediate work area and must utilize sufficient covers to collect any debris which falls to the ground.
4. (4) Asbestos-containing debris shall remain adequately wet from the initial disruption of the material through final disposal.
5. (5) Asbestos abatement occurring in a structure not otherwise described in this section shall be subject to the requirements set forth in Section 30-549 (b).
6. (6) Any person engaged in the commercial activity of asbestos abatement must present proof to the Department that the person possesses a valid license issued pursuant to the Asbestos Abatement Act, 105 ILCS 105/1 et seq..

(b) Performance Standards, Commercial. Except as otherwise provided by rule, any asbestos abatement, regardless of quantity or friability, performed in connection with any commercial, industrial or institutional structure, with the exception of school buildings, shall be performed in accordance with the applicable rules and regulations for asbestos abatement adopted by the State of Illinois in Title 77, Part 855, Subparts C and D of the Illinois Administrative Code, as they may be amended from time to time, which regulations are adopted and incorporated by reference and made a part of this article as if fully set forth herein. For purposes of this subsection, the definition of "Commercial, Industrial or Institutional structure" in Sec. 30-541 of this Article shall substitute for the definition of "facility" in

40 CFR 61.141 (as incorporated in in Title 77, Part 855.10), and “Director” as defined in Sec. 30-3 of this Chapter shall be substituted for “Administrator”, in 40 CFR 61.141 (as incorporated in in Title 77, Part 855.10).

- (c) Performance Standards, School Buildings. Except as otherwise provided by rule, any asbestos abatement, regardless of quantity or friability, performed in connection with a school building shall be performed in accordance with the applicable rules and regulations for asbestos abatement established by the State of Illinois in Title 77, Part 855, Subparts C and E of the Illinois Administrative Code, as they may be amended from time to time, which regulations are adopted and incorporated by reference and made a part of this article as if fully set forth herein.
- (d) Performance Standards, Residential. Any asbestos abatement, regardless of quantity or friability, performed in connection with a residential structure shall be performed in accordance with rules set forward by the Department and shall minimally provide that:

 - (1) Affected asbestos containing materials shall be adequately wetted to preclude dust dispersion at the point of discharge;
 - (2) Asbestos abatement performed in the interior of a structure shall be performed within a negative pressure enclosure so as to prevent the migration of asbestos fibers to adjacent areas;
 - (3) Any heating, ventilation and air conditioning systems be isolated within the work area;
 - (4) All visible dust and debris associated with the abatement is properly cleaned and removed from the property at the conclusion of the project; and.

Sec. 30-550. - Inspection.

- (a) The Asbestos Abatement Contractor shall cooperate with the Department's attempts to monitor a project to ensure contractor compliance with all applicable laws and shall produce any requested information, including, but not limited to, the following:

 - (1) At the time of inspection, a copy of the Department issued Asbestos Abatement Permit; and
 - (2) At the time of the inspection, documentation verifying that all employees at that worksite have the appropriate licensure through the Illinois Department of Public Health, if such licensure is required.
- (b) All other requested documentation shall be provided within fourteen (14) calendar days of request by the Department.

Sec. 30-551. – Reports.

Reporting requirements concerning air monitoring, air clearance, and waste manifests, as codified at 40 CFR 763, Subpart G, shall apply. Copies of air monitoring, air clearance, waste manifests, project daily logs, worksite entry and exit logs and all other applicable reports associated with a project shall be submitted to the Department within 14 calendar days of request by the Department.

Sec. 30-552. - Transporting.

Any asbestos-containing material which may be transported shall be enclosed to prevent the emission of asbestos fiber into ambient air during its transportation. The federal requirements for transporting of asbestos, as codified at 40 CFR Part 763, Subpart E, Appendix D to Subpart E of Part 763, shall apply.

~~Sec. 30 542. – General requirements.–~~

- ~~(a) *Restrictions on activities involving discharge of asbestos into air.* After April 1, 1978, no commercial activity not otherwise hereinafter prohibited, involving the potential discharge of visible amounts of asbestos fiber or asbestos containing materials into the ambient air from the construction, alteration, repair or demolition of a structure or structural component from the processing or manufacturing of asbestos containing products, shall be conducted unless the person or entity in charge of such activity complies with the following regulations:~~
- ~~(1) Personnel shall be designated to exercise full time supervisory authority over all aspects of the activity from which the release of asbestos fiber into the environment could result, in such a manner as to insure compliance with the pertinent asbestos control regulations.–~~
 - ~~(2) Each employee engaged in such activity shall complete a course of instruction on the potential hazards of exposure to asbestos fiber, including the precautions that must be observed to prevent or restrict the dispersion of asbestos fiber into the environment.–~~
 - ~~(3) Facilities shall be provided and procedures instituted and supervised that prevent the removal from the site of visible amounts of asbestos containing material on the clothing of the employees.–~~
 - ~~(4) Asbestos containing wastes shall be immediately vacuumed, or otherwise collected where vacuuming is impossible and shall be placed in a container resistant to tearing or breaking under normal handling conditions, which shall be tightly sealed and clearly marked as containing asbestos waste. Such waste material or container shall be disposed of by burial at a sanitary landfill.–~~
 - ~~(5) Air monitoring reports or air clearance reports, when required to be done by 40 CFR 763, Subpart G, and Waste Manifests are required to be submitted to the Cook County Department of Environmental Control within 60 business days of the expiration of the asbestos removal permit.–~~
- ~~(b) *Permit required for manufacture of asbestos containing products.* After April 1, 1978, the manufacturing or processing of asbestos containing products is prohibited, unless the person or entity in charge of such activity has obtained a permit from the Director. Before obtaining such permit, the applicant shall demonstrate compliance with this section and such additional standards as are hereinafter specifically required.–~~
- ~~(c) *Cutting, trimming, fitting or stripping of asbestos containing material.–*~~
- ~~(1) The cutting, trimming, fitting or stripping of asbestos containing material in the construction, alteration or repair of a structure or structural component which is done at the site of such structure in an area open to the atmosphere shall be conducted within a special enclosure designed to preclude the escape of asbestos fiber from the immediate area of such enclosure.–~~
 - ~~(2) The mechanical exhaustion of dust from such enclosure to the ambient air is prohibited unless such exhaust system is equipped with a properly sized fabric filter for dust collection or an equivalent device as approved by the agency.–~~
- ~~(d) *Asbestos containing material applied in construction, alteration or repair of structure or structural component.* Asbestos containing material applied in the construction, alteration or repair of a structure~~

~~or structural component shall be coated with a sealant, provided with a cover or installed in some other manner so as to preclude emission of the asbestos-containing material to the circulating air. Any plenum or other structure coated with or containing asbestos-containing insulation and used in the circulation of air in a building shall be thoroughly cleaned of all debris and waste insulation.~~

~~(e) [Proper removal of asbestos-containing debris from point of discharge.] Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets; debris shall be adequately wetted to preclude dust dispersion at the point of discharge.~~

~~(f) [Final transportation and disposal of asbestos-containing debris.] All asbestos-containing debris shall be adequately wetted before loading into trucks, other vehicles or containers. During transport such asbestos-containing waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.~~

~~(g) Standard for demolition, alteration or repair of asbestos-containing structures or structural component.~~

~~(1) Contractor certification and performance.~~

~~a. Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) to the Department.~~

~~b. Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.~~

~~c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.~~

~~(h) Permit required; fees.~~

~~(1) A demolition permit shall be obtained from the Director prior to any demolition of any structure as set out in Section 30-961 [et seq.]. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1.~~

~~(2) An asbestos removal permit shall be required for all demolition, alteration or repair of any asbestos-containing structure or structural component in addition to a demolition permit, if required by Section 30-961 [et seq.] and shall be obtained prior to the start of a project. Application for this permit must be submitted no less than ten business days prior to the start of the project. This permit is valid for 30 days after issuance and the contractor may not be off-site for more than ten consecutive days during the permitted time. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.~~

~~(3) Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1.~~

~~(4) No demolition permit shall be issued unless the applicant has submitted all information required by Sections 30-961 through 30-967.~~

~~(5) An application for an asbestos removal permit may be submitted less than the required ten business days' time period in cases where the public safety is at risk. In such cases, the applicant~~

~~must submit a letter explaining the nature of the public safety risk, a completed application and copies of the check for the permit and variance filing fees, as set out in Section 32-1 via email or facsimile.~~

~~(i) *Operations and maintenance asbestos removal permit; fees.*~~

- ~~(1) An Operations and Maintenance Asbestos Removal Permit is available for large commercial and industrial sites, healthcare facilities and schools with ongoing asbestos mitigation projects. Permit Filing Fees shall be as set out in Section 32-1.~~
- ~~(2) To obtain an Operations and Maintenance Asbestos Removal Permit, an applicant must submit a written request to the Director or his or her designee no less than 15 calendar days prior to the scheduled start of the asbestos renovation project. This request shall include, but not be limited to, a completed Cook County notification form, an explanation of the unique circumstances involved in the project, schematic drawings and blueprints (when available) of the structure and a filing fee as set out in Section 32-1.~~
- ~~(3) Issuance of an Operations and Maintenance Asbestos Removal Permit is subject to departmental approval. The Department shall issue a written response to the petitioner. The Department's decision is final. If the request is denied, the filing fee will be returned.~~
- ~~(4) An Operations and Maintenance Asbestos Removal Permit is applicable for one building, regardless of connecting enclosed walkways or underground tunnels. A separate request must be filed for each freestanding structure on the premises or campus.~~
- ~~(5) An Operations and Maintenance Asbestos Removal Permit is nontransferable to a new person, or different location.~~
- ~~(6) An Operations and Maintenance Asbestos Removal Permit is valid for one calendar year, beginning on January 1 of each year. The permit holder may use the permit at any time during the year, until the expiration of the permit on December 31 of each year. Upon expiration of an existing permit, the permit holder may reapply for a new permit for the project.~~
- ~~(7) An Operations and Maintenance Asbestos Removal Permit requires notification of the Department by email or fax transmission prior to starting each removal episode. The notice must include the location within the building where work is to be performed, onsite contact information and the anticipated work hours. Within 48 hours of each episode's completion, the permit holder must submit a written summary of the episode.~~
- ~~(8) The permit holder shall submit to the Department a chronological summary of the project and payment made based on the required inspectional fees as set out in Section 32-1. Healthcare facilities and schools shall submit a project summary and inspection fee payment every six months. Commercial and industrial facilities shall submit a project summary and inspection fee payment every quarter.~~

~~Sec. 30-543. *Fibrous material restrictions.*~~

- ~~(a) *Spraying of asbestos containing material prohibited.* The spraying of asbestos containing material is prohibited after April 1, 1978.~~
- ~~(b) *Procedure for spraying nonasbestos fibrous material.* Nonasbestos fibrous matter shall not be sprayed in an area open to the atmosphere, unless the following procedures are taken:~~

- ~~(1) The entire floor or area to be sprayed shall be enclosed with plastic coated tarpaulins in a manner which shall preclude the escape of fiber containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the working area.~~
- ~~(2) The entire sprayed area, all ledges and surfaces, including tarpaulins within the enclosure, shall be thoroughly vacuumed upon completion of the spraying operation and immediately before the enclosure is dismantled.~~
- ~~(c) *Visible emissions of fiber containing material considered violation.* Compliance with Subsections 30-542(c) and 30-543(b) notwithstanding, visible emissions of fiber containing material in an area open to the atmosphere shall be considered a violation.~~

Sec. 30-553 – 30-559. – Reserved.

Division 2 – Demolition

Section 30-560. - In General.

This division shall apply to demolition activities affecting any structure including but not limited to schools, public and private commercial and industrial structures, residential units, garages, sheds, and utilities, in Cook County, outside of the City of Chicago.

Section 30-561. - Demolition Permit required; general.

- (a) A demolition permit shall be required for all demolition affecting any structure including but not limited to schools, public and private commercial and industrial structures, residential units, garages, sheds, and utilities.
- (b) An application for a demolition permit must be submitted to the Department in such form and containing such information as required by the Department, no less than ten (10) business days prior to the start of the project.
- (c) A demolition permit shall be valid for the dates indicated on the permit, which shall not exceed 30 calendar days after the permitted start date of the project, unless a properly submitted revision has been approved by the Department prior to the permit end date.
- (d) A demolition permit may be revised up to six (6) times within one (1) year from the date of issuance, subject to Department approval.
- (1) Department approval will be withheld where the activity at issue is a separate and distinct project requiring a new permit.
- (2) Department approval will be withheld where the revised start date of the permit would be more than one year from the original start date of the permit.
- (3) Each time a request for permit revision is submitted, including but not limited to requests affecting the permitted start date of the project, payment of a revision fee in the amount set forth in Section 32-1 shall be required.
- (e) The permit holder shall comply with all conditions set out on the permit.

- (1) Demolition operations shall not cause the migration of dust from the permitted site onto adjacent properties not included on the demolition permit.
- (2) A Competent Person capable of identifying any suspect asbestos-containing materials not identified in the inspection report shall remain on site for the duration of the demolition.
- (3) Any suspect asbestos-containing building materials not identified in the inspection report and subsequently identified during the demolition process shall not be disturbed.
- (4) The permit holder shall ensure that any suspect asbestos-containing building material identified during the demolition process and not identified in the inspection report provided under 30-548 (3) (b) be sampled by an Illinois Department of Public Health certified asbestos building inspector and that the presence of asbestos or lack of asbestos in the sample be identified by a NVLAP accredited laboratory.
- (5) The permit holder shall comply with all applicable Demolition Debris Diversion Requirements of Division 3 of this article.
- (f) The fee for a demolition permit shall be as set out in Section 32-1.

~~Sec. 30-544. Demolition of asbestos-containing structure.~~

~~(a) Procedure for demolition of asbestos-containing structure. Where the risk of public exposure to asbestos fiber from the dislodging of asbestos-containing materials is present, no demolition of a structure shall be initiated unless all safeguards necessary and practicable to reduce the emission of dust are taken. Such procedures shall include, but are not necessarily limited to:~~

- ~~(1) Boilers and pipes and steel members insulated or fireproofed with asbestos-containing material shall be adequately wetted and stripped before toppling of walls is begun. This procedure shall be followed, where practicable, as to all other asbestos-lined surfaces. Such asbestos-containing waste shall be immediately bagged and disposed of in accordance with Section 30-542(a)(4).~~
- ~~(2) When demolition by toppling occurs, such reasonable enclosure for dust emission control as is compatible with the character of the structure shall be employed.~~
- ~~(3) Before the demolition or toppling of any section or wall of the structure, adequate wetting to suppress the dust shall be employed.~~
- ~~(4) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust tight chutes or buckets shall be adequately wetted to preclude dust dispersion at the point of discharge.~~
- ~~(5) All asbestos-containing debris shall be adequately wetted before loading into trucks, other vehicles or containers. During transport such waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.~~

~~(b) Standard for demolition of structures.~~

- ~~(1) Contractor certification and performance.~~
 - ~~a. Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) to the Department.~~

~~b.— Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.—~~

~~e.— Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.—~~

~~Sec. 30 545.— Sampling and counting of particulate matter from manufacture of asbestos containing product.—~~

~~After April 1, 1978, a factory, plant or enterprise which engages in the processing or manufacturing of any asbestos containing product shall discharge no visible emission of particulate matter from such manufacturing or processing into the ambient air and shall emit no concentrations of asbestos fiber into the ambient air in excess of two fibers per cubic centimeter of air.—~~

~~(1) Sampling of emissions shall be by the membrane filter method and according to the procedures recommended in the ASME Power Test Code 27 1957, or other procedures generally accepted by persons knowledgeable in the state of the art.—~~

~~(2) Counting shall be according to the procedure outlined in Edwards, G. H. and Lynch, J. R., "The Method Used by the U.S. Public Health Service for Enumeration of Asbestos Dust on Membrane Filters," Ann. Occupational Hyg. (Oxford) 11 (1): 1-6 Jan. '68; with 20 fields per sample, counted at random using phase contrast microscopy at 430x magnification and counting only fibers 5 microns or greater in length, with a length to breadth ratio of three to one or greater.—~~

~~Sec. 30 546.— Controlling asbestos handling facilities.—~~

~~Any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos containing product shall control all asbestos handling facilities so that exhaust air can be ducted through necessary air pollution control equipment and samples taken of the gases which are emitted into the ambient air.—~~

~~Sec. 30 547.— Inspection.—~~

~~(a) Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 30 542(b) shall be subject to inspection by the Department at any reasonable time, without prior notice.—~~

~~(b) In the event the Department inspects a worksite where Asbestos Abatement Activity is taking place, the Asbestos Abatement Contractor must cooperate with the Department's attempts to monitor activity to ensure that safety concerns are appropriately addressed. Upon request, the Asbestos Abatement Contractor will be required to produce required information, including, but not limited to, the following:—~~

~~(1) A copy of the Certificate of Registration; and~~

~~(2) Documentation verifying that all employees at that worksite have the appropriate licensure through the Illinois Department of Public Health, if licensure is required.—~~

~~Sec. 30 548.— Sampling.—~~

~~At a frequency to be determined by the Agency, any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos containing product shall sample the exhaust from such factory, plant or enterprise and submit the emission data to the Agency.—~~

~~Sec. 30-549. —Transporting.—~~

~~No product which may emit asbestos fiber during its transportation shall be transported unless such product be enclosed so as to preclude the emission of asbestos fiber into ambient air.—~~

~~Sec. 30-550. —Violation.—~~

~~Notwithstanding compliance with Section 30-549, the visible emission of particulate matter in the course of such transportation shall be considered a violation.—~~

~~Sec. 30-551. —Asbestos abatement contractor registration, registration fees and penalties.—~~

