
CITY OF CHICAGO

RULES



Rules for Reprocessable Construction/Demolition Material Facilities

Revised March 7, 2023



Mayor Lori E. Lightfoot Commissioner Allison Arwady, M.D.

RULES FOR REPROCESSABLE CONSTRUCTION/DEMOLITION MATERIAL FACILITIES OPERATED WITHIN THE CITY OF CHICAGO

Whereas, pursuant to Chapters 2-112 and 11-4 of the Municipal Code of Chicago (the “Code”), the Department of Public Health is charged with the enforcement of environmental rules, including management of Reprocessable Construction/Demolition Material within the City of Chicago, and the protection of public health and safety; and

Whereas, pursuant to the authority granted by Section 2-112-160(b)(6) of the Code, the Commissioner of Health (the “Commissioner”) is authorized to issue rules necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4 of the Code, and is further authorized to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in Chapter 11-4 of the Code; and

Whereas, this general rule-making authority includes any rules necessary to implement the provisions of Article XIV of the Code, Sections 11-4-1905 through 11-4-2060, the “Reprocessable Construction/Demolition Material Ordinance;” and

Whereas, this general rule-making authority also includes any rules necessary to implement Article II of Chapter 11-4 of the Code, Sections 11-4-600 through 11-4-810, the “Air Pollution Control Ordinance”; and

Whereas, this general rule-making authority also includes any rules necessary to implement Article VIII of Chapter 11-4 of the Code, Sections 11-4-1410 through 11-4-1460, “Pollution of Waters”; and

Whereas, in addition, Section 11-4-1980 of the Code states that the Commissioner may promulgate rules and regulations for the testing of material delivered to a Reprocessable Construction/Demolition Material Facility; and

Whereas, Section 11-4-2000(H)(6) of the Code states that “[t]he maximum amounts of reprocessable construction/demolition material and incidental debris that an owner and/or operator may maintain or store at a facility may be prescribed by the commissioner in rules and regulations”; and

Whereas, Section 11-4-760(e) of the Code authorizes the Commissioner to promulgate additional rules for the proper management of any substance or material that may become airborne or be scattered by the wind; and

Whereas, pursuant to Section 8-32-090(d) of the Code, the Commissioner is authorized to promulgate rules to enforce the noise provisions under Section 8-32-090, Part B of Chapter 8-32 of the Code; and

Whereas, the reprocessing, reuse, or recycling of construction/demolition material debris conserves natural resources, reduces energy consumption, saves landfill space, and generally decreases pollution; and

Whereas, such facilities should be located in areas where the surrounding uses are consistent with the industrial nature of Reprocessable Construction/Demolition Material Facilities and should be operated so that the environmental impacts can be minimized; and

Whereas, these facilities can be significant sources of dust and contaminated storm and process water discharges with the potential to harm human health and the environment, and cause a public nuisance or adversely impact the surrounding area or surrounding users; and

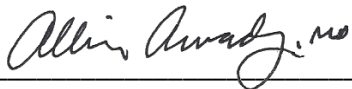
Whereas, these facilities may be a significant source of noise; and

Whereas, the annual operating permits and permit applications required of these Reprocessable Construction/Demolition Material Facilities are an important part of assuring environmentally sound operations; and

Whereas, the furtherance of these goals and principles can be advanced by a more detailed recitation of operational standards, permit application submittal requirements, location standards, and design standards for these Reprocessable Construction/Demolition Material Facilities; now therefore,

BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC HEALTH PURSUANT TO 2-112-160(b)(6), 8-32-090(d), 11-4-760(e), 11-4-1980, and 11-4-2000(H)(6), THE FOLLOWING RULES REGARDING REPROCESSABLE CONSTRUCTION/DEMOLITION MATERIAL FACILITIES ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: 
Commissioner Allison Arwady, M.D.

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1. Scope and Purpose

The purpose of these rules is to provide explanatory details, guidelines, and requirements regarding the location, design, operations, and permitting of Reprocessable Construction/Demolition Material Facilities.* These rules address Existing, Expanding, Modifying, and New Facilities that are required to receive operating permits from the Department of Public Health (the “Department”).

An application to the Department for a permit to operate a Reprocessable Construction/Demolition Material Facility must provide sufficient information to Demonstrate that the Facility will be designed and operated in a manner that protects the public health, safety, and the environment. The Documentation required to provide such demonstration, and the standards that must be met, are set forth in the Chicago Environmental Protection and Control Ordinance (Chapter 11-4 of the Code) and these rules.

As detailed in the preamble above, these Facilities can have adverse impacts on neighboring properties and, therefore, are deemed consequential facilities for purposes of CDPH’s permitting guidelines.

These rules provide a minimum standard for the information required in a permit application. Pursuant to the Code, the Commissioner may request additional information, if necessary. The information requested in Section 3.0, Section 4.0, and Section 5.0 of these rules are a reiteration and clarification of information required pursuant to Section 11-4-1930 of the Ordinance. Section 6.0 contains “Short Form” application requirements for Qualified Existing Facilities to reduce administrative burdens on Applicants.

Section 7.0 is a reiteration and clarification of operating requirements pursuant to 11-4-1980, 11-4-1990, 11-4-2000, 11-4-2010, and 11-4-2020 of the Ordinance. Finally, Section 8.0 articulates administrative processes and criteria for the denial, revocation, or non-renewal of permits and the special conditioning of permits, while Section 9.0 details the implementation schedule, and Section 10.0 describes the process for requesting a variance from these rules.

* Capitalized terms herein are defined in Section 2.0.

2. Definitions

“Airborne Dust Prevention” means control measures taken to prevent dust from becoming airborne.

“Airborne Dust Suppression” means control measures taken to suppress dust after it has become airborne.

“Applicant” means the Person submitting an application for a permit to the Department of Public Health to accept, handle, Process, or otherwise manage Reprocessable Construction/Demolition Material.

“Capital Improvement” means the addition of a permanent structural change or the restoration of some aspect of a property that will either enhance the property's overall value, prolong its useful life, or adapt it to new uses.

“CDPH” means the Chicago Department of Public Health.

“Closure” means those actions taken by the Owner and/or Operator to cease operations and to ensure that a Facility is closed in conformance with Chapter 11-4 of the Code and all applicable federal, state, and local laws in effect at the time of such Closure.

“Closure Plan” means a written plan describing the technical measures to be undertaken to terminate operation of a Facility.

“Code” or “Municipal Code” means the Municipal Code of Chicago.

“Commissioner” means the Commissioner of Public Health.

“Contaminated Reprocessable Construction/Demolition Materials” means Reprocessable Construction/Demolition Materials that contain lead, asbestos, or any other hazardous material in such a way as to render the Reprocessing, recycling, or reuse of such material illegal or impossible.

“Demonstrate” means to provide sufficient Documentation to validate that the representations made in the application are accurate. A Demonstration may include reports, analyses, calculations, modeling, studies, or other information necessary to validate the accuracy and truthfulness of representations made in the application.

“Department” or “CDPH” means the City of Chicago Department of Public Health.

“Documentation” means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, that are used to support facts or hypotheses, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs, design drawings, stocks, bonds, and financial records.

“Employee Facilities” means washrooms, toilets, potable water, changing rooms, lunchrooms, showers, and other amenities for employee sanitation and well-being.

“EPA” means the United States Environmental Protection Agency.

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

“Expanding Facility” means an Existing Facility that has applied for a permit to allow an Expansion.

“Expand” or “Expansion” means an increase in the horizontal or vertical boundary of a Facility or an increase of more than 10% of the permitted capacity of a Facility beyond the limits established in its current permit.

“Facility” means Reprocessable Construction/Demolition Material Facility.

“Fixed Equipment” means machinery and equipment that may be movable but is typically fixed or stationary and is used solely at the Facility, in the storage, Processing, and handling of Reprocessable Construction/Demolition Materials, Incidental Debris, or Waste and may include, but is not limited to, crushing devices, grizzly or mechanical screens, conveyors, and storage bins.

“Fugitive Dust” means any solid particulate matter that becomes airborne by natural or human-made activities, excluding engine combustion exhaust and particulate matter emitted from a properly permitted exhaust stack equipped with a pollution control device.

“Hazardous Waste” means any 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 federal and state law including, but not limited to, Section 3001 of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as amended, the Illinois Environmental Protection Act, or pursuant to regulations promulgated by the Illinois Pollution Control Board.

“IEPA” means the Illinois Environmental Protection Agency established by the Illinois Environmental Protection Act.

“Incidental Debris” means uncontaminated dirt, metal, mortar, gypsum, plasterboard, wood, and sand which are derived from a construction or demolition site and intermingled with Reprocessable Construction/Demolition Material.

“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).

“Liquid Waste” means any waste which maintains the physical state of continuous volume relatively independent of pressure and which takes the shape of its container at ambient temperature; or is determined to contain “free liquids” as defined by Method 9095 (Paint Filter Liquids Test), as described in “Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods” (EPA Pub. No. SW-846).

“Modify” or “Modification” means one or more physical, operational, or administrative changes that do not constitute an Expansion and that require a permit amendment from CDPH. Such changes include, but are not limited to, an increase or change in the handling or Processing capacity of the Facility of 10% or less (calculated using the Facility’s permitted capacity on the effective date of these rules or the permitted capacity issued under a New or Expanded permit issued after the effective date of these rules), changes in the nature of the Facility’s operations, changes in the nature of any Process, the addition or removal of stationary equipment or machinery, and all Capital Improvements.

“Modifying Facility” means an Existing Facility that is seeking a Modification.

“MS4” or “Municipal Separate Storm Sewer System” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law), including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges into waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. § 122.2.

“MWRDGC” means Metropolitan Water Reclamation District of Greater Chicago.

“Municipal Waste” means garbage, household waste, commercial/retail waste, institutional waste, industrial lunchroom and office waste, landscape waste, and construction or demolition debris.

“National Pollutant Discharge Elimination System” or “NPDES” means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 U.S.C. § 1251, et seq.), Section 12(f) of the Environmental Protection Act (415 ILCS 5/12(f)), and 35 Ill. Admin. Code 309, Subpart A and 35 Ill. Admin. Code 310.

“Near Reference PM10 Monitor” means a device that measures the level of PM10 in ambient air and meets or exceeds the specifications contained in Appendix A of these rules.

“New Facility” means a Reprocessable Construction/Demolition Material Facility that does not hold a current or valid operating permit issued by the Department pursuant to Section 11-4-1930 of the Code.

“NPDES permit” means a permit issued under the NPDES program.

“One hundred (100) year flood plain” means any land area which is subject to a one percent or greater chance of flooding in a given year from any source.

“One hundred (100) year, 24-hour precipitation event” means a precipitation event of 24-hour duration with a one percent or greater chance of occurring in a given year.

“Operator” means a Person who (i) has charge, care, or control of the Facility; (ii) is responsible for the operation and maintenance of the Facility; or (iii) is entitled to control or direct the management of the Facility. The Owner is the Operator if there is no other person who is operating and maintaining a Facility.

“Operator-utilized Area” means all areas of Property that are available for use or are used by the Owner or Operator, including areas not covered under a Reprocessable Construction/Demolition Material Facility permit.

“Operating Record” means a collection of documents maintained at the Facility that includes the permit issued by CDPH; the most recent copy of the application submitted pursuant to Section 3.0 or Section 4.0 and Section 5.0 of these rules; a copy of the Facility’s emergency response plans and contingency plans; street sweeping and cleaning logs; Vector control treatments; records of emergencies and acceptance of Unauthorized Materials; and other information specified to be kept in the Operating Record under these rules and the permit.

“Ordinance” means The Chicago Environmental Protection and Control Ordinance, Chapter 11-4 of the Municipal Code of Chicago.

“Owner” means a Person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a Person operates and maintains a Facility. The Owner is the Operator if there is no other person who is operating and maintaining a Facility.

“Person” means any individual natural person, trustee, court-appointed representative, syndicate, association, partnership, co-partnership or joint stock company, limited liability company, trust, estate, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state, or local government, contractor, supplier, vendor, installer, operator, user, or owner, or any officers, agents, employees, factors, or any kind of representative thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, gender neutral, singular, or plural is included in any circumstance.

PM 10 means particulate matter less than or equal to 10 microns in diameter.

