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**COOK COUNTY ENVIRONMENTAL ORDINANCE**

**PREAMBLE**

The environment in which we live is a basic natural resource of the community. The purity of this resource has been increasingly threatened with the incidental by-products of processes and activities which constitute modern technology. Heating plants, vehicles, industrial processes, and various phases of everyday living contribute increasingly to the contamination of

the environment. That such contamination, if unchecked, works to the detriment of all by affecting health, property, and the appearance of the community, is now a well-accepted fact.

Cook County, in its rapid growth since World War II, is becoming a completely urbanized part of the Chicago Metropolitan Area. As such, it is both generator and recipient of environmental contaminants which are increasing, and will continue to increase, unless appropriate measures are taken.

To prevent this from happening, the people of Cook County, acting through their elected representatives, have declared that environmental control legislation is both reasonable and desirable.

The following document constitutes the above-mentioned legislation. It applies to all existing and new pollution sources within Cook County, except within the corporate limits of the City of Chicago. It has been written to be comprehensive, fair to all concerned, and consistent with the latest scientific and technical knowledge available. With its adoption, this Ordinance will secure for present and future citizens of the community an environment which is clean, healthful, and wholesome. (10-3-67)

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY:

That the rules and procedures governing environmental pollution control in the County of Cook, Illinois, be and the same are hereby adopted to become effective and in force upon the adoption of this Ordinance.

#### **ARTICLE I – TITLE**

This Ordinance shall be hereafter known, cited, and referred to as: **The Cook County Environmental Control Ordinance.**

#### **ARTICLE II - INTENT AND PURPOSE**

The Board of Commissioners of Cook County hereby find and determine that in the public policy of Cook County to preserve, protect and improve the air, water and land resources of Cook County so as to promote the health, safety, welfare and comfort, prevent injury to human health, plant and animal life, and property; foster the comfort and convenience of its inhabitants and to the greatest degree practicable, facilitate the enjoyment of residents and visitors of the living, recreational and business environment of Cook County and recognizing that environmental damage does not respect political boundaries or subdivisions of the County, and...

recognizing that air, water, and other types of pollution, solid waste disposal and noise are closely interrelated and must be dealt with as a unified whole, and...

recognizing it is the obligation of the Board of Commissioners of Cook County to manage the affairs of the County so as to minimize environmental damage and encourage and assist local governmental agencies within the County to adopt and implement environmental protection programs consistent with this Ordinance; and...

recognizing the need to assist industry and municipal corporations within Cook County to promote the development of technology for environmental protection and conservation of natural resources, and...

recognizing the desirability of uniform and consistent pollution abatement, regulations, programs and enforcement, this Ordinance is being enacted. (4-16-73)

### **ARTICLE III - RULES AND DEFINITIONS**

In the construction of this Ordinance the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise.

If a term is not specifically defined under Article III, then its definition may be obtained from a standard dictionary.

#### **3.1 RULES**

3.1-1 Words used in the present tense shall include the future tense, and words used in the singular number shall include the plural number, and the plural, the singular.

3.1-2 The word "shall" is mandatory and not discretionary.

3.1-3 The word "may" is permissive.

3.1-4 The masculine gender includes the feminine and the neuter.

3.1-5 The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "occupied for," and "maintained for".

#### **3.2 DEFINITIONS**

**Agricultural Wastes**-Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape wastes. (4-16-73)

**Air Contaminant**-Means and includes, but is not limited to the following: dust, soot, mist, smoke, fumes, fly ash, vapor, corrosive gas, or other discharge, and any other airborne

material or substance that is offensive, nauseous, irritating, or noxious to human health and welfare or to other animal life and/or plant life.

**Air Contaminant Source**-Any and all sources of emission capable of emitting any air contaminant, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of businesses, commercial and industrial plants, works, shops and stores, heating power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartment buildings, office buildings, hotels, restaurants, schools, hospitals, churches, vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types both indoor and outdoor, refuse dumps and piles, and all stacks and other chimney outlets and any other openings from any of the foregoing. (4-16-73)

**Air Pollution**-Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property. (4-16-73)

**Air Pollution Episode Action Plan**-See Episode Action Plan. (4-16-73)

**Air Quality Standard**-Ambient air quality goal established by Federal, State, or Local Government Agencies, for the purpose of protecting the public health and welfare. (4-16-73)

**ANSI**-American National Standards Institute or its successor bodies. (4-16-73)

**Architectural Coating**-Any coating used for residential or commercial buildings or their appurtenances, or for industrial buildings which is site applied. (4-16-73)

**ARI**-Air Conditioning and Refrigeration Institute or its successor bodies.

**ASHRAE**-American Society of Heating, Refrigeration, and Air Conditioning or its successor bodies.

**ASME**-American Society of Mechanical Engineers or its successor bodies.

**ASTM**-American Society of Testing Materials or its successor bodies.

**Atmosphere**-All spaces outside of buildings, stacks or exterior ducts. (4-16-73)

**Atmospheric Pollution**-The discharging from stacks, chimneys, exhausts, vents, ducts, openings, structures, premises, open fires, portable boilers, vehicles, processes, or any other source, of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, noise, waste, particulate, solid, liquid or gaseous matter, or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance, or annoyance to the public, or to endanger the health, comfort,

repose, safety or welfare of the public, or in such manner as to cause or have a natural tendency to cause injury or damage to business or property.

**Atmospheric Pollution Source**-Any and all sources of emission of any type of atmospheric pollution, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, heating power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartment buildings, office buildings, hotels, restaurants, schools, hospitals, churches, vehicles, garages, vending and service locations or stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types both indoor and outdoor, refuse dumps and piles, and all stacks and other chimney outlets and any other openings from any of the foregoing. (4-16-73)

**Authorized Representative**-Any individual, firm or corporation designated by a "person," as defined in this Article, who shall be given authority to act for such "person" in all matters pertaining to the Cook County Department of Environmental Control. Such authorization shall be transmitted to such Department in writing. (4-16-73)

**Automobile and/or Truck Sales Lot**-Any land area used or intended to be used for the display and/or sale of passenger automobiles and/or commercial vehicles. (4-16-73)

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

**British Thermal Unit**-The quantity of heat required to raise one pound of water from 60 degrees Fahrenheit to 61 degrees Fahrenheit (abbreviated B.T.U. or BTU). (4-5-71)

**Building Fires**-The term, "a new fire being built," shall be held to mean the period during which a fresh fire is being started and does not mean the process of replenishing an existing fuel bed with additional fuel. (4-16-73)

**Carbonaceous Fuel**-Any form of combustible matter, either solid, liquid, vapor, or gas, consisting primarily of carbon containing compounds in either fixed or volatile form which are burned primarily for their heat content. (4-16-73)

**Chimney**-(shall include, but shall not be limited to) Any conduit, duct, vent, or flue, arranged to conduct any products of combustion into the atmosphere. It does not include breeching. (4-16-73)

**COH/1000 Linear Feet**-(Coefficient of Haze per 1000 linear feet) A measure of the optical density of a filtered deposit of particulate matter as given in ASTM Standard D 1704-61 (4-16-73):

$$\text{COH/1000 linear feet} = \frac{(\text{area tape ft.}^2) (100,000)}{(\text{Vol. of Air Sample, cu. ft.})} \frac{\log 100}{\% \text{ transmission}}$$

**Combustible Refuse**-Any combustible waste material containing carbon in a free or combined state other than liquids or gases. (4-16-73)

**Combustion for Indirect Heating**-The combustion of fuel to produce usable heat that is to be transferred through a heat-conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion. (4-16-73)

**Condensed Fumes**-Fumes which have cooled and returned to a liquid or solid. (4-16-73)

**Construction**-The installation or erection of any fuel-burning, combustion, or process equipment, process, or device. (4-16-73)

**Cook County**-As used in this Ordinance (with the exception of the use of said words to describe or identify the Government or Board of Commissioners thereof), shall mean all of the territory in said County exclusive of the City of Chicago. (4-16-73)

**Criteria**-Information used as guidelines for decisions when establishing air quality goals, air quality standards and the various air quality alert levels. In no case should criteria be confused with actual air quality standards or goals. (4-16-73)

**Decibel**-A unit used in sound measurements to relate on a logarithmic basis a given sound intensity to a standard reference intensity. Abbreviated "db."

**Department**-The Cook County Department of Environmental Control. (4-16-73)

**Director**-As used in this Ordinance, shall mean the Director of the Department or the Chief Executive of the Department regardless of his official title in the organizational chart. (4-16-73)

**Discrete Tone**-A sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of the time.

**Distillate Fuel Oil**-Fuel oils of grade No. 1 or 2 as specified in detailed requirements for fuel oil ASTM D396-69 (1971). (4-16-73)

**Domestic Heating Plant**-A plant generating heat for a single family residence, or for two residences either in duplex or double house form, or for multiple-dwelling units in which such plant serves fewer than three apartments. Under this designation are also hot water heaters, stoves, and space heaters used in connection with the foregoing establishments, or to heat shacks and other temporary buildings, such as used by the railroad and construction industries;

provided, however, that like equipment used in multiple -dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments are not to be construed to be included under this designation. (4-5-71)

**Domestic Refuse Burning Equipment**-Any incinerator used for a single family residence or for two residents either in duplex or double house form, or for multiple-dwelling units in which such incinerator serves fewer than three apartments. (4-5-71)

**Domicile Waste**-Any refuse generated on single-family domiciliary property as a result of domiciliary activities. This term excludes landscape waste, garbage, and trade waste. (4-16-73)

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

**Episode Action Plan**-A program, outlined by an individual company and approved by the Cook County Department of Environmental Control and the State of Illinois Environmental Protection Agency, providing for the reduction of emissions during periods of high pollution concentration that are forecasted to remain high for a minimum of 24 hours. (4-16-73)

**Excess Air**-That air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel and/or combustible waste material present. (4-16-73)

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

**Fuel**-Any form of combustible matter-solid, liquid vapor or gas, or any combination thereof, excluding refuse. (4-16-73)

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

methods or forms of manufacturing, chemical, metallurgical, mechanical processing or any other type of process which may emit smoke, vapors, odors, or particulate, liquid gaseous, or other matter. (8-16-72; 4-16-73)

**Fuel-Burning Equipment**-Shall mean and include any furnace, boiler, apparatus, device, mechanism, stack or structure used in the process of burning fuel for the primary purpose of producing heat. (4-16-73)

**Fuel Dealer**-Any person who sells or delivers any fuel directly or indirectly to the ultimate consumer, without regard to price, quantity, or frequency of delivery. (4-16-73)

**Fugitive Particulate Matter**-Any particulate matter emitted into the atmosphere other than through a stack, provided that nothing in this definition or in Section 6.1-2 shall exempt any source from compliance with other provisions of Article 6 otherwise applicable merely because of the absence of stacks. (4-16-73)

**Fumes**-Gases, vapors, particulate matter, or any combination thereof that are of such character as to cause atmospheric pollution.