- ~~(a) In order to ensure that the health and safety of the public is protected from the harmful effects of exposure to asbestos materials caused by negligent or improper Asbestos Abatement Activities, all Asbestos Abatement Contractors doing business in Cook County outside the corporate limits of the City of Chicago must register with the Department of Environmental Control.—~~
- ~~(b) No Asbestos Abatement Contractor shall do business in Cook County outside of the corporate limits of the City of Chicago without having a currently valid Certificate of Registration issued by the Department.—~~
- ~~(c) The Department shall prepare and maintain a list of registered Asbestos Abatement Contractors, which list shall be made available upon request.—~~
- ~~(d) To obtain a Certificate of Registration, the Asbestos Abatement Contractor shall complete an application provided by the Department of Environmental Control. The application shall be returned to the Department, accompanied by a nonrefundable registration fee set forth in Section 32-1 of the Ordinances of Cook County.—~~
- ~~(e) The application shall require the following information:
 - ~~(1) The Asbestos Abatement Contractor's name, mailing address, contact person, phone number, and e-mail address, together with its form of ownership. If a corporation, a copy of the corporation's last annual report filed with the Asbestos Abatement Contractor's state of incorporation. If the Asbestos Abatement Contractor is a corporation, partnership, or other firm, the substantial owners, as defined in Chapter 34, Article V, Section 34-367 of the Ordinances of Cook County, shall be identified.—~~
 - ~~(2) The Asbestos Abatement Contractor's license number issued by the State of Illinois Department of Public Health, the date of license expiration and a copy of said license.—~~
 - ~~(3) A list of all enforcement actions taken against the Asbestos Abatement Contractor in the preceding two years for alleged violations of Federal, State or Local Regulations pertaining to the handling, removal or disposal of asbestos-containing materials, including information about the alleged violations charged and the disposition.—~~
 - ~~(4) The number of years the Person has been doing business as an Asbestos Abatement Contractor.—~~
 - ~~(5) A list of supervisors employed by the Asbestos Abatement Contractor who are licensed by the Illinois Department of Public Health.—~~
 - ~~(6) A list of asbestos-containing material removal and abatement techniques that have previously been employed by the Asbestos Abatement Contractor.—~~~~

- ~~(7) A list of the names and addresses of waste disposal sites and waste haulers primarily used by the Asbestos Abatement Contractor.~~
- ~~(8) Certification by the Asbestos Abatement Contractor that all information furnished to the Department is true and accurate.~~
- ~~(9) Other information as required by the Department.~~
- ~~(f) The application shall require the Asbestos Abatement Contractor to certify compliance with all Cook County ordinances, including, but not limited to, the following:
 - ~~(1) Chapter 30, Environment;~~
 - ~~(2) Chapter 34, Article V, Child Support Payments;~~
 - ~~(3) Chapter 38, Article III, Public Health and Private Nuisances;~~
 - ~~(4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;~~
 - ~~(5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;~~
 - ~~(6) Chapter 74, Taxation; or~~
 - ~~(7) The Cook County Zoning Ordinance.~~~~
- ~~(g) The Director shall determine whether the applicant satisfies the requirements to be registered as an Asbestos Abatement Contractor. Upon approval of the application, the Department shall issue a Certificate of Registration to the asbestos removal contractor. Such Certificate of Registration shall expire two years following its date of issuance, and shall be renewable.~~
- ~~(h) The Asbestos Abatement Contractor is required to notify the Department of any material changes to the registration requirements set forth in Section 30-551(e). The Director of the Department may revoke the registration if the Asbestos Abatement Contractor fails to notify the Department of any material changes to the registration requirements identified in Section 30-551(e).~~
- ~~(i) The Director shall have the authority to deny an application for a Certificate of Registration. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The Director may deny issuance of a Certificate of Registration to any Asbestos Abatement Contractor where any one of the following conditions exist:
 - ~~(1) Failure to provide any of the required information on the application.~~
 - ~~(2) Providing false information on the application.~~
 - ~~(3) Outstanding violations, debts or penalties owed to Cook County for violation of any County ordinance, unless such violations, debts or penalties are being contested or appealed.~~
 - ~~(4) Failure to have any required licensure by the Illinois Department of Public Health.~~
 - ~~(5) Five or more administrative violations, three or more enforcement actions impacting public health in the two years preceding the date of application or a combined total of five administrative and enforcement actions in the two years preceding the date of application.~~~~

- ~~(j) If one of the conditions listed in section (i) is found to exist prior to the expiration of the Certificate of Registration, the Director may revoke the registration after notifying the Asbestos Abatement Contractor of the violation via certified mail, of the decision. The contractor shall have ten days from the date of the Director's letter to make a written request for an administrative hearing to contest the decision or to provide information to the Department that reaffirms that they remain in compliance with the requirements of the ordinance. The Asbestos Abatement Contractor may reapply for a Certificate of Registration after a period of 14 business days. Approval of the Certificate of Registration after a revocation shall be probationary for one year after issuance of the Certificate of Registration. Any additional violations during the one year probation will result in the suspension of the Certificate of Registration for a period of no less than one month and no more than one year.~~
- ~~(k) Any Certificate of Registration issued by the Department pursuant to this article may be renewed if the Asbestos Abatement Contractor submits a completed registration renewal application on a form provided by the Department, and makes payment of a renewal fee set by the Department, consistent with the provisions of Section 32-1 of the Ordinances of Cook County. Renewal of a Certificate of Registration may be withheld if the Director finds that evidence exists that renewal of the Certificate of Registration will present health and safety concerns for the public. The Director may refuse to renew a Certificate of Registration if any of the conditions identified in Section 30-551(i) exist. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration renewal. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The applicant shall have 15 days from the date of the Director's letter to make a written request for an administrative hearing to contest the Director's decision.~~
- ~~(l) If the Director denies an application for or revokes a Certificate of Registration or an application for renewal of a Certificate of Registration, the Director shall so notify the Asbestos Abatement Contractor in writing within 30 days of the decision, including a statement of the basis for the denial or revocation. The Asbestos Abatement Contractor shall be given the opportunity to contest the Director's action decision in a hearing as set forth in Article IX, Administrative Hearings, Section 2-901 et seq. of the Code of Ordinances. The Asbestos Abatement Contractor shall be given written notice at least seven days before the hearing is scheduled. The Department of Administrative Hearings shall make a final decision on granting the Certificate of Registration.~~
- ~~(m) Any person that performs asbestos removal activity governed by this article without possessing a valid and current Certificate of Registration issued by the Department shall be subject to fines in accordance with the provisions of Section 30-213 of this article.~~
- ~~(n) The Department shall maintain records of any instances of Asbestos Abatement Activity performed without a Certificate of Registration for five years from the date of the discovery of the nonauthorized activity and said records shall be considered when reviewing subsequent applications for registration.~~

Secs. ~~30-562552—30-768775~~. - Reserved.

~~ARTICLE X. DEMOLITION DEBRIS DIVERSION~~

Division 3. – DEMOLITION DEBRIS DIVERSION

Sec. ~~30-769961~~. - Short title.

Sections ~~30-964769~~ through ~~30-972775~~ shall be known, and may be cited, as the "Cook County Demolition Debris Diversion Ordinance."

Sec. 30-770. – In General.

This division shall apply to demolition activities affecting any structure except garages, sheds, utilities, and projects that are not demolishing any load bearing walls.

Sec. ~~30-771962~~. - Purpose and intent.

The purpose of this ordinance is to establish a program for recycling and salvaging of construction and demolition waste consistent with the Cook County Solid Waste Plan. This ordinance is intended to introduce reuse and recycling requirements that will help achieve Cook County's goal to:

- (1) Reduce the amount of construction and demolition waste generated at the source;
- (2) Regulate the salvage and transport of salvageable construction and demolition material and to prevent the improper disposal of construction and demolition debris within the County of Cook; and
- (3) Recover materials for the purpose of recycling and reuse that would otherwise be discarded and return them to the economy.

Sec. ~~30-772963~~. - Findings.

(a) The County finds and determines that:

- (1) The County is committed to protecting the public health, safety, welfare and environment and in order to meet these commitments it is necessary that the County promote the reduction of solid waste and reduce the stream of solid waste going to landfills.
- (2) The debris generated in construction and demolition projects accounts for a significant portion of the materials disposed of in landfills and a large percentage of such debris is comprised of materials particularly suitable for recycling.
- (3) The reuse and recycling of certain portions of construction and demolition debris is essential to further the County's efforts to reduce solid waste.
- (4) Except in unusual circumstances, it is feasible to divert an average of at least 70 percent of all construction and demolition debris from construction and demolition projects.

~~Sec. 30-964. – Definitions.~~

~~*ASHERA* means the Asbestos Hazard Emergency Response Act, 15 U.S.C. § 2641 et seq.~~

~~*Alteration* means any change, addition, or modification of a structure or one or more structural components in any way, including, but not limited to, the stripping or removal of ACM from a structure component.~~

~~*ASHARA* means the Asbestos School Hazard Abatement Reauthorization Act, 15 U.S.C. § 2641 et seq.~~

~~*Construction and Demolition Debris* ("C&D debris") means waste produced by the demolition or alteration of a structure. C&D debris may include, but is not limited to, bricks, concrete, masonry materials, soil, rock scrap, scrap metal, plaster, gypsum drywall, plumbing fixtures and piping, insulation, roofing shingles, other roof coverings, reclaimed or other asphalt pavement, glass, plastics, electrical wiring, corrugated cardboard, piping or metals incidental to any of those materials, landscape waste and wood,~~

~~including painted, treated, coated wood, wood products, wall coverings, and incidental dirt, metal, mortar, gypsum, plasterboard, wood and sand that may be intermingled with reusable or recyclable demolition material generated from demolition activities.~~

~~*Deconstruction* means the process of systematically dismantling a structure in an environmentally, economically and socially responsible manner, aiming to maximize the recovery of materials for reuse and recycling.~~

~~*Demolition* means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load supporting structural member of a facility together with any related handling operations.~~

~~*Demolition Project* involves the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.~~

~~*Divert or Diversion* means to recycle or reuse demolition debris for any purpose other than disposal in a landfill, incineration facility.~~

~~*Facility* means an establishment that collects material, including construction and demolition debris, and either reprocesses or aggregates the material to be sold back into the market or serves as an intermediate or permanent site for disposal. Facilities include recycling establishments, building material reuse centers, transfer stations or landfills.~~

~~*Hauler* means an establishment that collects and transports material, including construction and demolition debris, from the original site of generation or intermediate site to another destination, such as a facility.~~

~~*Recycle or Recycling* means to set aside, handle, package or offer for collection residential, commercial, or industrial solid waste materials or by products for the purpose of being reused or processed and then returned to the economic mainstream as useful products.~~

~~*Remodel or Renovation* means the altering of an existing building or structure, or any portion of its structural components or systems, including the stripping, removal or abatement of ACM from a building or structure. Operations in which load supporting structural members are wrecked or taken out are demolitions.~~

~~*Residential* means a structure that contains one or more dwelling units.~~

~~*Reuse* means recovering material for repeated use in the same form. This includes materials that are reused in the same location as they are generated.~~

Sec. 30-773965. - Demolition debris diversion requirements.

~~(a) Except as provided in Section 30-967, applications for a demolition permit will be subject to the following Demolition Debris Diversion Requirements:~~

~~(1) Any residential building is subject to a minimum five percent by weight reuse requirement and a minimum total 70 percent by weight diversion requirement.~~

~~(2) Any nonresidential building is subject to a 70 percent by weight recycling requirement with reuse encouraged whenever possible.~~

(a) Demolition debris diversion shall be required for all demolition activities affecting any structure except garages, sheds, utilities, and projects that are not demolishing any load bearing walls.

- (1) For any residential structures, the demolition permit holder is subject to a minimum five percent (5%) by weight reuse requirement, and a minimum total seventy percent (70%) by weight diversion requirement; and,
- (2) For any nonresidential structures, the demolition permit holder is subject to a seventy percent (70%) by weight recycling requirement, and reuse is encouraged whenever possible.
- (b) Prior to the commencement of a demolition project, the demolition permit holder must submit a Demolition Debris Diversion Plan, in a manner prescribed by the Department, estimating the respectively required diversion goals and the transport means and destinations of demolition debris.
- (c) Within forty-five (45) calendar days from the expiration of the demolition permit, the permit holder shall submit to the Department a Demolition Debris Diversion Report, in such form and containing such information as required by the Department.
- (d) The permit holder shall retain the receipts or weight tickets for the quantities of materials reused, recycled and landfilled as indicated in the Demolition Debris Diversion Report for at least three (3) years after the demolition is complete.

~~Sec. 30-966. Submission of demolition permit application.~~

- ~~(a) To be issued a demolition permit, a demolition permit application, including an asbestos inspection report, completed to AHERA/ASHARA standards, conducted by an Illinois Department of Public Health certified building inspector, must be submitted no less than ten business days prior to the start of the demolition project, reviewed, and approved by the Director.~~
- ~~(b) Application may include, but is not limited to, a Demolition Debris Diversion Plan, estimating the respectively required diversion goals as set out in Section 30-965 and the transport means and destinations of demolition debris. The Demolition Debris Diversion Plan shall include, but is not limited to, the Estimated Material Tracking Form and the Material Transport Form.~~
- ~~(c) The Estimated Material Tracking Form shall require the following information:

 - ~~(1) The estimated quantity of each type of demolition debris and proposed means of diversion. The applicant shall list the types of demolition debris by material and the estimated amount of each type of demolition debris that will be reused or recycled. In estimating the weight of the demolition debris, the applicant shall use the conversion rates approved by the Director for this purpose.~~
 - ~~(2) The estimated total weight of demolition debris generated by the project, which is calculated at the end of the Estimated Material Tracking Form.~~
 - ~~(3) A list with the name and address of the hauler or haulers that will transport each type of the demolition debris and the name and address of the facility or facilities that will receive the demolition debris.~~~~
- ~~(d) The application shall require certification of compliance with all Cook County ordinances, including, but not limited to, the following:

 - ~~(1) Chapter 30, Environment;~~
 - ~~(2) Chapter 34, Article V, Child Support Payments;~~
 - ~~(3) Chapter 38, Article III, Public Health and Private Nuisances;~~~~

- ~~(4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;~~
- ~~(5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;~~
- ~~(6) Chapter 74, Taxation; or~~
- ~~(7) The Cook County Zoning Ordinance.~~

~~Sec. 30 967. Exceptions to the demolition debris diversion requirements.~~

- ~~(a) The following structures will be exempt from the Demolition Debris Diversion Requirements of Section 30 965 but must still apply for Demolition Permit before commencing any demolition activity:
 - ~~(1) Garages and sheds.~~
 - ~~(2) Projects that are not demolishing any load bearing walls.~~~~
- ~~(b) In the event that the applicant believes that the diversion of all or some demolition debris is impossible or impracticable, the applicant shall submit written justification and supplemental documentation along with the application substantiating the reasons the project should be exempt from the diversion requirements or be subject to decreased diversion requirements [sic] should be decreased. As a result, the applicant shall be subject to a required site inspection by the Department to verify this claim.~~
- ~~(c) The Director or his/her designee shall determine, in writing, whether any of the Demolition Debris Diversion Requirements shall be waived in whole or in part on the grounds of impracticability or impossibility.~~
- ~~(d) If the Director or his/her designee declines to approve a Demolition Permit Application, he or she shall document in writing the basis of denial.~~

~~Sec. 30 968. Submission of demolition debris diversion report.~~

- ~~(a) Within ten days of the expiration of the demolition permit, the permit holder or his or her designee shall submit to the Department a Demolition Debris Diversion Report verifying that the Demolition Debris Diversion Requirements were met as set out in Section 30 965.~~
- ~~(b) Applicants shall use a standard Demolition Debris Diversion Report provided by the Department.~~
- ~~(c) The Demolition Debris Diversion Report shall include, but is not limited to, the Actual Tracking Form and the Material Transport Reports.
 - ~~(1) The Actual Material Tracking Form shall contain the following information:
 - ~~a. The weight of demolition debris that was diverted by type of material, diversion method, haulers that managed the debris, and facilities that received the debris.~~
 - ~~b. The weight of demolition debris that was not diverted.~~~~
 - ~~(2) Material Transport Reports shall be submitted to substantiate the Actual Material Tracking Form and shall contain the following information for each facility used:
 - ~~a. A complete list of the types of demolition debris transported to each facility, including itemized weight for each type;~~
 - ~~b. The total weight of demolition debris transported to each facility;~~~~~~

- ~~e.— The final destination for the materials as managed by each facility;~~
- ~~d.— Each facility's contact information; and~~
- ~~e.— Any barriers encountered that prohibited diversion of demolition debris.~~

~~(3) Certification by the Demolition Contractor that all information furnished to the Department is true and accurate.—~~

- ~~(d) If the Demolition Debris Diversion Report shows that the project failed to meet the Demolition Debris Diversion Requirements as set out in Section 30-965, the applicant shall be in violation of this Ordinance and subject to the fines as specified in Section 30-972.—~~
- ~~(e) An applicant who fails to submit the required documentation as provided herein shall be subject to the full amount of the fines specified in Section 30-213 as if no amount of demolition debris was recycled or reused.—~~
- ~~(f) Any false statement, documentation or audit noncompliance shall result in fines and/or penalties pursuant to this Ordinance and/or the penalties specified in Section 30-972.—~~
- ~~(g) Notwithstanding the foregoing, where title to the property is transferred to a bona fide purchaser after the rehabilitation of the property, if an applicant is unavailable or refuses to provide the required documentation, the bona fide purchaser may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that the applicant is unavailable or refuses to provide the required documentation.—~~

~~Sec. 30-969.— Exceptions to the demolition debris diversion report.—~~

- ~~(a) In the event that the applicant was unable to divert the amount of demolition debris as required by Section 30-965, the applicant shall submit written justification and supplemental documentation along with the Demolition Debris Diversion Report substantiating the reasons it was impossible or impracticable for the project to achieve its estimated diversion goals.—~~
- ~~(b) The Director shall consider this documentation to determine whether the applicant has violated the reporting requirements as set out in Section 30-968.—~~
- ~~(c) If the Director finds that the applicant has not submitted sufficient written justification and supplemental documentation to justify the impossibility or impracticability to meet this requirement, the Director shall make a written finding that the Applicant has violated the provisions of this Article and state the basis for that finding in writing.—~~
- ~~(d) If the project has been exempt from meeting the Demolition Debris Diversion Requirements as set out in Section 30-967, the project shall be exempt from submitting a Demolition Debris Diversion Report. If a project has been issued a Demolition Permit with Demolition Debris Diversion Requirements lower than set out in Section 30-965, the project is still required to submit a Demolition Debris Diversion Report.—~~

~~Sec. 30-970.— County's right to monitor and inspect.—~~

- ~~(a) The Director or his/her designee may inspect and monitor all demolition projects to determine actual levels of demolition debris diversion and to validate the information provided in the Demolition Debris Diversion Plan and the Demolition Debris Diversion Report.—~~

- ~~(b) An applicant shall retain the receipts or weight tickets for the quantities of materials reused, recycled and landfilled as indicated in the Demolition Debris Diversion Report for at least three years after the demolition is complete.~~
- ~~(c) Site inspections by the Department may occur during demolition activity to verify proper siting and material handling procedures are being followed in compliance with all applicable sections of the Cook County Code.~~

Sec. 30-774. – Inspection.

