



**CID RECYCLING AND DISPOSAL FACILITY**

138th & I94  
P.O. Box 1309  
Calumet City, IL 60409  
773 646 3099  
773 646 6946 Fax

June 19, 2019

Chicago Department of Public Health  
Attn: Environmental Permitting and Inspections  
333 South State Street, Room 200  
Chicago, IL 60604

RE: WASTE MANAGEMENT OF ILLINOIS, INC. COMMENTS ON  
PROPOSED RULES FOR LARGE RECYCLING FACILITIES  
OPERATED WITHIN THE CITY OF CHICAGO

Waste Management of Illinois, Inc. is hereby providing comments to the Chicago Department of Public Health on the Proposed Rules for Large Recycling Facilities Operated Within the City of Chicago. These comments have been provided in italics, with direct reference to the proposed rules, as noted below.

Whereas, the triennial operating permits and permit applications required of these Recycling Facilities are an important part of assuring environmentally sound operations;

*Will recycling facilities that are jointly permitted as a transfer station, continue to be jointly permitted or will separate applications be required?*

*Will these facilities be required to meet both sets of standards and will the Recycling Facility permit application requirements be required to be included for a jointly permitted facility?*

## 2. Definitions

“Closure Plan” means a written plan describing the proposed engineering and other technical measures to be undertaken to terminate operation of a Facility and to render the Site or Facility stable and safe for the public health and environment as well as a description of the proposed utilization of the Site or Facility after Closure is complete.

*Remove the underlined language, as it is not required by 3.11.12 or elsewhere in the proposed regulations.*

“Existing Facility” means a Large Recycling Facility that holds a current and valid operating permit issued by the Department.

*Would a Facility that is currently permitted as a solid waste transfer station, but which also includes recycling facility operations, be considered to be an Existing Facility? How would these requirements and regulations apply?*

“New Facility” means a Large Recycling Facility that does not hold a current or valid operating permit issued by the Department.

*Would a Facility that is currently permitted as a solid waste transfer station, but which also includes recycling facility operations, be considered to be a New Facility under these requirements and regulations?*

### 3.9. Design Report

#### 3.9.3. Aerial Photograph Drawing(s)

The Design Report shall contain aerial photography drawings taken within the year before the date of the permit application

*Would the most recent Google Earth photo be acceptable? Conducting a fly-over to obtain a more current aerial could be cost prohibitive especially in locations near the airports.*

3.9.4.2. Lake Michigan. A Facility shall not be located within the Lake Michigan and Chicago Lakefront Protection District as specified in The Lake Michigan and Chicago Lakefront Protection Ordinance (Chapter 16-4 of the Municipal Code).

*The District maps should be more readily available to ensure compliance. The Municipal Code indicates that the maps are on file in the office of the City Clerk.*

3.9.5.7. The locations of the primary Utilities within and adjacent to the Facility.

*3.9.8 indicates that this is for new or expanding facilities only. This should be clarified.*

3.9.5.8. The locations of the primary water sources and water distribution system components for Employee Facilities, fire suppression, Facility cleaning, and dust control.

*3.9.9 indicates that this is for new or expanding facilities only. This should be clarified.*

### 3.9.6. Site Survey

The Design Report shall contain a legal plat of survey, prepared by a Professional Surveyor, that depicts the Facility boundaries.

*If the recycling Facility is part of a larger parcel of property under the same ownership, does a plat of survey specifically for the recycling Facility need to be prepared and provided?*

- 3.9.6.1. Legal Description. The Design Report shall contain legal descriptions, prepared by a Professional Surveyor, that describes the Facility boundaries.