“Pollution Control Waste” means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water, or land and which poses a threat or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. “Pollution Control Waste” includes, but is not limited to, water and wastewater treatment plant sludges, baghouse dusts, landfill waste, scrubber sludges, and chemical spill cleanings.

“Potentially Infectious Medical Waste” means wastes as defined in 415 ILCS 5/3.360.

“Process” or “Processing” means any chemical, industrial, commercial, or manufacturing operation or activity that causes, or has the potential to cause, the emission of airborne particles including, but not limited to, Reprocessing, blending, mixing, crushing, screening, breaking, wet or dry cleaning, thermal drying, and chemically treating.

“Professional Engineer” means a person who holds a current and valid certificate of registration and a seal pursuant to the “Professional Engineering Practice Act of 1989” (225 ILCS 325/1, et seq.).

“Professional Surveyor” means a person who holds a current and valid certificate of registration and a seal pursuant to the “Illinois Professional Land Surveyor Act of 1989” (225 ILCS 330/1, et seq.).

“Property” means the land described by a legal description that contains a Facility or proposed Facility and may include Operator-utilized Area(s), and other area(s) not used by the Owner or Operator.

“Qualified Existing Facility” means an Existing Facility that has submitted a full permit application pursuant to either Section 3.0 and Section 5.0, or Section 4.0 and Section 5.0, of these rules within the previous (3) three years, that is not proposing an Expansion, Modification, or any changes from its current permit, and that is operating in full compliance with the most recent, approved permit.

“Reprocessible Construction/Demolition Material” means broken concrete, bricks, rock, stone, or paving asphalt generated from construction or demolition activities.

“Reprocessible Construction/Demolition Material Facility” means a parcel of land used for purposes of receiving, storing, Reprocessing, and transporting of Reprocessible Construction/Demolition Material, and includes all structures, equipment, and ancillary fixtures on said parcel to Process, store, or transfer Reprocessible Construction/Demolition Material, Incidental Debris, and Waste residue.

“Reprocessed” or “Reprocessing” or “Reprocessing Activity” means crushed or broken into smaller constituent parts by a Reprocessing Device.

“Reprocessing Device” means a device designed to crush or break reprocessible material into smaller constituent parts for the purpose of Reprocessing such material and for which a permit has been issued by the Department pursuant to the Chapter 11-4 of the Code.

“Run-off” means water resulting from precipitation that flows overland before it enters a defined stormwater receptor (e.g., a ditch, pond, sewer, or stream channel), any portion of such overland flow that infiltrates into the ground before it reaches the stormwater receptor, and any portion that falls directly into a stormwater receptor.

“Secondary Containment” means a device or structure designed to contain a release of liquid from a tank, piping system, drum storage area, tanker truck loading/unloading area, liquid transfer point, pit, lagoon, impoundment, or similar liquid handling or storage system or device, thereby controlling the release of the liquid and preventing its escape into the environment.

“Sensitive Area” shall mean any residentially zoned or mixed-used property with residential use, park, hospital, clinic, church, day care, or school.

“Short Form Application” or “Short Form” means a streamlined version of the full permit application that may only be used by a Qualified Existing Facility.

“Solid Waste” means abandoned or discarded materials that are not defined as a Liquid, Special, or Hazardous Waste.

“Special Waste” means any industrial process waste, Pollution Control Waste or Hazardous Waste, and other wastes as defined by the Illinois Environmental Protection Act as amended and in regulations promulgated by the Illinois Pollution Control Board. “Special Waste” includes Potentially Infectious Medical Waste.

“SWPPP” or “Storm Water Pollution Prevention Plan” means a document that outlines how a Facility will minimize stormwater pollution through best management practices (BMPs) that 1) minimize pollutants such as oil, chemicals, sediment, debris, trash, and other floating, suspended, or settleable solids; 2) provide for inspections and BMP maintenance; and 3) include monitoring, laboratory sampling, and analysis.

“Tipping Area” means the area within a Facility where inbound Reprocessable Construction/Demolition Material handling activities, including unloading, loading, and limited sorting are permitted to occur.

“Trade Secret” means any scientific or technical information, design, process, procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value.

“Unauthorized Materials” means materials not specifically authorized to be accepted and handled at the Facility under its CDPH Reprocessable Construction/Demolition Material Facility permit.

“Utilities” means any service provided to the Facility that has a dedicated system of service. Utilities may include, but are not limited to, electricity, potable water, process water, telephone, and natural gas.

“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, Liquid Waste, Municipal Waste, Special Waste, garbage, sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility, but excluding: (1) sewage collected and treated in a municipal or regional sewage system; or (2) recyclable materials managed in compliance with the provisions of the Municipal Code and applicable regulations.

“Waters” means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois. Examples of Waters include, but are not limited to, Lake Michigan, the Chicago River, Calumet River, and Lake Calumet.

“Wetland” means those areas defined in 40 C.F.R. § 232.2.

General Applicability and Requirements

Pursuant to Section 11-4-1930 of the Municipal Code, all Reprocessable Construction/Demolition Material Facilities within the City of Chicago are required to apply for and receive a permit from the Department as follows:

New Facilities must apply for and receive a permit prior to beginning operations at the Facility;

Existing Facilities which seek to Expand must apply for and receive a permit for the Expansion prior to implementing the Expansion;

Existing Facilities which seek to Modify their operations must apply for and receive a Modification to their current permit prior to implementing the Modification; and

Existing Facilities must apply to renew their permit on an annual basis prior to the expiration of their current permit.

Permit applications for Existing, Expanding, Modifying, or New Facilities must include the information set forth in Section 11-4-1930 of the Municipal Code. The requirements presented below describe this information in further detail.

The permit application requirements for New or Expanding Facilities are described in Section 3.0 of these rules. Existing and Modifying Facilities are required to submit all the information outlined in Section 4.0 and Section 5.0 of these rules. In addition to the above, all permit applications for New, Expanding, Existing or Modifying Facilities must submit all the information outlined in Section 5.0. However, a Qualified Existing Facility may submit a Short Form Application as described in Section 6.0 of these rules.

Applications shall contain sufficient evidence to Demonstrate that the Facility is designed and will be operated in such a manner that the public health, safety, and the environment are protected. To the extent applicable, Documentation submitted to other regulatory agencies may be used. This Documentation must be included in the application as an attachment and referenced in the application.

Pursuant to 11-4-310 of the Code, the Applicant may request the Department to treat with confidentiality any information the Applicant deems a Trade Secret. Applications and any submissions under these rules containing Trade Secrets shall be clearly labeled as such on the cover page of the application. In addition, the applicant shall provide a separate redacted copy of the document.

3. Permit Application for New and Expanding Facilities

The application requirements for New or Expanding Facilities are described below. To minimize redundancy, to the extent any required information has already been provided elsewhere in the application, such information may simply be cross-referenced. Further, documentation submitted to other regulatory agencies, such as the EPA, IEPA, the MWRD, and other City departments may be incorporated in the application as an Attachment and referenced in the applicable sections of the application.

3.1. Professional Engineer

The permit application for New or Expanding Facilities shall be prepared under the direction of, and shall contain the name, address, registration number, seal, and signature of, a Professional Engineer (“PE”).

3.2. Submittal Formats

The Applicant must submit the entire application electronically in portable document format (.pdf) file format, or in another format approved by CDPH.

3.3. Applicant Summary

The application shall contain an Applicant summary that clearly identifies the Person that is applying for the permit. In the case of a sole proprietorship, the application shall include the name, address, email address, and phone number of the owner of the proprietorship. In the case of a partnership or corporation, the application shall include the name, address, contact name, email address, and phone number of the partnership or corporation.

3.4. Facility and Property Summary

The application shall include a Facility and Property summary containing the following:

- a. The Facility’s street address and telephone number;
- b. The Facility’s and the Property’s Property Index Numbers (PINs);
- c. A description of any Operator-utilized Area that includes other operations by the Operator or Owner occurring at the Property, outside the scope of the permit;
and
- d. A list of businesses, other than the Applicant, that are operating on the Property, if any.

3.5. Property Owner's Authorization

The application shall include a notarized letter, signed by the Owner, authorizing the Operator to use the Property as a Reprocessable Construction/Demolition Material Facility. This letter is required even if the Applicant is the Owner.

3.6. Property Taxes

The application shall include Documentation evidencing the payment of real estate property taxes by providing copies of the most recent tax bill and check; or by providing a copy of the most recent tax bill that has been stamped paid by the Cook County Treasurer's office, or payment receipts issued by said office.

3.7. Nature of a Special Use

The application shall contain evidence of zoning approval such as a copy of the Special Use or Planned Development ordinance, and any documents and drawings referenced therein.

3.8. Environmental Assessment

The application shall include a complete copy of the environmental assessment prepared pursuant to the Chicago Zoning Ordinance. The application shall also include any correspondence and/or additional information related to any recommendations included in the environmental assessment or by the City of Chicago.

3.9. Aldermanic and Public Notification

The application shall include a copy of the certified letter to the alderperson within whose ward the Facility is proposed to be located, setting forth the intention and nature of use as a Reprocessable Construction/Demolition Material Facility, as required under Section 11-4-1930(B)(8) of the Ordinance. An application shall not be considered complete without such copy of the certified letter, and in no event shall a permit be issued until 30 days after the date of the certified letter or receipt by the Commissioner of notice from the alderperson that such 30-day period is waived. The Applicant shall also Demonstrate compliance with the provisions for aldermanic and public notification and community meeting as required under Section 17-9-0117-G.4 of the Code.

3.10. Design Report

The application shall contain a design report for the Facility ("Design Report") that shall include the following components, in order:

3.10.1. Site Survey

The Design Report shall contain a site survey prepared by a Professional Surveyor, at a legible scale, no smaller than one-inch equals 100 feet, that includes the following components, at a minimum:

- a. The Facility boundaries and the location of all buildings, access roads, parking areas, and any ancillary structures or features within the Facility;
- b. Topographic contours, at a minimum (2) two-foot contour interval, of existing conditions and any proposed regrading of the Facility; and
- c. Legal descriptions that describe the Facility boundaries.

3.10.2. United States Geological Survey Site Location Map

The Design Report shall contain a USGS 7.5 Minute Quadrangle Map. Such map shall clearly mark the one-mile radius around the entire Facility.

3.10.3. Aerial Photograph Drawing(s)

The Design Report shall contain aerial photography taken within one year before the date of the permit application that shows the following:

- a. The delineated boundaries of the Facility;
- b. Clearly marked radiuses of 150 feet and 660 feet around the entire Facility boundary to identify features including, but not limited to, residential properties, roads, highways, schools, parks, non-manufacturing land uses, and any other Sensitive Area within these radiuses;
- c. Zoning districts clearly delineated. The district boundaries and their respective designation shall be clearly marked; and
- d. Any additional characteristic or feature that has a location standard established in 3.10.4 or any other applicable standard found in the Code. The drawing(s) shall identify the characteristic or feature and indicate the setback distance from the Facility boundary.

3.10.4. Location Standards

Demonstrate compliance with the following standards:

- a. Residential Setbacks. A Facility must meet the setback requirements for waste-related uses set forth in Section 17-9-0117-A of the Municipal Code.
- b. 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).
- c. One hundred (100) year flood plain. A Facility and all ancillary structures, including storage areas, shall not be located within the One hundred (100) year flood plain, unless the Facility can Demonstrate compliance with Chapter 16-6 of the Municipal Code and all other applicable state and federal requirements.
- d. Wetlands. A Facility shall not have a negative impact on Wetlands located on or near the Facility, in accordance with Section 404 of the Clean Water Act (33 U.S.C. § 1344) unless the application is made, and a permit received from the U.S. Army Corps of Engineers, and the Commissioner approves such impact as part of the Facility's permit.
- e. Endangered Species. A Facility shall not pose a threat to any endangered species of plant, fish, or wildlife as defined by the Endangered Species Act (16 U.S.C. § 1531, et seq.) or the Illinois Endangered Species Protection Act (520 ILCS 10/1, et seq.).
- f. Historical and Natural Areas. A Facility shall not pose a threat to any historic site as listed pursuant to the National Historic Preservation Act (54 U.S.C. § 300101, et seq.) or the Historic Preservation Act (20 ILCS 3405/1, et seq.) and/or designated as an official Chicago Landmark Building or within an official Chicago Landmark district, or any natural landmark as designated by the National Park Service, the Illinois State Historic Preservation Office, or as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (525 ILCS 30/1, et seq.).