- (a) The permit holder shall cooperate with the Department’s attempts to monitor demolition debris diversion activity to determine actual levels of demolition debris diversion, to verify proper siting and material handling procedures are being followed, to validate the information provided in the Demolition Debris Diversion Plan and the Demolition Debris Diversion Report, and to verify compliance with all applicable sections of the Cook County Code.
- (b) The permit holder shall produce any requested information, including, but not limited to, the following:
 - (1) Receipts or weight tickets for the quantities of materials reused, recycled and landfilled.

~~Sec. 30-971. – Rulemaking.~~

~~The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance.~~

Sec. 30-775972. - Penalties.

- ~~(a) A permit holder is in violation of this Cook County Demolition Debris Diversion Ordinance by:~~
 - ~~(1) Failing to submit a Demolition Debris Diversion Report;~~
 - ~~(2) Failing to timely file a required Demolition Debris Diversion Report;~~
 - ~~(3) Failing to complete a Demolition Debris Diversion Report to a satisfactory degree, which includes submitting inaccurate, incomplete, inconsistent, or illegible information;~~
 - ~~(4) Failing to maintain records required by this Article;~~
 - ~~(5) Failing to divert demolition debris as required by Section 30-965;~~
 - ~~(6) Violating any other portion of the Cook County Demolition Debris Diversion Ordinance.~~
- ~~(b) With respect to violating this Ordinance, a full list of penalties and fines are listed in Section 30-213131.~~
- ~~(c) Criminal prosecutions pursuant to this Ordinance shall in no way bar the right of Cook County to institute civil proceedings to recover fines, interest and costs incurred for such proceedings. Civil penalties and interest assessed pursuant to this Ordinance shall be computed at the rate provided by the Cook County Uniform Penalty, Interest and Procedures Ordinance.~~

ARTICLE VII. - SOLID WASTE AND RECYCLING

DIVISION 1. - IN GENERAL

Sec. 30-776. - Short title.

The Divisions noted in Article VII, shall be known, and may be cited as, and authorized under the "Cook County Solid Waste and Recycling Ordinance."

~~Sec. 30-777. Findings, purpose, intent and scope.~~

~~The purpose of this Article and the divisions herein is addressed in Section 30-2 of this Chapter.~~

Sec. 30-777778. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means the Illinois Environmental Protection Agency.

Clean construction or demolition debris or "CCDD" means non-putrescible construction and demolition materials and as otherwise defined in § 3.160(b) of the Illinois Environmental Protection Act.

Clean construction or demolition debris fill operation or "CCDD fill operation" means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material.

Composting means a controlled process which transforms organic waste and/or livestock waste into products useful as soil amendments. Composting shall include windrow composting, in-vessel aerobic composting and anaerobic digestion composting technologies.

Composting facility means any building, portion of a building or area in which organic waste and/or livestock waste is collected, stored, or processed which is permitted or required to be permitted by the Illinois Environmental Protection Agency.

Drop-off center means any recycling facility that accepts without charge or payment recyclable materials, including unattended stand-alone drop boxes, or single day residential recycling events.

Food scrap means garbage that is:

- (a) Capable of being decomposed into compost by composting;
- (b) Separated by the generator from other waste, including, but not limited to, garbage that is not capable of being decomposed into compost by composting; and
- (c) Managed separately from other waste, including, but not limited to, garbage that is not capable of being decomposed into compost by composting.

Food scrap includes, but is not limited to, packaging, utensils, and food containers composed of readily biodegradable material in accordance with the ASTM D6400 standard required for use under Section 3.197 of the Illinois Environmental Protection Act, as amended.

~~*Governmental entity* means any unit of federal, state or local government.~~

Hazardous waste means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed, or which has been identified by characteristics or listing as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580 as amended 42 U.S.C. § 6921, or pursuant to regulations promulgated by the Illinois Pollution Control Board, ILL. ADMIN. CODE tit. 35 § 721.103.

Illinois Environmental Protection Act (IEPA) or "Act" means the Environmental Protection Act, as amended, codified at 415 ILCS 5/1, et seq.

In-vessel means composting which is conducted entirely within a fully enclosed container, with no opening having a dimension greater than one-quarter inch in any direction.

Landfill means sanitary landfill.

Landscape waste means grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, and includes any discarded fruits, vegetables and other vegetative material or crop residue generated in the care of a garden. The term "landscape waste" does not include soil other than incidental soil (e.g., soil attached to sod or attached to other materials accumulated as a result of the care of lawns, shrubbery, vines, trees or a garden).

Livestock waste means livestock excreta, associated feed losses, and bedding.

Local Government means any "Public Agency" as defined by the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., and all municipal joint action agencies formed pursuant to 5 ILCS 220/3.2.

Motor vehicle repair shop means any building, structure, premises, enclosure or other place including automobile service stations, garages and motor vehicle service shops where the business of doing repair work on or for motor vehicles, replacing motor vehicle parts, or diagnosing malfunctions of a motor vehicle is conducted in any shop, drive-in station or garage which inspects motor vehicles for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

Municipality means a city, village, or incorporated town.

Municipal solid waste or "MSW" means garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.

Municipal solid waste transfer station means a transfer station that accepts garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris. For purposes of this chapter a municipal solid waste transfer station shall not include transfer stations that accept, exclusively, either construction or demolition debris or source separated organic waste, so long as such facilities meet the requirements of Division 4 of this Article.

Open dumping means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of the Act.

Organic waste means food scrap, landscape waste, uncontaminated wood waste, livestock waste, crop residue, paper waste, or other non-hazardous carbonaceous waste, such as paper, corrugated paper or cardboard, that is collected and processed separately from the rest of the municipal waste stream.

~~*Owner or operator* means any person who has legal title to any premises, who has charge, care or control of any premises, who is in possession of the premises or any part thereof, or who is entitled to control or direct the management of the premises.~~

Processing means manual, mechanical or automated separation of recyclable material from other materials; separation of recyclable materials from each other; cleaning, bundling, compacting, cutting or packing of recyclable material. Processing shall not include melting, rending, smelting, vulcanizing or purification by application of heat or chemical process.

Prohibited materials means:

- (a1) Any material of the type typically owned or maintained by a governmental entity or a utility company, including, but not limited to: stop signs and other street signs, utility hold covers, fire hydrants and fire hydrant parts, water meters and water meter parts, gas meters and gas meter parts, electric meters and electric meter parts, exterior telephone wire, transformers, street lamp posts, sign posts, and flag poles, and street lights;
- (b2) Cemetery urns and plaques;
- (c3) Historical markers;
- (d4) Metal sculpture and statuary;
- (e5) Tree and flower grates;
- (f6) Retail store shopping carts;
- (g7) Catalytic converters and auto radiators;
- (h8) Aboveground and underground storage tanks and parts thereof;
- (i9) Any materials further designated as prohibited by the Director.

Recyclable material means material categorized as Type A, Type B, Type C or Type D recyclable material and shall have the meaning ascribed to each such type, as follows:

"Type A recyclable material(s)" means any aluminum or ferrous or non-ferrous scrap metal; bi-metal or tin cans; glass products; paper products; rubber; textiles; plastic products, such as polyethylene terephthalate, high density polyethylene, low density polyethylene, polystyrene or polypropylene; electronics and computer parts and components including, but not limited to, computer monitors, televisions, printers, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital disc recorders, small-scale servers and tablets. Additional materials approved by the Director.

"Type B recyclable material(s)" means organic waste.

"Type C recyclable material(s)" means used motor vehicles or motor vehicle parts.

"Type D recyclable material(s)" means construction and demolition debris that does not contain lead, asbestos or any other hazardous material in such a way as to render recycling of such material illegal or impossible and that has been rendered reusable and is reused, or that would otherwise be disposed of or discarded but is collected or separated and returned to the economic mainstream in the form of raw materials or product.

Recycling facility means any building, portion of a building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. A "recycling facility" shall not include any motor vehicle repair shop which stores all used motor vehicle parts, intended for use by the motor vehicle repair shop in vehicle repair, under roof nor shall it include drop-off centers or compost operations accumulating less than 25 cubic yards of compostable material at any given time or a farm based compost operation where compostable material is used exclusively on the site where the material is composted.

Regulated materials means:

- (a1) Metal fencing and gates;
- (b2) Metal downspouts and gutter;

- (c3) Metal siding and doors, including siding from homes and garages;
- (d4) Metal door hardware, including knobs, hinges and kick plates;
- (e5) Metal sinks;
- (f6) Aluminum wire;
- (g7) Copper wire;
- (h8) Copper pipes;
- (i9) Metal coils;
- (j10) Copper/aluminum radiators;
- (k11) License plates;
- (l12) Barbeque grills;
- (m13) Metal patio furniture;
- (n14) Satellite dishes;
- (o15) Metal exterior light fixtures;
- (p16) Boilers, furnaces, water heaters, and any parts thereof;
- (q17) Mailboxes and mailbox covers;
- (r18) Ventral air conditioning units and air conditioners and any parts thereof;
- (s19) Metal bleachers;
- (t20) Bicycles;
- (u21) Any materials further designated as regulated by the Director.

Sanitary landfill or *landfill* means a facility permitted or required to be permitted by the Illinois Environmental Protection Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, ~~P.L. 94-580~~ 42 U.S.C. § 6901 et seq., and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

Sheriff means the Sheriff of Cook County or the Sheriff's agents.

Solid waste means waste.

Solid waste facility or *solid waste facilities* means sanitary landfills, municipal solid waste transfer stations, waste processing facilities, and clean construction or demolition debris fill operations located within Cook County, except within the corporate limits of the City of Chicago. Solid waste facility shall not mean a temporary storage site for debris or waste generated from the operations of municipal public works departments.

Special waste means waste as defined in 415 ILCS 5/3.475 ~~of the Act~~.

Transfer station means a site or facility that accepts waste for sorting and/or consolidation, and for further transfer to a waste disposal, treatment, or handling facility that is not owned or operated by a Local Government.

Treatment means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste, or to render such waste nonhazardous, safer for transport, amenable for recovery, or reduced in volume.

Uncontaminated wood waste means untreated, unpainted and unvarnished wood.

Vector means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

Waste means any discarded or abandoned material in solid, semisolid, liquid or contained gaseous form, including but not limited to, industrial process waste, hazardous waste, municipal waste, special waste, garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, but excludes:

- (a1) Sewage collected and treated in a municipal or regional sewage system; or
- (b2) Recyclable materials managed in compliance with the provisions of this chapter.

Waste hauler means any person who engages in the business of collecting or hauling garbage, municipal waste, recyclables or other refuse, from the original generator, on a continuous and regular basis within Cook County.

Waste Processing Facility means any facility other than a sanitary landfill or municipal solid waste transfer station that receives municipal solid waste for the purpose of processing such waste material into a new product including, but not limited to, fuels, digestate, or liquids.

~~Sec. 30-779. – Rule making.~~

~~The Department may prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Article and the Divisions herein, including, but not limited to, reasonable procedures relating to solid waste planning, operational requirements of facilities, reporting requirements, and the collection of waste fees imposed by this Article. Any rules, definitions or regulations issued by the Department in accordance with this Article shall be maintained by the Department and shall be readily made available to the public upon request and posted on the Department's web site. The Department shall undertake good faith efforts to post rules and regulations at least 30 days prior to taking effect.~~

~~Sec. 30-778780. - ViolationsPenalties.~~

- (a) A person will be found to have engaged in a public nuisance that is injurious to public health and in violation of this Article and the Divisions herein by:
 - (1) Causing or allowing the open dumping of any waste;
 - (2) Abandoning or disposing of any waste upon public property, except in a sanitary landfill approved by the Illinois Environmental Protection Agency; or
 - (3) Disposing, treating, abandoning or transporting any waste, except at a site or facility which meets the requirements of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.;
 - (4) Failure of any owner, occupant, agent, or person in possession or control of any residence or business or lot or unimproved parcel of real estate to remove or cause to be removed any waste located on any such residence or place of business or lot or real estate, or any portion thereof; or,
 - (5) Failure to issue reports as prescribed by the Department.

Sec. 30-779. – Penalties.

- ~~(b_a) Any person that violates this Article or the Divisions herein is subject to the finespenalties, cost recovery, and remedies set out in Section 30-213131.~~
- ~~(e_b) In addition to any other penalties imposed under this section, the registered owner of record of any vehicle who knew or should have known that his or her vehicle was used in violation of this article shall be jointly and severally liable with any person operating or in control of the vehicle at the time of the violation.~~
- ~~(d) The Director shall have the authority to provide for the cessation and abatement of any violation of this section in accordance with the provisions of Section 30-215 of this Code to stop any person from proceeding with any activity regulated under this section when the director has reason to believe that such activity either is proceeding in violation of any provision of this section or is otherwise in contravention of the public interest.~~

Sec. 30-780781. - Permit denial, refusal of renewal or permit revocation.

The following shall apply to facilities receiving permits under this Article.

- ~~(a) In addition to the general basis for suspension and revocation provided in 30-62(g), tThe Director may refuse to issue a solid waste facility permit or recycling facility permit to:

 - (1) Any person whose permit issued under this Article has been denied or revoked for cause within the past three years;
 - (2) Any corporation, general partnership, limited partnership or limited liability company, if any partner, if a general partnership; any general partner, if a limited partnership; any principal officer, if a corporation; any managing member, if a limited liability company; any owner of 25 percent or more of the applicant; or any other individual required to be identified in the permit application that would not be eligible to receive a permit under subsection (a)(1); or,
 - (3) Any corporation, general partnership, limited partnership or limited liability company, if any partner, if a general partnership; any general partner, if a limited partnership; any principal officer, if a corporation; any managing member, if a limited liability company; any owner of 25 percent or more of the applicant; or any other individual required to be identified in the permit application was a principal officer, partner, general partner, managing member or owner of 25 percent or more of any entity that would not be eligible to receive a permit under subsection (a)(1).~~
- ~~(b) Renewal of a permit may be withheld if the Director finds that evidence exists that renewal of the permit will present health or safety concerns for the public.~~
- ~~(c) The Director may refuse to renew a permit if the owner or operator of a permitted facility fails to carry out any duties, requirements or conditions listed in this Article or any condition of a permit.~~
- ~~(d) If the Director denies or fails to renew a solid waste facility permit or recycling facility permit, the Director shall so notify the applicant or the owner or operator of the facility, as the case may be, in writing, including a statement of the basis for the denial.~~
- ~~(e) If the owner or operator of a permitted solid waste facility or recycling facility fails to carry out any duties, requirements or conditions required by this Article or any permit condition prior to the expiration of the permit, the Director may revoke the permit after notifying the owner or operator of the recycling facility of the violation in writing within 30 days of the decision.~~

~~(f) A party may contest the Director's determination by making a written request for an administrative hearing to contest the Director's refusal to renew a permit or decision to revoke a permit. Violations pursuant to this Article shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code. The Department of Administrative Hearings shall make a final decision on granting the permit. Nothing in this section shall prevent an owner or operator from providing information to the Department that reaffirms that they remain in compliance with the requirements of this division to resolve a dispute in lieu of an administrative hearing.~~

Secs. 30-782781—30-800. - Reserved.

DIVISION 2. - SOLID WASTE MANAGEMENT PLAN IMPLEMENTATION

Sec. 30-801. - Purpose for Solid Waste Management Plan.

- (a) The purpose of this division is to implement a solid waste plan for the management of municipal waste within the County, except for the corporate limits of the City of Chicago, in order to satisfy the requirements of the Solid Waste Planning and Recycling Act, (415 ILCS 15/1 et seq.).
- (b) Municipal governments have the primary role and responsibility in providing or arranging for waste management services within their jurisdictional areas, whereas the County will implement the coordination, planning, and monitoring of the solid waste management plan throughout incorporated and unincorporated Cook County and establish delegation agreements with sub-county waste management agencies and the Illinois Environmental Protection Agency.
- (c) Solid waste management in the County shall encourage municipal recycling and source reduction, promote composting of yard waste, and place substantial emphasis on alternatives to landfills.

Sec. 30-802. - County Solid Waste Management Coordinating Committee.