**Garbage**-Refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products. (4-16-73)

**Goal**-Level of air quality which is expected to be obtained. (4-16-73)

**IEC**-International Electrotechnical Commission or its successor bodies.

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

**Incinerator**-A combustion apparatus for which an Installation Permit could be issued by the Department, excluding fuel-burning equipment, in which solid, semi-solid, liquid, or gaseous combustible wastes are ignited and burned and from which the gaseous products of combustion are exhausted into the atmosphere after first passing through a stack. (4-5-71; 4-16-73)

**Industrial Wastes**-Solid, liquid, or gaseous wastes resulting from any process or excess energy of industry, manufacturing, trade, or business or from the development, processing, or recovery, except for agricultural crop raising, or any natural resource. (4-16-73)

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

**Internal Combustion Engine**-An engine in which combustion of gaseous, liquid, or pulverized solid fuel takes place.

**ISO**-International Organization for Standardization or its successor bodies.

**Landscape Wastes**-Any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings. (4-16-73)

**Maximum Level Continuous or Semi-Continuous Vibration**-The root means square (rms) value of the oscillatory particle motion of the structure or land area involved with the transducer oriented to produce a maximum indication.

**Motor Vehicle**-Any passenger vehicle, truck, truck-trailer or semi-trailer that is propelled or drawn by mechanical power.

**New Equipment**-Any fuel-burning, combustion, or process equipment, process, or device, the construction of which was less than 50% complete on the date of enactment of this Ordinance. (4-16-73)

**Non-Steady Noise**-A noise whose level shifts significantly during the period of observation.

**Noxious Odors**-Any odors which are wholesome, offensive, harmful, or injurious to the public health, its comfort or its welfare. (4-16-73)

**Odors**-That quality of an emission of any kind, whether it be solid, liquid or gaseous that renders it perceptible to the sense of smell. (4-16-73)

**Opacity**-The property of a material whereby it is partially or wholly resistant to the transmission of light and thus also the tendency to obscure an observer's view. (8-16-72)

**Opacity, Equivalent**-A percentage expression of the degree of resistance to light transmission identical in meaning to relative opacity save that the concept is extended from situations involving only black, white and intermediate shades of grey to include also situations where coloration may be present. (8-16-72)

**Opacity, Relative**-A relative percentage measurement of the degree of opacity of a material on the basis of 100% relative opacity or no light transmission to 0% relative opacity or complete light transmission; i.e. transparency. For the purposes of this Ordinance, the following equivalence between Relative Opacity and Ringelmann number shall be employed:

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

Fractional Ringelmann numbers represent a linear interpolation of the respective increment of Relative Opacity. (8-16-72)

**Open Air**-All spaces outside of buildings, stacks or exterior ducts. (4-16-73)

**Open Burning**-The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which an Installation Permit could be issued by the Department. (4-16-73)

**Organic Material**-Any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, but excluding compounds such as methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbonates, metallic carbide, and ammonium carbonate. (4-16-73)

**Organic Vapor**-The gaseous phase of an organic material or a mixture of organic materials present in the atmosphere. (4-16-73)

**Parking Lot**-Any land area used or intended to be used for the storage of passenger automobiles or commercial vehicles. (4-16-73)

**Particulate Matter**-Any material, other than uncontaminated water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid, or a combination thereof. (4-16-73)

**Peak Level of an Impulsive Sound**-The maximum excursion of the sound pressure level as detected by methods and instruments approved by the Director and described in any of the Department's Suggested Guidelines for Noise and Vibration Control when published.

**Peak Level Impulsive Vibration**-The vector sum of the instantaneous peak level of all three components, one vertical or two horizontal of the earth borne impulses measured at or beyond the boundaries of the emitter's property.

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

**Person**-Any individual, natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, 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 officer, agency, employee, factor, or any kind of representative of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law, or other entity recognized by law as the subject of rights and duties. The masculine, feminine singular or plural is included in any circumstances.

**Photochemically Reactive Material**-Any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage, composition limitations:

- (1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent. This definition does not apply to perchloroethylene or trichloroethylene.
- (2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.
- (3) A combination of ethylbenzene, ketones having branched hydrocarbon structures or toluene: 20 percent.

Whenever any photochemically reactive material or any constituent of any organic material may be classified from its chemical structure (1), (2), (3), it shall be considered as a member of the most reactive into more than one of the above groups of organic materials numbered group, that is, that group having the least allowable percent of the total organic materials. (4-16-73)

**Plan Documents**-Reports, proposals, preliminary plans, surveys and bases of design data, general and detail construction plan profiles, specifications and all other information pertaining to the equipment. (4-16-73)

**Political Subdivision**-Any municipality, city, incorporated town, village, county, township, district or authority, or any portion or combination of two or more thereof. (4-16-73)

**Portable Boiler**-A boiler used separately or in connection with a power shovel, road roller, hoist, derrick, or pile driver, steam locomotive, diesel locomotive, steamboat, tugboat, tar kettle, asphalt kettle, and all other portable equipment capable of emitting smoke, particulate or other matter. (4-16-73)

**Power or High Pressure Boilers** -All boilers designed for operating at a steam pressure greater than 15 pounds per square inch gauge. (4-16-73)

**PPM (Vol. Basis)**-A volume over volume ratio which expresses the volumetric concentration of a gaseous air contaminant in million unit volumes of gas, such as the number of microliters of sulfur dioxide per million microliters of air would be expressed in ppm (vol.). (4 - 16-73)

**Premises**-Any real estate or real property. (4-16- 73)

**Pressure Tank**-A tank in which fluids are stored at a pressure greater than atmospheric pressure. (4-16-73)

**Process or Process Equipment**-Any action, operation, or treatment embracing chemical, industrial or manufacturing factors, such as heat treating furnaces, by-product coke plants, core-baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, sintering plants, Bessemer converters, electric steel furnaces, ferrous and nonferrous foundries, kilns, stills, dryers, roasters, and equipment used in connection therewith, and all other methods or forms of manufacturing or processing which may emit smoke, particulate matter, odors, gases or any other matter. (4-16-73)

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

For continuous processes, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours in one complete operation, excluding and time during which the equipment is idle. (4-16-73)

**Reconstruction**-Any material change or alteration of any existing fuel-burning, combustion, or process equipment, process, or device from that physical or operating condition for which a Certificate of Operation was last obtained; or, the addition, removal or replacement of any appurtenances or devices which materially affect the method or efficiency of preventing the discharge of pollutants into the environment. (4-16-73)

**Refuse**-Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal. (4-5-71; 4-16-73)

**Residual Fuel Oil**-Fuel oils of grade No. 4, 5, and 6 as specified in detailed requirements for fuel oils ASTM D396-69 (1971). (4-16-73)

**Restricted Areas**-The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code, plus a zone extending one mile beyond the boundaries of any such municipality have a population of 1,000 or more according to the latest federal census. (4-16-73)

**Ringelmann Chart**-The chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333 or as revised, and on which are illustrated graduated shades of gray to black for use in estimating light obscuring capacity of smoke. (4-16-73)

**Ringelmann Number**-The number appearing on the Ringelmann Chart ascribed by the observer to the density or equivalent opacity of the smoke emission. (4-16-73)

**Rubbish**-Solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, trees, branches, yard trimmings, furniture, tin cans, glass, crockery, and masonry. (4-16-73)

**SAE**-Society of Automotive Engineers or its successor bodies.

**Salvage Operations**-Any business, trade or industry engaged in whole or in part, in salvaging or reclaiming any product or material such as, but not limited to, metals, chemicals, shipping containers or drums. (4-16-73)

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

**Smoke Monitor**-A device using a light source and a light detector which can automatically measure and record the light obscuring power of smoke at a specific location in the flue or stack of a source. Measuring and recording to be at intervals of not less than 15 seconds. (4-16-73)

**Smokeless Flare**-A combustion unit and the stack to which it is affixed in which organic material achieves combustion by burning in the atmosphere such that the smoke or other particulate matter emitted to the atmosphere from such combustion does not have an appearance, density, or shade darker than No. 1 on the Ringelmann Chart. (4-16-73)

**Sound Level**-A general term for the metered value root mean square of the pressure of an air borne sound as measured under a defined condition of frequency weighting and meter response rate. With a conventional sound level meter the duration time of the sound should be much longer than the response time of the meter. In most cases, levels in this Ordinance are specified as measured with "A" scale standard frequency weighted response and are always then noted as db(A) (standard reference level as in "sound pressure level" is always implied). Peak

levels of impulse sounds are always specified as measured with flat, non-weighted, or "C" scale response. Such peak levels are noted as db only, not db "C", as "C" weighing is defined as a flat, "unweighted" response. Peak levels as specified in this Ordinance are the absolute values of the maximum instantaneous sound pressure levels attained throughout the duration of any impulse sounds not the root mean square equivalents and require a special meter which can capture and store for display these maxima. See Peak Level Of An Impulse Sound.

**Sound Pressure Level**-The sound pressure level, in decibels of a sound, is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective root mean square pressure is to be understood. The reference sound pressure is 20 micro-new tons per square meter. (Often used interchangeably with sound level.)

**Splash Loading**-A method of loading a tank, railroad tank car, tank truck or trailer by use of other than a submerged loading pipe. (4-16-73)

**Stack**-(shall include but shall not be limited to) Any conduit, duct, vent, flue, or chimney, arranged to conduct any discharge from any fuel-burning, combustion, or process equipment, process or device into the atmosphere. (4-5-71; 4-16-73)

**Standard Conditions**-A gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury. (4-16-73)

**Standard Cubic Foot** (scf)-A measure of the volume of gas under standard conditions. (4-16-73)

**Stationary Emission Source**-Any atmospheric pollution source whatsoever, excluding vehicles while they are in motion. (4-16-73)

**Steady Noise**-A noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation.

**Submerged Loading Pipe**-Any loading pipe the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the tank. When applied to a tank which is loaded from the side, the term means any loading pipe the discharge of which is entirely submerged when the liquid level is 18 inches or two times the loading pipe diameter, whichever is greater, above the bottom of the tank. This definition shall also apply to any loading pipe which is continuously submerged during loading operations. (4-16-73)

**Trade Waste**-Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste. (4-16-73)

**Unit Operations**-Methods where raw materials undergo physical change; methods by which raw materials may be altered into different states, such as vapor, liquid, or solid without changing into a new substance with different properties and composition. (4-5-71)

**Unit Process**-Reactions where raw materials undergo chemical change, where one or more raw materials are combined and completely changed into a new substance with different properties and composition. (4-5-71)

**Vehicle**-Any type of land, rail, or water conveyance whatsoever operated within the County of Cook. (4-16-73)

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

**Visible Emissions**-Emissions of greater than 5% opacity or 1/4 Ringelmann. (4-16-73)

**Volatile Matter**-The gaseous constituents of solid fuels as determined by the standard ASTM procedure as amended or revised to date. (4-16-73)

**Volatile Organic Material**-Any organic material which has a vapor pressure of 2.5 pounds per square inch absolute (psia) or greater at 70°F.