3.10.5. General Layout of the Facility

The Design Report shall contain sufficient scale drawings to describe the general layout of the Facility. These drawings shall include and indicate, but not be limited to:

- a. The main areas of the Facility, at a legible scale, not less than one-inch equals 100 feet. The scale shall be represented on each drawing in graphical format;
- b. The internal and external layout including dimensions of all buildings and structures;
- c. The layout and location including dimensions for all Fixed Equipment including, but not limited to, all Processing equipment and conveyors;
- d. The footprints of all Processing, handling, and storage (authorized and Unauthorized Materials) areas;
- e. Traffic flow for vehicles used to transport materials through the Facility. This drawing shall also depict the minimum turning radiuses required by vehicles and equipment transporting or handling materials at the Facility;
- f. All pertinent features of the stormwater management system (e.g., onsite stormwater flow, inlets, stormwater pipelines, catch basins, and detention/retention ponds). The extent of the high-water level during a One hundred (100) year, 24-hour precipitation event shall also be depicted.
- g. If present, all pertinent features of the wastewater management system (e.g., floor drains, sumps, oil filters/separators, sewer lines, and treatment facilities);
- h. The locations of the primary water sources and water distribution system components for Employee Facilities, fire suppression, Facility cleaning, and dust control;
- i. The locations of all fire suppression equipment (e.g., sprinklers, hoses, and extinguishers), areas where welding occurs, and all flammable material storage areas;
- j. The locations of all Facility or Operator-utilized Area security control features and all screening and access-control devices such as fences, gates, and signage;

- k. The locations and layout of all onsite and nearby offsite parking and queuing areas, including the number of parking spaces and the maximum number of vehicles that can be queued at one time in the allowed queuing area;
- l. The locations and layout of all Employee Facilities;
- m. The location of all first-aid equipment and other emergency supplies and equipment;
- n. The location of all Airborne Dust Control and Airborne Dust Suppression structures and equipment; and
- o. The location of all air monitoring equipment and their mounting heights.

3.10.6. Pavements

The Design Report shall Demonstrate that all internal roads and parking areas are designed, constructed, and maintained to meet the paving objectives of these rules in preventing dust, standing water, potholes, and the track out of materials. This Demonstration shall include, at a minimum, the following:

- a. A plan scaled drawing depicting all pavements at the Facility by pavement type and condition. Specifications such as Washington State Department of Transportation's Pavement Surface Condition Rating Manual, or similar guidelines (<https://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/highway-bridge-maintenance/pavement-marking/pavement-surface-condition-rating-manual.pdf>) may be used to describe pavement conditions. This information may be shown in the general layout plan required in subsection 3.10.5;
- b. A pavement maintenance plan describing how and at what frequency the Operator will inspect, repair, and maintain all pavements at the Facility to minimize ponding, dust, and mud. The pavement maintenance plan shall include a timeline for the repair of all pavements depicted in (a) above as being in poor condition;
- c. For new pavements, a narrative description, or a cross-section drawing(s), describing or showing the thickness and material composition of the pavement system layers from subgrade to the surface slab or wearing course. Narratives and drawings

shall reference the applicable federal, state, local, industry or professional association design specifications followed to ensure pavements can support and are sufficiently durable for the intended loads and uses; and

All internal roadways and work areas traveled by heavy equipment within 100 feet from a public way or adjacent property must be paved with concrete or bituminous concrete. Surfaces not traveled by heavy equipment within 100 feet from a public way or adjacent property do not have to be paved with concrete or bituminous concrete but must follow appropriate technical guidance manuals that Demonstrate the proposed paving is designed, constructed, and maintained to prevent dust, standing water, potholes, and the track out of materials.

3.10.7. Utilities

The Design Report shall Demonstrate that Utilities are of adequate capacity and are readily available for the operations of the Facility. The information in the Design Report regarding Utilities shall include:

- a. A plan scaled drawing showing the location of all Utilities within and adjacent to the Facility. This information may be shown in the general layout plan required in 3.10.5;
- b. Calculations demonstrating the peak demand for Utilities required for the proper operation of the Facility. This shall include, but is not limited to, gas and electrical demands; and
- c. Documentation to Demonstrate that sufficient capacity for Utilities is available to the Facility to satisfy the demands calculated in (b)above. Such Documentation may be in the form of an approval letter or permit from the utility provider.

3.10.8. Water Sources

The Design Report shall Demonstrate that sufficient quantities of water are available to support Facility operations, and shall include:

- a. An estimate of water usage at the Facility for fire suppression, dust control, cooling, cleaning, irrigation, and Employee Facilities.
- b. The total amount of water, foams, and other fire-extinguishing materials and oils or other chemical dust suppressants available from each source;

- c. The rate at which water, foams, and other fire extinguishing materials and oils or other chemical dust suppressants can be obtained from each source; and
- d. A list of the equipment and specifications that will be used to pump, distribute, and convey water, foams, and other fire-extinguishing materials and oils or other chemical dust suppressants.

3.10.9. Site Security

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

- a. A description and specifications of the fences, gates, signs, and other barriers that prevent unauthorized entry to the Facility or Operator-utilized Area; and
- b. A description of the security measures taken during both operating hours and closed hours.

3.10.10. Structures and Fixed Equipment

The Design Report shall Demonstrate that all structures and Fixed Equipment are designed so that the Facility can be operated as proposed and in a safe manner, and shall include, but not be limited to:

- a. Calculations of the handling capacity of all structures and Fixed Equipment;
- b. An operating and maintenance plan for all structures and Fixed Equipment; and
- c. Detailed design drawings and manufacturers' specification sheets for all material Processing / handling structures.

3.10.11. Tipping Area and Storage Capacity

The Design Report shall Demonstrate that capacity exists to accommodate the inspection and unloading of peak volumes of inbound material and the storage of materials, and shall include, but not be limited to:

- a. Detailed calculations of the volume, in cubic yards, available for the unloading of inbound materials on the Tipping Area(s);

- b. A drawing showing the size and location of the area dedicated to the screening of inbound loads, including the unloading and inspection of atypical or suspicious loads and the inspection of random loads. This information may be shown in the general layout plan required in 3.10.5.
- c. Detailed calculations of the volume, in cubic yards, available for the storage of raw materials, Processed materials, Incidental Debris, products, Unauthorized Materials, and residual Waste on the Tipping Area(s), loadout area, and in all storage areas; and
- d. Drawings showing the location and lateral and vertical extents of all raw material, Processed material, finished product, Incidental Debris, and residual Waste piles at the Facility. This information may be shown on the general layout plan required in subsection 3.10.5.

3.10.12. Water Drainage

The Design Report shall Demonstrate that adequate systems exist to handle stormwater and wastewater flows from the Facility, and shall include:

- a. A stormwater management plan approved by the Chicago Department of Buildings pursuant to the Chicago Stormwater Management Ordinance under Chapter 11-18 of the Municipal Code, or written correspondence from the Chicago Department of Buildings stating that the Facility is exempted from the Chicago Stormwater Management Ordinance requirement. The high-water elevation from a One hundred (100) year, 24-hour precipitation event must be depicted on the general layout plan in subsection 3.10.5 or in a separate drawing, even if the Facility is exempted from Chapter 11-18;
- b. Copies of the Facility's NPDES and MWRD discharge permits, or anticipated submittal date, along with a copy of the permit application(s), and any other permit issued by the IEPA Bureau of Water;
- c. Documentation that any receiving sewer system has sufficient capacity to handle the quantity of stormwater and wastewater generated by the Facility. Such Documentation may be in the form of an approval letter(s) or permit(s) from the Chicago

Department of Buildings and/or the Chicago Department of Water Management; and

- d. Drawings, specifications, and design calculations to Demonstrate effective management, treatment, or disposal of contaminated stormwater and process waters generated by the Facility.

For Expansions that result in no increase to the physical size of the Facility, the drainage review may be limited to the impact of the increase in storage, staging, or Processing volume to existing conditions.

3.10.13. Traffic

The Design Report shall Demonstrate that the Facility is designed and located to minimize the impact on the existing traffic flow in the surrounding area and that the points of ingress and egress are designed according to Illinois Department of Transportation standards. This Demonstration shall include, but not be limited to:

- a. Calculations of the average and the maximum number of vehicles generated by the Facility, as well as an hourly breakdown of Facility vehicle traffic;
- b. A stacking plan showing the number of vehicles and the onsite and offsite locations of these vehicles during the maximum peak Facility traffic hours;
- c. An idling reduction plan that Demonstrates how unnecessary idling of vehicles and equipment, including all vehicles waiting to come onto a Facility's property, regardless of ownership, will be minimized in order to avoid contributions to poor air quality and noise. In addition, such Demonstration shall include an outreach and enforcement plan to educate customers on the Facility's anti-idling requirements and enforcement actions that will be taken for non-adherence;
- d. A listing of roads and highways designated for use by traffic generated by the Facility;
- e. 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;
- f. Traffic counts taken in hourly intervals at all ingress/egress points to identify the peak hours of traffic occurring in the

morning and afternoon. The traffic counts shall include a classification of vehicles;

- g. A description of the measures taken to reduce the impact of the Facility generated traffic on the existing traffic flows; and
- h. Diagrams of the points of ingress and egress depicting the layout of ingress/egress points, sight distances, and improvements necessary to minimize accidents at the ingress/egress points.

3.10.14. Expected Waste Generation

The Design Report shall include a description and estimate of the amount of Waste in tons anticipated to be generated at the Facility. Such documentation shall include an estimate of Waste in tons to be generated at the Facility each month, broken down by activity, and categorized by Waste type (e.g., Municipal Waste, Special Waste, Hazardous Waste, Universal Waste, and Liquid Waste). Waste may include residue generated from the Processing of materials, cleaning and housekeeping activities, and Waste from filter media and pollution control devices.

3.10.15. Parking

The Design Report shall Demonstrate that the Facility meets the minimum automobile parking ratio and the minimum bike parking requirements mandated by the Chicago Zoning Ordinance, and shall include:

- a. The number of employees at the Facility and the corresponding number of parking spaces;
- b. Backup calculations showing that the parking spaces in (a) above meet the parking requirements mandated by the Chicago Zoning Ordinance; and
- c. A layout of all parking areas, including bicycle parking, short-term vehicle parking, and vehicle queuing areas. This layout may be shown on the general layout plan required in subsection 3.10.5.

3.10.16. Employee Facilities

The Design Report shall contain a description of the Employee Facilities available at the Facility.

3.10.17. Perimeter Barrier

The Design Report shall Demonstrate that the barrier around the Facility will obscure Facility operations from the public way and adjacent properties, and shall include a description of the Facility's perimeter barrier, including, but not limited to:

- a. Height – The barrier must be at least 8 feet high;
- b. Material Composition – The barrier must be solid so as to completely obscure all materials stored or kept within the Facility boundaries. The barrier must be constructed of durable material such as concrete, cinder block, brick, metal (at least 18-gauge steel or 3.18-millimeter aluminum), or another material, including composites of the above, approved by the Commissioner. Applicants seeking approval to use other types of materials must Demonstrate that the proposed materials meet zoning requirements and are comparable in terms of durability, maintenance requirements, visual-screening, and noise-mitigating performance relative to the above-listed materials. For New or Expanding Facilities, chain-link or wrought-iron fencing covered in slats or meshing is not considered a durable material.
- c. Facility Access Locations – When possible, all gates and access openings shall be located away from adjacent or nearby non-manufacturing land uses.
- d. Elevation Drawing – The application shall include an elevation drawing(s) showing the vertical dimensions and construction of the barrier, gates, locking mechanism and other important features.

Barriers are not required on sides of the Facility along a waterway if the barrier would interfere with loading operations or conflict with zoning requirements. In addition, adjacent embankments or rail lines may be used to meet the above perimeter barrier requirement if such features otherwise meet the security and screening intent of this section, subject to approval by the Commissioner.