Prior to adopting a waste management plan for submission to the Agency, the Cook County Board President or the President's designee shall form an advisory committee, which shall include representatives from municipalities within the county, resident organizations, industry, the private solid waste management industry operating within the county, local recyclers and any other persons deemed appropriate by the President. The advisory committee shall review the plan during its preparation, make suggestions and propose any changes it believes appropriate.

Sec. 30-803. - Solid Waste Coordinator.

The Director of the Department of Environmental Control shall designate a Solid Waste Coordinator (Coordinator), who shall be responsible for the implementation, coordination, and monitoring of the County Solid Waste and Recycling Plans. The Coordinator shall also be actively involved in the County's solid waste and recycling policy development, especially as it concerns public education and recycling activities. The Coordinator shall report directly to the Director.

Sec. 30-804. - Municipal solid waste and recycling reporting requirements and exemptions.

- (a) *Reporting.* For the purpose of tracking the implementation progress of the Solid Waste Management Plan, any waste hauler operating within the boundaries of Cook County, except within the corporate limits of the City of Chicago, shall submit quarterly reports to the Solid Waste Coordinator of the Cook County Department of Environmental Control, in such form and containing such information as required by the Director. ~~on a form provided by the Department, documenting the volume and/or~~

~~tonnage of municipal waste and the volume and/or tonnage of recyclables collected as described below. The first Quarterly Reporting period under subsection (a)(1) of this section shall cover the period of July 1, 2014, through September 30, 2014, with the first Quarterly Report due on October 31, 2014. The first Quarterly Reporting period under subsection (a)(2) of this section shall cover the period of January 1, 2015, through March 31, 2015, with the first Quarterly Report due on April 30, 2015. Quarterly reports thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. All Quarterly Reports must be submitted on report forms provided by the Department, and include:-~~

- ~~(1) The total volume and/or tonnage of municipal solid waste and the volume and/or tonnage of recyclable materials collected from residential properties within the borders of Cook County, reported by municipality or unincorporated area. In the case a truck or container used for the collection of waste and/or recyclables comingles materials collected from both inside and outside suburban Cook County, for reporting purposes, the entire load shall be attributed to the portion of the municipality located within suburban Cook County; and-~~
 - ~~(2) The total volume and/or tonnage of municipal solid waste and total volume and/or recyclable materials collected from nonresidential properties within the borders of Cook County, reported by geographic area as prescribed by the Department. In the case a truck or container used for the collection of waste and/or recyclables comingles materials collected from both inside and outside suburban Cook County, for reporting purposes, the entire load shall be attributed to suburban Cook County; and-~~
 - ~~(3) Any additional information prescribed in rules pertaining to this section.~~
- (b) *Exemptions.* The following are exempt from the reporting provisions of this section:
- (1) Local Government entities collecting and hauling debris from storm cleanup operations;
 - (2) Businesses to whom the hauling of waste is incident to their normal provision of service and does not result in revenues directly related to waste collection and hauling activities; and
 - (3) Persons hauling municipal waste, municipal solid waste or other refuse from their own residence or property for disposal, recycling or processing.

Secs. 30-805—30-821. - Reserved.

DIVISION 3. - SOLID WASTE FACILITIES

Sec. 30-822. - Compliance with rules and regulations.

Every solid waste facility located within Cook County shall operate in compliance with the Federal Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq., as amended; the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq., as amended and all other applicable federal, state and local laws and regulations including the provisions of any permits issued by federal, state and local agencies.

Sec. 30-823. - County inspections.

The inspection of operations at solid waste facilities in Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, shall be under the jurisdiction of the Director.

Sec. 30-824. - Operational requirements.

- (a) *Solid Waste Facilities.* Every solid waste facility, currently accepting waste and located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, must adhere to the following operational requirements. In the case that any of the following requirements are contradictory to the operating requirements stipulated in a permit issued by the Illinois Environmental Protection Agency, operating requirements stipulated in the Agency's permit shall supersede the requirements listed below:
- (1) *Vehicles and Equipment.* Each solid waste facility shall have sufficient vehicles and equipment available at all times to process all incoming waste materials so as not to violate conditions of the facility's Agency-issued permit.
 - (2) *Litter.* Each solid waste facility shall be operated to prevent wind-blown litter associated with the facility's operations. At a minimum, all wind-blown litter shall be picked up on a daily basis. All vehicles entering and exiting the site shall have devices capable of preventing windblown material. Any vehicle entering the site without sufficient devices to prevent windblown material shall be notified by the solid waste facility operator that such devices are required for any vehicle entering the facility and subsequent to an initial warning any vehicle re-entering the site without sufficient devices to prevent windblown material shall be rejected.
 - (3) *Utilities.* All necessary utilities shall be available with sufficient capacity to serve the facility and its operations. A written contingency plan shall exist to provide back-up capacity or to provide procedures for safe operation in the event of a disruption of any utility service.
 - (4) *Equipment Maintenance.* The owner and operator shall prevent the usage of any vehicle or equipment that is in need of repair or damaged in a manner as to cause an environmental impact, including but not limited to the leaking of vehicle fluids onto site surfaces.
 - (5) *Waste Screening.* Each solid waste facility shall accept only those materials permitted by the Illinois Environmental Protection Agency, all other materials are considered to be unauthorized. All waste loads must be screened to prevent the acceptance of any materials other than those permitted by the Illinois Environmental Protection Agency and listed in the facility's current written permit issued by the Agency. The operator shall monitor for unauthorized waste. Any unauthorized wastes shall be segregated, held and/or stored in a manner consistent with procedures stipulated in the facility's Agency-issued permit. The operator shall maintain a log of any acceptance of unauthorized wastes, documenting the proper removal and disposal of the unauthorized waste.
 - (6) *Fire Prevention and Accident Safety Plan.* Each solid waste facility shall have a written fire prevention and accident safety plan, shall operate in compliance with generally accepted performance standards for fire and explosive hazards, and shall install and maintain fire suppression equipment as specified in the applicable zoning ordinance, building regulations, and applicable fire prevention regulations.
 - (7) *Site Security.* The site shall be designed and operated in a manner to prevent unauthorized access to the site.
 - (8) *Facility Cleaning.* Any building, floors, loadout pit, equipment, containers and all facility areas, including, but not limited to, the area on which waste is handled or processed, shall be cleaned as necessary to prevent environmental issues such as, but not limited to, dust, odors, and litter from migrating off site. No debris or washdown waters shall be discharged directly into the sewer

system without the facility receiving the appropriate permit or authorization. Spot cleaning of the facility including pushwalls, processing and handling equipment, and anything else that may contact the waste shall be performed on an as-needed basis. The Department of Environmental Control reserves the right to require additional cleaning as deemed necessary.

- (9) *Rodents/Vectors*. Each solid waste facility shall employ effective vector control and prevention measures to prevent infestations by rodents and vectors. A record of the most current inspection shall be maintained at the facility.
 - (10) *Driveways, Access Road, and Parking Areas*. All driveways, access roads, parking areas and other areas used for truck traffic shall be graded and surfaced to prevent or minimize any dust emissions and the tracking of mud off-site. Further, site grading and surfaces shall be properly maintained and repaired as often as necessary to maintain integrity and effectiveness for mud and dust control.
 - (11) *Mud Tracking*. Each solid waste facility shall be operated so as to prevent the tracking of mud onto public roadways.
 - (12) *Odor Control*. Solid waste facilities shall not cause the emission of noxious, odorous, or toxic matter in accordance with Section 30-421121 of this Chapter.
 - (13) *Dust Control*. Each solid waste facility shall operate in a manner preventing or minimizing dust emissions associated with the operation of facility.
 - (14) *Noise*. Each solid waste facility shall be operated in accordance with Article V of this Chapter as it pertains to noise emissions from the solid waste facility.
 - (15) *Recordkeeping*. Each solid waste facility shall maintain operating records and plans as required by the Agency. Records and plans required by this section shall be made available by the facility for inspection by the Department of Environmental Control.
 - (16) *Vehicle Recordkeeping*. A record of all vehicles utilizing the facility shall be maintained as stipulated in the facility's Agency issued permit and made available for inspection by the Department of Environmental Control.
 - (17) *Correspondence*. Each solid waste facility owner or operator shall provide the Department with copies of correspondence to or from the IEPA, the USEPA and the Army Corp of Engineers or any other government entity regarding notice of violation. Copies of permit applications and modifications submitted to the Agency shall be provided to the department at the time of submission. Additional correspondence between these parties shall be provided at the request of the Department.
 - (18) *Cessation of Waste Acceptance*. The owner or operator of any solid waste facility receiving waste or clean construction or demolition debris after July 1, 2014, must notify the Department in writing no less than 90 calendar days prior to the cessation of waste or clean construction or demolition debris acceptance.
- (b) *Municipal Solid Waste Transfer Stations*. In addition to the requirements set forth in the subsection (a) of this section, municipal solid waste transfer stations located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, must also adhere to the following operational requirements:
- (1) *Waste Removal*. All waste must be removed from the tipping floor within 24 hours of receipt. No waste shall remain at the facility when the facility is not scheduled to be open the following day unless such waste is containerized.

- (2) *Waste Volumes.* No owner or operator of a municipal waste transfer station shall accept volumes of waste that shall cause the facility to operate in contradiction with the requirements of this division or with the provisions stipulated in a permit issued by the Agency.
- (3) *Transfer Trailers and Containers.* Transfer trailers or containers used to store waste outside, overnight shall be sealed, tarped, or covered to prevent blowing debris or contact with stormwater. All leaking containers and torn tarps shall be decommissioned and replaced or repaired.

Sec. 30-825. - Sanitary landfill fees and exemptions.

- (a) *Fees.* The County shall collect a fee in the amount set forth in Section 32-1 from the owner or operator of each sanitary landfill located within Cook County which is permitted or required to be permitted by the IEPA to dispose of solid waste, if the sanitary landfill is located off site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The amount of the fee shall be implemented and calculated in accordance with the provisions of [415 ILCS] 5/22.15 ~~of the Act.~~
- (b) *Payment of fees.* Fees required by this section shall be due and payable on a quarterly basis and shall be submitted to the Department with each quarterly report required under ~~section 30-827~~ this division. ~~The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014, through September 30, 2014, with the first Quarterly Report and payment of fees due on October 31, 2014.~~ Quarterly reports and fee payments ~~thereafter~~ are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. Additional fees in the amounts set forth in Section 32-1 shall be applied to payments received after the due dates stipulated in this section.
- (c) *Fee exemptions.* Exemptions to landfill disposal fees shall be in accordance with those exemptions set forth in the ~~Act~~ IEPA.

Sec. 30-826. - Municipal solid waste transfer station fees and exemptions.

- (a) *Fees.* The County shall collect a fee in the amount set forth in Section 32-1 from the owner or operator of each municipal solid waste transfer station located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, which is permitted or required to be permitted by the IEPA. The amount of the fee shall be based on the total waste quantity accepted at each transfer station. Documents verifying the assessment of fees under this section shall be made available, at the facility, for review and verification by Cook County.
- (b) *Payment of fees.* Fees required by this section shall be due and payable on a quarterly basis and shall be submitted to the Department with each quarterly report required under ~~section 30-827~~ this division. ~~The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014, through September 30, 2014, with the first Quarterly Report and payment of fees due on October 31, 2014.~~ Quarterly reports and fee payments ~~thereafter~~ are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. Additional fees in the amounts set forth in Section 32-1 shall be applied to payments received after the due dates stipulated in this section.
- (c) *Fee exemption.* Any recyclable materials accepted by a transfer station regulated under this section that is subsequently segregated from waste designated for permanent disposal and sent to a recycling facility with the intent that these materials are to be recycled shall not be subject to the fees stipulated in this section. Documents verifying fee exemptions under this section shall be made available, at the facility, for review and verification by Cook County.

Sec. 30-827. - Reporting requirements for sanitary landfills and municipal solid waste transfer stations.

- (a) Effective July 1, 2014, every owner or operator of a sanitary landfill or a municipal waste transfer station located within Cook County which is permitted, or required to be permitted, by the IEPA and has accepted waste within the calendar year shall file a quarterly report in such form and containing such information as required by the Director on a form provided by the Director specifying the quantities of waste and/or recyclable materials accepted by the sanitary landfill or municipal solid waste transfer station, either for transfer or permanent disposal.
- (b) ~~The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014, through September 30, 2014, with the first Quarterly Report due on October 31, 2014. Quarterly reports thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31.~~

Sec. 30-828. - Permits for clean construction or demolition debris fill operations.

- (a) *Permits Required.* As of July 1, 2014, no person shall engage in the business of operating a clean construction and demolition debris fill operation within Cook County without having first obtained a ~~written~~ permit from the Director. Facilities requiring a permit under this Section shall comply with ~~Sections 30-822, 30-823 and 30-824~~ the provisions of this Division. ~~If a complete permit application has been submitted to the Department, a facility may continue to operate until the Department makes a final determination as to the issuance of a permit.~~
- (b) *Permit Application.*
 - (1) Application for a permit for a clean construction and demolition debris fill operation shall be made to the Director ~~on forms provided by the Director for such purpose~~ in such form and containing such information as required by the Director. ~~Permit applications and applicable permit application fees for facilities operating prior to July 1, 2014, shall be submitted to the Department on or before May 15, 2014.~~ Any clean construction and demolition debris fill operation starting operations on or after July 1, 2014, shall submit a permit application and applicable fee 45 calendar days prior to the acceptance of construction and demolition debris.
 - (2) ~~Applicants for a clean construction or demolition debris fill operation permit shall provide any and all information that may be required by the Department and on the application form prescribed by the Department.~~ As a condition of the permit and the application, the Department may require the applicant to keep all information requested in the application current and to notify the Department, ~~on forms provided by the Department~~ in such form and containing such information as required by the Director, of any changes in the information within ten (10) business days of the change occurring.
- (c) *Initial Permit Application Fee.* Cook County shall assess and collect permit application fees in the amount set forth in Section 32-1 from the owner or operator of each clean construction and demolition debris fill operation located within Cook County. Fees associated with an original permit application shall be due at the time of the original application. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees.
- (d) *Permit term and non-transferability.* ~~Permits required under Section 30-828 for clean construction or demolition debris fill operations expire on July 1 of each year; and they~~ No permit issued under Section 30-828 shall not be transferred or assigned to another person.

Sec. 30-829. - Permit renewal for clean construction and demolition debris fill operation.

Each year the owner or operator of a clean construction and demolition debris fill operates a facility that is currently permitted by the Department shall submit a permit renewal application ~~on a form made available by the Department~~ in such form and containing such information as required by the Director along with the applicable annual permit renewal fee in the amount set forth in Section 32-1. The renewal application and the applicable permit renewal fee shall be due no later than 45 calendar days prior to the expiration of the current permit. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees. ~~If a complete permit renewal application has been submitted to the Department, a facility may continue to operate under the facility's current permit until the Department makes a final determination as to the issuance of a permit.~~

Sec. 30-830. - Reporting requirements for clean construction and demolition debris fill operation.

~~(a) Any owner or operator of a clean construction and demolition debris fill operation shall submit a report, in such form and containing such information as required by the Director in the format specified by the Department, to the Director indicating the weight or volume of all materials collected between January 1 and June 30, on or before August 31 and the weight or volume of all materials collected between July 1 and December 31, on or before February 28 of each year. Initial reports shall be submitted for the period between July 1 and December 31, 2014.~~

~~(b) The report shall minimally include:~~

~~(1) The total weight or volume of the materials collected.~~

~~(2) The total weight or volume, if any, of materials that was segregated and sent to another facility for the purpose of recycling.~~

Sec. 30-831. - Solid Waste Management Fund created.

There is hereby created a Solid Waste Management Fund constituted from fees collected pursuant to sections 30-825 and 30-826 of this division. The fund will be established in a separate account and used only for the purposes stipulated in {415 ILCS} 5/22.15 of the Act.

Sec. 30-832. - Waste Processing Facilities

(a) Fees. The County shall collect a fee in the amount set forth in Section 32-1 from the owner or operator of each municipal solid waste transfer station located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government. The amount of the fee shall be based on the total waste quantity accepted at each transfer station. Documents verifying the assessment of fees under this section shall be maintained for a period of three (3) years and made available, at the facility, for review and verification by Cook County.

(b) Payment of fees. Fees required by this section shall be due and payable on a quarterly basis and shall be submitted to the Department with each quarterly report. The first Quarterly Reporting period under this Division shall cover the period of July 1, 2017, through September 30, 2017, with the first Quarterly Report and payment of fees due on October 31, 2017. Quarterly reports and fee payments thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of

October 1 to December 31. Additional fees in the amounts set forth in Section 32-1 shall be applied to payments received after the due dates stipulated in this section.

- (c) Fee exemption. Any recyclable materials accepted by a transfer station regulated under this section that is subsequently segregated from waste designated for permanent disposal and sent to a recycling facility with the intent that these materials are to be recycled shall not be subject to the fees stipulated in this section. Documents verifying fee exemptions under this section shall be maintained for a period of three (3) years and made available, at the facility, for review and verification by Cook County.

Secs. 30-~~833~~~~832~~—30-856. - Reserved.

DIVISION 4. - RECYCLING FACILITIES

Sec. 30-857. - Intent and purpose.

This Division shall apply to any person who engages in the business of operating a recycling facility in Cook County, except within the corporate limits of the City of Chicago or facilities owned or operated by a Local Government. In the case that any of the following requirements are contradictory to the operating requirements stipulated in a permit issued by the Illinois Environmental Protection Agency, operating requirements stipulated in the Agency's permit shall supersede the requirements listed in this Division.

Sec. 30-858. - Recycling facility permit required.

