

## **PROPOSED SUBSTITUTE TO ORDINANCE 15-5906**

### **Liquid Hazardous Waste Ordinance & Fee**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 30 Environment, Article II Administration and Enforcement, Divisions 7 Enforcement Procedures and Subdivision IV Compliance Programs and Project Completion Schedule, Liquid Hazardous Waste Ordinance, Section 30-245 and that Chapter 30 Environment, Article II Administration and Enforcement, Division 3 Fees, Fee on generation of liquid waste, Section 30-99 and that Chapter 32 Fees, Fee Schedule Section 32-1 of the Cook County Code are hereby enacted as Follows:

#### 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(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, 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 nor more than \$10,000 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.

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 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.

## Chapter 32 – Fees

### Sec. 32-1 – Fee Schedule

Code Section	Description	Fees, Rates, Charges
-----------------	-------------	----------------------------

		(in dollars)
<b>CHAPTER 30, ENVIRONMENT</b>		
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.	
<u>30-99</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>
30-425.3	Gasoline vapor collection and control system annual inspection fee	200.00

**Effective date:** This ordinance shall be in effect January 1, 2016