3.10.18. Stormwater Pollution Prevention

For Facilities located along Waters or which discharge to an MS4, the Design Report shall include a Stormwater Pollution Prevention Plan that includes, but may not necessarily be limited to:

- a. The identification of offsite receiving Waters and sewerage systems. If the discharge is to a sewer, identify the sewer type (combined, MS4, sanitary);

- b. An inventory of potential pollutants at the Facility and their sources. The types of pollutants to be considered shall, at a minimum, include sediments, oil and grease, toxic chemicals, pH, heavy metals, nutrients, and trash/debris; and
- c. A description of best management practices (BMPs) to address the pollutants identified. The description shall Demonstrate that the BMPs are designed and will be maintained to effectively remove the pollutants in accordance with all applicable local, state, and federal requirements.

The Applicant may submit a copy of the SWPPP prepared in accordance with the Facility's NPDES permit to satisfy the requirements of this section. The CDPH may require additional information or measures to supplement the SWPPP based on site-specific conditions.

3.10.19. Storage Tanks

The Design Report shall Demonstrate that all storage tanks used to store oil, chemicals, and flammable liquids have Secondary Containment and are approved by the State Fire Marshall's Office and the CDPH's Storage Tank Unit. A Facility subject to Spill Prevention Control and Counter measures (SPCC) regulations under 40 C.F.R. § 112 shall provide a copy of the Facility's SPCC Plan.

3.10.20. Additional Requirements

The Commissioner may require additional information to be submitted if the Commissioner determines that the information in the application is insufficient or otherwise deems further information necessary in order to render a decision on the permit application.

4. Application For Existing and Modifying Facilities

The application requirements for Existing and Modifying Facilities are described below. To minimize redundancy, to the extent any required information has already been provided elsewhere in the application, such information may simply be cross-referenced. Further, documentation submitted to other regulatory agencies, such as the EPA, IEPA, the MWRD, and other City departments may be incorporated in the application as an Attachment and referenced in the applicable sections of the application.

4.1. Professional Engineer

The permit application shall be prepared under the direction of, and shall contain the name, address, registration number, seal, and signature of, a Professional Engineer (“PE”).

4.2. Submittal Formats

The Applicant must submit the entire application electronically in portable document format (.pdf) file format, or in another format approved by CDPH.

4.3. Applicant Summary

The application shall contain an Applicant summary that clearly identifies the Person that is applying for the permit renewal or modification. In the case of a sole proprietorship, the Application shall include the name, address, email address, and phone number of the owner of the proprietorship. In the case of a partnership or corporation, the application shall include the name, address, contact name, email address, and phone number of the partnership or corporation.

4.4. Facility and Property Summary

The application shall include a Facility and Property summary containing the following:

- a. The Facility’s street address and telephone number;
- b. The Facility’s and the Property’s Property Index Numbers (PINs);
- c. A description of any Operator-utilized Area that includes other operations by the Operator or Owner occurring at the Property, outside the scope of the permit; and
- d. A list of businesses, other than the Applicant, that are operating on the Property, if any.

4.5. Property Owner's Authorization

If Ownership has changed since the last application, the application shall include a notarized letter, signed by the Owner, authorizing the Operator to use the Property as a Reprocessable Construction/Demolition Material Facility.

4.6. Property Taxes

The application shall include Documentation evidencing the payment of real estate property taxes by providing copies of the most recent tax bill and check; or by providing a copy of the most recent tax bill that has been stamped paid by the Cook County Treasurer's office, or payment receipts issued by said office.

4.7. Nature of a Special Use

The Design Report shall contain evidence of zoning approval such as a copy of the Special Use, Planned Development ordinance, non-conforming use, and any documents and drawings referenced therein.

4.8. Design Report

The application for Existing or Modifying Facilities shall contain a design report that shall include the following components, in order:

4.8.1. General Layout of the Facility

The Design Report shall contain sufficient scale drawings to describe the general layout of the Facility. These drawings shall include and indicate, but not be limited to:

- a. The main areas of the Facility, at a legible scale, not less than one-inch equals 100 feet. The scale shall be represented on each drawing in graphical format;
- b. The internal and external layout including dimensions of all buildings and structures;
- c. The layout and location including dimensions for all Fixed Equipment including, but not limited to, all Processing equipment and conveyors;
- d. The footprints of all Processing, handling, and storage (authorized and Unauthorized Materials) areas;
- e. Traffic flow for vehicles used to transport materials through the Facility;

- f. If present, all pertinent features of the stormwater management system (e.g., onsite stormwater flow, inlets, stormwater pipelines, catch basins, and detention/retention ponds).
- g. If present, all pertinent features of the wastewater management system (e.g., floor drains, sumps, oil filters/separators, sewer lines, and treatment facilities);
- h. The locations of the primary water sources and water distribution system components for Employee Facilities, fire suppression, Facility cleaning, and dust control;
- i. The locations of all fire suppression equipment (e.g., sprinklers, hoses, and extinguishers), areas where welding occurs, and all flammable material storage areas;
- j. The locations of all Facility or Operator-utilized Area security control features and all screening and access-control devices such as fences, gates, and signage;
- k. The locations and layout of all onsite and nearby offsite parking and queuing areas, including the number of parking spaces and the maximum number of vehicles that can be queued at one time in the allowed queuing area;
- l. The location of all first-aid equipment and other emergency supplies and equipment;
- m. The location of all Airborne Dust Control and Airborne Dust Suppression structures and equipment; and
- n. The location of all air monitoring equipment and their mounting heights.

4.8.2. Pavements

The Design Report shall Demonstrate that all internal roads and parking areas are maintained to meet the paving objectives of these rules in preventing dust, standing water, potholes, and the track out of materials. This Demonstration shall include, at a minimum, the following:

- a. A plan scaled drawing depicting all pavements at the Facility by pavement type and condition. Specifications such as Washington State Department of Transportation's Pavement

Surface Condition Rating Manual, or similar guidelines (<https://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/highway-bridge-maintenance/pavement-marking/pavement-surface-condition-rating-manual.pdf>) may be used to describe pavement conditions. This information may be shown in the general layout plan required in subsection 4.8.1;

- b. A pavement maintenance plan describing how and at what frequency the Operator will inspect, repair, and maintain all pavements at the Facility to minimize ponding, dust, and mud. The pavement maintenance plan shall include a timeline for the repair of all pavements depicted in (a) above as being in poor condition; and
- c. For new pavements, a narrative description, or a cross-section drawing(s), describing or showing the thickness and material composition of the pavement system layers from subgrade to the surface slab or wearing course. Narratives and drawings shall reference the applicable federal, state, local, industry or professional association design specifications followed to ensure pavements can support and are sufficiently durable for the intended loads and uses.

4.8.3. Site Security

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

- a. A description and specifications of the fences, gates, signs, and other barriers that prevent unauthorized entry to the Facility or Operator-utilized Area; and
- b. A description of the security measures taken during both operating hours and closed hours.

4.8.4. Structures and Fixed Equipment

The Design Report shall Demonstrate that all structures and Fixed Equipment are designed so that the Facility can be operated as proposed and in a safe manner, and shall include, but not be limited to:

- a. Calculations of the handling capacity of all structures and Fixed Equipment;

- b. An operating and maintenance plan for all structures and Fixed Equipment; and
- c. Detailed design drawings and, if available, manufacturers' specification sheets for all material Processing/handling structures. The make and model of Fixed Equipment if the manufacturer's specification sheets are unavailable.

4.8.5. Tipping Area and Storage Capacity

The Design Report shall Demonstrate that sufficient capacity exists to accommodate the inspection and unloading of peak volumes of inbound material and the storage of materials, and shall include, but not be limited to:

- a. Detailed calculations of the volume, in cubic yards, available for the unloading of inbound materials on the Tipping Area(s);
- b. A drawing showing the size and location of the area dedicated to the screening of inbound loads, including the unloading and inspection of atypical or suspicious loads and the inspection of random loads. This information may be shown in the general layout plan required in 4.8.1;
- c. Detailed calculations of the volume, in cubic yards, available for the storage of raw materials, Incidental Debris, Processed materials, products, Unauthorized Materials, and residual Waste on the Tipping Area(s), loadout area, and in all storage areas; and
- d. Drawings showing the location and lateral and vertical extents of all raw material, Processed material, finished product, and residual Waste piles at the Facility. This information may be shown on the general layout plan required in subsection 4.8.1.

4.8.6. Traffic

The Design Report shall Demonstrate that the Facility is operating in a manner that minimizes impact on the existing traffic flow in the surrounding area. This Demonstration shall include, but not be limited to:

- a. Calculations of the average and the maximum number of vehicles generated by the Facility, as well as an hourly breakdown of Facility vehicle traffic. This information may be determined using truck-scale records going back at least one year prior to the application date;

- b. A stacking plan showing the number of vehicles and the onsite and offsite stacking locations of these vehicles during the maximum peak Facility traffic hours;
- c. An idling reduction plan that Demonstrates how unnecessary idling of vehicles and equipment, including all vehicles waiting to come onto a Facility's property, regardless of ownership, will be minimized in order to avoid contributions to poor air quality and noise. In addition, such Demonstration shall include an outreach and enforcement plan to educate customers on the Facility's anti-idling requirements and enforcement actions that will be taken for non-adherence; and
- d. A listing of roads and highways designated for use by traffic generated by the Facility.

4.8.7. Perimeter Barrier

The Design Report shall Demonstrate that the barrier around the Facility will obscure Facility operations from the public way and adjacent properties and will meet the following criteria:

- a. Height – The barrier must be at least 8 feet high. Subject to Commissioner approval, the height of existing six-foot fencing may be supplemented with dense vegetation to provide comparable screening as an eight-foot-high barrier. Such fencing and vegetation combination must meet applicable Zoning requirements.
- b. Material Composition – The barrier must be solid so as to completely obscure all materials stored or kept within the Facility boundaries. For Existing and Modifying Facilities, existing chain-link fencing wrapped entirely with meshing or covered with slats is considered solid.

Barriers are not required on sides of the Facility along a waterway if the barrier would interfere with loading operations or conflict with zoning requirements. In addition, adjacent embankments or rail lines may be used to meet the above perimeter barrier requirement if such features otherwise meet the security and screening intent of this section, subject to approval by the Commissioner.

4.8.8. Stormwater Pollution Prevention

For Sites located along Waters or which discharge to an MS4, the Design Report shall include a Stormwater Pollution Prevention Plan that includes, but may not necessarily be limited to:

- a. The identification of offsite receiving Waters and sewerage systems. If the discharge is to a sewer, identify the sewer type (combined, MS4, sanitary);
- b. An inventory of potential pollutants at the Facility and their sources. The types of pollutants to be considered shall, at a minimum, include sediments, oil and grease, toxic chemicals, pH, heavy metals, nutrients, and trash/debris; and
- c. A description of best management practices (BMPs) to address the pollutants identified. The description shall Demonstrate that the BMPs are designed and will be maintained to effectively remove the pollutants in accordance with all applicable local, state, and federal requirements.

The Applicant may submit a copy of the SWPPP prepared in accordance with the Facility's NPDES permit to satisfy the requirements of this section. The CDPH may require additional information or measures to supplement the SWPPP based on site-specific conditions.

4.8.9. Storage Tanks

The Design Report shall Demonstrate that all storage tanks used to store oil, chemicals, and flammable liquids have Secondary Containment and are approved by the State Fire Marshall's Office and the CDPH's Storage Tank Unit. A Facility subject to Spill Prevention Control and Counter measures (SPCC) regulations under 40 C.F.R. § 112 shall provide a copy of the Facility's SPCC Plan.

4.8.10. Fugitive Dust BMP Evaluation

The Design Report shall include a comprehensive evaluation, by a qualified independent third party, of the best management practices (BMPs) needed to effectively address fugitive particulate concerns at the Facility. Such evaluation shall, at a minimum, include the following:

- a. Certifications, resumes, and other proofs that the independent third party is qualified to conduct the evaluation. For the purpose of this paragraph, a professional engineer (P.E.) or a

certified industrial hygienist (CIH) with relevant experience are deemed qualified;

- b. A description of the qualified independent third party's relationship to the Owner or Operator;
- c. An analysis of the effectiveness of the Facility's Dust Control Plan, as well as the Operator's implementation of said plan, in complying with the visible dust and opacity limit requirements under Section 7.6.2 of these rules, and other industry, local, state, and federal fugitive dust standards; and
- d. A root cause analysis and recommended corrective action for each noted deficiency in (c) above.

4.8.11. Additional Requirements

The Commissioner may require additional information to be submitted if the Commissioner determines that the information in the application is insufficient or otherwise deems further information necessary in order to render a decision on the permit application.