**Watercraft**-Every type of boat, ship, or barge used or capable of being used as a means of transportation on water. (4-16-73)

**Zoning District**-Those districts established by the Cook County Zoning Ordinance. (4-16-73)

## **ARTICLE IV - GENERAL PROVISIONS**

### **4.1 INTERPRETATION**

**4.1-1** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

**4.1-2** Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance, or of any other applicable law, ordinance, resolution, rule, or regulation, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

**4.1-3** This Ordinance is not intended to abrogate any covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such covenant or other private agreement, the requirements of this Ordinance shall govern.

**4.1-4** Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, or maintain any building, structure, or facility, or to carry on any trade, industry, occupation, or activity.

**4.1-5** The provisions in the Cook County Environmental Control Ordinance are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Ordinance.

#### **4.2 SEPARABILITY**

It is hereby declared to be the intention of the President and Board of Commissioners of Cook County that the several provisions of this Ordinance be separable in accordance with the following:

**4.2-1** If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

**4.2-2** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular building, process, or source of emission, such judgment shall not affect the application of said provision to any other building, process, or source of emission not specifically included in said judgment.

#### **4.3 SCOPE OF REGULATION**

The Cook County Environmental Control Ordinance shall be applicable to all new and existing sources of environmental pollution or contamination located in, or operated within, the boundaries of Cook County, except within the corporate limits of the City of Chicago. This Ordinance is designed to lessen or prevent the discharge of environmental contaminants or pollutants through the regulation of (a) the design and installation of accessory or appurtenant parts and equipment of buildings and structures, and the uses of land connected with the emission of environmental contaminants; (b) the operation or use of equipment and appliances emitting environmental contaminants; (c) the conduct or carrying on of uses of land which cause the emission of environmental contaminants; (d) the abatement of an operation, activity, or use causing environmental contamination; and (e) the rules and regulations for controlling Air Pollution Episodes, as adopted by the Illinois Pollution Control Board, shall apply. In the case of overlapping requirements, the more restrictive shall apply. (4-16-73; 3-6-75)

#### **4.4 MALFUNCTIONS, BREAKDOWNS OR STARTUPS**

In the event of unavoidable malfunction or breakdown of any fuel-burning, combustion, or process equipment, process, or device, other than circumstances beyond the control of any person owning or operating such equipment, including necessary shut-downs of pollution abatement equipment, or control devices for purposes of maintenance or repair, which tends to produce unlawful emission of smoke, particulate, or any other matter as described by this Ordinance, the owner or managing agent of such equipment or process shall immediately notify, by telephone, the Cook County Department of Environmental Control of such malfunction, breakdown, or other circumstance together with all pertinent facts relating thereto. The telephone notification shall, within a reasonable period of time, be followed by a written statement describing all pertinent facts and containing a commitment relating to the date upon which the condition will be rectified. (4-16-73)

##### **4.4-1 *Contents of Written Statement Describing Malfunction or Breakdown***

The statement must provide a detailed explanation regarding the malfunction or breakdown, and shall include the following:

- a) the company identification and its location;
- b) the date and exact time of the occurrence;
- c) a description of the fuel or refuse burning, combustion, or process equipment, process, or device, that was involved;
- d) an explanation accounting for the occurrence;
- e) the type of emission resulting from the malfunction or breakdown and any precautionary measures that have been taken to minimize them; and
- f) an estimate of the time required for necessary repairs. (4-16-73)

##### **4.4-2 *Permission for Startup***

It shall be the responsibility of the person experiencing the malfunction or breakdown to notify the Department by telephone, telegraph, or such other method as constitutes the fastest available alternative when necessary repairs have been completed, and to request permission to resume operations. Permission for startup shall be granted by the Director or by his designated authorized representative. (4-16-73)

##### **4.4-3 *Standards for Granting Permission to Operate During a Malfunction, Breakdown, or Startup***

Permission shall not be granted to allow continued operation during a malfunction or breakdown unless adequate proof is supplied to the Department that such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be a sufficient reason for the granting of permission. Permission to operate during a malfunction or breakdown shall be granted by the Director or his designated authorized representative. Permission shall not be granted to allow violation of the standards or limitations of this Ordinance during startup unless the applicant has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emission, duration of individual startups and frequency of startups. (4-16-73)

**4.4-4** *Effect of the Granting of Permission to Operate During a Malfunction, Breakdown, or Startup*

The granting of permission to operate during a malfunction or breakdown, or to violate the standards or limitations of this Ordinance during startup, and full compliance with any terms and conditions connected therewith, shall be a prima facie defense to an enforcement action alleging a violation of Sections 4.4-1, 4.4-2, and 4.4-3 of this Ordinance, and of the prohibition of environmental pollution during the time of such malfunction, breakdown, or startup.

**ARTICLE V - ADMINISTRATION AND ENFORCEMENT**

**5.1 THE DEPARTMENT OF ENVIRONMENTAL CONTROL**

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

**5.1 -1** *Duties of the Director of the Department*

The duties or functions of the Director shall be:

- (a) To supervise the execution of all laws, ordinances, rules, and regulations pertaining to the control of environmental pollution;
- (b) To issue Notices of Violation for the purposes of giving notice to persons legally violating any of the provisions of this Ordinance or other ordinances relating to environmental pollution. If at any time fuel-burning, combustion, or process equipment, process, or device, or premises, is being operated or managed or is in such a condition or so installed that smoke, particulate or other matter is being emitted or may be emitted

therefrom in violation of any emission limitation or other requirement provided in this Ordinance, the Director shall give notice in writing to any or all persons owning, operating, or in charge of such equipment, process, device, or premises, of the defective equipment or device, condition or operation, or violation. Such notice shall be given by any inspector or other properly trained, authorized agent of the Director, by delivering such notice to any person owning, operating, or in charge of the equipment, process, device, or premises, involved, or by leaving a copy thereof with a person in charge of such equipment, process, device, or premises, or by mailing a copy directed to the last known address of the person to be notified. Such notice shall direct the alleged violator to appear before the Circuit Court of Cook County. Prosecution under this Ordinance shall be instituted by the Department and shall be carried out by the State's Attorney in the name of the County of Cook.

- (c) To institute necessary proceedings to prosecute violations of this Ordinance and to compel the prevention and abatement of the issuance of smoke or gases, solids, or liquids, or other matter causing any environmental pollution and nuisances arising therefrom;
- (d) To examine and approve the plans of fuel-burning, combustion, or process equipment, processes, devices, furnaces, and smoke prevention and pollution control devices to be installed, constructed, reconstructed, repaired, or added to, in any building, location, or on any premises as herein provided to assure that they are in accordance with the requirements of this Ordinance;
- (e) To cause inspections to be made of fuel-burning, combustion, or process equipment, processes, devices, furnaces, and all types of pollution control devices;
- (f) To investigate complaints of violations of this Ordinance;
- (g) To encourage and conduct studies, tests of any type, investigations, and research relating to the physical, chemical, biological, engineering, and meteorological aspects of any type of pollution, and its causes, prevention, control, and abatement as he may deem advisable and necessary;
- (h) To develop plans and proposals for joint cooperative investigation and research with public and private agencies and organizations on methods for eliminating or reducing pollution;
- (i) To enlist voluntary cooperation by the public, municipalities, counties, and civic, technical, scientific, and educational societies;
- (j) To advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this Ordinance;

(k) To collect, publish, and disseminate appropriate educational literature and other information to the public for the purpose of advising of the necessity, purpose, and methods for the prevention of environmental pollution and securing cooperation for the reduction of environmental pollutants;

(l) To institute such measures and prescribe such rules and regulations for the control and guidance of his officers and employees as shall secure maximum working efficiency, including the careful examination of drawings and plans and diligent inspection of all sources of emission;

(m) To issue all permits, certificates, notices, or other matters required under the provisions of this Ordinance; and to notify all persons concerned of any decision he may render and to provide such persons with an opportunity to be heard;

(n) To promulgate and publish with the advice and consent of the Technical Advisory Committee SUGGESTED GUIDELINES for the purpose of abating pollution. These guidelines will provide, with clarity and in detail, any information by which an establishment may be guided in the design and/or operation of equipment or process;

(o) To conduct periodic inventories of emissions of all types, equipment and process associated with the emissions or that which can potentially cause pollution from its operation.

#### **5.1 -2 Duties of the Assistant Director**

The Assistant Director shall be appointed by the Director, according to law, and he shall have the authority under and subject to the order, direction, and control of the Director to act for the Director, and shall perform such duties as may be required of him by the Director. He shall act as Director of Environmental Control in the absence of the Director from his office and while so acting shall discharge all the duties and possess all the powers imposed upon or vested in the Director. He shall, under the direction of the Director, have general control of all matters and things pertaining to the work of the Department. (4-16-73)

#### **5.1-3 Qualifications of the Assistant Director**

The Assistant Director of the Department shall be a professional engineer qualified by technical training in any one of the fields of Sanitary, Combustion, Civil, Environmental, Mechanical, or Chemical engineering and shall have at least five years experience in any one of these fields. (4-16-73)

#### **5.1-4 Technical Personnel**

Technical personnel shall be qualified by training in any of the environmental or technical sciences. (4-16-73)

### **5.1-5 Inspector's Qualifications, Duties, and Authority**

The Director shall have, under his supervision and control, Environmental Control Inspectors in such number as may be deemed necessary by the County Board.

An Inspector shall be qualified by technical training or experience in the theory and practice of construction or operation of steam boilers, fuel-burning, combustion, or process equipment, processes and devices, and in the theory and practice of pollution abatement for environmental control.

It is the duty of the inspector to enforce the provisions of this Ordinance. Whenever necessary he may solicit the cooperation of the Sheriff of Cook County and his Deputies and/or local municipal police officers to carry out his duties.

## **5.2 INSTALLATION PERMITS AND PLANS**

### **5.2-1 Application for installation Permit**

It shall be unlawful for any person to install, erect, construct, reconstruct, alter or add to, cause to be installed, erected, constructed, reconstructed, altered, or added to, any fuel-burning combustion, or process equipment, process or device, or any equipment pertaining thereto, or any stack or chimney connected therewith, within Cook County, except within the corporate limits of the City of Chicago, excepting domestic heating plants, locomotives, steamships, and mobile internal combustion engines, or to make, or cause to be made, major repairs to any high pressure boiler furnace on or about the same in said County, until an Installation Permit Application on forms supplied by the Department including suitable plans, specifications, and any other documents requested by the Department of the fuel-burning, combustion, or process equipment, process, or device, or high pressure boiler furnace repair, and the structures or buildings used in connection therewith, has been filed in triplicate by the owner, contractor, installer, or other person, or his agent, in the office of, and has been approved by, the Director as being so designed that the same can be managed and operated to conform to the provisions of this Ordinance, and an Installation Permit issued by him for such installation, erection, construction, reconstruction, alteration, addition to, or repair.