- (a) *Permits Required.* As of June 1, 2014, no person shall engage in the business of operating a recycling facility within Cook County without having first obtained a written recycling facility permit from the Director. Recycling facilities requiring a permit under this section shall comply with the provisions of this section. ~~If a complete permit application has been submitted to the Department, a facility may continue to operate until the Department makes a final determination as to the issuance of a permit.~~
- (b) *Permit Required—Exclusions.* A recycling facility permit shall not be required for facilities which also operate as a solid waste facility as defined in this Article.
- (c) *Permit Application.*
- (1) Application for a permit for a recycling facility shall be made ~~to the Director on forms provided by the Director for such purpose~~ in such form and containing such information as required by the Director. ~~Permit applications and applicable permit application fees for recycling facilities operating prior to June 1, 2014, shall be submitted to the Department on or before April 15, 2014.~~ Any recycling facilities starting operations on or after June 1, 2014, shall submit a permit application and applicable fee 45 calendar days prior to the acceptance of recyclable materials. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees.
 - (2) ~~Applicants for recycling facility permits shall provide any and all information that may be required by the Department on the application form prescribed by the Department.~~ As a condition of the permit all information in the permit application must be kept current. Any change in required information shall be reported to the Director, ~~on a form provided by the Department in such form and containing such information as required by the Director,~~ no later than ten (10) business days after such change has occurred.

Sec. 30-859. - Recycling facility permit classifications.

Permits for recycling facilities shall be divided into five classes, as follows:

- (a) *Class I facilities* are recycling facilities for the collection of Type A and Type B recyclable materials only. Only manual separation, meaning by hand or through the use of handheld tools, of Type A and Type B recyclable materials shall be permitted at a Class I facility.
- (b) *Class II facilities* are recycling facilities for the collection of Type A and Type B recyclable materials only. Class II facilities may perform any activity permitted in a Class I facility and may also perform processing.
- (c) *Class III facilities* are recycling facilities for the collection of Type A and Type B recyclable materials only. Class III facilities may perform any activity permitted in a Class II facility and may also engage in composting.
- (d) *Class IV facilities* are divided into Class IVA facilities and Class IVB facilities. Class IVA facilities are recycling facilities for the collection of Type A and Type C recyclable materials only. Class IVA facilities may engage in processing, such as cleaning, bundling, compacting or packing of recyclable materials, and may also dismantle, either manually or with the use of small power tools, used vehicles and used vehicle parts for resale. Class IVB facilities are recycling facilities for the collection of Type A and Type C recyclable materials only. Class IVB facilities may perform any activity permitted in a Class IVA facility and may also engage in the shredding, crushing or other large-scale processing of vehicles.
- (e) *Class V facilities* are recycling facilities for the collection of Type D recyclable materials only. Processing and temporary storage only of Type D recyclable material shall be permitted at a Class V facility.

Sec. 30-860. - Recycling facility fees.

Cook County shall assess and collect permit application fees in the amount set forth in Section 32-1 from the owner or operator of each recycling facility located within Cook County, except within the corporate limits of the City of Chicago or for facilities owned or operated by a Local Government.. Fees shall be based on the recycler permit classification described in ~~section 30-859~~ of this division. Fees shall be due 45 calendar days prior to the expiration of the facility's current permit along with a permit renewal application as stipulated in ~~section 30-862~~ of this division. Fees associated with an original permit application shall be due at the time of the original application.

Sec. 30-861. - Recycling facility permit term; permit nontransferability.

- (a) Recycling facility permits expire on June 1st of each year.
- (b) No permit issued under this division shall be transferred or assigned to any other person.

Sec. 30-862. - Recycling facility permit renewal.

Renewal. Each year the owner or operator of a recycling facility currently permitted by the Department shall submit a permit renewal application ~~on a form made available by the Department~~ in such form and containing such information as required by the Director along with the applicable annual permit application fee in the amount set forth in Section 32-1. The renewal application and the applicable permit application fee shall be due no later than 45 calendar days prior to the expiration of the current permit. Any person submitting a renewal application and applicable fee that is not received by the Department 45 calendar days

previous to the expiration of the current permit may be assessed an additional fee in the amount set forth in Section 32-1. ~~If a complete permit renewal application has been submitted to the Department, a facility may continue to operate under the facility's current permit until the Department makes a final determination as to the issuance of a permit.~~

Sec. 30-863. - Recycling facility report required.

Any owner or operator of a recycling facility shall submit a report, ~~in the format provided by the Department in such form and containing such information as required by the Director, to the Director~~ summarizing recycling activities between January 1 and June 30, on or before August 31 and recycling activities between July 1 and December 31, on or before February 28 of each year. ~~The report shall minimally include:~~

- ~~(1) The weight of all materials collected in total by the permittee; and~~
- ~~(2) The weight of all materials recycled.~~

~~Initial reports shall be submitted for the period between July 1 and December 31, 2014.~~

Sec. 30-864. - Operating requirements—Recycling facilities.

Recycling facilities located within Cook County, except within the corporate limits of the City of Chicago or facilities owned or operated by a Local Government, must adhere to the following operational requirements:

- ~~(a)~~ *Rodents/Vectors*. Recycling facilities shall employ effective vector control and prevention measures to prevent infestations by rodents and vectors. A record of the most current inspection shall be maintained at the facility.
- ~~(b)~~ *Mud, Debris and Liquid Tracking*. Recycling facilities shall be operated so as to prevent the tracking of mud, debris, or liquids onto public roadways.
- ~~(c)~~ *Odor Control*. Recycling facilities shall not cause the emission of noxious, odorous, or toxic matter and shall be operated in accordance with Article IV of this Chapter.
- ~~(d)~~ *Dust Control*. Each recycling facility shall operate in a manner preventing or minimizing dust emissions associated with the operation of the facility.
- ~~(e)~~ *Noise*. Recycling facilities shall be operated in accordance with Article V of this Chapter as it pertains to noise emissions from the facility.
- ~~(f)~~ *Storage Receptacles*. Receptacles for the storage of recyclable materials, any processing equipment and other facility operations shall be located on paved or concrete surfaces, which may include asphalt, stone or gravel when deemed appropriate by the Director, or completely enclosed within a building.
- ~~(g)~~ *Signage*. Each facility shall have a sign, clearly visible to the public, which states the name, address and telephone number of the permittee and the hours during which the facility shall be open to the public.
- ~~(h)~~ *Refrigerant Recovery*. Each facility that is permitted to accept any small appliance, room air conditioning appliance, motor vehicle air conditioner (M.V.A.C.), or M.V.A.C. like appliance, as those terms are defined in 40 CFR Part 82, Subpart F, where applicable, shall comply with all requirements of 40 CFR § 82.156(f) in connection with any such appliance or item, and shall either (i) recover any remaining refrigerant from the appliance or item in accordance with 40 CFR § 82.156(f), or (ii) verify

that the refrigerant has been evacuated from the appliance or item in accordance with 40 CFR § 82.156(f).

- (~~i9~~) *Waste and Used Liquid Transfer and Storage.* Any processing of recyclable materials that involves the removal or transfer of used or waste liquids shall be done on an impermeable surface. Storage of waste or used liquids associated with recycling processes must be stored in containers identifying the content and beginning accumulation date of liquids stored in each container, with the exception of temporary storage containers used to store liquids for a period of less than 24 hours. Storage containers must be of adequate construction to prevent the leaking of liquids. Any liquids spilled onto the surface of the site during the operation of a recycling facility must be cleaned up immediately and any impacted soils removed.
- (~~j10~~) *Runoff.* Recycling facilities shall prevent runoff of any liquids, associated with the recycling facility's recycling operation, onto adjacent properties, the public way, waterways or storm sewers unless a permit for such activity has been acquired from the appropriate regulatory agency.
- (~~k11~~) *Tire Storage.* Used and waste tires must be stored in a manner as to prevent the accumulation of water within the tires.

Sec. 30-865. - Additional facility requirements—Class III Recycling Facilities.

In addition to any other requirements set forth in this division or the permit, the following requirements shall apply to Class III facilities:

- (a) In addition to any permit required by the Department, composting facilities shall obtain, prior to beginning composting operations, at such facility, all applicable permits required under federal, state or local law, including, but not limited to, any applicable Solid Waste Permit or Compost Facility Permit issued by the Agency pursuant to Title 35 of the Illinois Administrative, Parts 807 and Part 831, respectively.
- (b) Composting facilities shall meet or otherwise comply with all applicable performance standards for organic waste compost facilities and with all applicable testing procedures and standards for the end-product compost produced by organic waste compost facilities, as set forth in rules issued by the Illinois Pollution Control Board.
- (c) All organic waste and livestock waste shall, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled. For purposes of this section, an enclosed vessel may include an anaerobic digester and its ancillary equipment. Provided, however, that if all of the requirements set forth in paragraphs (19)(B)(i) through (19)(B)(iv), inclusive, of Section 3.330(a) of the Act are met, organic waste and livestock waste may, by the end of each operating day, be processed into windrows or other piles if such windrows or other piles are stored in a manner that prevents scavenging by birds and animals and prevents other nuisances.
- (d) Composting facilities shall contract with a structural pest control business duly licensed by the State of Illinois to inspect the facility for rodents and other vectors, and to take, as often as necessary, rodent and vector abatement measures, including, but not limited to, the use of bait stations or traps to eliminate, reduce and control rodents and other vectors at the facility. The permittee shall maintain on site a written record of all inspections and abatement measures conducted at the permitted facility within the previous 12 months, including the date and time of such inspections and abatement measures and a detailed description of any abatement measures taken on such date.

Sec. 30-866. - Class V Facilities—Additional duties; recordkeeping.

- (a) *Additional Duties.* Any facility that is operated and located in accordance with Section 22.38 of the Act shall, in addition to the requirements set forth in section 30-864 of this Division, adhere to the requirements of Section 22.38 of the Act. An owner or operator of a Class V facility, not operated and located in accordance with Section 22.38 of the Act shall, in addition to the requirements of Section 30-864, have the following additional duties:
- (1) To limit the percentage of incoming non-recyclable general construction and demolition debris to 25 percent or less of the total incoming general construction or demolition debris, as calculated on a daily basis;
 - (2) Within 48 hours of receipt of construction and demolition debris at the facility, to sort such debris in order to separate the recyclable construction and demolition debris from the non-recyclable waste to be disposed of or discarded;
 - (3) Within 24 hours of the separation of waste required under item (2) of this subsection, to transport off site for disposal, in accordance with all applicable federal, state and local requirements, all non-recyclable waste;
 - (4) Within 45 calendar days of its receipt at the facility, to transport all putrescible recyclable construction and demolition debris or combustible recyclable construction and demolition debris to a properly permitted recycling or disposal facility;
 - (5) Within three months of its receipt at the facility, to transport all non-putrescible recyclable construction and demolition debris for recycling or disposal;
 - (6) To employ recordkeeping procedures to (i) demonstrate compliance with the requirements of this subsection; and (ii) identify the source and transporter of material accepted by the facility;
 - (7) To control, manage and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, state and local requirements; and
 - (8) To control access to the facility.
- (b) *Recordkeeping.* An owner or operator of a Class V facility shall keep and maintain on file for a period of three years and make available to the Department upon request written records containing the following information:
- (1) The total tonnage or cubic yards of all non-recyclable construction and demolition debris accepted at the facility per day;
 - (2) The name and location of each disposal site used for the disposal of any non-recyclable construction and demolition debris accepted at the facility;
 - (3) The percentage of non-recyclable material transported to each disposal site required to be identified under paragraph (2) of this subsection;
 - (4) The total tonnage or cubic yards of all recyclable material accepted at the facility per day;
 - (5) The name and location of the individual, facility or business to which such recyclable material is transported;
 - (6) The percentage of recyclable material transported to each individual, facility or business required to be identified under paragraph (5) of this subsection (b); and
 - (7) Any other information that the Director may require.

Sec. 30-867. - Recyclable materials—Designated.

Recycling facilities permitted under this division shall collect, process and store only recyclable materials as defined in this article. Unauthorized materials, including but not limited to municipal solid waste and stolen goods including recyclables intended for collection by local municipalities or their designated agents but not delivered by local municipalities or their designated agents, shall not be accepted at the facility.

Sec. 30-868. - Recyclable materials—Segregation and storage.

Recyclable materials shall be segregated and stored in a manner to prevent the blowing of such materials. Newsprint, paper, corrugated paper and cardboard shall be stored in such a manner as to comply with all applicable provisions of the County Ordinance, including all County and local ordinances relating to fire prevention. Materials shall be segregated within 24 hours of being accepted on site.

Sec. 30-869. - Recyclable materials—Receptacles.

Unless alternate storage methods have been approved by the Director, receptacles in Class I, II, III, and IV recycling facilities shall be clearly marked with the type of recyclable material to be deposited. Letters shall not be less than three inches high. No material other than that specified on a receptacle shall be deposited therein.

Sec. 30-870. - Recyclable materials—Storage areas to be kept clean.

The area surrounding receptacles for the temporary storage of recyclable materials shall at all times be maintained in a clean and sanitary manner. No recyclable materials or waste materials of any kind shall be allowed to accumulate around any receptacle or to overflow from any receptacle.

Sec. 30-871. - Building and fire regulations—Applicable.

The storage of recyclable material within a completely enclosed building shall be subject to the building and fire regulations of the local governmental entity for which the recycling facility is located.

Sec. 30-872. - Storage time limit—Maintenance of records.

Unless otherwise stated in this division, no recyclable materials shall be stored at any recycling facility for longer than 90 calendar days except for processed, recyclable materials as approved in the permit. Each permittee under this division shall maintain records which indicate the date, quantity and type of recyclable materials received. Disposition records shall also be kept which indicate the type, quantity and date of disposition of recyclable materials. Such records shall be open to inspection by the Director or his or her authorized agent during normal business hours and at other times upon reasonable notice.

Sec. 30-873. - Prohibited and regulated materials.

- (a) For purposes of this section only, the term "retail transaction" means the purchase, acceptance or receipt by a recycling facility of any material designated as regulated or prohibited from a person who:
 - (1) delivers the material to the facility in a push cart, shopping cart or other similar method; or (2) is not a regular customer with an established customer account.
 - (1) A retail transaction does not include donations from, or the purchase or receipt of regulated or prohibited material from: (1) another recycling or junk facility; or (2) a governmental entity.
- (b) In retail transactions, a permittee shall only accept, receive or purchase regulated material if the permittee:

- (1) Keeps a written record in English which is either typed or printed in ink at the time of acceptance of any regulated material and which legibly and accurately describes: (i) the regulated material accepted, received, or purchased; (ii) the date of the transaction; (iii) a description and license plate number of any vehicle used to deliver the material; and (iv) the name and a copy of the photo identification of the person required in subsection (2), below; and
 - (2) Requires at the time of the transaction a photo identification issued by a federal, state or local governmental entity or a consular identification card that lists the name and address of the person from whom the permittee is accepting, receiving or purchasing the regulated material; provided that if the person does not have such identification the permittee shall photograph the person and on the reverse side of the photograph, record the person's name, address, date of birth, gender, height and weight.
- (c) In retail transactions, a permittee shall only accept, receive or purchase prohibited material if the permittee:
- (1) Complies with subsection (b) this section;
 - (2) Can demonstrate through receipts or other documentation from a credible source, such as the owner of the prohibited materials, that the prohibited materials are intended to be recycled.
 - (3) No record made pursuant to this section shall be erased, obliterated or defaced, except as provided in the recycling facility's permit or by permission of the Director.
 - (4) All records required by this section shall at all times during the permittee's business hours, and at all other times upon reasonable notice, be made available for inspection by the Director or his or her authorized agent, or any member of the Sheriff or local police department. Upon the request, the permittee shall provide photocopies of such records to the Department, the Sheriff or the local police department.

Sec. 30-874. - Inspection by owner or operator.

During all operating hours, the owner, operator, or an employee responsible for site operations and adherence to the requirements set forth in this division shall be on-site. If the facility remains closed for more than 48 hours, the owner, operator or employee shall inspect the facility at least once every 48 hours in order to ensure the requirements of this division are fulfilled.

Sec. 30-875. - Recycling facility permit exemptions.

- (a) Nothing contained in this division shall apply to the recycling or recovery of waste materials by a manufacturer for reuse in a manufacturing process, or to the purchase of recycled materials by a manufacturer for use as a raw material in a manufacturing process.
- (b) A facility intending to compost landscape waste or organic waste generated on-site and for reuse on-site at the facility shall not be required to obtain a Class III recycling permit from the Department under the provisions of this division.
- (c) Recycling facilities owned or operated by a Local Government.

Sec. 30-876. - ~~Prohibited activities~~ Separate violations.

No recycling facility permittee shall:

- (a) Receive any article or thing by way of pledge or pawn, nor shall such permittee loan or advance any sum of money on the security of any article or thing;
- (b) Receive or hold a license to conduct the business of pawnbroker, secondhand dealer or itinerant dealer in secondhand clothing;
- (c) Purchase any article whatsoever from any minor;
- (d) Keep, maintain or conduct a place for the purchase, reception or keeping of stolen goods; or
- (e) Accept, receive, purchase or acquire any charred metal unless the permittee can demonstrate through receipts or other documentation approved by the Director that the material has come from a properly licensed company which has and uses processing equipment with the appropriate functioning emission control devices to remove coatings on the wire.

Sec. 30-877. - Penalties.