5. Operating Plan

The application for New, Expanding, Existing, and Modifying Facilities shall contain an operating plan (“Operating Plan”) for the Facility that shall include, at a minimum, the components below, in order. To minimize redundancy, to the extent any required information has already been provided elsewhere in the application, such information may simply be cross-referenced. Further, documentation submitted to other regulatory agencies, such as the EPA, IEPA, the MWRD, and other City departments may be incorporated in the application as an Attachment and referenced in the applicable sections of application.

5.1. Types of Material

The Operating Plan shall include a description of the types and quantities of materials accepted at the Facility. It shall also include the screening measures to be used by the Facility to ensure that Unauthorized Materials and loads containing Incidental Debris in excess of 20% by weight are not accepted into the Facility, or if inadvertently accepted, are properly disposed of, or lawfully reused offsite. The operating Plan shall include, but not be limited to:

- a. A list of the general types of Reprocessable Construction/Demolition Materials accepted and Processed at the Facility;
- b. A description of the source types (industrial, commercial, residential, construction or demolition activity, Waste transfer stations, recycling service pick-ups, etc.) from which the different types of materials will be accepted;
- c. A screening protocol of the sources in (a) above that ensure Unauthorized Materials will not be brought to the Facility. Such protocol shall include signed affidavits, along with analytical data as appropriate, from the source that the material does not contain lead-based paint, asbestos containing materials, and other contamination that would render the Reprocessing or reuse of the material illegal or impossible;
- d. A screening plan that provides for onsite screening of inbound loads that ensure Unauthorized Materials and loads containing greater than 20% Incidental Debris are not accepted into the Facility. The screening plan shall include thorough inspection of suspect loads and random loads. Loads emitting chemical or petroleum odors or containing painted debris or suspect asbestos containing material shall not be accepted into the Facility unless the Operator can verify that the load can legally be accepted into the Facility. Such verification or confirmation can consist of the documentation required in (c) above, and through the use of instruments such as an X-ray fluorescence meter to detect lead in paint and a photo-ionization detector to detect volatile organic

compounds. The plan shall also describe in detail the inspection procedures for unloaded materials;

- e. A plan for the segregation and removal of all Unauthorized Material from the Facility; and
- f. An emergency response plan for the handling, storage, and disposal of hazardous or dangerous materials that require immediate attention or specialized handling and/or disposal.

5.2. Quantity of Materials

The Operating Plan shall include a description of the daily quantities of materials in tons accepted at the Facility during average and peak-volume seasons and shall include:

- a. Detailed calculations estimating the peak daily quantities of material that can be accepted at the Facility taking into consideration the Process flow rates in 5.3, the storage volumes in 3.10.11 or 4.8.5, the truck stacking capacity in 3.10.13 or 4.8.6, and other pertinent factors. The estimated material quantities shall be provided on a tons per day basis and include all assumptions used in the calculation; and
- b. Documentation to Demonstrate that the Facility has the ability to determine and record the amounts of material in tons entering, exiting, and being Processed at the Facility, and can readily generate a summary report on these quantities in a reasonable period of time when requested by the Commissioner.

5.3. Devices, Apparatus, and Processes

The Operating Plan shall Demonstrate, through detailed calculations, flow diagrams, and operating guidelines, that the Facility is capable of Processing the average and maximum peak season daily quantities anticipated for the Facility in a safe manner, including, but not limited to:

- a. A flow diagram(s) indicating the material flow between each major Process line or Process step. The flow diagram(s) shall depict the flow of material between each structure, Fixed Equipment, storage pile, unloading area, and loading area on the diagram. The diagram(s) shall also indicate Processing rates for structures and Fixed Equipment, staffing requirements, storage capacities, average storage times, and inflow /outflow rates, including operating hours;
- b. A health and safety plan that includes all job hazard assessments and a description of the OSHA-required safety devices or procedures employed for all Processing equipment such as, but not limited to, electric lockout devices, guarding, emergency stopping devices, and explosion-proof switches and controls; and

- c. A description and results of any OSHA-required worker air and noise exposure sampling for Facility activities such as, but not necessarily limited to, crushing, and grinding. As applicable, these documents shall be provided in compliance with the Health Insurance Portability and Accountability Act (HIPAA) requirements.

5.4. Dust Control Plan

The Applicant shall provide CDPH a dust control plan describing best management practices (BMPs) used at the Facility to prevent and suppress dust. BMPs should include, but may not necessarily be limited to, pertinent measures recommended by the following guidance documents:

- a. US EPA's Fugitive Dust Control Measures and Best Practices (<https://www.epa.gov/system/files/documents/2022-02/fugitive-dust-control-best-practices.pdf>);
- b. The Centers for Disease Control and Prevention's (CDC's) Dust Control Handbook for Industrial Minerals Mining and Processing (<https://www.cdc.gov/niosh/mining/works/coversheet2094.html>); and
- c. IEPA's Aggregate Facilities Registration of Smaller Sources (ROSS) Program Guide (<https://www2.illinois.gov/dceo/SmallBizAssistance/EnvironmentalAssistanceProgram/Documents/Aggregate%20ROSS%20Sources%20factsheet-revised%20Nov2018.pdf>).

At a minimum, the dust control plan shall include a listing and technical specifications of all Airborne Dust Prevention and all Airborne Dust Suppression measures deployed at each Reprocessing device, conveyor, material drop point, stockpile location, material handling area, and roadway surface during freezing and non-freezing conditions.

CDPH may require additional BMPs if the Commissioner determines the proposed measures to be inadequate based on recurring violations and verified complaints. Such BMPs may include, but not be limited to, full or partial enclosures, wind screens, and dry-based controls that capture, clean and exhaust dusty air.

5.5. Dust Monitoring Plan

The Operating Plan shall include a dust monitoring plan that describes the placement, operation, and maintenance of the PM10 monitors and a weather station as required under 7.6.3 of these rules, and a schedule and plan for quarterly testing to ensure compliance with the prohibition of dust set forth in 7.6.2.

- a. The dust monitoring plan shall provide for at least one monitor at the following locations along or near the Facility's boundary:
 - i. At each 45-degree direction relative to the center of the Facility where there is a Sensitive Area within 660 feet of the Facility or Property boundary; and
 - ii. At each location of the Facility found in the Air Quality Impact Assessment (AQIS) or by other evaluations performed in accordance with EPA's 40 CFR 51 Appendix W Guideline on Air Quality Models, to potentially exceed EPA's 24-hour standard for PM10 or relevant acute or chronic health screening limits or standards. For PM10, a potential exceedance shall mean the highest 24-hour annual concentration modeled plus the PM10 ambient design value as provided by CDPH's latest Ambient Air Background Concentrations table posted in the City's Air Quality Ordinance, Resources for Applicants web page (<https://www.chicago.gov/city/en/sites/air-quality-zoning/home/resources-for-applicants.html>).

The applicant may propose an alternate monitor-siting approach for the Commissioner's review and approval. Such alternate approaches shall be supported by sound science and statistics that consider meteorological conditions, pollutant sources and concentrations, topography, and other pertinent factors.

In circumstances where the above requirements would result in monitors being placed on the same side of the facility within 100 feet of one another, a single monitor may be used. In such cases, the single monitor must be placed in a central location as approved by CDPH in the permit.

In the event no location meets any of the criteria above, at least one monitor shall be placed downwind of the prevailing wind direction. Prevailing wind direction may be determined using appropriate wind roses found in the City's Air Quality Ordinance, Resources for Applicants web page (<https://www.chicago.gov/city/en/sites/air-quality-zoning/home/resources-for-applicants.html>).

- b. CDPH may require air monitors to be relocated as necessary to afford better coverage of sensitive areas or account for seasonal variation in wind direction. When making such a request, CDPH will notify the Facility in writing and explain the basis for the relocation.

- c. The dust monitoring plan must include a calibration plan that ensures all PM10 monitors and weather stations will be calibrated prior to being placed in service and annually, or at a frequency recommended by the manufacturer, thereafter.
- d. For Facilities using light-scattering nephelometers to monitor PM10, the calibration plan shall include a periodic determination of a site-specific correlation factor that calibrates the instruments' readings against concentrations determined by gravimetric sampling using EPA IO 3.1, NIOSH 0500, or other methods approved by CDPH. The site-specific correlation factor shall be calculated using mathematical formulas provided by the equipment manufacturer or a statistical approach approved by CDPH.
- e. The dust monitoring plan must also include a data completeness plan that ensures all monitors and the weather station required pursuant to these rules are capable of achieving the quarterly data capture rate in Table 1 below.

Quarter	Months	Minimum Number 15-Minute Observations Required*
1	January – March	6,912
2	April – June	6,988
3	July – September	7,066
4	October – December	7,066

Table 1

* Observations may not include negative, blank, non-numeric, or impossible values

- f. If the Operator consistently fails to comply with Table 1, CDPH may require the Operator to implement specific mitigative measures such as having redundant or back-up equipment on-hand, running continuous electrical power to instruments, and/or the use of Federal Equivalent Method (FEM) instruments. For the purpose of this paragraph, “consistently fails” means failure to meet the Table 1 requirements for two consecutive quarters or three quarters over two years, whichever occurs first.
- g. The dust monitoring plan must also include a sampling plan to determine the concentration of particulates and the fraction of harmful contaminants that may be in them. Specifically, air samples shall be collected at all monitored locations triennially for analysis of the following pollutants:
 - i. Lead using NIOSH Method 7300, 7302, or 7303;
 - ii. Asbestos fibers using NIOSH Method(s) 7400 and/or 7402;
 - iii. Silica using NIOSH Method 7500 or 7602;

- iv. Respirable particulates using NIOSH Method 0600; and
- v. Total dust using NIOSH Method 0500.

The Commissioner may approve alternate test methods or require the use of EPA methods, depending on site-specific factors. The Commissioner may also require the air monitoring or sampling of other contaminants that may reasonably be emitted from the Facility at harmful levels. In evaluating potential risks associated with the above harmful contaminants, the Commissioner may use relevant regulatory standards or guidelines published by OSHA, EPA, NIOSH, California OSHA and other agencies or organizations.

5.6. Fire Prevention

The Facility shall comply with the requirements of the Municipal Code and all applicable local, state, and federal laws and regulations relating to fire prevention. The Operating Plan shall include a Fire Prevention and Response Plan. At a minimum, the Fire Prevention and Response Plan shall include:

- a. A description of the safety measures employed to prevent fires;
- b. A list of all flammable or explosive materials used in the day-to-day operation of the Facility, their amounts, storage method, and location at the Facility;
- c. A description of the handling procedures for the flammable or explosive materials listed;
- d. Details and specifications of a fire detection system for the Facility;
- e. Specifications and locations of all fire suppression equipment including, but not limited to, extinguishers, automatic sprinklers, and hoses. This information may be shown in the general layout plan required in 3.10.5 or 4.8.1; and
- f. A description of the responsibilities of all employees in the event of a fire.

5.7. Emergency Communications

The Operating Plan shall contain a description of the emergency communication system. This description shall include, but not be limited to:

- a. A listing of all equipment available for routine communications and emergency communications;
- b. A list of authorities and on-call emergency environmental contractors that may be contacted in the event of an emergency situation; and
- c. A description of the internal chain-of-command in the event of an emergency, including a description of responsibilities.

5.8. First Aid Equipment

The Operating Plan shall contain a description of all first aid equipment available and their location at the Facility.

5.9. Rodent/Vector Control

The Operating Plan shall include a plan for the effective prevention and control of rodents and other Vectors, and at a minimum, shall include:

- a. A minimum of monthly inspections to be conducted by a Vector control specialist of the entire Facility for rodents, mosquitos, and other Vectors. A record of the most current inspection and eleven previous inspections shall be maintained at the Facility; and
- b. A detailed description of all measures employed (e.g., bait stations and traps) to prevent infestation by rodents, mosquitos, and other Vectors, including good housekeeping practices used to control rodents, mosquitos, and other Vectors.

5.10. Vehicles

The Operating Plan shall describe the vehicles to be used at the Facility, including:

- a. A list of all types of vehicles proposed to be operated at the Facility and the vehicle maintenance activities to be performed. Maintenance shall be performed in accordance with manufacturer recommendations, relevant industry standards, and state and federal requirements;
- b. The quantity and the EPA New Source Performance Standard diesel engine Tier rating of each type of vehicle operated at the Facility;
- c. The intended use and operating plan for each vehicle;
- d. The number of employees qualified to operate each vehicle; and
- e. The quantity of material in tons each vehicle is expected to be able to Process or transport.