Provided, however, that maintenance or repairs or alterations which are minor in scope or do not change the capacity of such fuel-burning, combustion, or process equipment, process, or device, and which do not involve any change in the method of combustion or operation or materially effect the emission of smoke, dust, fumes, of other products therefrom, may be made without an Installation Permit; provided further, that an emergency repair may be made prior to the application for, and the issuance of, a required Installation Permit in the event an emergency arises and serious consequences would result if the repair were to be deferred. When such repair is made in an emergency, application for an Installation Permit therefor shall be filed in accordance with Section 4.4 of this Ordinance in the office of the Director within a reasonable period of time after the start of such work. (4-16-73)

### **5.2-2 Contents of Installation Permit Application**

An application for an Installation Permit shall contain, as a minimum, the following data and information: the nature of the emission source and pollution control equipment, including the expected life and deterioration rate; information concerning processes to which the emission source or pollution control equipment is related; the quantities and types of raw materials to be used in the emission source or pollution control equipment; the nature, specific sources, and quantities of uncontrolled and controlled pollution contaminant emissions at the facility which includes the emission source or pollution control equipment; the type, size, efficiency, plans, and specifications (including engineering drawings), certified to by a registered Illinois Professional Engineer, of the proposed emission source or pollution control equipment; maps, statistics, and other data reasonably sufficient to describe the location of the emission source or pollution control equipment. The Department may waive the submission by the application of such engineering drawings, plans, specifications, or such other portions of the above data or information as it shall deem inappropriate or unnecessary to the Installation Permit Application. The Department may adopt procedures which require data and information in addition to an amplification of the matters specified in the first sentence of this Section, which are reasonably designed to determine compliance with this Ordinance, and which set forth the format by which all data and information shall be submitted. All applications and supplements thereto shall be signed by the owner of the emission source or pollution control equipment, or his authorized agent. (4-16-73)

### **5.2-3 Standards for Issuance of Installation Permit**

No Installation Permit shall be granted unless the applicant submits proof to the Department that:

- (a) the emission source or pollution control equipment will be constructed or modified to operate so as not to cause a violation of this Ordinance; and
- (b) if subject to a future compliance date, the applicant has an approved Compliance Program and Project Completion Schedule in accordance with the provisions of Section 5.6 of this Ordinance. (4-16-73)

### **5.2-4 Conditional Installation Permit**

The Department may impose such conditions in an Installation Permit as may be necessary to accomplish the purposes of this Ordinance. Except as herein specified, nothing in this Section shall be deemed to limit the power of the Department in this regard. Such conditions may include conditions specifying any testing operations that may be conducted under the Installation Permit. (4-16-73)

#### **5.2-5 Action on Application**

An application shall be approved or rejected within thirty working days after it is officially received in the office of the Director. Upon the approval of the application and upon the payment of the prescribed fees, the Director of the Department shall issue a permit for the construction, installation or alteration of such equipment.

#### **5.2-6 Compliance with Approved Plans**

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

#### **5.2-7 Completion of Work**

If construction, installation, or alteration is not completed within one year of the date of issuance of the Installation Permit, the permit shall become void and all fees shall be forfeited, unless an extension is granted by the Director of the Department in accordance with Section 5.9 of this Ordinance. Any extension applied for under said Section shall be filed in the office of the Director no later than thirty days prior to the date on which the Permit shall become void. (4-16-73)

#### **5.2-8 Proof of Responsibility Bond**

If the proposed plans and specifications submitted pursuant to Sections 5.2-1 and 5.2-2 are not sufficiently complete, in the judgment of the Director to show that the equipment or device for which such plans and specifications were submitted can consistently comply with and can be operated within the provisions of this Ordinance, either because the design or process is unconventional or untried, or because the person has elected to omit confidential details, or because there is insufficient data on which to estimate the ability to control pollution, the Director is authorized to require as a condition precedent to the issuance of an Installation Permit or Certificate of Operation, proof of financial responsibility and of ability to make any changes that may be required after construction to insure compliance with the provisions of this Ordinance. Such proof, at the discretion of the Director, may be a written statement to such effect, signed by the owner or a responsible officer of a financially sound organization, or a written guarantee of performance signed by a responsible supplier or contractor or other responsible person. The responsibility of any such person or soundness of any such organization shall be a matter within the judgment of the Director, subject to the right of appeal.

In the event that he is not given adequate proof of financial responsibility and of ability to make any changes that may be required, the Director may require any such person, as owner, lessee, operator, supplier, contractor, vendor, or such person, to file with the Director a surety bond running to the County of Cook in the sum of not to exceed fifty thousand dollars per each source of emission, executed by such person or persons, as principal, and two or more sureties, or a surety company authorized to do business in this state, said bond to be approved as to form

and amount assuring compliance with the conditions of the permit, any agreement or guarantee and assuring such person or persons' ability to make changes necessary for compliance with the provisions of this Ordinance. (4-5-71)

**5.2-9** *Secret Process-Plans for, Suspended When Affidavit Filed*

The requirement of filing plans and specifications involving the installation, erection, construction, reconstruction, alteration of, or addition to, any fuel-burning, combustion, or process equipment, process, or device, or the building of pilot plants or processes, or repair to any high pressure boiler furnace, to be used in or to become a part of a secret process may be suspended, upon the filing with the Department, in lieu of the filing of plans and specifications, of an affidavit of a responsible person to the effect that such equipment or process is to be so used. Such person may also be required to furnish bond or other proof of financial responsibility in accordance with Section 5.2-8. The suspension of the filing of such plans and specifications shall in no way relieve the person or persons responsible for the secret process from complying with all other provisions of this Ordinance. (4-16-73)

**5.2-10** *Violation of Installation Permit*

If any work for which an Installation Permit has been issued fails to comply with the plans and specifications filed in connection therewith or with the terms of such permit, the Director shall have authority to stop all work and seal the installation or equipment and further work or operation shall not proceed until the Director has been assured that the work will proceed in accordance with the Installation Permit. Persons responsible for such equipment may also be required to furnish bond or other proof of responsibility in accordance with Section 5.2-8. (4-16-73)

**5.2-11** *Failure to Procure Installation Permit*

Any person who has started or completed the installation, erection, construction, reconstruction, alteration of, or addition to, any new fuel-burning, combustion, or process equipment, process, or device, or any equipment pertaining thereto, or any stack or chimney connected therewith, or has started or completed, the major repair of any fuel-burning, combustion, or process equipment, process, or device, on or about the same without first having obtained a permit for such work from the Director pursuant to Section 5.2-1 shall be subject to the issuance of a Notice of Violation pursuant to Section 5.1-1 (b) and shall be subject to the fines and penalties set forth in this Ordinance. (4-16-73)

**5.2-12** *Subsequent Violation*

The issuance by the Director of the Department of any Installation Permit or Certificate of Operation shall not be held to exempt the person to whom the permit has been issued or who

is in possession of the same, from prosecution for the emission of smoke, dust, and fumes prohibited by this Ordinance.

**5.2-13 *Duty to Report Discontinuance or Dismantlement***

It shall be the duty of any person responsible for any discontinued or dismantled fuel-burning, combustion, or process equipment, process, or device coming under the jurisdiction of the permit and/or fee provisions of this Ordinance to notify the Department in writing thirty days of the discontinuance or dismantlement of such equipment or device. The notification shall include the reason for such discontinuance or dismantlement. (4-16-73)

**5.2-14 *Permission for Startup of Previously Discontinued or Dismantled Equipment***

It shall be the duty of any person responsible for any previously discontinued or dismantled fuel-burning, combustion, or process equipment, process, or device as specified in Section 5.2-13 to request in writing permission from the Department for startup of such fuel-burning, combustion, or process equipment, process, or device. The Director may, at his discretion, require that such equipment, process, or device be up-graded in accordance with Sections 5.2-1 through 5.2-12 before permission for startup is granted. (4-16-73)

**5.3 SPECIAL PROCESSES AND/OR PROCESS EQUIPMENT**

No person shall cause or allow the construction of any special process or process equipment, which shall include, but shall not be limited to, Portland Cement process, Catalyst Regenerators of Fluidized Catalytic Converters, Sinter Processes, Corn Wet Milling Processes, Coke Manufacturing Plants, Beehive Coke Ovens, By-Product Coke Plants, Inedible Rendering Plants, or any other process plant with a potential of emitting a minimum of 100 tons/year of any type of pollution, or any other process plant, which handles or is capable of emitting noxious materials, without an Environmental Impact Statement as described by the Cook County Department of Environmental Control Suggested Guidelines for Environmental Impact Statements, containing the most currently required information. (4-16-73)

**5.4 CERTIFICATES OF OPERATION**

**5.4-1 *Certificate of Operation Required***

It shall be unlawful for any person or his agent to use or operate any fuel-burning, combustion, or process equipment, process, or device which is subject to Annual Inspection, as set forth in Section 5.5-3(a) (3), without having an effective Certificate of Operation therefor. Failure to have an effective Certificate of Operation shall constitute a violation of this Section 5.4. (4-16-73)

#### **5.4-2 Standards for Issuance**

No Certificate of Operation shall be granted unless the applicant submits proof to the Department that:

- (a) the emission source or pollution control equipment has been constructed or modified to operate so as not to cause a violation of this Ordinance or has been granted a variance therefrom by the Cook County Environmental Control Board of Appeals and is in full compliance with such variance; and
- (b) the emission source or pollution control equipment has been shown by tests in accordance with the provisions of this Ordinance to operate in compliance with the emission limitations set forth in this Ordinance, provided that the Department may waive the requirement for actual tests where sufficient standard testing information is available; and
- (c) the emission source or pollution control equipment has been constructed or modified in accordance with the Installation Permit and any special conditions there in, where applicable; and
- (d) the applicant has taken all technically feasible measures, including changes in work rules, to minimize the duration and frequency of startups and to reduce the quantity of emissions during startups; and
- (e) if subject to a future compliance date, the applicant has an approved Compliance Program and Project Completion Schedule; and
- (f) if required, the applicant has an approved Episode Action Plan in effect in accordance with the provisions of this Ordinance; and
- (g) if subject to a future compliance date, the applicant was, on the effective date of this Ordinance, and is at the time of application for a Certificate of Operation pursuant to Section 5.4, in compliance with any applicable emission standards; or was, on the effective date of this Ordinance, in full compliance with any variance from those regulations granted by the Cook County Environmental Control Board of Appeals; or has been, since the effective date of this Ordinance, granted a variance from those regulations, and is in full compliance with such variance. (4-16-73)

#### **5.4-3 Conditions**

The Department may impose such conditions in a Certificate of Operation as may be necessary to accomplish the purposes of this Ordinance. Except as herein specified, nothing in this Ordinance shall be deemed to limit the power of the Department in this regard. When deemed appropriate as a condition to the issuance of a Certificate of Operation, the Department may require that the permittee adequately maintains any equipment covered by the permit. To be

assured of such maintenance, the Department may require that the permittee have a maintenance program and keep maintenance records as are necessary to demonstrate compliance with this Section; provided, however, the Department shall not have the authority to approve the maintenance programs required thereunder. (4-16-73)

#### **5.4-4** *Certificate of Operation to be Posted-Contents*

Upon a finding that any fuel-burning, combustion, or process equipment, process, or device inspected, on any original or annual inspection, has been found to comply with the provisions of this Ordinance and after payment of the prescribed fees, the Director shall issue a Certificate of Operation which shall be posted in a conspicuous place on or near the equipment, process, or device. Any Certificate of Operation may contain such information or certifications as the Director may require. (4-16-73)

#### **5.4-5** *Effective Date*

Each annual Certificate of Operation shall be effective from the date thereof for a period of one year or until the next Annual Inspection. (4-16-73)

### **5.5 ENFORCEMENT**

#### **5.5-1** *General*

No Installation or Open Burning Permit or Certificate of Operation shall be approved or issued until all applicable provisions of this Ordinance have been complied with.