- ~~(a) Unless otherwise provided in this article, Penalties imposed for violations of any provisions of this division shall be as provided in Section 30-213131 of the County's Codethis Chapter.~~
- ~~(b) The Director may inspect or cause the inspection of a recycling facility in order to determine compliance with this Division, a recycling facility permit and its conditions and other applicable laws and ordinances. The Director may issue an emergency cessation order in accordance with the provisions of Section 30-215 of the Code, and may require any such facility to be immediately closed and secured against entry upon discovery of (i) an imminent and substantial risk to the public health or safety or to the environment caused by the presence, treatment or storage of any recycling material, or other activity on the premises, in violation of this article, a recycling material facility permit or its conditions or the rules and regulations promulgated hereunder, or (ii) the facility being operated without a required permit. The Director may also issue a non-emergency cessation order in accordance with the provisions of Section 30-215 of the Code, if he or she determines that any person is violating any of the provisions of this article, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment.~~
- ~~(c) If the Director determines that any activity regulated under this Division is proceeding in violation of provisions of same and such activity has created, or is creating an imminent and substantial risk to the public health or safety or to the environment, then the Director may issue an emergency abatement order or may abate the nuisance in accordance with the provisions of Section 30-215 of the Code.~~
- ~~(d) If the Director determines that any activity regulated under this Division is proceeding in violation of any of the provisions of same but that such activity has not created, or is not creating an imminent and substantial risk to the public health or safety or to the environment, the Director may provide the property owner, contractor or any other person involved in the performance of the subject activity with written notice to abate the nuisance within a time frame prescribed by the Director. In the event that any person fails to abate such nuisance in accordance with the Director's notice to abate, then the Director may proceed to control, remove, dispose or otherwise abate the nuisance in accordance with the provisions of Section 30-215 of the Code.~~
- ~~(e) In addition to any other penalties imposed by the Department, the Department shall be entitled to recover a penalty or cost as provided in Section 30-215 of this Code.~~
- ~~(f) Violations pursuant to this Article may be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.~~

Secs. 30-878—30-900. - Reserved.

~~ARTICLE VIII. CLEAN INDOOR AIR~~

~~DIVISION 1. GENERALLY~~

~~Sec. 30-901. Smoking tobacco products in County facilities.~~

~~(a) Definitions. [The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~*Cook County facilities* or *County facilities* means all Cook County owned or leased facilities, including, without limitation, Cook County facilities housing administrative offices, courthouses, detention facilities, clinics, hospitals, jails, storage facilities, garages and field locations.~~

~~*Electronic cigarette* means any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. "Electronic Cigarette" includes any device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor. The term "electronic cigarette" does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.~~

~~*Tobacco product* for the purposes of this Section 30-901, means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from tobacco, which product is intended to enable human consumption of the tobacco or nicotine, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by other means. The term "Tobacco products" excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.~~

~~*Smoke* or *smoking* for the purposes of this Section 30-901, means either:~~

- ~~(1) The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, tobacco product or any other lighted smoking equipment; or~~
- ~~(2) The use of any electronic cigarette.~~

~~(b) Prohibition.~~

~~(1) *Smoking in County facilities.* Smoking tobacco products is not permitted in any area of any County Facility. This ban on smoking tobacco products in County facilities applies to all public areas of Cook County Facilities as well as all areas used only by County employees or officials, including, without limitation, individual offices of the separately elected or appointed officials operating and conducting business in County facilities.~~

~~(2) *Smoking tobacco products in Cook County owned or Cook County leased vehicles.* Smoking tobacco products is prohibited in all vehicles owned or leased by the County of Cook.~~

~~(c) *Reasonable distance.* Smoking tobacco products is prohibited within 15 feet of an enclosed area of any County facility, except for County owned health facilities in which case smoking tobacco products is prohibited within 30 feet, so as to prohibit congestion at exits that could constitute fire hazard in the event of an emergency evacuation of the County facility. However, if the County operates County~~

~~facilities within buildings owned by third parties and the County's use in those buildings is not exclusive; this subsection shall apply only insofar as it restricts the conduct of County employees.~~

~~(d) *Implementation.* All appropriate County representatives, including the Chief of the Bureau of Human Resources, Director of Facilities Management and the Chief Administrative Officer, and all elected officials shall implement the foregoing ban.~~

~~(e) *Effect of section.* This Section supersedes and replaces any and all earlier Resolutions and Ordinances pertaining to the subject of a smoking policy and the smoking of tobacco products in County facilities. It is intended for this Section to apply to County facilities. However, to the extent that any provision of this Section is less restrictive in regulating the smoking of tobacco products in County facilities than another Ordinance, the more restrictive provision shall apply.~~

~~Sees. 30-902-30-910. Reserved.~~

~~DIVISION 2. COUNTY CLEAN INDOOR AIR ORDINANCE~~

~~Sec. 30-911. Title.~~

~~This division shall be known as the "Cook County Clean Indoor Air Ordinance."~~

~~Sec. 30-912. Interpretation with other laws.~~

~~Nothing in this division supersedes any existing elimination of smoking that is already covered by fire code restrictions.~~

~~Sec. 30-913. Definitions.~~

~~The following words and phrases, wherein used in this division, shall have the following meanings:~~

~~*Arcade* means a place of amusement, which contains four or more automatic amusement devices and is not licensed to serve alcoholic liquor.~~

~~*Bar/tavern* means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests and patrons on the premises and does not have an on-site kitchen to prepare food. Food service is limited to providing snack items or commercially prepared or wrapped foods that require no preparation.~~

~~*Business* means any sole proprietorship, partnership, joint venture, corporation, limited liability company or other business entity formed for profit making purposes, including without limitation retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.~~

~~*Employee* means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit and a person who volunteers his or her services for a nonprofit entity.~~

~~*Employer* means any person, business, partnership, association, corporation, including without limitation a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.~~

~~*Enclosed area* means all space between a floor and ceiling that is enclosed or semi-enclosed with (i) solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling, or (ii) solid walls with half wall partition and no windows (exclusive of doorways) without limitation to lobbies and corridors.~~

~~*Health care facility* means any office or institution providing medical care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including without limitation hospitals, clinics, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists and all specialists within these professions. The definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.~~

~~*Place of employment* means any enclosed area under the control of a public or private employer that employees frequent during the course of employment, including, without limitation, work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a place of employment unless it is used as a childcare, adult day care, health care facility, or home based business of any kind open to the public.~~

~~*Public place* means any enclosed area to which the public is invited or in which the public is permitted, including without limitation banks, educational facilities, government buildings, health care facilities, laundromats, museums, public transportation facilities, reception areas, restaurants, bars/taverns, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a public place unless it is used as a childcare, adult day care, health care facility, or home based business of any kind open to the public.~~

~~*Private club or lodge* means any not for profit association that: (i) has been in active and continuous existence for at least three years; and (ii) has a membership roll of more than 50 bona fide members who pay membership dues on an annual or other periodic basis. For purposes of this section bona fide members do not include members who pay membership dues at the time of an amusement produced, presented or conducted by the club or lodge or in conjunction with contracting for production, presentation or conduct of an amusement by the club, as a condition to entering the premises where the amusement is produced, presented or conducted.~~

~~*Private function* means a gathering of persons for the purpose of deliberation, education, instruction, entertainment, amusement or dining where membership or specific invitation is a prerequisite to entry and where the event is not intended to be open to the public.~~

~~*Restaurant* means an eating establishment, including without limitation coffee shops, cafeterias, sandwich shops, and private and public school cafeterias that gives or offers for sale, food to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a restaurant bar area.~~

~~*Restaurant bar area* means an area of a restaurant that is primarily devoted to the serving of alcoholic liquor.~~

~~*Retail tobacco store* means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental and where no one under 18 is permitted.~~

~~*Secondhand smoke or involuntary smoking* is a mixture of the smoke given off by the burning ends of a cigarette, pipe, cigar, bidis, and kreteks (sidestream smoke) and the smoke emitted at the mouthpiece and exhaled from the lungs of smokers (mainstream smoke).~~

~~*Service line* means any indoor line at which one or more persons are waiting for or receiving services of any kind, whether or not the service involves the exchange of money.~~

~~*Shopping mall* means any enclosed walkway or hall area that serves to connect retail or professional establishments.~~

~~Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, hookah, or other lighted tobacco product in any manner or in any form.~~

~~Enclosed or semi-enclosed sports arena or recreational area means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley and other similar places where members of the general public assemble either to engage in physical exercise, or participate in athletic competition or recreational activity, to witness sports, cultural, recreational or other events.~~

~~Sec. 30-914. Prohibition of smoking in public places.~~

~~Smoking shall be prohibited in all enclosed public places and places of employment within the County of Cook, including without limitation the following places:-~~

- ~~(1) Arcades.~~
- ~~(2) Aquariums, galleries, libraries, and museums.~~
- ~~(3) Bars/taverns.~~
- ~~(4) Bingo facilities.~~
- ~~(5) Bowling alleys.~~
- ~~(6) Convention facilities.~~
- ~~(7) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.~~
- ~~(8) Health care facilities and adult day care facilities.~~
- ~~(9) Day care centers, nursery schools, elementary schools, high schools, community colleges, technical training establishments, specialty schools, colleges, and universities.~~
- ~~(10) Lobbies, hallways and other common areas in apartment buildings, condominiums and enclosed common areas in trailer parks.~~
- ~~(11) Polling places.~~
- ~~(12) Public transportation under the authority of government agencies, including without limitation buses, trains, taxicabs, and limousines, and ticket boarding and waiting areas of public transit stations.~~
- ~~(13) Restaurants, including if applicable, a restaurant bar area.~~
- ~~(14) Restrooms, lobbies, reception areas, hallways, and other enclosed common use areas.~~
- ~~(15) Public elevators and all retail stores where merchandise is displayed and offered for sale.~~
- ~~(16) Rooms, chambers, places of meeting or public assembly, including without limitation school buildings, under the control of an agency, board, commission, committee or council or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the County.~~
- ~~(17) Service lines.~~
- ~~(18) Shopping malls.~~
- ~~(19) Sports arenas or recreational areas, including without limitation, enclosed places in outdoor areas.~~
- ~~(20) Grocery stores.~~

- ~~(21) Public meetings.~~
- ~~(22) Gymnasiums.~~
- ~~(23) Gaming facilities.~~
- ~~(24) Public and private school buildings.~~
- ~~(25) Private clubs or lodges.~~

~~Sec. 30-915. Reasonable distance.~~

~~Smoking is prohibited within 15 feet of any entrance, exit, windows that open or ventilation intakes to an enclosed area in which smoking is prohibited.~~

~~Sec. 30-916. Where smoking is not regulated.~~

~~Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of this division, provided smoking is not limited in such areas under the Illinois Clean Indoor Air Act:~~

- ~~(1) Private residences, except when used as a licensed childcare, adult care facility, health care facility, or a home-based business of any kind open to the public.~~
- ~~(2) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.~~
- ~~(3) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain, as the case may be, in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.~~

~~Sec. 30-917. Declaration of establishment as nonsmoking.~~

~~Notwithstanding any other provision of this division, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of this division is posted.~~

~~Sec. 30-918. Posting of signs.~~

- ~~(a) Every public place and place of employment where smoking is prohibited by this division shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.~~
- ~~(b) The operator, manager or other person having control of an area where smoking is prohibited by this division shall remove all ashtrays and other smoking paraphernalia intended for use where smoking is prohibited.~~

~~Sec. 30-919. Nonretaliation.~~

~~No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this division or reports or attempts to prosecute a violation of this division.~~

~~Sec. 30-920. Enforcement.~~

- ~~(a) Any law enforcement agency and certified local public health department with jurisdiction shall be authorized to enforce this division within its jurisdiction. The certified local public health department is the Cook County Department of Public Health, except within those areas within Cook County which are served by another local health department certified by the Illinois Department of Public Health, in which case said certified local health department shall be authorized to enforce this division.~~
- ~~(b) Any citizen who desires to register a complaint under this division may file a complaint with the Cook County Department of Public Health. If it does not have jurisdiction, the Cook County Department of Public Health shall transmit the complaint to the appropriate certified local health department.~~
- ~~(c) The Cook County Department of Public Health or designees shall, while an establishment is undergoing other public health inspections, inspect for compliance with this division.~~
- ~~(d) Any owner, manager, operator, or employee of an establishment regulated by this division shall inform persons violating this division of the appropriate provisions thereof.~~
- ~~(e) In addition to the remedies provided by the provisions of this division, the applicable certified local health department or any person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or a place of employment to comply with the provisions of this section may apply for injunctive relief to enforce these provisions in any court of competent jurisdiction.~~

~~Sec. 30-921. Violations and penalties.~~

- ~~(a) A person who smokes in an area where smoking is prohibited by this division shall be guilty of an infraction, punishable by a fine not more than \$100.00.~~
- ~~(b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this division shall be guilty of an infraction, punishable by:
 - ~~(1) A fine not exceeding \$250.00 for the first violation.~~
 - ~~(2) A fine of not more than \$500.00 for the second violation within one year of the first violation.~~
 - ~~(3) A fine of not more than \$2,500.00 for each additional violation within one year and a 60-day suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.~~~~
- ~~(c) Each day on which a violation of this division occurs shall be considered a separate and distinct violation.~~
- ~~(d) Fines collected pursuant to this division will be deposited into a special fund created and maintained by the Cook County Treasurer. This special fund shall be utilized as directed by the Cook County Board of Commissioners for enforcement, public education purposes relating to the health hazards associated with smoking and for lung-related illness programs. The Cook County Board of Commissioners may enter into intergovernmental agreements with local governmental entities to allow~~

~~distribution of a portion of such special fund to such local governmental entities, for use in accordance with these purposes.~~

~~Sec. 30-922. Public education.~~

~~The Cook County Department of Public Health within its jurisdiction shall engage in a continuing program to explain and clarify the purposes and requirements of this division to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. Within their jurisdictions, local health departments certified by the Illinois Department of Public Health are authorized to provide the same continuing programs.~~

~~Sec. 30-923. Other applicable laws.~~

~~This division shall not be interpreted or be construed to permit smoking where it is otherwise restricted by other applicable laws.~~

~~Sec. 30-924. Severability.~~

~~If any provision, clause, sentence or paragraph of this division or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this division which can be given effect without the invalid provision or application, and to this end the provisions of this division are declared to be severable.~~

~~Sec. 30-925. Applicability of this division.~~

~~This division shall apply to all areas within Cook County, Illinois, except those areas which are governed by an ordinance of another governmental entity (which by law may not be superseded by this division).~~

~~Sec. 30-926. Effective date.~~

~~This division shall take effect 365 days from its passage.~~

~~Sees. 30-927-30-949. Reserved.~~

DIVISION 5. - LIQUID WASTE

Sec. 30-901. - Definitions.

Liquid waste means any discarded or abandoned material which maintains the physical state of continuous volume relatively independent of pressure and which takes the shape of its container at ambient temperature.

Liquid waste generator means any person that generates liquid waste, provided that the liquid waste is designated pursuant to Section 5/3.475 of the Illinois Environmental Protection Act as "special waste", and is containerized and transported off-site under manifest according to federal Resource Conservation and Recovery Act (RCRA) regulations.

Sec. 30-902. - Audits and reports.

(a) Each liquid waste generator shall submit periodic reporting statements to the department along with the fee attributable to the liquid waste generated during the reporting period, in such form and containing such information as required by the Director during the corresponding reporting period as follows:

- (1) For waste generated from January 1—June 30, 2016, the reporting statement and fee is due September 1, 2016.
- (2) For waste generated from July 1—December 31, 2016, the reporting statement and fee is due April 1, 2017.
- (3) For waste generated each year after 2016, the reporting period is January—December and the reporting statement and fee is due April 1.
- (b) Every liquid waste generator shall be subject to periodic audits by the department to assess compliance with the requirements of this section. The department shall have the authority and the right to corroborate quantities of liquid waste reported to the department with quantities reported to the Illinois Environmental Protection Agency.

Sec. 30-903. - Fee on generation of liquid waste.

- (a) On and after January 1, 2016, a fee is imposed on the liquid waste generator for generation of liquid waste within the County, except within the corporate limits of the City of Chicago.
- (b) The fee imposed on each liquid waste generator for the generation of liquid waste shall be as set in Chapter 32 of the Cook County Code of Ordinances, Section 32-1.
- (c) Notwithstanding any other provision of this section, generators of liquid waste who are governmental entities ("governmental entity" means any unit of federal, state or local government) are exempt from the fees and reporting requirements imposed by this section.
- (d) Notwithstanding any other provision of this section, any facility that is issued a permit to operate as a liquid waste handling facility from the Illinois Environmental Protection Agency is exempt from the fees and reporting requirements imposed by this section.

Secs. 30-904 – 30-915. – Reserved.

DIVISION 6. - POLLUTION CONTROL FACILITY SITING

Sec. 30-916. - Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Pollution control facility means as provided in 415 ILCS 5/3.330 (Environmental Protection Act—pollution control facility defined), except that the term does not include facilities exempt from 415 ILCS 5/39.1 (Environmental Protection Act—permits for alternative emission control strategies). A “new pollution control facility” is:

- (a) A pollution control facility initially permitted for development or construction after July 1, 1982;
- (b) The area of expansion beyond the boundary of a currently permitted pollution control facility;
or

(c) A permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

Site means as provided in 415 ILCS 5/3.460 (Environmental Protection Act—site defined).

Special waste means as provided in 415 ILCS 5/3.475 (Environmental Protection Act—special waste defined).

Waste means as provided in 415 ILCS 5/3.535 (Environmental Protection Act—waste defined).

Sec. 30-917. - New Pollution Control Facilities; Requirements.

Prior to locating new Pollution Control Facilities in Cook County, the applicant shall meet all requirements specified in the Illinois Environmental Protection Act for local siting review, 415 ILCS 5/39.2, and comply with the requirements found in Part II, Land Development Ordinances, Appendix A, Articles 8 and 13 of this Code.

Secs. 30-918—30-940. - Reserved.

ARTICLE VII. - Tier II

Sec. 30-941. – Definitions.

As used in this section:

Department means the Cook County Department of Environment and Sustainability.

Federal Act means Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq., as amended.

Hazardous chemical has the meaning ascribed to the term in Section 3 of the State Act.

Local emergency planning committee or L.E.P.C. means the committee appointed by the State Emergency Response Commission in accordance with Section 301(c) of the Federal Act.