*See above comment*

### 3.9.7. Pavements

All roads and parking areas within the Facility shall be paved with concrete or hot-mix asphalt, or gravel when deemed appropriate by the Commissioner. The Design Report shall Demonstrate that all internal roads and parking areas are designed, constructed, and maintained to accommodate the volume and type of traffic loading expected at the Facility, including, but not limited to:

*How is this determined? When would a facility be notified that the pavement can, or cannot be gravel? This would be especially important to an existing or modifying facility, where the time and cost of placing new pavement may be critical to continued operations and compliance.*

### 3.9.10. Site Security

The Design Report shall Demonstrate that the Facility is secure from unauthorized access at all times, and shall include, at a minimum:

*The definition of Facility not only includes process related areas, but also scales, roadways, parking areas, and queuing areas. Do these areas need to be secured from unauthorized entry? Especially for an existing facility, securing parking areas and roadways may not be possible.*

*Is the intent of this to ensure that no one can enter any of the facility property?*

*Do vehicular gates versus something like a chin-link fence, meet the definition for securing a facility?*

- 3.9.11.1. Detailed design drawings and manufacturers' specification sheets for all structures and fixed equipment.

*Design drawings and manufacturer' specification sheets may not be available for all items present at an older facility (previously designed and constructed).*

- 3.9.11.3. Calculations of the handling capacity of all structures and fixed equipment.

*Same as above*

- 3.9.12.1. Detailed calculations of the volume available for the unloading of inbound materials on the Tipping Floor(s). The Facility shall have a dedicated Tipping Floor for the unloading of vehicles with comingled or unknown Recyclable Material, and another dedicated Tipping Floor for accommodating homogeneous loads or loads with known content and shipped under a bill of lading.

*Can this be a section of the same tipping floor that has been dedicated for this use?*

- 3.9.14.6. A Demonstration that traffic generated by the Facility will not interfere with the flow of traffic or exceed the intended level of service of any public street or right-of-way.

*In an industrial area with narrow streets and other businesses that have loading/off-loading ramps at the street, these may impeded traffic. Can exemptions be made for the recycling facility as these are not required for other businesses?*

### 3.9.15. Expected Waste Generation

For a New or Expanding Facility, the Design Report shall include a description and estimate of the amount of Waste anticipated to be generated at the Facility, and shall include:

*Appendix A indicates that this is required for Existing and Modifying Facilities, but NOT required for New or Expanding Facilities. This should be corrected.*

- 3.9.16.1. The number of employees at the Facility and the corresponding number of parking spaces.

*Add "per shift"*

- 3.9.18.1. A description of the Facility's perimeter barrier, including, but not limited to:
- A. Height – On sides of the Facility where there are nonmanufacturing land uses within 660 feet, the barrier must be at least 15 feet tall. For all other sides, the barrier must be at least 8 feet high.
  - B. Material Composition – The barrier must be solid and constructed of durable material such as concrete, cinder block, brick, or another material approved by the Commissioner.

*This is applicable to New or Expanding Facilities only per Appendix A. This should be clarified. This may not be possible to construct safely at an existing or modifying facility.*

*Does a building itself act as a perimeter barrier?*

*Does the entire Facility need to have a barrier at a minimum of 8 feet high, and 15 feet high where there are non-manufacturing uses? What if the facility is in an industrial area/park – this would be non-manufacturing? What about a facility that shares a property with other activities?*

*This appears to indicate that a standard 6 foot high chain-link fence (with or without barbed wire on top) would not be an acceptable barrier. Is this accurate?*

*If there are elevated structures adjacent to the facility and the barrier must obscure the facility from the public way and nearby properties, must the fence height be increased to ensure that the facility is obscured? Depending upon the location, this may require the barrier to be a hundred or more feet high (along elevated roadways, rail lines, etc.)*

### 3.9.20. Noise Impact Assessment

For applications requesting a waiver to operate outside of the standard operating hours in Section 4.2, the Design Report shall include a noise impact assessment that includes, but is not limited to:

*Are there any exemptions to this for a Facility in a zoned Heavy Manufacturing District, industrial park, or other? If adjacent facilities create more noise than the permitting Facility, how would the noise be determined to be from the source?*

#### 3.9.20.2. A computation of the total sound level in dB(a) at a distance of 660 feet from the Facility boundaries.

*This will likely include noise from many other sources (i.e. adjacent commuter railroads, other manufacturing, warehousing, operations). How is the sound level supposed to be determined to be from the source?*

#### 3.9.22.1. An emissions and air dispersion modeling study (“Study”) of the Facility and its operations. The Study shall evaluate airborne emissions from each Point Source and Fugitive Source. The Study shall evaluate all Criteria Pollutants and Toxic Air Pollutants that may be generated at the Facility from sources such as, but not limited to, Processing equipment, diesel engines, and emissions from roadways, stockpiles, material handling, sorting, welding, torching, grinding and cutting activities.