#### **5.5-2** *Liability*

##### **(a)** *Department Liability*

In all cases where any action is taken by the Director of the Department, or his duly appointed representative, to enforce the provisions of this Ordinance, such acts shall be done in the name of and on behalf of Cook County, and the said Director or representative in so acting for the County shall not render himself liable personally. He is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any such act committed in good faith in the discharge of his duties. Any suit brought against said Director or his representative by reason thereof shall be defended by the State Attorney's Office. The Director or his representative shall be saved harmless from all costs or fees arising from such legal action.

##### **(b)** *Permit and Certificate of Operation Liability*

The issuance and delivery by the Department of any Installation Permit for installation, erection, construction, reconstruction, repair, alteration, or addition thereto, of any fuel-burning, combustion, or process equipment, process, or device, or any appurtenance

thereto, or Certificate of Operation for use or operation of any such property, or permit for open burning, or permit to operate any portable boiler or vehicle, shall not be held to exempt any person to whom any such permit or certificate, from prosecution on account of the emission of smoke, particulate or other matter in violation of this Ordinance, caused or permitted by any such person or persons, or any other violation of the provisions of this Ordinance by such person or persons.

### **5.5-3 Methods of Enforcement**

#### **(a) Inspections**

The Director of the Department shall provide for preliminary and final permit inspections, and annual inspections of all equipment pertaining to environmental pollution.

##### **(1) Preliminary Permit Inspection**

The Director shall have the authority to conduct preliminary inspections prior to the issuance of any permit and from time to time during the construction of the work for which he has already issued an Installation Permit; and he shall maintain a record of all such examinations and inspections and of all violations of this Ordinance. The holder of any permit shall be notified of any violations found.

##### **(2) Final Installation Permit Inspection**

Upon completion of the equipment or which an Installation Permit was issued, and before issuance of the Certificate of Operation as required in Section 5.4-1, a final inspection shall be made and any violations of the approved plans and Installation Permit, if any, shall be noted and the holder of the permit shall be notified of the discrepancies. All violations shall be corrected before issuance of the Certificate of Operation.

##### **(3) Annual Inspection**

An annual inspection shall be made by the Department of all fuel-burning, combustion, and process equipment, processes, and devices, coming under the provisions of this Ordinance, whether or not a Certificate of Operation allowing use of such equipment, process, or device has been previously issued by the Director, to see that such equipment, process, or device, can be so managed and operated that no smoke, particulate, gases, or other matter shall be emitted therefrom in violation of any emissions limitation or other requirement provided

for in this Ordinance; provided, however, that no annual inspection shall be required of locomotives, ships, boats, tugs, mobile internal combustion engines, or domestic heating plants; and provided, also, that where any fuel-burning, combustion, or process equipment, process, or device has been installed, erected, constructed, reconstructed, altered, added to, or repaired pursuant to a permit issued under Section 5.2, has been inspected in accordance with the requirements of Section 5.5-3 hereof, and has been in operation less than six (6) months, an Annual Inspection will not be required until six (6) months from the date such equipment was first put into operation after the completion of such work. Upon notice that the equipment has been found to comply with the provisions of this Ordinance, and after payment of the prescribed fee, the Director shall issue a Certificate of Operation. If, at the time of the Annual Inspection, it is found that the equipment is in such condition that it cannot be operated within the provisions of this Ordinance, the Director shall give notice in writing to the person owning, operating, or in charge of such equipment of the defects found and order him to correct, repair, or replace the defective equipment. Failure to comply with this order within thirty days from its date shall constitute a violation of this Section, and the Director is hereby authorized to revoke the current Certificate of Operation, if any, and may seal the equipment. No person shall violate the seal on any equipment that has been sealed by the Director of the Department unless authorized by him in writing to do so. (4-5-71)

*(4) Government and Municipal Fuel-burning, Combustion, or Process Equipment, Processes, or Devices*

The Director shall have the same power and jurisdiction over all fuel-burning, combustion, and process equipment, processes, and devices owned or operated by any branch of the Federal, State, or local governments and any municipal corporation as over all other fuel-burning, combustion, and process equipment, processes, and devices subject to the terms of this Ordinance and all such branches and corporations shall be subject to the requirements of this Ordinance. It shall be the duty of the Director to inspect at least once in each year all of such installations, and also to preserve a record of the condition with respect to the requirements of this Article of such installation as shown by such inspection. No fee shall be charged or paid to the Department or to any of its employees for any permit or inspection of any such installation or for the Certificates of Operation therefor issued by the Department. (4-16-73)

*(b) Sealing of Equipment*

*(1) Citation, Hearing, and Sealing*

(i) After any person has been previously notified of three (3) or more violations of this Ordinance within any consecutive 12 month period in respect to the emission of smoke, particulate, or other matter by the same piece of

equipment in excess of the emission limitations herein provided or in respect to violations of other requirements provided in this Ordinance, such person shall be notified in writing to show cause before the Director on a day certain, not less than 20 days from date of service of such notice, why the equipment or process causing such violations should not be sealed. This last notice herein provided for may be given by mail, directed to the last known address of the person to be notified, or if such person or his whereabouts is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon the date specified in the notice such person may appear at such hearing in person or by representative, with or without counsel. If such person fails to appear at such hearing or if upon such hearing the Director shall find and determine that the violations are due to defective equipment or equipment which is incapable of being operated within the maximum emission limitations established by or under this Ordinance, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, he may enter an order revoking any certificate or permit active for such equipment or process and may direct that the same be sealed by an inspector or other authorized agent of the Director. In making the finding and determination hereinabove referred to, the Director shall, in the case of smoke density or opacity measurements, take into consideration whether the equipment is capable of being operated within the particulate matter limitations provided in this Ordinance.

(ii) Upon notice and hearing, if notice and hearing has not previously been provided, the Director may order that the use of any fuel-burning, combustion, or process equipment, process, or device shall be discontinued and may seal such equipment, process, or device:

(A) When a Certificate of Operation is refused in the case of any original, annual, or subsequent inspection, because the person required to procure such certificate has not complied with the provisions of this Ordinance;

(B) In the case of movable equipment, portable boilers, or vehicles, when immediate correction of a condition causing a violation of this Ordinance is not made by the operator of such equipment, portable boiler, or vehicle when ordered to do so by the Director or his authorized representative.

*(2) Breaking of the Seal*

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

*(c) Right of Entry*

(1) In the discharge of his duties, the Director or his authorized inspector shall have the authority to enter, at any reasonable hour, any building, structure, or premises to enforce the provisions of this Ordinance.

(2) The Director shall adopt a badge of office for himself and his representatives which shall be displayed for the purpose of identification.

(3) The assistance and cooperation of health, police, legal, and other officers shall be available to the Director as required in the performance of his duties.

*(d) Complaints and Reports*

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

*(e) Persons Liable*

Unless otherwise specifically provided, the owner, his agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building premises, in any part of which there is a violation of the provisions of this Ordinance, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning, or managing, controlling, or acting as agent in regard to said buildings or premises. Wherever used in the provisions of this Ordinance, the "owner" shall include any person entitled under an agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs. The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless said trustee in a proceeding under said provisions of this Ordinance discloses in a verified pleading or in an affidavit filed with the court, the name and last known address of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

*(f) Penalty Clause*

Any person, firm, or corporation or agents, employees or contractors of such who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the

provisions of this ordinance shall be subject to a fine of not less than \$100.00 but not more than \$1,000.00. (9-4-90)

## **5.6 COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULE**

### **5.6-1 Prohibition**

No person shall cause or allow the operation of an emission source which is not in compliance with all applicable emission limitations set forth in Article VI without a Compliance Program and a Project Completion Schedule approved by the Department. (4-16-73)

### **5.6-2 Contents of Compliance Programs and Project Completion Schedules**

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

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

(c) The Department may adopt procedures which require data and information in addition to and in amplification of the matters specified in Section 5.6-2(a) and (b), and which set forth the format by which all data and information shall be submitted. (4-16-73)

### **5.6-3 Effects of Approval**

The approval of a Compliance Program and Project Completion Schedule shall be a prima facie defense to any enforcement action alleging a violation of the standards and limitations set forth in this Ordinance only with respect to air contamination emanating from sources covered by the Compliance Program and Project Completion Schedule. Sources not covered by the Compliance Program and Project Completion Schedule are not considered immune from enforcement action. (4-16-73)

### **5.6-4 Final Compliance Date**

Failure to meet an approved final compliance date or any interim date, as required by Section 5.6-2(b), may constitute a violation of this Section 5.6, which shall be decided by the

Department. The Department may, in such an instance, withdraw its approval of the Compliance Program and Project Completion Schedule, after which enforcement action would follow.

## **5.7 VARIANCES**

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

## **5.8 APPEALS**

### **5.8-1** *Filing for Appeal*

Any person taking exception to and affected by any final decision, ruling, requirement, rule, regulation, or order, or failure to act upon request within a reasonable period by the Director, may take an appeal to the Cook County Environmental Control Board of Appeals. Such appeal shall be taken within thirty days after receiving notice of such decision, ruling, requirement, rule, regulation, or order, or failure to act upon request within a reasonable period, by filing with the Director a notice of appeal directed to the Cook County Environmental Board of Appeals, specifying the grounds thereof and the relief prayed for. The Director shall forthwith furnish to the Appeals Board all the papers relating to the case.