5.11. Disposal Facilities

The Operating Plan shall identify all disposal facilities to which Liquid Waste and residual Waste from the Facility will be hauled. The information shall include the name and location of all disposal and other facilities where Waste, uncontaminated soil, and Incidental Debris will be disposed of or recycled.

5.12. Daily Housekeeping and Cleaning

The Operating Plan shall Demonstrate that the daily housekeeping and cleaning procedures are sufficient to minimize dust, track-out, and the presence of rodents, mosquitos, and other Vectors and odors. Such Demonstration shall consist of a Facility Housekeeping and Cleaning Standard Operating Procedures (“SOP”) document that includes, but is not limited to:

- a. A description of all daily cleaning activities, including the removal of spilled material around containers, equipment, and conveyers, and the cleaning of pavements complying with subsection 7.13 of these rules;
- b. A schedule indicating the initiation and completion of daily cleaning activities;
- c. The make, model, and specification of the street sweeper required in 7.13 and any sprayers, misters, and other Airborne Dust Prevention and Airborne Dust Suppression equipment employed at the Facility;
- d. A description of materials, supplies, and quantities necessary to complete the daily cleaning activities and to clean up leaks and spills;
- e. A description of the staffing that will be dedicated to conducting the required daily cleaning activities;
- f. A record-keeping plan to document daily cleaning and housekeeping activities including, but not limited to, such activities required under 7.13.3 of these rules. Such plan shall include, but not be limited to, the following information:
 - i. A description of the cleaning or housekeeping activity performed;
 - ii. Name of the person(s) who performed the cleaning or housekeeping activity; and
 - iii. The date, time, and duration the cleaning or housekeeping activity took place; and
- g. A public complaint management plan that outlines the Facility’s process for receiving and recording public complaints. The Facility shall maintain a record of all received complaints to be submitted to the Commissioner along with the quarterly report outlined in section 7.19. The Commissioner may request more frequent public complaint reporting based on a Facility’s history of compliance with all rules and regulations.

5.13. 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 under Section 11-4-2000(B) of the Municipal Code unless a waiver is granted by the Commissioner. To request a waiver, the applicant must submit a noise impact assessment per section 5.14 for the Commissioner's review and approval.

A noise impact assessment shall not be required in temporary circumstances when the facility must remain open to receive materials from government infrastructure projects. In such temporary circumstances, the Facility shall notify the Department and receive written approval from the Commissioner prior to operating beyond the normal operating hours. Such notification shall include the following, at a minimum.

- a. The name of the government agency;
- b. The project name, brief description, and the government agency's project contact information;
- c. The project start and end dates, along with the times when materials will be handled at the Facility after-hours;
- d. The estimated average and maximum quantities of materials received and shipped to and from the Facility each night;
- e. The estimated total amount of material that will be accepted from the project;
- f. The estimated total amount of material that will be shipped to the project; and
- g. A plan for mitigating noise and dust during the non-standard operating hours.

5.14. Noise Impact Assessment

Except in temporary circumstances described in 5.13, for applications requesting a waiver to operate outside of the operating hours under Section 11-4-2000 (B) of the Code, the Design Report shall include a noise impact assessment that includes, but is not limited to:

- a. A demonstration that sound levels from the Facility will not exceed applicable standards set forth in Section 8-32-090 of the Code;
- b. This Demonstration shall include a determination of the total sound level in dB(a). This total sound level may be computed based on a detailed inventory of sound levels generated by equipment and facility activities, measured directly using a sound pressure level meter, or under a work plan prepared and performed by a noise-abatement engineer or qualified sound consultant; and

- c. If any sound levels exceed applicable standards contained in Section 8-32-090 of the Code, the noise impact assessment shall include a noise abatement plan to bring sound levels down to within regulatory limits.

5.15. Closure Plan

The application shall contain a Closure Plan. The Closure Plan shall include, at a minimum, the following components, in this order:

- a. Closure Plan Activities. The Closure Plan shall list activities that will occur upon Closure, including a listing of materials necessary for Closure and a schedule for completion.
- b. Material Removal. The Closure Plan shall include a plan for removing all Reprocessable Construction/Demolition Materials, Incidental Debris, and Waste material from the Facility.
- c. Equipment Decommissioning. The Closure plan shall include a plan for decommissioning and cleaning all equipment and structures at the Facility.
- d. Cost Estimates. The Closure Plan shall include cost estimates for the completion of all Closure activities. The cost estimates shall be based on the cost necessary for Closure at any time during the life of the Facility and shall not be discounted to current values. The cost estimate shall reflect a worst-case scenario.
- e. Financing. The Closure Plan shall include Documentation to Demonstrate that sufficient financing is available to complete all Closure activities.

6. Short Form Application

In lieu of the full application described in Section 4.0 and Section 5.0 of these rules, Qualified Existing Facilities may provide a streamlined Short Form Application. The Short Form shall include all the information required below.

6.1. Applicant Summary

The Short Form permit application shall clearly identify the person, partnership, or corporation that is applying for the permit. In the case of a sole proprietorship, the application for a permit shall include the name, address, email address, and phone number of the owner of the proprietorship. In the case of a partnership or corporation, the application for a permit shall include the name, address, contact name, email address, and phone number of the partnership or corporation.

6.2. Facility Summary

A facility summary shall be included with the Short Form permit application. This summary is intended to be brief in nature. This facility summary shall contain the following information:

- a. Name of the applicant, including address and phone number.
- b. Street address and phone number of the facility for which a permit is requested.
- c. A list of the types and sources of materials to be brought to the facility including a brief description of the composition of each material stream.
- d. The average and maximum daily quantities of each type of material anticipated to be brought to the facility during the term of the permit.
- e. The estimated daily volume of facility-generated truck traffic including the numbers of inbound and outbound trucks by vehicle type and the anticipated peak hour facility traffic.
- f. The total number of full-time and part-time employees at the facility.
- g. The current zoning district of the facility.
- h. A brief description of the operations at the facility.
- i. The facility operating hours.

6.3. Facility Safety Overview

A facility safety overview shall be included with a Short Form permit application. The purpose of the facility safety overview is to provide Department personnel who may inspect the facility with a basic understanding of potential hazards and safety procedures. The facility safety overview shall include the following information:

- a. A description of the personal protective equipment to be worn by non-employees to the Facility.
- b. A description of the potential hazards present at the Facility.
- c. A summary of Facility check-in and escort procedures.
- d. A summary of Facility evacuation procedures.
- e. A summary of any other applicable Facility safety procedures.

6.4. Demonstration of Financial Security

The Short Form permit application shall be accompanied by a Demonstration of financial security in the amount required in Section 11-4-2020 of the Municipal Code and shall be provided in a form acceptable to the City Comptroller and the Commissioner and as may be defined by rule.

6.5. Real Estate Taxes

The Short Form permit application shall be accompanied by proof of payment of real estate taxes, in the form of copies of the most recent tax bill and canceled check; or the most recent tax bill stamped paid by the Cook County Assessor's Office or as published on said office's website.

6.6. Affidavit

The Short Form permit application shall be accompanied by a notarized affidavit from the applicant stating that the Facility operations for the coming permit year shall be consistent with those represented in the most recent, approved permit application prepared in accordance with Sections 3.0 or Section 4.0 and Section 5.0 of these rules. Further, this affidavit shall state that no changes shall be made to Facility operations without prior written approval from the Department.

6.7. Full Application

At least once every three (3) years, each Existing Facility must submit an application which provides all of the information required under Section 4.0 and Section 5.0 of these rules. CDPH may, at the Commissioner's discretion, require an application which provides all of the information at any time.

7. Operating Standards

A Reprocessable Construction/Demolition Material Facility shall comply with the following operational standards. All plans required for the application must be consistent with the standards described below.

7.1. Permit

The Facility shall be operated in accordance with the current permit application on file with the Department and the current permit issued by the Department. A copy of the permit shall be maintained at the Facility as part of the Operating Record and shall be reviewed at a minimum annually by the Operator. If the current permit application and the current permit conflict, the permit shall govern.

7.2. Hours of Operation

The Facility operating hours shall be limited to the hours specified in Section 11-4-2000(B) of the Municipal Code, unless a written waiver is issued by the Commissioner. A request for a written waiver shall include a noise impact assessment, as described in subsection 5.14, except in temporary circumstances when the facility must remain open to receive materials from government infrastructure projects, with prior notice and approval, as described in subsection 5.13.

7.3. Material Volume and Weight Limitations

The Facility may not exceed the volume or weight limits specified in the permit. If in response to an emergency, the Facility is required to receive a volume or weight that exceeds the permitted limit, a written record of the date, time, additional volume or weight, and reason shall be made part of the Facility's Operating Record, and the Operator shall notify the Department in accordance with the permit, no later than 24 hours, or the following business day if the subsequent day is a weekend or holiday. The Facility shall return to operating within permitted volumes as soon as the emergency is over, or as explicitly directed by CDPH in writing.

7.4. Material Storage

At no point shall any portion of the Facility or Operator-utilized Area be excavated for the purpose of storing Reprocessed material, Reprocessable Construction/Demolition Material, or Incidental Debris. Material storage at the Facility shall be conducted as follows:

7.4.1. Raw, Processed, and Finished Product Stockpiles

No stockpiles may be located within three feet from, nor taller than the Facility's perimeter fencing. Beyond a distance of eight feet from the nearest perimeter fencing, storage stockpiles may be up to a height equal to that distance, up to a maximum height of 30 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.

Reprocessible Construction/Demolition Material shall be separated from and kept separate from any other Waste and Incidental Debris.

7.4.2. Material Moisture Content

The surface moisture content of all Reprocessible Construction/Demolition Material stockpiles shall be 1.5% or more by weight. To Demonstrate compliance, a representative sample shall be tested weekly using ASTM Procedures (C566-97) for total moisture content of the materials or, subject to Commissioner approval, the use of real-time bulk material moisture meters. The above moisture content testing is not required during weeks when the average daily temperature is below freezing. Moisture testing results and readings shall be recorded and kept as part of the Operating Record.

The above requirement may be waived, in whole or in part, upon Demonstration and prior written approval by the Commissioner that the moisture content of Reprocessible Construction/Demolition Material stockpiles, as stored and shipped, are at least 1.5%.

7.4.3. Incidental Debris

Incidental Debris received at the Facility shall be separated from Reprocessible Construction/Demolition Material and shall be stored indoors, containerized, or placed inside a (3) three-sided enclosure to minimize litter and fugitive dust. The height of the incidental debris pile shall not exceed the height of the enclosure wall. Incidental Debris must be removed from the Facility as soon as possible, but not later than fourteen (14) days after such debris was delivered to the Facility and shall be disposed of in accordance with applicable federal, state, and local laws and regulations.

7.4.4. Waste

No waste, garbage, or refuse, except Reprocessible Construction/Demolition Material and Incidental Debris, may be received or stored at the Facility at any time. Waste generated at the Facility shall be containerized and disposed of as soon as the container is full or every fourteen (14) days, whichever timeframe is sooner.

7.4.5. Indoor Piles

None of the height limitations in this section shall apply to material piles located wholly inside a building.

7.4.6. Testing of Materials

The Owner and/or Operator shall test Reprocessed materials generated at the Facility. A composite sample of each aggregate product shall be collected and tested for extractable lead using SW846 Test Method 1311-Toxicity Characteristic Leaching Procedure (TCLP) and EPA Method 6010, 6020, or 7000. The frequency of the testing shall be every two (2) months or as specified in the permit and shall not exceed six (6) times per calendar year unless the Commissioner expresses sufficient cause in written form to the Owner and/or Operator, pursuant to Section 11-4-1980 of the Code.

The sample results shall be submitted to CDPH within ten (10) days from the Operator's receipt of the laboratory results. In the event a sample exceeds EPA's hazardous waste criteria, the submittal shall include a narrative explaining the circumstances of the exceedance, the amount of product impacted, the actions the Permittee has undertaken or will take to properly handle, store, and dispose of the impacted material, and protocols that will be adopted to ensure such exceedances do not occur in the future.