*Is there a specific method or procedures that must be followed?*

3.9.22.3. A Dust Monitoring Plan that describes the placement, operation, and maintenance of the PM10 monitors and a weather station as required under subsection 4.8.3.1 and 4.8.3.3 of these rules, and a schedule and plan for quarterly testing to ensure compliance with the prohibition of dust set forth in 4.8.3.12.

*Will there be any exemptions for facilities located in an industrial park area or a Site where there are multiple dust-generating facilities or other operations at the Site? Imposing these requirements on only the recycling facility would single out the recycling facility versus reflecting the air quality impacts of the entire industrial area.*

The Dust Monitoring Plan shall provide for at least one monitor at each 45-degree direction from the center of the Facility where there is a Sensitive Area or commercial land-use within 660 feet of the Facility boundary. If there are no Sensitive Area or commercial land-uses within 660 feet of the Facility, one monitor shall be placed at the perimeter barrier opposite each section of an eight-point wind rose with an annual frequency of 25% or more. If all frequencies are below 25%, then monitors shall be placed at opposite ends of the Facility along the direction of the wind rose point having the highest frequency.

*What if these areas are separated from the facility by a major highway?*

*Indoor operations versus outdoor operations?*

### 3.11. Operating Plan

3.11.2.3. Documentation to Demonstrate that the Facility has a sufficient number of covered containers to store all newsprint, paper, corrugated paper and cardboard that will be accepted.

*Will materials stored indoors, be required to be stored in covered containers?*

An Existing Facility shall provide the following additional information:

*This is for the Operating PLAN. The information required in this section appears to be Reporting requirements, not how the facility will operate.*

3.11.2.5. The following volumes for the preceding permit term categorized by type of material:

*In order to do this, the Facility would need to track traffic volumes by the hour, and then review and calculate traffic volumes over a three year period (preceding*

*permit term). This is over 26,000 hours of data to be reviewed and used in the calculations. Is there a way to lessen the burden of this tracking?*

- B. The average and maximum daily volumes of material processed at the Facility, broken down by process type (i.e. shredding, crushing, torching, etc.);

*Average and daily volumes of each type of material processed over a three year period? Just under 1100 days will need to be reviewed and evaluated for these calculations.*

- E. The average and maximum daily volumes of material brought to the Facility.

*Average and maximum DAILY volumes for a three year period? Just under 1100 days will need to be reviewed and evaluated for these calculations.*

- 3.11.7.3. A detailed description of all measures and controls employed (e.g. bait stations and traps) to provide for the control of rodents, mosquitos and other Vectors.

*Will mosquito abatement measures/controls be required to control mosquito populations from outside of the Facility (e.g. other property)?*

#### 3.11.9. Disposal Facilities

The Operating Plan shall identify all disposal facilities to which residual waste from the Facility will be hauled.

*Does this include municipal waste and sewage, or only process related wastes?*

#### 3.11.11. Hours of Operation

The Operating Plan shall specify the hours of operation of the Facility, including Processing, receipt, and maintenance activities. Operating hours shall be limited to the hours specified in 4.2, unless a waiver is granted by the Commissioner.

*If a waiver is already incorporated in the permit or zoning, will a NEW or additional waiver be required?*

## 4. Recycling Facility Operating Standards

### 4.2. Hours of Operation

The Facility operating hours shall be limited to between the hours of 7:00 a.m. and 9:00 p.m., unless a written waiver is issued by the Commissioner. A request for a written waiver shall include a noise impact assessment as described in 3.9.20 of these rules.