### **5.8-2** *Cook County Environmental Control Board of Appeals*

#### *(a) Appointment*

The Cook County Environmental Control Board of Appeals, consisting of five members, is hereby established. The members shall be appointed for a term of two years, by the President of the Board of Commissioners of Cook County with the advice and consent of the Board of Commissioners. One of the members of the Board of Appeals shall be designated as "Chairman" by the President. The secretary of the Board of Appeals shall be appointed by its Chairman. Of the initially appointed members, two shall serve for one year, two members shall serve for two years, and one member for three years.

#### *(b) Qualifications*

The members of the Board of Appeals shall be chosen from among the following professions and occupations: law, medicine, engineering, teaching, science, business,

labor, or someone of the general public who has manifested and demonstrated an interest in environmental control. Each member shall have had no less than five years of experience in this particular profession or occupation and where licenses or permits are required in order to pursue said profession or occupation, he shall be the possessor of a current State of Illinois or Cook County license or permit, or both where required.

*(c) Meetings and Hearings*

Meetings and hearings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Board of Appeals shall have the power to adopt and enforce such rules and regulations as it may deem necessary to carry into effect the appeal power herein provided and in connection therewith may request technical assistance and advice from any Cook County Department. All meetings and hearings conducted by the Board of Appeals shall be open to the public. The Board of Appeals may hear an appeal en banc, or may designate an individual member or members to conduct hearings. The Board of Appeals may also designate one or more hearing officers to hear appeals and said hearing officers shall be attorneys licensed to practice law in the State of Illinois. Compensation for such hearing officers shall be on a per diem basis at a rate not to exceed \$50.00 per hour. Compensation for such hearing officers shall be borne by the petitioners. (11-29-73)

*(d) Witnesses and Evidence*

At the hearing, any party or persons may appear in person, or by agent or attorney, and may present evidence, both written and oral, pertinent to the questions and issues involved, and, at the discretion of the Chairman, may be permitted to examine and cross-examine witnesses. The Board of Appeals may issue subpoenas in connection with said hearings, requiring the attendance of witnesses and production of evidence reasonably related to said hearing, and shall have the power to cause to be instituted in court appropriate legal proceedings to compel compliance with said subpoenas.

*(e) Record of Proceedings*

The Petitioner at his expense shall have a stenographer present to take testimony and preserve a record of all proceedings involved with said hearings. The notice of appeal, the notice of hearing, all other documents in the nature of affidavits, pleadings and written motions filed in the proceedings, the transcript of testimony, and the findings of fact and decisions shall constitute a record of proceedings. The Petitioner shall furnish the Board of Appeals a transcript of such record. The Board of Appeals shall not be required to certify any record, file any answer, or otherwise appear at any proceedings for judicial review unless the party filing the appeal shall deposit the sum of the current standard costs per page or original transcript as prevails among court reporting services in the County of Cook. Upon judicial review, the secretary of the Board of Appeals shall be empowered to certify the record. (11-29-73)

*(f) Decisions and Determinations*

The Board of Appeals shall keep minutes of its proceedings. No member shall be entitled to vote upon an issue unless he has read the transcript of the hearing and has examined all exhibits received in relation thereto and shall have executed an affidavit to the effect that he has read the transcript and examined the exhibits, which affidavit shall be made a part of the record. A quorum shall consist of three members and a majority of the number present and voting shall determine all issues before the Board. The minutes of all hearings before the Board of Appeals shall show the vote of each member upon each determination, and, if he is absent or otherwise fails to vote, the minutes shall reflect such fact. Every rule and regulation, amendment thereunder, or appeal thereof; every order, requirement, decision or determination of the Board of Appeals; and all records required by law to be kept by the Board of Appeals shall be filed forthwith in the office of the Cook County Department of Environmental Control and shall become a public record.

*(g) Time for Decision*

Beginning with the date of filing of a notice of appeal with the Board of Appeals, the Board shall set a date for the hearing within ten days thereafter, which hearing shall be held within the following twenty-one days. The Board of Appeals shall give written notice of said hearing by certified mail to the interested parties. The Board of Appeals may in its discretion, grant continuances. The Board of Appeals shall affirm, modify, or reverse the decision, rule, requirement, regulation or order of the Director of the Cook County Department of Environmental Control, or shall enter an order upon him to act, no later than sixty days after the filing of the notice of appeal. The decision of the Board of Appeals shall be binding on the Director of the Cook County Department of Environmental Control. The provisions of the "Administrative Review Act" (Ill.Rev.Stat. 1969, ch. 110, pars. 264 et seq.), and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply and govern all proceedings for the judicial review of final administrative decisions made by the Board of Appeals.

**5.9 PERIOD OF GRACE**

In the event any person is compelled to, or deems it advisable to, install any new equipment, process, or devices, appliances, means, or methods, including needed control equipment, in order to comply with any provisions of this Ordinance, and exemption from the operation of this Ordinance is reasonably necessary in order to allow sufficient time for such installations, such exemption may be granted by the Director on good cause shown. Upon complaint in writing by any such person, setting forth that it is impossible in the operation of any plant, fuel-burning, combustion, or process equipment, process, device, or apparatus, to operate the same in complete compliance with the requirements of this Ordinance, and stating evidence satisfactory to the Director that such person has taken, or will take all steps necessary to provide for future compliance with the provisions of this Ordinance, and giving assurance to the Director that the acquisition and installation of the proper equipment, process, device, or appliance, or control equipment, will be affected within a reasonable period of time, stating specifically by

nature and extent thereof, and upon the findings of the Director on investigation by him of the facts, that said complaint is well grounded, the Director is authorized to permit the operation of such plant, fuel-burning, combustion, or process equipment, process, device, or apparatus, for a reasonable period of time, within which period necessary equipment, process, device, means or methods, or control equipment, is to be acquired and installed; provided, however, that the Director is empowered to grant further reasonable extensions of time upon proof of extenuating circumstances, and that an order of the Director denying a complaint for a period of grace or an extension of time shall be subject to review by the Appeals Board, as hereinabove provided. During any such granted period, such persons shall not be subject to the fines and penalties hereinafter provided for the non-compliance sought to be remedied; if, however, such person willfully fails in the time allowed to conform with the applicable provision or provisions of this Ordinance, or to comply with his assurance and agreement, he shall be subject to all applicable fines and penalties herein provided dating from the date of the beginning of the said period or periods.

It shall be the duty of such person to notify the Director immediately of the completion of such installation.

#### **5.10 TECHNICAL ADVISORY COMMITTEE**

There is hereby established a Technical Advisory Committee to consult with, assist, and advise the Director of the Cook County Department of Environmental Control on all matters relating to the jurisdiction and responsibility of this Department. The Technical Advisory Committee shall consist of nine (9) members -one member shall be the Director of the Cook County Department of Environmental Control, who shall be the Chairman - one member shall be the Director of the Cook County Health Department -one member may be the Director of the Cook County Civil Defense -one member may be the Superintendent of the Forest Preserve District -one member may be the Superintendent of the Cook County Highways -one member may be the Chairman of the Zoning Board of Appeals of the County of Cook, and three to be appointed by the President of the County Board, one of which may be an Engineer of Ecology. All may be residents of the County of Cook.

The Committee shall:

- (1) Aid and advise the Director with respect to obtaining the active support and cooperation of industry, commercial enterprises, municipal and governmental agencies and other organizations interested in or affected by the provisions of this Ordinance.
- (2) Advise and consult with the Director with respect to amendments to this Ordinance considered appropriate by reason of research conducted in accordance with this Ordinance, or as otherwise provided.
- (3) Attend meetings called by the Chairman from time to time.

- (4) Institute, support, and encourage such programs for research and education in the field of ambient environmental control.
- (5) With the Director, appoint appropriate sub-committees to carry out such research programs as is deemed appropriate.
- (6) Advise and consult with the Director with respect to the membership of the Advisory Subcommittee.

**5.11 AMENDMENTS**

The Board of Commissioners of Cook County may from time to time, amend the provisions or regulations contained in this Ordinance, for the purpose of promoting the public health, safety, morals, comfort, and general welfare.

**5.12 FEES**

Fees required for permits, certificates, and inspection of equipment and other sources of emission shall be established by separate resolution of the Board of Commissioners of Cook County. All fees shall be collected by the Director of the Department for deposit with the County Treasurer. (4-16-73)

**5.12-1 Installation Permit Fee Schedule (10-21-91)**

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

(a) *Filing Fee-For the Evaluation of Plans.*

The first 10 units or multiples of 10's including domestic incinerators and open burning applications, except domestic heating.....\$10.00

(b) *Fuel burning equipment used for space heating, steam or hot water generation, or to generate power, except for domestic heating, for each unit:*

Rated Input in BTU/HR	
Less than 288,000 .....	\$10.00
288,000 to less than 1,000,000 .....	15.00
1,000,000 to less than 2,880,000 .....	25.00
2,880,000 to less than 6,000,000 .....	35.00
6,000,000 to less than 10,000,000 .....	45.00
10,000,000 to less than 20,000,000 .....	55.00
20,000,000 to less than 100,000,000 .....	65.00
100,000,000 or more .....	85.00

(c) *Refuse burning equipment for each unit:*

Total Square Feet of Burning Area	
Less than 5.0 .....	\$20.00
5.0 to less than 10.0 .....	25.00
10.0 to less than 15.0 .....	30.00
15.0 to less than 20.0 .....	35.00
20.0 to less than 40.0 .....	40.00
40.0 or more .....	50.00

*Pathological Waste (Crematory) Incineration*

Less than 20 #/HR .....	\$35.00
20 to less than 40 .....	60.00
40 to less than 80 .....	85.00
80 to less than 120 .....	100.00
120 to less than 200 .....	125.00
200 to less than 300 .....	150.00
Over 300 . . . . .	175.00

*Combustion of Toxic, Hazardous Waster*

Less than 100#/HR .....	\$50.00
100 to less than 200 .....	100.00
200 to less than 300 .....	150.00
300 to less than 400 .....	200.00
400 or more .....	250.00

(iii) *Storage Tank for each unit:*

(1) Storing organic material having a vapor pressure more than 2.5 psi at standard conditions:

Rated Capacity in Gallons	
Less than 10,000 .....	\$10.00
10,000 to less than 40,000 .....	15.00
40,000 to less than 60,000 .....	20.00
60,000 to less than 100,000 .....	25.00
100,000 or more .....	30.00

(2) Storing organic materials having a vapor pressure less than 2.5 psi at standard conditions:

Rated Capacity in Gallons	
Less than 10,000 .....	\$10.00
10,000 to less than 20,000 .....	15.00
20,000 to less than 40,000 .....	20.00
40,000 or more .....	25.00

(3) Storing liquid inorganic materials with potential of emission to the atmosphere:

Rated Capacity in Gallons	
10,000 to less than 50,000 .....	\$10.00
50,000 to less than 100,000 .....	15.00
100,000 or more .....	20.00

The fee for tanks of capacities less than 20,000 gallons shall be based on the aggregate capacity.

