

# RELIABLE

## Materials Corporation of Illinois

June 20, 2019

Acting Commissioner Dr. Alison Arwady, M.D.

Department of Public Health  
City of Chicago  
333 South State Street, Room 200  
Chicago, Illinois 60604

Dear Acting Commissioner Arwady,

Thank you for the opportunity to provide comments concerning the City of Chicago Proposed Rules for Large Recycling Facilities dated May 6, 2019 ("Proposal"). We respectfully submit the attached suggested amendments shown in 'red-line' format to specific provisions of the Proposal, as well as the general comments contained in this letter.

The Proposal represents a substantial change to the current regulatory framework that has resulted in the City meeting or exceeding recycling goals set forth in the Waste Stream Diversion Analysis of 2010. Such a significant change to a local and vital economic system requires thorough consideration, not just a short public comment window:

- The Department of Public Health ("Department") should engage in meetings and talks with industry stakeholders who can provide meaningful input about the known and potential unintended impacts of the Proposal, before draft rules are published for additional comments.
- A Cost-Benefit analysis of the Proposal would be an appropriate first step in this major change to the existing rules.

"Recycling" is a catch-all expression that includes recovering, changing, and reusing materials. The process for each recycle feedstock differs substantially depending on how and where the product will return to the economic mainstream.

The Proposed Rules and Regulations improperly regulate multiple disparate industries, including putrescible (likely to decay) and non-putrescible (inert, C&D), under a common framework that does not consider the sources and uses of the recycling feedstock, the likely impacts, or the lack thereof. Uniform standards are unlikely to fit numerous different operations when issued in such specificity. The Department should engage in discussions with stakeholders to understand the characteristics of each type of operation.

The City of Chicago Departments of Transportation and Water Management generate and use Class V recycled materials in their construction and maintenance programs. These

Departments should be given adequate time to review and consider the Proposal, if they have not already, and be involved in the recommended meetings.

In the absence of time for additional analysis, engagement, and input, the Department will risk causing irreparable harm to recycling operations within the City and possible objections that the Proposal is arbitrary and capricious.

The City Council should have the opportunity to assess the Proposal and its effects on City operations, the local economy, and the health and safety of City residents. The Department should help the City Council undertake this effort by extending the time for analysis and comment and conducting a Cost-Benefit analysis of the Proposal.

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Chicago is among the leaders in the world in sustainability initiatives through incentives that encourage recycling and rules that require it. Over time, Chicago's construction industry has become accustomed to Existing Facilities recycling construction and demolition materials, also known as Class V recycling. Developers and contractors rely on recycling operations that offer reliable and economical means of recycling such materials. Construction and demolition debris volume will increase as the economy improves, redevelopment increases, and public works projects continue.

As the economy expands, new developments create large volumes of debris that must be recycled. The State legislature has passed a capital spending plan and the City of Chicago will enjoy a large increase in construction, both horizontal (transit/road-related) and vertical (buildings). Each of the anticipated new projects will need to dispose of construction and demolition debris.

Without adequate operations within the City that can efficiently and swiftly engage in recycling operations, construction and demolition debris could end up in scarce landfills, illegal dumps, or "fly-dumped" in empty lots across the City. Class V recycling facilities perform a critical economic function by accepting non-putrescible construction debris – keeping it out of landfills, processing it, and returning it to the economic mainstream as a green alternative.

Official City policies encourage recycling and recognize the necessity of Class V operations:

1. Chicago adopted a Climate Action Plan years before other municipal governments recognized the need to reduce carbon emissions. That Plan endeavored to reduce greenhouse gasses by limiting traffic and increasing recycling.
2. The Waste Stream Diversion Analysis set goals for the City to divert reusable materials out of the waste stream and into re-use.
3. The Chicago Climate Charter is now a multi-city agreement. As part of that initiative, the City set goals of "Improving policies to promote recycling, composting, and building material reuse, and to divert 75% eligible municipal construction waste," and requiring "that 50% of eligible construction and demolition materials must be recycled." (Sec. 11-4-1905(4))
4. City bid documents offer incentives for using locally produced materials, and the Department of Transportation has implemented Rules and Guidelines for Sustainable Infrastructure, which require the use of recycled goods in transportation construction projects.

Given the City's efforts to lead the world in reduced carbon emissions, the Department should undertake an analysis of whether the Proposal conforms to the plans already adopted by the City and should reconsider provisions of the Proposal that will diminish rather than encourage recycling of construction and demolition waste or other feedstocks.

Lastly, the Proposal lacks thorough analysis of the benefits of trucking alternatives, such as movement of material by rail or waterways, which provide a substantial amount of carbon footprint relief and high economic multipliers.

The City should recognize this by further incentivizing and encouraging use of these alternative modes of materials handling.

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Without additional time and significant adjustments to the Proposal, the Department may inadvertently drive these vital Facilities outside of the City border; increasing City costs, traffic, carbon emissions, and associated impacts to public health. Businesses that leave the City hurt the local economy by reducing the employment opportunities in high-paying recycling jobs.

Reliable respectfully requests that the Department complete a thorough Cost-Benefit analysis and that the City Council review the Proposal before the Department moves forward.

Respectfully,



John F. Harris

President

Reliable Asphalt Corporation