*Regardless of the location of the facility or zoning of the facility? (e.g. industrial park or heavy manufacturing district). If other types of facilities can operate outside of these hours, can an exemption be made for the recycling facility to operate outside of these hours, without the need for a noise impact assessment?*

*If an existing facility is already permitted to operate outside of these hours, will another waiver request need to be submitted and approved?*

### 4.3. Material Volume Limitations

The Facility may not exceed the volume limits specified in the permit. If, in response to an emergency involving impacts to health, safety, or environmental conditions, the Facility is required to receive a volume that exceeds the permitted limit, a written record of the date, time, additional volume, and reason shall be made part of the Facility's Operating Record, and the Operator shall notify the Department by email at [envwastepermits@cityofchicago.org](mailto:envwastepermits@cityofchicago.org) by no later than 10:00 am of the next business *day* following the emergency. [Add the word day]

4.4.1.1. Except as provided below, the height of any outdoor stockpile within the Facility shall not exceed 20 feet. The Facility shall maintain height markers up to 30 feet, with gradations marked at one-foot intervals, at all outdoor stockpile locations to indicate the current height of material stockpiles.

*As the limit is 20 feet, can the height markers be reduced to something closer to 20 feet versus 30? The thirty foot markers should only be required for areas permitted to go to 30 feet in height.*

### 4.4.2. Staging Areas

The height of stockpiles inside an authorized Staging Area shall not exceed 30 feet, provided the Operator complies with the following conditions:

*Does this apply to indoor staging/stockpile areas as well?*

### 4.5.1. Vehicles

All loaded inbound and outbound vehicles shall be sealed or tarped. All leaking containers and torn tarps shall be decommissioned and replaced or repaired.

*Add "outside the facility limits".*



#### 4.5.3. Stationary Equipment

All mechanical stationary equipment shall meet or exceed the emission control level required under the Facility's local, state, and federal air permits *where applicable*. [Add language in red]

#### 4.8.2.1. Visible Dust

Any Fugitive Dust that is visible and travels beyond the boundaries of the Facility shall be documented by the Owner or Operator, who shall immediately implement corrective action such that no visible Fugitive Dust leaves the Facility boundaries.

*If the Facility is located within a larger property under the same ownership but with different operations, can the property boundaries be used to determine fugitive dust?*

#### 4.8.3. Consequential Facility Air Monitoring Requirements

*Much of this section seems to be overly burdensome for a smaller facility, especially one that is primarily indoors. Are there any planned exemptions?*

4.8.3.1. Continuous PM10 Monitoring. Install, operate, and maintain Continuous Federal Equivalent Method (FEM) real-time PM10 monitors around the perimeter of the Facility in accordance with the Dust Monitoring Plan prepared under paragraph 3.9.22.3 and 3.9.22.4 of these rules. For Facilities that require more than four air monitors, the Facility may use other PM10 monitors that meet the requirements of the Tier III Supplemental Network Monitoring contained in guidelines contained in EPA's Air Sensor Guidebook, and has a precision and bias of twenty-percent (20%) or better.

*Any exemptions from this if a facility is located in an industrial park with multiple other potential sources, or at a facility located within a Site covered by a CAAPP Permit?*

4.8.3.2. Additional monitoring. The Department may require the Consequential Facility to install, operate, and maintain other monitoring methods, including, but not limited to, video recording and one or more filter-based monitoring sites, when PM10 monitoring does not provide sufficient information regarding Fugitive Dust for the Commissioner to adequately assess the health impacts of such emissions. Any additional monitoring methods shall meet the specifications set forth in an approved Fugitive Dust Plan. In the event that additional monitoring is required, the Department will provide a reasonable time period for equipment installation.

*Can this be alternate monitoring instead of additional monitoring? A means to determine the Facility's impact versus the area.... To be proposed by the Facility and upon agreement by the City.*

- 4.8.3.3. Continuous Weather Monitoring. Install, operate and maintain, according to manufacturer's specifications, a weather station or other permanent device to monitor and record wind speed and wind direction, along with the corresponding temperature, precipitation, barometric pressure, and relative humidity at the Facility. Such readings shall be taken at an unobstructed, unsheltered area, centrally positioned in relation to the storage piles and dust-causing activities, and at a minimum height of 10 meters above ground level, unless another height is appropriate pursuant to applicable U.S. Environmental Protection Agency protocols and guidance.