Storing of Toxic or Hazardous substance material (as listed in Hazardous, Toxic Chemical Substance List in the "Toxic Substance Control Act" (Public Law List 94 -469)

Rated Capacity in Gallons	
Less than 5,000 Gallons .....	\$10.00
5,000 gallons to less than 15,000 gallons .....	15.00
15,000 gallons to less than 25,000 gallons .....	25.00
25,000 gallons or more .....	35.00

The fee for tanks of capacities less than 20,000 gallons shall be based on the aggregated capacity.

(iv) *Process equipment or device, per each unit* ..... \$20.00

(v) *Any device or apparatus to control pollution for each unit:*

SCFM		
Less than 2,000 .....		\$15.00
2,000 to less than 5,000.....		20.00
5,000 to less than 10,000.....		25.00
10,000 to less than 15,000.....		30.00
15,000 to less than 20,000.....		35.00
20,000 to less than 30,000.....		45.00
30,000 to less than 40,000.....		55.00
40,000 to less than 100,000.....		65.00
100,000 or more .....		80.00
(Added 4-5-71, p. 2031; Amend. 4-16-73, p. 2185; 12-1-75, p. 91; Ord. 85-0-7, 12-3-84.)		

**5.12-2 Original Inspection Fees Schedule**

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

(i) *Fuel burning equipment used for space heating, steam and hot water generation, or to generate power, except domestic heating, for each unit:*

Input Capacity in BTU/HR.		
Less than 288,000 .....		\$10.00
288,000 to less than 1,000,000 .....		15.00
1,000,000 to less than 2,400,000 .....		25.00
2,400,000 to less than 6,000,000 .....		50.00
6,000,000 to less than 10,000,000 .....		55.00
10,000,000 to less than 20,000,000 .....		60.00
20,000,000 to less than 100,000,000 .....		100.00
100,000,000 or more .....		110.00

(ii) *Refuse burning equipment for each unit:*

Total Square Feet of Burning Area		
Less than 5.0 .....		\$30.00
5.0 to less than 10.0 .....		40.00
10.0 to less than 15.0 .....		50.00
15.0 to less than 20.0 .....		60.00
20.0 to less than 40.0 .....		70.00
40.0 or more.....		90.00

*Pathological Waste (Crematory) Incineration*

Less than 20#/HR.....	\$50.00
20 to less than 40.....	60.00
40 to less than 80.....	85.00
80 to less than 120.....	110.00
120 to less than 200.....	130.00
200 to less than 300.....	160.00
Over 300. . . . .	180.00

*Combustion of Toxic, Hazardous Waster*

Less than 100#/HR.....	\$60.00
100 to less than 200.....	110.00
200 to less than 300.....	160.00
300 to less than 400.....	210.00
400 or more.....	260.00

(iii) *Storage Tank for each unit:*

(1) Storing organic material having a vapor pressure more than 2.5 psi at standard conditions:

Rated Capacity in Gallons

Less than 10,000.....	\$10.00
10,000 to less than 40,000.....	15.00
40,000 to less than 60,000.....	20.00
60,000 to less than 100,000.....	25.00
100,000 or more.....	30.00

(2) Storing organic materials having a vapor pressure less than 2.5 psi at standard conditions:

Rated Capacity in Gallons

Less than 10,000.....	\$10.00
10,000 to less than 20,000.....	15.00
20,000 to less than 40,000.....	20.00
40,000 or more.....	25.00

(3) Storing liquid inorganic materials with potential of emission to the atmosphere:

Rated Capacity in Gallons

10,000 to less than 50,000.....	\$10.00
50,000 to less than 100,000.....	15.00
100,000 or more.....	20.00

The fee for tanks of capacities less than 20,000 gallons shall be based on the aggregate capacity.

Storing of Toxic or Hazardous substance material (as listed in Hazardous, Toxic Chemical Substance List in the "Toxic Substance Control Act" (Public Law List 94-469)

Rated Capacity in Gallons	
Less than 5,000 Gallons.....	\$10.00
5,000 to less than 15,000 .....	20.00
15,000 to less than 25,000 .....	30.00
25,000 or more .....	45.00

(iv) *Process equipment or device, per each unit* . . . . . \$20.00

(v) *Any device or apparatus to control pollution for each unit:*

Standard Cubic Feet per Minute	
Less than 2,000 .....	\$25.00
2,000 to less than 5,000.....	33.00
5,000 to less than 10,000.....	41.00
10,000 to less than 15,000.....	50.00
15,000 to less than 20,000.....	65.00
20,000 to less than 30,000.....	82.00
30,000 to less than 40,000.....	98.00
40,000 to less than 100,000.....	130.00
100,000 or more .....	163.00

(vi) *Open burning for each day of occurrence* ..... \$18.00  
(Added 4-5-71, p. 2031; Amend. 4-16-73, p. 2185; 12-1-75, p. 93; Ord. 85-08-7, 12-3-84.)

**5.12-3 Annual Inspection Fees**

Fees shall be as follows for annual inspection of any fuel burning, combustion, or process equipment, process, or device controlling pollution, or any storage tank:

(a) *Fuel burning equipment used for space heating, steam or hot water generation, or generation of power for each unit: (except domestic heating)*

Rated Input in BTU/HR		
1,000,000 to less than 2,400,000	.....	\$40.00
2,400,000 to less than 6,000,000	.....	65.00
6,000,000 to less than 10,000,000	.....	70.00
10,000,000 to less than 20,000,000	.....	85.00
20,000,000 to less than 100,000,000	.....	115.00
100,000,000 or more	.....	125.00

In case of multiple fuel burning equipment, or rated input less than 1,000,000 BTU/HR each, the fee shall be assessed on an aggregate rating. If the aggregate rating is less than 1,000,000 BTU/HR, no fee will be assessed.

(b) *Refuse burning equipment for each unit:*

Total square feet of burning area less than 5.0	.....	\$50.00
5.0 to less than 10.0	.....	65.00
10.0 to less than 15.0	.....	82.00
15.0 to less than 20.0	.....	98.00
20.0 to less than 60.0	.....	163.00
60.0 or more	.....	326.00

*Pathological Waste (Crematory) Incineration*

Less than 20#/HR	.....	\$50.00
20 to less than 40	.....	80.00
40 to less than 80	.....	160.00
80 to less than 120	.....	200.00
120 to less than 200	.....	240.00
200 to less than 300	.....	280.00
300 or more	.....	340.00

*Combustion of Toxic, Hazardous Waste*

Less than 100#/HR	.....	\$80.00
100 to less than 200	.....	130.00
200 to less than 300	.....	180.00
300 to less than 400	.....	230.00
400 or more	.....	280.00

(c) *Per one unit of Process Equipment or Device* ..... \$22.00

(d) *Any device or apparatus to control pollution, for each unit:*

Standard Cubic Feet Per Minute

Less than 2,000 .....	\$25.00
2,000 to less than 5,000 .....	33.00
5,000 to less than 10,000 .....	41.00
10,000 to less than 15,000 .....	50.00
15,000 to less than 25,000 .....	82.00
20,000 to less than 30,000 .....	98.00
30,000 to less than 40,000 .....	115.00
40,000 to less than 100,000 .....	145.00
100,000 or more .....	160.00

(e) Storage Tanks, for each unit:

(i) Storing Organic Material having a vapor pressure more than 2.5 psi at standard conditions:

Rated Capacity in Gallons

Less than 250 gallons .....	No Fee
250 to 10,000 gallons .....	\$10.00
10,001 to 20,000 gallons .....	17.00
20,001 to 50,000 gallons .....	25.00
50,001 to 100,000 gallons .....	33.00
100,001 gallons or more .....	41.00

(ii) Storing Organic Materials having a vapor pressure less than 2.5 psi at standard conditions:

Rated Capacity in Gallons

Less than 250 gallons .....	No Fee
50 to 10,000 gallons .....	\$5.00
10,001 to 20,000 gallons .....	10.00
20,001 to 50,000 gallons .....	17.00
50,001 gallons or more .....	25.00

(iii) Storing Inorganic Materials with potential of emission to the atmosphere:

Rated Capacity in Gallons

Less than 250 gallons .....	No Fee
250 to 10,000 gallons .....	\$5.00
10,001 to 50,000 gallons .....	10.00
50,001 to 75,000 gallons .....	25.00
75,001 gallons or more .....	33.00

Storing of Toxic and Hazardous Substance Material (as listed in Hazardous Toxic Chemical Substance List in the "Toxic Substance Control Act" (Public Law 94-469))

Rated Capacity in Gallons	
Less than 5,000 .....	\$17.00
5,000 to less than 15,000 .....	33.00
15,000 to less than 25,000 .....	50.00
25,000 or more .....	65.00

(f) *Fees are due upon Receipt.* A \$25.00 Late Fee handling charge in addition to amounts due will be assessed on accounts outstanding 60 days after the date of billing.

**5.12-4** *Payment of Fees*

All fees and penalties prescribed for the issuance of permits, licenses or certificates, or for the inspection of plans, premises or equipment, under any provision of this Article, shall be paid to the Department, which shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid, a duplicate of which shall be made part of the records of the Department. All fees and penalties thus received shall be deposited with the County Treasurer.

**5.12-5** *Fees are Debt Due the County-Suit for*

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

**5.12-6** *Refund of Permit Fees*

In the event the installation of the fuel-burning, combustion, or process equipment, process, or device is not completed or that the Director or any other authorized officer of any department of the County refuses issuance of a permit for the erection or construction of any building or structure in which such equipment, process, or device was to be located, the fee which has been paid for the permit or the Certificate of Operation may be refunded upon proper presentation of the facts; provided, however, that no refund shall be made after a period of one (1) year from the payment of the fee.