7.5. Vehicles and Equipment

The Facility shall have sufficient vehicles and equipment available at all times to accept and Process the Facility's permitted volumes or weights of material. Such vehicles and equipment shall be operated in a manner that minimizes emissions, including but not limited to, the following:

7.5.1. Vehicles

All inbound and outbound trucks carrying dirt, aggregate (including minerals, sand, gravel, limestone, or any other ore or mineral which may be mined), or other similar material susceptible to becoming windborne, shall be sealed or tarped. All containers and tarps shall be properly maintained to prevent leaking or tears. The Operator shall immediately repair or replace any damaged or torn tarps on vehicles within the Operator's control. For all other vehicles, the Facility must have a tarping policy in place, which refuses service to improperly tarped inbound trucks, as well as outbound trucks that cannot properly tarp the load prior to exiting.

7.5.2. Railcars and Barges

Railcars and barges must be loaded in a manner that will control dust through the use of best management practices such as, but not limited to, the use of enclosures or partial enclosures, windscreens, solid covers, telescoping loading booms, dust chutes, and the application of dust suppression agents and/or water.

7.5.3. Stationary Equipment

All stationary mechanical equipment shall meet or exceed the emission control level required under the Facility's local, state, and federal air permits, as applicable.

7.6. Air Quality Standards and Monitoring

The Facility shall comply with all of the following requirements to minimize air quality impacts:

7.6.1. Certificate of Operation

The Facility shall possess a certificate of operation issued in accordance with Section 11-4-660 of the Ordinance. The Department reserves the right to impose dust control requirements, in addition to the requirements set forth in these rules, as conditions of the Facility's certificate of operation or air pollution control permit.

7.6.2. Fugitive Dust

Except as provided herein, the Owner or Operator shall not cause or allow the emission of Fugitive Dust into the atmosphere and shall comply with the following requirements.

- a. Visible Dust. No visible Fugitive Dust shall travel beyond the boundaries of the Facility. Using the Method 22, 40 CFR part 60, Appendix A, the Owner or Operator shall conduct once-daily observations of Fugitive Dust around all sides of the Facility when there have been less than 0.1 inches of precipitation within the previous 24 hours.
- b. A copy of the daily Fugitive Dust observation results must be attached to the Operating Record.
- c. Opacity Limit. The Owner or Operator shall not cause or allow the emission of any Fugitive Dust within the Facility at any screening and crushing equipment, storage pile, transfer point, roadway, or parking area that exceeds an opacity of 10% based on a visual reading performed in accordance 35 Ill. Admin. Code § 212.109.
- d. Quarterly Opacity Measurements. Quarterly testing shall be conducted to ensure compliance with the opacity limit and at the areas set forth in c. Such testing must

be conducted by a professional trained and certified to read opacity in accordance with the measurement method, including the number of readings, specified in 35 Ill. Admin. Code § 212.109. Opacity readings should be taken under representative weather and operating conditions. A copy of the quarterly opacity measurement results must be attached to the Operating Record.

- e. Water/Chemical Dust Suppressant Usage Logs. The Operator shall maintain a log on the amount of water or chemical dust suppressant used each operating day.

7.6.3. Air Monitoring Requirements

The Facility shall conduct dust and wind monitoring as follows:

- a. Continuous PM10 Monitoring. The Owner or Operator shall install, operate, and maintain continuous PM10 monitors around the perimeter of the Facility in accordance with the dust monitoring plan prepared under subsection 5.5 of these rules. These instruments must be designated as Federal Equivalent Method (FEM) by EPA or meet the requirements for a Near Reference PM10 Monitor as defined in these rules.
- b. Additional Monitors. CDPH may require the installation of additional air monitors or the relocation of existing air monitors if the Facility causes a dust nuisance or if CDPH determines that the current number or placement of air monitors at the Facility is ineffective or inadequate. CDPH will make such request in writing and will provide the basis for the required monitor addition(s) or relocation(s).
- c. Additional Monitoring Methods. The Department may require the 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. The specifications and protocols for any additional monitoring methods shall be incorporated into the dust monitoring plan in subsection 5.5 of these rules. In the event that additional monitoring is required, the Department will provide a reasonable time period for equipment installation.
- d. Continuous Weather Monitoring. The Owner or Operator shall 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, and relative humidity at the Facility.

The weather station shall be installed at an unobstructed and unsheltered area, at least ten (10) meters above ground level, unless another height is appropriate pursuant to applicable US Environmental Protection Agency protocols and guidance.

The Facility may use weather stations located offsite with prior written approval from the Commissioner. Such approval may be granted upon Demonstration to the Commissioner that the offsite readings are representative of Facility conditions, and the Applicant can comply with the data-logging, notification, and reporting requirements in this section.

- e. Data-logging. A data logger shall be attached to all air monitors and weather stations to record readings from the monitors. Unless otherwise directed by these rules or in the permit conditions, all data collected shall be consistent with units in the National Ambient Air Quality Standards for PM₁₀, and ambient air monitoring practices must comply with current EPA protocols and guidance for ambient air quality monitoring, including but not limited to those for instrument calibration, instrument maintenance, operator training, and daily instrument performance (span) checks. Operators using Near-Reference PM₁₀ Monitors shall follow the above EPA guidelines to the extent applicable and only apply instrument-specific guidelines or professional judgement where necessary, if no-applicable EPA protocols or guidelines are available.
- f. Reportable Action Level (RAL). The RAL is the concentration of PM₁₀ observed at the Facility that will trigger response activities under the contingency plan required under paragraph (g) below. The RAL is the PM₁₀ concentrations above 150 micrograms per cubic meter averaged over a 15-minute period, unless a different concentration or averaging time is specified by CDPH in the permit. Unless otherwise restricted by permit condition, Facilities using FEM monitors may subtract the upwind PM₁₀ concentration from the downwind PM₁₀ concentration in determining a PM₁₀ RAL exceedance.
- g. The Applicant may use alternate site-specific RALs subject to prior approval by CDPH. CDPH may approve the use of other RALs upon Demonstration that the proposed RALs are sufficiently protective of public health and provide for better warning of offsite impacts than the current RALs. The Department may reinstate the RALs in the above paragraph or prescribe other RALs if it finds any current RALs, including previously approved site-specific RALs, to be insufficient in preventing nuisances and adverse impacts to human health and the environment.
- h. Contingency Plan. The Owner or Operator shall prepare a contingency plan describing mitigative actions that will be taken when the monitors detect PM₁₀ or other parameters that exceed the RAL under these rules or in the permit. 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.

- i. RAL Notification. When a reportable action level is exceeded, the Operator shall use telemetry instruments or other means to notify CDPH by email at envwastepermits@cityofchicago.org, or through other electronic modes of transmission specified or approved by the Commissioner such as the use of application programming interfaces (APIs) or SSH file transfer protocol (SFTP), within fifteen (15) minutes or within the timeframe specified in the permit. The subject line or header of such email or electronic transmission shall contain the words "RAL Alert Condition -" followed by the Facility's permit number. The notification shall include the following information recorded at the time the RAL occurred:
 - i. The date and time of the RAL exceedance;
 - ii. The average wind speed in meters per second and wind direction in degrees recorded over a 15-minute period;
 - iii. The concentrations of PM10 in ug/m3 recorded by all monitors over the same 15-minute period;
 - iv. The mounting height of monitors in meters from mean sea level; and
 - v. The latitude and longitude coordinates in decimal degrees of all monitoring locations.
- j. RAL Recording. Within 24 hours of a RAL exceedance, the Operator shall record the following information in the Operating Record or on forms provided by the Commissioner:
 - i. The date and time of the exceedance;
 - ii. The recorded wind speed and PM10; concentration(s) at the time of the RAL;
 - iii. The possible onsite and/or offsite source(s) of the emission based on readily observable Facility or Operator-utilized Area conditions and data;
 - iv. A description of the mitigative or preventive action(s) taken or planned, as needed, or any further investigation required. If further investigation, mitigation, or prevention is planned, this entry shall be updated on a weekly basis until such tasks are completed, and any necessary mitigative or preventive measure has been implemented; and
 - v. A description of any operational impact as a result of the RAL incident.
- k. Exemption. The Applicant may request an exemption from any or all of the requirements under this subsection, provided it can Demonstrate compliance with all the following criteria to the satisfaction of the Commissioner:

- i. The Facility conducts all loading, unloading, Processing, and material storage inside a building with adequate emission controls;
- ii. The Facility has no unpaved parking lots or internal roadways within 660 feet of a Sensitive Area. For the purpose of this exemption, unpaved means not paved with concrete, hot-mix-asphalt, or warm-mix-asphalt; and
- iii. The Facility has not been found in violation of any air-quality laws, permit conditions, regulations, court orders, consent decrees, or settlement agreements relating to Fugitive Dust emissions in the previous three (3) years.

7.7. Utilities

All necessary Utilities shall be available with sufficient capacity to serve the Facility and its operations. In the event of a disruption of any Utility service, a contingency plan shall exist to provide backup capacity, provide procedures for safe operation and emergency equipment, or diversion of materials to other facilities during the disruption.

7.8. 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 plans 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 and would pose a safety issue, result in structural or mechanical damage, or pose a risk to the environment if used.

7.9. Source and Load Screening

The Facility shall accept and Process only those materials authorized in the permit. The Operator shall conduct screening of materials in accordance with the screening plan required in subsection 5.1 of these rules. Any Unauthorized Materials inadvertently accepted shall be removed from the Facility as soon as possible in accordance with the conditions of the permit and all local, state, and federal requirements.

7.10. Material Handling, Paved Surface

All material handling activities, including unloading, screening, Processing, and loading, shall be conducted on a surface paved with concrete, asphalt, or gravel (including asphalt grindings) as approved in the permit.

7.11. Fire Prevention and Accident Safety Plan

The Facility shall have a fire prevention and accident safety plan; shall operate in compliance with applicable National Fire Protection Association (NFPA) performance standards for fire and explosive hazards; and shall install and maintain fire suppression equipment as specified in the Chicago Zoning Ordinance, the Chicago Construction Code, and applicable fire prevention regulations of the Municipal Code.

7.12. Pavement Maintenance

All driveways, access roads, parking areas, and other paved areas used for vehicle traffic, including onsite traffic by material-moving equipment, shall be properly maintained to prevent or minimize any dust emissions, standing water, and the tracking of mud offsite.

7.13. Sweeping

All Facility pavements, adjacent pavements accessible by the Owner or Operator, and public rights-of-way within a quarter mile of the Facility, at a minimum, shall be cleaned using a street sweeper to minimize dust and remove mud and any spilled or emitted materials from the Facility's operation.

7.13.1. Street Sweeper

The street sweeper shall be equipped with a water spray system, for use during nonfreezing weather, and a vacuum system to prevent Fugitive Dust during street sweeping. A dry vacuum-assisted street sweeper may be used upon Demonstration, to the satisfaction of the Commissioner, that such sweeper is effective at removing fine particulates.

7.13.2. Sweeping Frequency

The street sweeping shall be sufficient so that not more than four (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 all pavements that require sweeping under this section are free and clear of any material transported to or from the Facility or emitted by Facility operations. If the Operator did not sweep because all pavements were free of any material or could not sweep because of an emergency or inclement weather (e.g., pavements are inaccessible due to snow cover), the Operator shall note such reasons in the sweeping log.

7.13.3. Sweeping Log

The date and time when street sweepings were performed, the total vehicle count, and the starting and ending odometer readings of the street sweeper(s) shall be recorded each operating day.

7.14. Pavement Repair

Broken pavements and potholes shall be promptly backfilled with aggregate, patched, or repaired in accordance with the permit.

7.15. Traffic

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

7.16. Records Retention

All records required to be kept under these rules shall be maintained at the Facility a minimum of three (3) years unless otherwise specified in the permit and shall be made available to CDPH upon request.

7.17. Weather and Monitoring Data Submittal

All monitoring instrument and weather station data collected pursuant to 7.6.3 must be submitted to CDPH within fourteen (14) days of the end of each month during which the data was collected. Such data must be in a format specified by CDPH and transmitted via API or SFTP provided by CDPH. Starting the eighteenth month after the effective date of these rules, the frequency of the above data transmission to CDPH shall be no less than once every fifteen (15) minutes.