*Any exemptions – e.g. proximity to a major airport or other NOAA location?*

*Can measurements be made elsewhere on the owners property, but not necessarily at the Facility?*

- 4.8.3.4. Data-logging. A data logger shall be attached to all air monitors and weather stations to record readings from the monitors. All data collected shall be consistent with units in the National Ambient Air Quality Standards for PM10, and ambient monitoring practices must comply with current U.S. Environmental Protection Agency protocols and guidance for ambient air quality monitoring, including but not limited to those for data completeness, calibration, inspection, maintenance, and site and instrument logs.

*Can this be electronic logging with the ability to download the data?*

- 4.8.3.5. Reportable Action Level (RAL). The RAL is the concentration of PM10 measured at any monitoring location at the Facility that will trigger response activities under a contingency plan. The RAL shall be quantified as the average PM10 concentration taken over a fifteen minute period.

*This would require monitoring equipment to be able to provide an immediate notification with subsequent actions for any measurements taken during any rolling 15-minute time period. Is this even possible? This would be required to be automated, very complex and likely very expensive.*

The RAL shall be the positive differential between any downwind monitor and any upwind monitor that is above 50 micrograms per cubic meter. In the absence of an upwind monitor, the RAL shall be 100 micrograms per cubic meter. CDPH may impose a different RAL based on the potential emissions of metals and pollutants from the

Facility, ambient background concentrations of PM10, the Facility's compliance history and level of housekeeping, and/or other pertinent factors.

*How will a facility know if these limitations will be imposed? The potential costs and time-line for implementation of the additional monitoring may be extensive.*

- 4.8.3.6. Additional RALs. The Department may set forth additional RALs in the permit for PM2.5, VOCs, and other pollutants based on the information contained in the application, the Facility's compliance history, and/or other factors.

*Same as above*

- 4.8.3.7. Alternate RAL. The applicant may propose an alternate RAL concentration to CDPH. Such proposal shall Demonstrate the following:

- A. The current RAL is not reliable due to offsite ambient PM concentrations beyond the control of the Operator;

*PM concentrations at a Facility may be affected by other activities on an owner's property, not related to the recycling operation or from off-site. Change this to ambient PM concentrations beyond the Facility boundaries.*

- 4.8.3.8. Monthly Data Reporting. All data collected pursuant to 4.8.3.4 must be submitted to CDPH no later than the third Tuesday following each data-collection month. Such report shall be submitted to [envwastepermits@cityofchicago.org](mailto:envwastepermits@cityofchicago.org).

*This is data collected from **continuous** monitors. Submittal of all of this data may be difficult.*

- 4.8.3.9. RAL Notification. When a reportable action level is exceeded, the Operator shall use telemetry or other means to notify CDPH by email at [envwastepermits@cityofchicago.org](mailto:envwastepermits@cityofchicago.org) within fifteen (15) minutes.

*This is a very complex process. How much time will a facility have to implement this monitoring and establish a mechanism for reporting? This seems to be a meant to put some recycling facilities out of business or readily out of compliance.*

- 4.8.3.10. RAL Reporting. The Operator shall submit a report to CDPH following each day an RAL exceedance occurs at the Facility.

*Submit the report the day after the exceedance or within how many days after the exceedance? Are there any days not included (e.g. holidays, weekends, non-operational days, etc.?)*

4.8.3.11. Contingency Plan. The Owner or Operator shall prepare a contingency plan describing mitigative actions that will be taken when the monitors detect PM10 that exceeds the Facility's RAL. The response activities should consist of a range of increasingly aggressive measures appropriate to different levels of exceedance and take into account whether the source is determined to be onsite or offsite.

*This infers that a PM10 exceedance from an off-site source must be reported in the same manner as one originating from the Facility. Is this the intent? Reporting of off-site sources affecting the facility and aggressive measures to mitigate the detections?*

4.8.3.12. Quarterly Opacity Measurements. Quarterly testing shall be conducted to ensure compliance with the prohibition on Fugitive Dust set forth 4.8.2.2. Such testing must be a) conducted by a professional trained and certified to read opacity in accordance with the measurement method specified in 35 Ill. Admin. Code 212.109, and b) conducted during a range of weather conditions to ensure that representative conditions at the Facility are covered.