Local fire department means the fire department with jurisdiction over the facility.

Safety data sheet means the sheet required to be developed under 29 C.F.R. 1910.1200(g).

State Act means the Illinois Emergency Planning and Community Right To Know Act, 430 ILCS 100/1, et al., as amended.

Subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right to Know Act means any owner or operator of a facility who is required under Section 12 of the State Act to prepare and submit an emergency and hazardous chemical inventory form containing either tier I or tier II data with respect to the preceding calendar year.

Tier II information means information meeting the requirements of subsections (e) and (f) of Section 12 of the State Act.

Sec. 30-942. - Hazardous chemical inventory form and diagram—Required.

(a) If the owner or operator of a facility located within the County (except within the corporate limits of the City of Chicago) is subject to the requirements of Section 12 of the State Act, such owner or operator shall submit the following documents to the local emergency planning committee ("L.E.P.C.") and local fire department:

(1) An emergency and hazardous chemical inventory form containing tier II information for each hazardous chemical present at the facility during the preceding calendar year, if such chemical was present at the facility in an amount that equals or exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986 ("the Federal Act"); and,

(2) An emergency preparedness diagram of the facility.

Sec. 30-943. - Inventory form—Contents and requirements.

(a) The emergency and hazardous chemical inventory form required by this article shall be the tier II inventory form promulgated by:

(1) The United States Environmental Protection Agency for use in meeting the requirements of Section 312 of the Federal Act; or,

(2) The Illinois Emergency Management Agency for use in meeting the requirements of the State Act.

(b) Such inventory form shall be completed in full, except to the extent that the owner or operator of the facility is authorized under Section 322 of the Federal Act or Section 13 of the State Act to withhold information for trade secret protection, and shall be submitted annually, along with the required diagram, by March 1. Provided, however, that if the Illinois Emergency Management Agency extends the annual tier II filing deadline under the State Act to a later date, the filing date for the inventory form required by this subsection shall also be extended to such later date.

Sec. 30-944. - Change of information—Inventory update required.

If a previously unreported hazardous chemical becomes present at a facility in an amount that equals or exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Federal Act, the owner or operator of such facility shall file with the L.E.P.C. and local fire department, no later than 60 calendar days after the occurrence of such event, a facility inventory update for such hazardous chemical, using the tier II inventory form.

Sec. 30-945. - Diagram—Contents and requirements.

(a) The emergency preparedness diagram shall:

(1) Be drawn to scale;

(2) Identify (i) the location(s) at the facility of all hazardous chemicals for which a safety data sheet is required under the Occupational Safety and Health Act of 1970, as amended; (ii) the location(s) where the facility's on-site emergency response equipment is stored; and (iii) the location(s) where the facility's safety data sheet(s) is stored; and,

(3) Be submitted annually to the L.E.P.C. and local fire department, along with the required tier II inventory form, by March 1. Provided, however, that if the Illinois Emergency Management Agency extends the annual tier II filing deadline under the State Act to a later date, the filing date for the inventory form required by this subsection shall also be extended to such later date.

(b) The contents of the emergency preparedness diagram shall be kept current. If there is a change in any information, the owner or operator of the facility shall, no later than 60 calendar days after such change, submit to the L.E.P.C. and local fire department a new emergency preparedness diagram.

Sec. 30-946. - Enforcement.

(a) The Director of the Department, and the Executive Director of the Cook County Department of Homeland Security and Emergency Management, and their respective designees are authorized to:

(1) Inspect, at reasonable hours or in case of an emergency, any facility subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right to Know Act for the purpose of determining compliance with the requirements of this section;

(2) Examine the applicable books and records of any person subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right to Know Act in order to corroborate the quantities of hazardous chemicals reported or required to be reported under Section 30-245 by the owner or operator of the facility; and,

(3) Jointly promulgate rules and regulations necessary to implement this section.

Secs. 30-947 – 30-972. – Reserved.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32, Fees, of the Cook County Code is hereby amended as follows:

Sec. 32-1. - Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
CHAPTER 30, ENVIRONMENT		
<u>30-92</u>	<u>Late Fee: fees are due upon receipt; a late fee handling charge in addition to amounts due will be assessed on accounts outstanding 60 days after the date of billing.</u>	<u>25.00</u>
30-96 <u>153</u>	Installation permit <u>Equipment registration permit</u> fee schedule:	
30-96(1) <u>153</u>	Filing fee for the evaluation of plans, except domestic heating	140.00
30-96(2) <u>153</u>	Fuel-burning equipment used for space heating, steam and hot water generation, or to generate power, except for domestic heating, for each unit:	
	<i>Rated input in BTU/hr.</i>	
	Less than 288,000	20.00
	288,000 to less than 1,000,000	30.00
	1,000,000 to less than 2,880,000	50.00
	2,880,000 to less than 6,000,000	70.00
	6,000,000 to less than 10,000,000	90.00
	10,000,000 to less than 20,000,000	110.00
	20,000,000 to less than 100,000,000	130.00

	100,000,000 or more	170.00
30-96(3) 153	Refuse-burning equipment for each unit:	
	<i>Total square feet of burning area</i>	
	less than 5.0	40.00
	5.0 to less than 10.0	50.00
	10.0 to less than 15.0	60.00
	15.0 to less than 20.0	70.00
	20.0 to less than 40.0	80.00
	40.0 or more	100.00
	<i>Pathological waste (crematory) incineration:</i>	
	less than 20#/hr.	70.00
	20 to less than 40	120.00
	40 to less than 80	170.00
	80 to less than 120	200.00
	120 to less than 200	250.00
	200 to less than 300	300.00
	Over 300	350.00
	<i>Combustion of toxic, hazardous waste:</i>	
	Less than 100#/hr	100.00

	100 to less than 200	200.00
	200 to less than 300	300.00
	300 to less than 400	400.00
	400 or more	500.00
30-96(4) 153	Storage tank, for each unit:	
30-96(4)a 153	Storing organic material having a vapor pressure more than 2.5 psi at standard conditions:	
	<i>Rated capacity in gallons</i>	
	Less than 10,000	20.00
	10,000 to less than 40,000	30.00
	40,000 to less than 60,000	40.00
	60,000 to less than 100,000	50.00
	100,000 or more	60.00
30-96 153 (4)b	Storing organic materials having a vapor pressure less than 2.5 psi at standard conditions:	
	<i>Rated capacity in gallons</i>	
	Less than 10,000	20.00
	10,000 to less than 20,000	30.00
	20,000 to less than 40,000	40.00
	40,000 or more	50.00
30-96(4)e 153	Storing inorganic materials with potential of emission to the atmosphere:	

	<i>Rated capacity in gallons</i>	
	10,000 to less than 50,000	20.00
	50,000 to less than 100,000	30.00
	100,000 or more	40.00
	The fee for tanks of capacities less than 20,000 gallons shall be based on the aggregate capacity.	
<u>30-96(4)d153</u>	Storing of toxic or hazardous substance material (as listed in the Hazardous Toxic Chemical Substance List in the "Toxic Substance Control Act" (Public Law List 94-469)):	
	<i>Rated capacity in gallons</i>	
	less than 5,000	20.00
	5,000 to less than 25,000	30.00
	15,000 to less than 25,000	50.00
	25,000 or more	70.00
	The fee for tanks of capacities less that 20,000 gallons shall be based on the aggregate capacity.	
<u>30-96(5)153</u>	Process equipment or device, per each unit	40.00
<u>30-96(6)153</u>	Any device or apparatus to control pollution for each unit:	
	<i>SCFM</i>	
	less than 2,000	30.00
	2,000 to less than 5,000	40.00
	5,000 to less than 10,000	50.00

	10,000 to less than 15,000	60.00
	15,000 to less than 20,000	70.00
	20,000 to less than 30,000	90.00
	30,000 to less than 40,000	110.00
	40,000 to less than 100,000	130.00
	100,000 or more	160.00
<u>30-97167</u>	Original Inspection fee schedule:	
<u>30-97(1)167</u>	Fuel-burning equipment used for space heating, steam and hot water generation, or to generate power, except domestic heating, for each unit:	
	<i>Input capacity in BTU/hr.</i>	
	less than 288,000	20.00
	288,000 to less than 1,000,000	30.00
	1,000,000 to less than 2,400,000	50.00
	2,400,000 to less than 6,000,000	100.00
	6,000,000 to less than 10,000,000	110.00
	10,000,000 to less than 20,000,000	120.00
	20,000,000 to less than 100,000,000	200.00
	100,000,000 or more	220.00
<u>30-97(2)167</u>	Refuse-burning equipment for each unit:	
	<i>Total square feet of burning area</i>	

	less than 5.0	60.00
	5.0 to less than 10.0	80.00
	10.0 to less than 15.0	100.00
	15.0 to less than 20.0	120.00
	20.0 to less than 40.0	140.00
	40.0 or more	180.00
	<i>Pathological waste (crematory) incineration</i>	
	less than 20#/hr.	100.00
	20 to less than 40	120.00
	40 to less than 80	170.00
	80 to less than 120	220.00
	120 to less than 200	260.00
	200 to less than 300	320.00
	Over 300	360.00
	<i>Combustion of toxic, hazardous waste</i>	
	less than 100#/hr.	120.00
	100 to less than 200	220.00
	200 to less than 300	320.00
	300 to less than 400	420.00

	400 or more	520.00
<u>30-97(3) 167</u>	Storage tank, for each unit:	
<u>30-97(3)a167</u>	Storing organic material having a vapor pressure more than 2.5 psi at standard conditions:	
	<i>Rated capacity in gallons</i>	
	less than 10,000	20.00
	10,000 to less than 40,000	30.00
	40,000 to less than 60,000	40.00
	60,000 to less than 100,000	50.00
	100,000 or more	60.00
<u>30-97(3)b167</u>	Storing organic materials having a vapor pressure less than 2.5 psi at standard conditions:	
	<i>Rated capacity in gallons</i>	
	less than 10,000	20.00
	10,000 to less than 20,000	30.00
	20,000 to less than 40,000	40.00
	40,000 or more	50.00
<u>30-97(3)e167</u>	Storing inorganic materials with potential of emission to the atmosphere:	
	<i>Rated capacity in gallons</i>	
	10,000 to less than 50,000	20.00
	50,000 to less than 100,000	30.00

	100,000 or more	40.00
	The fee for tanks of capacities less than 20,000 gallons shall be based on the aggregate capacity.	
<u>30-97(3)d167</u>	Storing of Toxic or Hazardous substance material (as listed in Hazardous, Toxic Chemical Substance List in the "Toxic Substance Control Act" (Public Law List 94-469))	
	<i>Rated capacity in gallons</i>	
	less than 5,000	20.00
	5,000 to less than 15,000	40.00
	15,000 to less than 25,000	60.00
	25,000 or more	90.00
<u>30-97(4)167</u>	Process equipment or device, per each unit	40.00
<u>30-97(5)167</u>	Any device or apparatus to control pollution for each unit:	
	<i>Standard cubic feet per minute</i>	
	less than 2,000	40.00
	2,000 to less than 5,000	66.00
	5,000 to less than 10,000	82.00
	10,000 to less than 15,000	100.00
	15,000 to less than 20,000	130.00
	20,000 to less than 30,000	164.00
	30,000 to less than 40,000	196.00

	40,000 to less than 100,000	260.00
	100,000 or more	326.00
30-98 183	Annual inspection <u>Certificate of Operation</u> fees:	
30-98(1) 183	Fuel-burning equipment used for space heating, steam or hot water generation, or generation of power for each unit (except domestic heating):	
	<i>Rated input in BTU/hr.</i>	
	1,000,000 to less than 2,400,000	80.00
	2,400,000 to less than 6,000,000	130.00
	6,000,000 to less than 10,000,000	140.00
	10,000,000 to less than 20,000,000	170.00
	20,000,000 to less than 100,000,000	230.00
	100,000,000 or more	250.00
	In case of multiple fuel-burning equipment, or rated input less than 1,000,000 BTU/hr. each, the fee shall be assessed on an aggregate rating. If the aggregate rating is less than 1,000,000 BTU/hr., no fee will be assessed.	
30-98(2) 183	Refuse-burning equipment for each unit:	
	Total square feet of burning area	
	less than 5.0	100.00
	5.0 to less than 10.0	130.00
	10.0 to less than 15.0	164.00
	15.0 to less than 20.0	196.00

	20.0 to less than 60.0	326.00
	60.0 or more	652.00
	<i>Pathological waste (crematory) incineration</i>	
	less than 20#/hr.	100.00
	20 to less than 40	160.00
	40 to less than 80	320.00
	80 to less 120	400.00
	120 to less than 200	480.00
	200 to less than 300	560.00
	300 or more	680.00
	<i>Combustion of toxic, hazardous waste</i>	
	less than 100#/hr.	160.00
	100 to less than 200	260.00
	200 to less than 300	360.00
	300 to less than 400	460.00
	400 or more	560.00
30-98(3) <u>183</u>	Per one unit of process equipment or device	44.00
30-98(4) <u>183</u>	Any device or apparatus to control pollution, for each unit:	
	<i>Standard cubic feet per minute</i>	

	less than 2,000	50.00
	2,000 to less than 5,000	66.00
	5,000 to less than 10,000	82.00
	10,000 to less than 15,000	100.00
	15,000 to less than 20,000	164.00
	20,000 to less than 30,000	196.00
	30,000 to less than 40,000	230.00
	40,000, to less than 100,000	290.00
	100,000 or more	320.00
30-98(5)183	Storage tanks for each unit:	
30-98(5)a183-	Storing organic material having a vapor pressure more than 2.5 psi at standard conditions:	
	<i>Rated capacity in gallons</i>	
	less than 250	No Fee
	250 to 10,000	20.00
	10,001 to 20,000	34.00
	20,001 to 50,000	50.00
	50,001 to 100,000	66.00
	100,001 or more	82.00
30-98(5)b183	Storing organic material having a vapor pressure less than 2.5 psi at standard conditions:	

	<i>Rated capacity in gallons</i>	
	less than 250	No Fee
	250 to 10,000	10.00
	10,001 to 20,000	20.00
	20,001 to 50,000	34.00
	50,001 or more	50.00
30-98(5)e <u>183</u>	Storing inorganic materials with potential of emission to the atmosphere:	
	<i>Rated capacity in gallons</i>	
	less than 250	No Fee
	250 to 10,000	10.00
	10,001 to 50,000	20.00
	50,001 to 75,000	50.00
	75,001 or more	66.00
30-98(5)d <u>183</u>	Storing of toxic and hazardous substance material (as listed in Hazardous Toxic Chemical Substance List in the "Toxic Substance Control Act: (Public Law 94-469)):	
	<i>Rated capacity in gallons</i>	
	less than 5,000	34.00
	5,000 to less than 15,000	66.00
	15,000 to less than 25,000	100.00
	25,000 or more	130.00

30-98(6)	Fees are due upon receipt; a \$25.00 late fee handling charge in addition to amounts due will be assessed on accounts outstanding 60 days after the date of billing.	
30-99	Fee on generation of liquid waste (per gallon generated for generation equivalent to 420 gallons or more per reporting period)	0.02
<u>30-385(c)(5)</u>	<u>Open burning permit fee schedule:</u>	
<u>30-385(c)(5)</u>	<u>Filing fee per permit; maximum ten occurrences (burns) per permit</u>	<u>20.00</u>
<u>30-385(c)(5)</u>	<u>Open burning fee for each day of occurrence (for each burn)</u>	<u>36.00</u>
30-425.3426	Gasoline vapor collection and control system annual inspection fee	200.00 <u>100.00</u>
30-542(h)(1); 30-961(a)	Demolition permit fee	
30-542(h)(1)	Residential filing fee (garage/shed)	150.00
30-542(h)(1)	Residential Filing fee (4 units or less)	150.00
30-542(h)(1)	Residential fee (5 units or more)	600.00
30-542(h)(1)	Commercial and industrial filing fee	600.00
30-542(h)(1)	Inspection fee	150.00
<u>30-544</u>	<u>Variance Filing Fee</u>	<u>100.00</u>
<u>30-547(b)</u>	<u>Asbestos Abatement Contractor Certificate of Registration</u>	<u>200.00</u>
30-542(h)(2); 548(f)	Asbestos removal permit and inspection fee	
30-542(h)(2); 548(f)	Filing fee	200.00

30- 542(i) <u>548(f)</u>	Operations and Maintenance Asbestos Removal Filing Fee for Healthcare facilities and schools	500.00
30- <u>548(f)</u>	Operations and Maintenance Asbestos Removal Filing Fee for commercial and industrial buildings	1,000.00
30- 542(h)(2) 30-542(i)(8) <u>548(f)</u>	Inspection fee shall not exceed \$2,000.00 per project, or inspection period <u>removal episode</u> for Operations and Maintenance Permits, or the following, whichever is the lesser:	
30- 542(h)(2) 30-542(i)(8) <u>548(f)</u>	Asbestos-containing material, per linear foot	2.00
30- 542(h)(2) 30-541(i)(8) <u>548(f)</u>	Asbestos-containing material, per square foot	6.00
30- 542(h)(3) , 30-961(e)	Permit revision fee	55.00
30- 542(h)(5)	Emergency Variance Filing Fee	100.00
30- 551	Asbestos Removal Contractor Certificate of Registration, initial or renewed	200.00
30- 600	Open burning permit fee schedule:	
30- 600(1)	Filing fee per permit; maximum ten occurrences (burns) per permit	20.00
30- 600(2)	Open burning fee for each day of occurrence (for each burn)	36.00
30- 542(h)(1) , 30-961(a) <u>561</u>	Demolition permit fee	
30- <u>561(d)(3)</u>	<u>Demolition</u> Permit revision fee	55.00

30-542(h)(1)- <u>561(f)</u>	Residential filing fee (garage/shed)	150.00
30-542(h)(1)- <u>561(f)</u>	Residential Filing fee (4 units or less)	150.00
30-542(h)(1)- <u>561(f)</u> -	Residential fee (5 units or more)	600.00
30-542(h)(1)- <u>561(f)</u>	Commercial and industrial filing fee	600.00
30-542(h)(1)- <u>561(f)</u>	Inspection fee	150.00
30-825(a)	Sanitary landfill fees; per ton	1.27
30-825(b)	Sanitary landfill late fee; per day	50.00
30-826(a)	Municipal solid waste transfer station fees; per ton	0.22
30-826(b)	Municipal solid waste transfer station late fee; per day	50.00
30-828(c)	Initial permit application fee for clean construction or demolition debris fill operations	2,000.00
30-829	Annual permit application renewal fee for clean construction or debris fill operations	2,000.00
<u>30-832(a)</u>	<u>Waste Processing Facilities</u>	<u>\$0.22/ton</u>
30-860	Recycling facility, initial permit application fees:	
	<i>Recycling facility permit classifications:</i>	
	Class I recycling facility	250.00
	Class II or <u>Class III</u> recycling facility (< 500 tons per day)	500.00

	Class II <u>or Class III</u> recycling facility (500—1,000 tons per day)	750.00
	Class II <u>or Class III</u> recycling facility (> 1,000 tons per day)	1,000.00
	Class III recycling facility	1,000.00
	Class IV-A and IV-B recycling facility	1,000.00
	Class V recycling facility	1,500.00
30-862	Recycling facility, annual permit renewal fees:	
	<i>Recycling facility permit classifications:</i>	
	Class I recycling facility	250.00
	Class II recycling facility (< 500 tons per day)	500.00
	Class II recycling facility (500—1,000 tons per day)	750.00
	Class II recycling facility (> 1,000 tons per day)	1,000.00
	Class III recycling facility	1,000.00
	Class IV-A and IV-B recycling facility	1,000.00
	Class V recycling facility	1,500.00
<u>30-903</u>	<u>Fee on generation of liquid waste (per gallon generated for generation equivalent to 420 gallons or more per reporting period)</u>	<u>0.02</u>

Effective Date: This Proposed Ordinance Amendment shall be effective immediately.