7.18. Emissions Inventory

On an annual basis, the Facility shall submit an emissions inventory report listing, by source, the amount of PM10 and PM2.5 discharged into the atmosphere from all stationary and mobile sources at the Facility. Such sources shall include, but not necessarily be limited to, the loading and unloading areas, material transfer points, paved and unpaved surfaces, stockpiles and erodible surfaces, combustion sources, and engine exhaust from generators and equipment, and non-road and on-road vehicles.

The emissions inventory shall be submitted to CDPH by March 1 of each year on forms provided by CDPH. Such forms may be in a spreadsheet, online forms, or mobile application format. The emissions inventory shall contain sufficient information to quantify emission rates for air dispersion modeling using EPA's AERMOD or CALPUFF models.

7.19. Quarterly Reporting

Using forms provided by CDPH, the Facility shall submit a quarterly report containing the following information:

- a. The monthly tonnage of Unauthorized Materials inadvertently accepted at the Facility broken down by type;
- b. The monthly tonnage of Reprocessable Construction/Demolition Material received and shipped at the Facility broken down by the type of material and source
- c. The monthly tonnage of Incidental Debris shipped from the Facility and the maximum volume of Incidental Debris stored at the Facility over the reporting period;
- d. For Facilities that are permitted to accept uncontaminated soil, the addresses of the sources that delivered uncontaminated soil to the Facility, the amount of soil from each source, and the type of IEPA documentation (e.g., Form 662 or Form 663) provided from each source demonstrating that the soil was uncontaminated;
- e. The number of days the Facility was in operation broken down by month;
- f. A list of the disposal facilities used to dispose of the Unauthorized Materials and Waste, the types and quantities of materials taken to each disposal facility, and a copy of the most recent waste characterization data for each waste stream generated at the Facility;
- g. A chronological summary of the following events at the Facility:
 - i. All environmental, health, fire, and building code violations, as well as all corrective actions implemented;
 - ii. All emergencies that occurred at the Facility; and
 - iii. All nuisance complaints against the Facility received by the Owner or Operator, and their outcomes.
- h. Any other information requested by CDPH to track compliance with the permit and these rules.

The quarterly report shall be signed by the Facility's environmental compliance officer or responsible manager and submitted to CDPH within 45 days following the end of each quarter by email to envwastepermits@cityofchicago.org.

7.20. Affidavit of Reprocessing

Pursuant to 11-4-1990 (c) of the Ordinance, by no later than February 1 of each year, the Operator shall provide to the Commissioner, on forms provided by the Department, an annual affidavit stating the amount of Reprocessed material sold or reused in the previous year. Such affidavit shall include the name and address of the entities that purchased such materials. The Operator shall maintain adequate records to support the information stated in the affidavit.

8. Compliance History, Suspension, Revocation, and Appeals

8.1. History of Compliance/Material threat to continued compliance.

Before granting a new permit or renewing an existing permit for any Reprocessable Construction/Demolition Material Facility, the Commissioner will conduct an evaluation of the applicant's prior experience in construction or demolition debris operations or recycling facility operations or other waste handling operations. The Commissioner may deny or refuse to renew a permit if this evaluation shows that:

- a. The Applicant, or any owner or officer of the Applicant, or any person having control of the Applicant or any of its operations, has, within the past three years, violated any federal, state or local laws, regulations, standards, permit conditions, or ordinances in the operation of any Reprocessable Construction/Demolition Material Facility or other type of waste or recyclable materials handling facility or site, including, but not limited to, the operation of a Reprocessable Construction/Demolition Material Facility, recycling, or waste handling facility without required permits;
- b. Conditions at a previously permitted site or facility, existing at any time during the pendency of the Department's review of a permit renewal application, pose a material threat to continued compliance with any of the laws, regulations, standards, permit conditions, or ordinances identified in subsection (a) above. For purposes of this section, the phrase "material threat to continued compliance shall mean analytical data, facility records, instrument readings, laboratory results, or photographic evidence sufficient to establish a prima facie showing of a violation(s) of any of the laws, regulations, standards, permit conditions, or ordinances identified in subsection (a) above.
- c. If the Commissioner denies (or refuses to renew) any permit under this section, the Department shall transmit to the Applicant, in accordance with the notice provisions in section 11-4-040(b) of the Code, a written statement as to the reasons the permit application was denied.

For purposes of this regulation, violations committed by an entity may be attributed to any person having ownership or control of the entity or any of its operations.

8.2. Grounds for Permit Revocation, Suspension, or Special Condition

In accordance with Section 11-4-030 of the Code and the notice and hearing provisions referenced therein, and in addition to the grounds for permit revocation provided elsewhere in the Code, and in addition to any special permit condition imposed during the issuance of a permit, the Commissioner may revoke, suspend, or specially condition a Reprocessable Construction/Demolition Material Facility permit at any time if the permitted person or entity, any owner or officer of the permitted entity, or any person having control of the permitted entity or any of its operations, has:

- a. Been found to have engaged or is engaging in the open dumping or fly dumping or otherwise disposing of construction or demolition material or debris in violation of the Code, as provided in Section 11-4-1930(D) of the Code;
- b. Violated any provision of Chapter 11-4 of the Code relevant to the permit or any regulation promulgated thereunder;
- c. Violated any term or condition of a Reprocessable Construction/Demolition Material Facility permit, a recycling facility permit; or waste permit;
- d. Violated any provision of the Chicago Zoning Ordinance relevant to the permit or any regulation promulgated thereunder; or
- e. Knowingly submitted a materially false or inaccurate statement in the permit application or any other document submitted to the Commissioner in support of such permit application.

8.3. Hearing on the suspension, revocation, or special condition of a permit

Any person who has been denied a permit pursuant to 8.1 or 8.2 of these rules, or whose permit has been suspended, revoked, or specially conditioned pursuant to Section 11-4-030(c) of the Code, may demand a hearing by submitting a written request for a hearing within 15 calendar days of the service date of the denial or notice letter, as provided in Section 11-4-030 and 11-4-040 of the Code. The Commissioner or the Commissioner's designee shall initiate the hearing in the department of administrative hearings within 30 days of receiving a hearing request unless a later date is scheduled upon mutual consent of the parties. Failure to timely request a hearing in accordance with these regulations shall constitute a waiver of the opportunity for a hearing.

8.4. Permit Grace Period

Provided a renewal application has been received by the Department prior to or on the expiration date of the current Reprocessable Construction/Demolition Material Facility permit, the permittee may continue to operate under the terms of the existing permit, until the Commissioner issues the new permit or denies the renewal of the permit pursuant to the Code and these rules.

9. Implementation Schedule

These rules shall go into effect upon signing by the Commissioner (“Effective Date”).

For a New or Expanding Facility, the requirements in Sections 3.0 and 5.0 shall take effect immediately on the Effective Date. The requirements in Sections 4.0 and 5.0 will apply to all Existing and Modifying Facility applications submitted one (1) year after the Effective Date. Also, for all Facilities, the requirements in Section 7.0 shall take effect no later than six (6) months from the issuance date of a permit issued pursuant to the requirements of these rules.

An Applicant may not begin using the Short Form Application format of Section 6.0 until the Applicant has submitted at least one application in full conformance with Section 3.0 or Section 4.0, and Section 5.0. Thereafter, a Qualified Existing Facility may use the Short Form Application format during non-triennial years as stipulated in Section 6.0 of these rules.

The Commissioner may grant extensions of the timeframes provided above upon request and only for good cause shown by the Applicant. The Commissioner may find good cause for an extension only if the Applicant Demonstrates in writing that it could not reasonably be expected to comply due to extraordinary circumstances beyond its control (such as a natural disaster or other catastrophe, fire, or strike), and the Applicant’s written request for an extension is received by the Commissioner within a reasonable time (as determined by the Commissioner under the circumstances) prior to the effective date that is the subject of the request.

10.Applications for a Variance

The Applicant may apply to the Commissioner for a variance from any rule set forth in Sections 3.0 through 7.0 in accordance with the provisions set forth below.

10.1. Requirements of the Variance Application

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

10.1.1. Standard Requirements

- a. A statement identifying the rule or requirement for which the variance is requested;
- b. A description of the Process or activity for which the variance is requested, including pertinent data on location, size, and the population and geographic area affected by, or potentially affected by, the Process or activity;
- c. The quantity in tons and types of materials used in the Process or activity in connection with which the variance is requested, as appropriate;
- d. Documentation to Demonstrate that the variance will not create a public nuisance or adversely impact the surrounding area, surrounding environment, or surrounding property uses;
- e. A statement explaining:
 - i. Why compliance with the rules imposes an arbitrary or unreasonable hardship;
 - ii. Why compliance cannot be accomplished during the required timeframe due to events beyond the Facility Operator's control such as permitting delays or natural disasters; or
 - iii. Why the proposed alternative measure is necessary.
- f. A description of the proposed methods to achieve compliance with the rules and a timeframe for achieving that compliance, if applicable;
- g. A discussion of alternate methods of compliance and of the factors influencing the choice of applying for a variance; and

- h. A statement regarding the Applicant's current status as related to the subject matter of the variance request.

10.2. Criteria for Reviewing Variance Applications

In determining whether to grant a variance, the Commissioner will consider public comments received pursuant to subsection 10.7 and will evaluate the information provided in the variance application.

10.2.1. Consideration

Particular consideration will be given to the following information:

- a. Inclusion of a definite compliance program;
- b. Evaluation of all reasonable alternatives for compliance; and
- c. Demonstration that any adverse impacts will be minimal.

10.3. Denial

The Commissioner may deny the variance if the application for the variance does not meet the criteria herein, is incomplete, or is outside the scope of relief provided by variances.

10.4. Variance Scope and Conditions

The Commissioner may grant a variance in whole or in part, and may attach reasonable conditions to the variance, or require alternative measures, to ensure minimization of any adverse impacts and to accomplish the purposes of Chapter 11-4 of the Code.

10.5. Issuance and Revocation

Issuance of a variance is at the sole discretion of the Commissioner. A variance may be revoked at any time if the Commissioner finds that operation of the Facility is creating a public nuisance or otherwise adversely impacting the surrounding area, surrounding environment, or surrounding property uses.

10.6. Change in Facility Operations

If any part of the Facility's operation that is the subject of a variance expands or changes, then, at least thirty (30) days prior to the expansion or change in operation, the Facility Operator shall notify the Commissioner and either a) apply for a new variance or b) notify the Commissioner of the Operator's intent to comply with the

rule(s) that were the subject of the variance, in which case the variance will automatically terminate.

10.7. Notice of Variance Applications

The Commissioner will not grant any variance under this section until members of the public have had an opportunity to submit written comments on the variance application. Public notice of all variance applications will be provided by publication on the City's website. The Commissioner will accept written comments for a period of not less than thirty (30) days from the date of the notice.

11. Other Laws

These rules in no way affect the Facility's responsibility to comply with all other applicable federal, state, and local laws and rules, including but not limited to those regarding the construction, operation, maintenance, and Closure of the Facility.

12. Severability

If any clause, sentence, paragraph, subsection, section, or part of these rules is adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the remainder of these rules, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section, or part to which the judgment is rendered.

APPENDIX A

Minimum Specifications for Near-Reference PM 10 Monitors

The Commissioner may approve PM10 monitors that have a valid Monitoring Certification Scheme certification to meet the latest version of the Monitoring Certification Scheme (MCERTS): Performance Standard for Indicative Ambient Particulate Monitors or the meeting the following requirements, as approved by the Commissioner.

1. PM10 monitors must be continuous direct-reading near-real time monitors and shall monitor particulate matter less than 10 microns.
2. PM10 monitors must be equipped with:
 - a. Omni-directional heated sampler inlet;
 - b. Sample pump;
 - c. Volumetric flow controller;
 - d. Enclosure; and
 - e. Data logger capable of logging each data point with average concentration, time/date, and data point number.
3. PM10 monitors must have the following minimum performance standards:
 - a. Range: 0 - 10,000 $\mu\text{g}/\text{m}^3$
 - b. Accuracy: $\pm 5\%$ of reading \pm precision
 - c. Resolution: 1.0 $\mu\text{g}/\text{m}^3$
 - d. Measurement Cycle: User selectable (15 minutes and hourly)

PM10 monitors pre-approved by the South Coast Air Quality Management District for use under its Rule 1466 are presumed to meet the Near-Reference PM10 Monitor requirements above. [Rule 1466 Executive Officer Pre-Approved Monitors \(aqmd.gov\)](#).