*Is there a formal process for training and certification, to ensure that the measurements are completed by appropriate personnel?*

#### 4.10. Equipment Maintenance

Equipment and vehicles used at the Facility shall undergo routine maintenance. The Facility shall develop a maintenance plan for all equipment and vehicles used in Facility operations. Such records shall be maintained in the Operating Record. The Owner and Operator shall prevent the usage of any vehicle or equipment that is in need of repair.

*Shouldn't this be if the repair is sufficient to cause potential injury or damage? Not all vehicles needing repair would be critical to the safe operation of the unit.*

#### 4.15. Pavement Maintenance and Cleaning

All driveways, access roads, parking areas and other areas used for vehicle traffic shall be properly maintained to prevent or minimize any dust emissions, standing water, and the tracking of mud off-site. Broken pavements and potholes shall immediately be backfilled, patched, or repaired.

*This may be weather dependent. The word "immediately" should be removed and something more realistic should be included. Immediately infers that no time will occur between the pavement issue occurrence and the repair.*

##### 4.15.1. Sweeping

All Site pavements and those within a quarter-mile of the Facility shall be cleaned using a street sweeper to minimize dust and remove mud and any spilled materials.

*In an industrial park/area or heavy manufacturing district, this would potentially require the Facility to be responsible for dust, mud or any spilled material, regardless of who is responsible for the mud and dust. Clarification is needed....*

#### 4.15.1.2. Sweeping Frequency

The street sweeping shall be sufficient so that not more than 4 hours elapses between each street sweeper cleaning or after every 100 vehicle material receipts or dispatches, but not less than one time daily when the Facility is in operation, unless the roads are free and clear of any material transported to or from the Facility.

*This provides clarity that the street sweeping is only for Facility-related materials, where the previous section does not.*

#### 4.16. Traffic.

The Facility shall not cause the back up of vehicles onto public roads or rights-of-way at any time. No vehicles used in the operations of the Facility shall be parked, idle, or wait along public streets or rights-of-way. The Facility shall have sufficient parking available for all personnel, visitors, and vehicles used for the operations of the Facility.

*Any exemptions if the Facility is located in an industrial park where others may block roads and park on the street?*

#### 4.18.1.6. The amount of metal welded, cut, torched, or shredded broken down by metal type;

*Add "as related to the recycling operation". This should not include Facility maintenance.*

## 5. Implementation Schedule

These Rules shall take effect as follows:

For a New or Expanding Facility, the requirements in Section 3 shall take effect immediately upon the date these rules are issued. For an Existing Facility, the requirements in Section 3 shall take effect on all renewal permit applications submitted on or after the 365<sup>th</sup> day following the date these rules are issued.

*How would this apply to a facility that is dual permitted for waste transfer and recycling, that has an annual permit renewal?*

## 6.1. Requirements of the Variance Application

The request for a variance must be in writing and must set forth, in detail, all of the following:

*Does this information get incorporated into the permit application or does it need to be submitted separately? If separately, when?*

### 6.1.2. Staging Area Stockpile Height Variance

*Required for indoor stockpiles?*

- 6.1.2.2. A Demonstration showing that the overall emission of criteria pollutants and hazardous air pollutants from the Facility will not have an adverse impact to human health and the environment. This demonstration shall include an emissions and air dispersion modeling study described in 3.9.22.1.

*Required if the facility already has an Illinois EPA CAAPP permit?*

- 6.1.2.3. A Staging Area stockpile surveillance plan that includes the installation and operation of web-based cameras with recording storage capacities of 60-days or more. The CDPH shall be provided access to all live and recorded footage.

*Required for indoor stockpiles?*

- 6.1.3.1. The Facility's discharge is in compliance with applicable MWRD discharge standards;

*Is written documentation required from the MWRD that identifies that the facility discharges to a combined sewer, and is therefore, not subject to the monitoring provisions?*

Please feel free to contact me at [lgrassl@wm.com](mailto:lgrassl@wm.com) or at (773)437-2009 with any questions on these comments.

Sincerely,  
Waste Management of Illinois, Inc.



Lisa Grassl  
Environmental Protection Manager