A motion was made by Vice Chairman Morrison, seconded by Commissioner Boykin, to recommend for approval as substituted 17-0059. The motion carried by the following vote:

Ayes: Steele, Morrison, Boykin, Moody, Schneider and Silvestri (6)

Absent: Gainer (1)

17-1337

Sponsored by: TONI PRECKWINKLE (President), Cook County Board of Commissioners

PROPOSED ORDINANCE

TRANSFERRING SMOKING BAN FROM ENVIRONMENTAL CONTROL TO PUBLIC HEALTH

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 38, Health and Human Services, Article VII, Clean Indoor Air of the Cook County Code is hereby enacted as Follows:

ARTICLE VII. - CLEAN INDOOR AIR

DIVISION 1. - COUNTY CLEAN INDOOR AIR ORDINANCE

Sec. 38-201. - Title.

This division shall be known as the "Cook County Clean Indoor Air Ordinance."

Sec. 38-202. - Interpretation with other laws.

Nothing in this division supersedes any existing elimination of smoking that is already covered by fire code restrictions.

Sec. 38-203. - Definitions.

The following words and phrases, wherein used in this division, shall have the following meanings:

Arcade means a place of amusement, which contains four or more automatic amusement devices and is not licensed to serve alcoholic liquor.

Bar/tavern means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests and patrons on the premises and does not have an on-site kitchen to prepare food. Food service is limited to providing snack items or commercially prepared or wrapped foods that require no preparation.

Business means any sole proprietorship, partnership, joint venture, corporation, limited liability company or other business entity formed for profit-making purposes, including without limitation retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

Cook County facilities or *County facilities* means all Cook County owned or leased facilities, including, without limitation, Cook County facilities housing administrative offices, courthouses, detention facilities, clinics, hospitals, jails, storage facilities, garages and field locations.

Electronic cigarette means any electronically activated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. "Electronic Cigarette" includes any device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor. The term "electronic cigarette" does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.

Employee means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit and a person who volunteers his or her services for a nonprofit entity.

Employer means any person, business, partnership, association, corporation, including without limitation a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

Enclosed area means all space between a floor and ceiling that is enclosed or semi-enclosed with (i) solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling, or (ii) solid walls with half wall partition and no windows (exclusive of doorways) without limitation to lobbies and corridors.

Health-care facility means any office or institution providing medical care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including without limitation hospitals, clinics, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists and all specialists within these professions. The definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

Place of employment means any enclosed area under the control of a public or private employer that employees frequent during the course of employment, including, without limitation, work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a place of employment unless it is used as a childcare, adult day care, health care facility, or home-based business of any kind open to the public.

Public place means any enclosed area to which the public is invited or in which the public is permitted, including without limitation banks, educational facilities, government buildings (excluding County Facilities), health care facilities, laundromats, museums, public transportation facilities, reception areas, restaurants, bars/taverns, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a public place unless it is used as a childcare, adult daycare, health care facility, or home-based business of any kind open to the public.

Private club or lodge means any not-for-profit association that: (i) has been in active and continuous existence for at least three years; and (ii) has a membership roll of more than 50 bona fide members who pay membership dues on an annual or other periodic basis. For purposes of this section bona fide members do not include members who pay membership dues at the time of an amusement produced, presented or conducted by the club or lodge or in conjunction with contracting for production, presentation or conduct of an amusement by the club, as a condition to entering the premises where the amusement is produced, presented or conducted.

Private function means a gathering of persons for the purpose of deliberation, education, instruction, entertainment, amusement or dining where membership or specific invitation is a prerequisite to entry and where the event is not intended to be open to the public.

Restaurant means an eating establishment, including without limitation coffee shops, cafeterias, sandwich shops, and private and public school cafeterias that gives or offers for sale, food to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a restaurant bar area.

Restaurant bar area means an area of a restaurant that is primarily devoted to the serving of alcoholic liquor.

Retail tobacco store means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental and where no one under 18 is permitted.

Secondhand smoke or involuntary smoking is a mixture of the smoke given off by the burning ends of a cigarette, pipe, cigar, bidis, and kreteks (sidestream smoke) and the smoke emitted at the mouthpiece and exhaled from the lungs of smokers (mainstream smoke).

Service line means any indoor line at which one or more persons are waiting for or receiving services of any kind, whether or not the service involves the exchange of money.

Shopping mall means any enclosed walkway or hall area that serves to connect retail or professional establishments.

Smoke or smoking for the purposes of this division, means either:

- (1) The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, or other lighted tobacco product in any manner or in any form; or

- (2) The use of any electronic cigarette.

Tobacco product for the purposes of this division, means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from tobacco, which product is intended to enable human consumption of the tobacco or nicotine, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by other means. The term "Tobacco products" excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

Enclosed or semi-enclosed sports arena or recreational area means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley and other similar places where members of the general public assemble either to engage in physical exercise, or participate in athletic competition or recreational activity, to witness sports, cultural, recreational or other events.

Sec. 38-204. - Prohibition of smoking in County facilities.

(a) *Smoking in County facilities.* Smoking tobacco products is not permitted in any area of any County Facility. This ban on smoking tobacco products in County facilities applies to all public areas of Cook County Facilities as well as all areas used only by County employees or officials, including, without limitation, individual offices of the separately elected or appointed officials operating and conducting business in County facilities.

(b) *Reasonable distance.* Smoking tobacco products is prohibited within fifteen (15) feet of an enclosed area of any County facility, except for County owned health facilities in which case smoking tobacco products is prohibited within thirty (30) feet, so as to prohibit congestion at exits that could constitute fire hazard in the event of an emergency evacuation of the County facility. However, if the County operates County facilities within buildings owned by third parties and the County's use in those buildings is not exclusive; this subsection shall apply only insofar as it restricts the conduct of County employees.

(c) *Smoking tobacco products in Cook County owned or Cook County leased vehicles.* Smoking tobacco products is prohibited in all vehicles owned or leased by the County of Cook.

(d) *Implementation.* All appropriate County representatives, including the Chief of the Bureau of Human Resources, Director of Facilities Management and the Chief Administrative Officer, and all elected officials shall implement the foregoing ban.

(e) *Effect of section.* This section supersedes and replaces any and all earlier Resolutions and Ordinances pertaining to the subject of a smoking policy and the smoking of tobacco products in County facilities. It is intended for this section to apply to County facilities. However, to the extent that any provision of this section is less restrictive in regulating the smoking of tobacco products in County facilities than another Ordinance, the more restrictive provision shall apply.

Sec. 30-205. - Prohibition of smoking in public places.

(a) *Smoking in public places.* Smoking shall be prohibited in all enclosed public places and places of employment within the County of Cook, including without limitation the following places:

- (1) Arcades.
- (2) Aquariums, galleries, libraries, and museums.
- (3) Bars/taverns.
- (4) Bingo facilities.
- (5) Bowling alleys.
- (6) Convention facilities.
- (7) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.
- (8) Health care facilities and adult day care facilities.
- (9) Day care centers, nursery schools, elementary schools, high schools, community colleges, technical training establishments, specialty schools, colleges, and universities.
- (10) Lobbies, hallways and other common areas in apartment buildings, condominiums and enclosed common areas in trailer parks.
- (11) Polling places.
- (12) Public transportation under the authority of government agencies, including without limitation buses, trains, taxicabs, and limousines, and ticket boarding and waiting areas of public transit stations.
- (13) Restaurants, including if applicable, a restaurant bar area.
- (14) Restrooms, lobbies, reception areas, hallways, and other enclosed common-use areas.
- (15) Public elevators and all retail stores where merchandise is displayed and offered for sale.
- (16) Rooms, chambers, places of meeting or public assembly, including without limitation school buildings, under the control of an agency, board, commission, committee or council or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the County.
- (17) Service lines.
- (18) Shopping malls.

- (19) Sports arenas or recreational areas, including without limitation, enclosed places in outdoor areas.
- (20) Grocery stores.
- (21) Public meetings.
- (22) Gymnasiums.
- (23) Gaming facilities.
- (24) Public and private school buildings.
- (25) Private clubs or lodges.

(b) *Reasonable distance.* Smoking is prohibited within fifteen (15) feet of any entrance, exit, windows that open or ventilation intakes to an enclosed area in which smoking is prohibited.

Sec. 38-206. - Where smoking is not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of this division, provided smoking is not limited in such areas under the Illinois Clean Indoor Air Act:

- (1) Private residences, except when used as a licensed childcare, adult care facility, health care facility, or a home-based business of any kind open to the public.
- (2) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.
- (3) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain, as the case may be, in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

Sec. 38-207. - Declaration of establishment as nonsmoking.

Notwithstanding any other provision of this division, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of this division is posted.

Sec. 38-208. - Posting of signs.

(a) Every County facility, public place, and place of employment where smoking is prohibited by this division shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(b) The operator, manager or other person having control of an area where smoking is prohibited by this division shall remove all ashtrays and other smoking paraphernalia intended for use where smoking is prohibited.

Sec. 38-209. - Nonretaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this division or reports or attempts to prosecute a violation of this division.

Sec. 38-210. - Enforcement.

(a) Any law enforcement agency and certified local public health department with jurisdiction shall be authorized to enforce this division within its jurisdiction. The certified local public health department is the Cook County Department of Public Health, except within those areas within Cook County which are served by another local health department certified by the Illinois Department of Public Health, in which case said certified local health department shall be authorized to enforce this division.

(b) Any resident who desires to register a complaint under this division may file a complaint with the Cook County Department of Public Health. If it does not have jurisdiction, the Cook County Department of Public Health shall transmit the complaint to the appropriate certified local health department.

(c) The Cook County Department of Public Health or designees shall, while an establishment is undergoing other public health inspections, inspect for compliance with this division.

(d) Any owner, manager, operator, or employee of an establishment regulated by this division shall inform persons violating this division of the appropriate provisions thereof.

(e) In addition to the remedies provided by the provisions of this division, the applicable certified local health department or any person aggrieved by the failure of the owner, operator, manager of other person in control of a public place or a place of employment to comply with the provisions of this section may apply for injunctive relief to enforce these provisions in any court of competent jurisdiction.

Sec. 38-211. - Violations and penalties.

(a) A person who smokes in an area where smoking is prohibited by this division shall be guilty of an infraction, punishable by a fine not more than \$100.00.

(b) A person who owns, manages, operates, or otherwise controls a public place, or place of employment and who fails to comply with the provisions of this division shall be guilty of an infraction, punishable by:

- (1) A fine not exceeding \$250.00 for the first violation.
- (2) A fine of not more than \$500.00 for the second violation within one year of the first violation.

- (3) A fine of not more than \$2,500.00 for each additional violation within one year and a 60-day suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(c) Each day on which a violation of this division occurs shall be considered a separate and distinct violation.

(d) Fines collected pursuant to this division will be deposited into a special fund created and maintained by the Cook County Treasurer. This special fund shall be utilized as directed by the Cook County Board of Commissioners for enforcement, public education purposes relating to the health hazards associated with smoking and for lung-related illness programs. The Cook County Board of Commissioners may enter into intergovernmental agreements with local governmental entities to allow distribution of a portion of such special fund to such local governmental entities, for use in accordance with these purposes.

Sec. 38-212. - Public education.

The Cook County Department of Public Health within its jurisdiction shall engage in a continuing program to explain and clarify the purposes and requirements of this division to residents affected by it, and to guide owners, operators, and managers in their compliance with it. Within their jurisdictions, local health departments certified by the Illinois Department of Public Health are authorized to provide the same continuing programs.

Sec. 38-213. - Other applicable laws.

This division shall not be interpreted or be construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 38-214. - Severability.

If any provision, clause, sentence or paragraph of this division or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this division which can be given effect without the invalid provision or application, and to this end the provisions of this division are declared to be severable.

Sec. 38-215. - Applicability of this division.

This division shall apply to all areas within Cook County, Illinois, except those areas which are governed by an ordinance of another governmental entity which, by law, may not be superseded by this division.

Secs. 38-216-38-250. - Reserved.

Effective date: This ordinance shall be in effect immediately upon adoption.

A motion was made by Commissioner Silvestri, seconded by Vice Chairman Morrison, to recommend for approval 17-1337. The motion carried by the following vote:

Ayes: Steele, Morrison, Boykin, Moody, Schneider and Silvestri (6)

Absent: Gainer (1)

17-1345

Sponsored by: TONI PRECKWINKLE (President), Cook County Board of Commissioners

PROPOSED ORDINANCE AMENDMENT

CONFORMING CHANGES TO LAND DEVELOPMENT ORDINANCES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Part II, Land Development Ordinances, Chapter 102, Buildings and Building Regulations, Article III, Building Code, Section 102-104(5) of the Cook County Code is hereby amended as Follows:

Sec. 102-104. - General provisions.

(5) *Construction hours.* Hours of construction shall between the hours of 7:00 a.m. and 8:00 p.m., except for emergency work on public improvements or public utilities, and ~~except for~~ the operation of pumps when continuous pumping is necessary for removal of water from the construction area. A variance may be requested from the Department of Building and Zoning when it can be shown to the satisfaction of the Commissioner that construction outside these hours would be in the overall public interest or operationally essential, and for a limited time period.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Part II, Land Development Ordinances, Appendix A, Zoning, Article 8, General Provisions, Section 8.9 of the Cook County Code is hereby amended as Follows:

8.9. - Miscellaneous.

8.9.10. *Siting Approval of a New Pollution Control Facility.* Approval of a “new pollution control facility”, as defined in Chapter 30, Article VII, Division 6 of this Code, or expansion of an existing pollution control facility in unincorporated Cook County shall be subject to the requirements of Chapter 30, Article VII, Division 6 of this Code, and the zoning requirements found in Part II, Land Development Ordinances, Appendix A, Article 13 of this Code, and shall be conditional pending permit approval by the State of Illinois.

8.9.11. Scavenger operations. The actual contact hours involved in the pickup of refuse and all other solid waste, and all related commercial and municipal scavenger operations in unincorporated Cook County shall be from 7:00 a.m. to 8:00 p.m. These hours are not intended to include or confine such functions as start up and shut down operations at the central operating point (transfer station, sanitary landfill, incinerator, etc.), or the transit time of the first trip to and the last trip from the defined collection areas. A variance may be requested from the Department of Building and Zoning when it can be shown to the satisfaction of the Commissioner that scavenger operations outside these hours is in the overall public interest or operationally essential, and for a limited time period.

8.9.12. Approval of New Utility-Scale Wind Turbine(s), Farm(s), or Energy Project(s). Approval of a new “utility-scale wind turbine”, as defined by the United States Department of Energy, in unincorporated Cook County shall be subject to the building and zoning requirements found in this Part II, Land Development Ordinances, Appendix A, Article 13 of this Code.

Effective date: This ordinance shall be in effect immediately upon adoption.

A motion was made by Commissioner Boykin, seconded by Vice Chairman Morrison, to recommend for approval 17-1345. The motion carried by the following vote:

Ayes: Steele, Morrison, Boykin, Moody, Schneider and Silvestri (6)

Absent: Gainer (1)

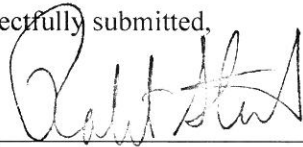
ADJOURNMENT

A motion was made by Commissioner Boykin, seconded by Vice Chairman Morrison, to adjourn the meeting. The motion carried by the following vote:

Ayes: Steele, Morrison, Boykin, Moody, Schneider and Silvestri (6)

Absent: Gainer (1)

Respectfully submitted,



Chairman



Secretary

A video recording of this meeting is available at <https://cook-county.legistar.com>.