**5.12-7** *Remittance of Fees*

The Director shall remit all inspection or examination fees charged against any charitable, religious or educational institution when the furnace or other combustion equipment,

device, or apparatus inspected is located in or upon premises used and occupied exclusively by such institution; provided, however, that such charitable, religious or educational institution is not carried on for, or connected with any institution conducted for private gain or profit. The Director may require every application for the remission of such fees to be verified by affidavit of one or more taxpayers of the County. Nothing in this Section shall apply to fees prescribed and required for permits for demolition or renovation of structures containing asbestos material or removal of asbestos containing material (ACM) structure or premises. (6-22-93)

**ARTICLE VI - EMISSION STANDARDS AND  
LIMITATIONS FOR STATIONARY SOURCES**

**6.1 GENERAL**

**6.1-1 Visible Emissions**

*(a) Emissions of Smoke*

It shall be unlawful within the jurisdictional boundaries of Cook County Department of Environmental Control for any person owning, or in charge of, or operating any fuel-burning, refuse-burning, combustion, or process equipment, process, device, portable boiler, stacks, vents or premises to cause, suffer or allow the emission or discharge of smoke from any single such source into the atmosphere the appearance, density, or shade of which is darker than No. 1½ on the Ringelmann Chart, except in conformity with the limits set forth in the following table:

	Opacity Percent %	Smoke Ringelmann No.	Minutes Per 30 Minutes
Normal Operation	80 or 100	4 or 5	0
	60	3	0
	40	2	0
	30	1 ½	30
	less than 30	less than 1 ½	30
Building new fires, banking and cleaning fires and soot blowing	80 or 100	4 or 5	0
	40 to 60	2 to 3	1 ½
	30	1 ½	30
	less than 30	less than 1 ½	30

*(b) All Other Visible Emissions*

It shall be unlawful within the jurisdictional boundaries of the Cook County Department of Environmental Control for any person owning, or in charge of, or operating any process, process equipment, any type of device, stack, vent or premise to cause, suffer or allow the emission other than uncontaminated water vapor from any single such source into the atmosphere with a density having the opacity or light-obscuring ability greater than 30%. Any visible emission with an opacity of 30% or less is allowable. (8 -16-72; 4-16-73)

(c) *Qualifications of the Department of Environmental Control Inspectors*

Visible emission determination shall be made by qualified, authorized Department of Environmental Control Inspectors having successfully completed a course of training by the Cook County Department of Environmental Control or any other governmental agency sponsoring qualification training courses, or by Environmental Control Inspectors having at least three years of past experience directing in the determination of visible emissions for an authorized governmental control agency. (8-16-72)

(d) *Determination of Ringelmann Readings*

Use of the Ringelmann Chart in making measurements of smoke emissions shall be discretionary with the Inspector making the observation. (8-16-72)

**6.1-2 Fugitive Particulate Matter**

(a) No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.

(b) Section 6.1-2(a) shall not apply to emissions of fugitive particulate matter from stockpile of materials when the wind speed is greater than 25 miles per hour. Determination of wind speed for the purposes of this Section 6.1-2(b) shall be by a one-hour average at the nearest official station of the U.S. Weather Bureau, by interpretation of surface weather maps by a meteorologist, or by wind speed instruments installed at the stockpile site.

(c) No person shall cause or allow the operation of a vehicle of the second division as defined by III.Rev.Stat., Ch. 95-1/2 1-217, as revised, or a semitrailer as defined by I-II.Rev.Stat., Ch. 95-1/2 1-187, as revised, without a covering sufficient to prevent the release of particulate matter into the atmosphere, provided that this Section 6.1-2(c) shall not apply to automotive exhaust emissions. (4-16-73)

**6.2 PARTICULATE MATTER STANDARDS**

**6.2-1 Particulate Emission Standards for all Process Emission Sources**

(a) No person shall cause, suffer, allow, or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table 6.1, 6.2, or 6.3, whichever is applicable, for the process weight rate allocated to such source or in excess of 0.1 grains per standard cubic foot of exhaust at any given time during the process.

(b) Process weight per hour, or process weight rate, is the actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process

weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.

(c) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the minimum value for allowable emission shall apply.

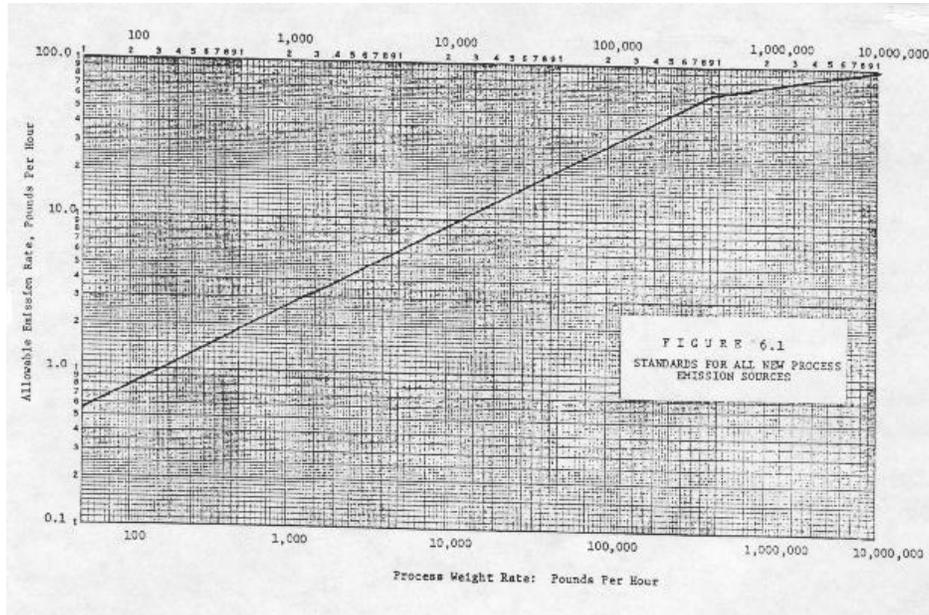
(d) For purposes of this regulation, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks. (8-16-72)

**TABLE 6.1 (8-20-73)**  
**Standards for New Process Emission Sources**

<u>Process Weight Rate</u> <u>Pounds per Hour</u>	<u>Process Weight Rate</u> <u>Tons per Hour</u>	<u>Allowable Emission Rate</u> <u>Pounds per Hour</u>
100	0.05	0.55
200	0.10	0.77
400	0.20	1.10
600	0.30	1.35
800	0.40	1.58
1,000	0.50	1.75
1,500	0.75	2.40
2,000	1.00	2.60
4,000	2.00	3.70
6,000	3.00	4.60
8,000	4.00	5.35
10,000	5.00	6.00
20,000	10.00	8.70
30,000	15.00	10.80
40,000	20.00	12.50
50,000	25.00	14.00
60,000	30.00	15.60
70,000	35.00	17.00
80,000	40.00	18.20
90,000	45.00	19.20
100,000	50.00	20.50
200,000	100.00	29.50
300,000	150.00	37.00
400,000	200.00	43.00
500,000	250.00	48.50

600,000	300.00	53.00
700,000	350.00	58.00
800,000	400.00	62.00
900,000	450.00	66.00
1,000,000	500.00	67.00

Interpolation of the data in this Table 6.1 for process weight rates up to 450 tons per hour shall be accomplished by use of the equation  $E = 2.54 (P)^{0.534}$ , where E = allowable emission rate in pounds per hour and P = process weight rate in tons per hour. Interpolation of the data in this table for process weight rates greater than or equal to 450 tons per hour shall be accomplished by use of the equation  $E = 24.8 (P)^{0.16}$ . A graphical interpolation of the data in this Table 6.1 shall be obtained from the graph following Article VI.

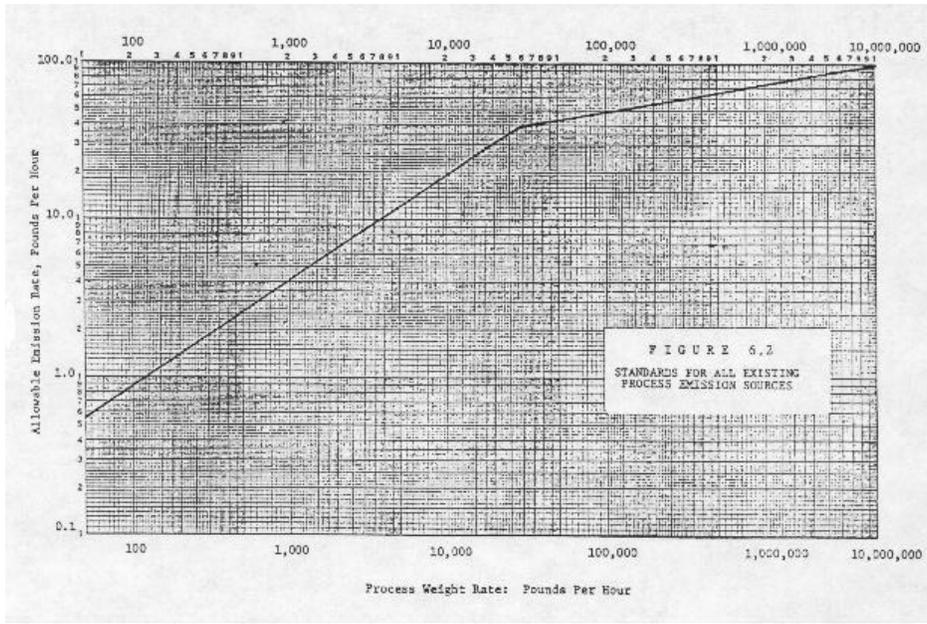


**FIGURE 6.1**  
**STANDARDS FOR ALL NEW PROCESS EMISSION SOURCES**

**TABLE 6.2 (8-20-73)**  
**Standards for Existing Process Emission Sources**

<u>Process Weight Rate</u> <u>Pounds per Hour</u>	<u>Process Weight Rate</u> <u>Tons per Hour</u>	<u>Allowable Emission Rate</u> <u>Pounds per Hour</u>
100	0.05	0.55
200	0.10	0.87
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
4,000	2.00	6.52
6,000	3.00	8.56
8,000	4.00	10.40
10,000	5.00	12.00
20,000	10.00	19.20
30,000	15.00	25.20
40,000	20.00	30.50
50,000	25.00	35.40
60,000	30.00	40.00
70,000	35.00	41.30
80,000	40.00	42.50
90,000	45.00	43.60
100,000	50.00	44.60
200,000	100.00	51.20
300,000	150.00	55.40
400,000	200.00	58.60
500,000	250.00	61.00
600,000	300.00	63.10
700,000	350.00	64.90
800,000	400.00	66.20
900,000	450.00	67.70
1,000,000	500.00	69.00

Interpolation of the data in this Table 6.2 for process weight rates up to 30 tons per hour shall be accomplished by use of the equation  $E = 4.10 (P)^{0.67}$ , where E = allowable emission rate in pounds per hour and P = process weight rate in tons per hour. Interpolation of the data in this table for process weight rates greater than or equal to 30 tons per hour shall be accomplished by use of the equation  $E = [55.0 (P)^{0.11} - 40.0]$ . A graphical interpolation of the data in this Table 6.2 shall be obtained from the graph following Article VI.



**FIGURE 6.2**  
**STANDARDS FOR ALL EXISTING PROCESS EMISSION SOURCES**

**TABLE 6.3 (8-20-73)**  
**Allowable Emissions from Cupolas with a Process**  
**Weight Rate of Less than or Equal to 20,000 lb/hr**

<u>Process Weight Rate</u> <u>Pounds per Hour</u>	<u>Allowable Emission Rate</u> <u>Pounds per Hour</u>
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30

9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10

Intermediate values not listed in this Table 6.3 shall be linearly interpolated.

(e) All new processes and/or process equipment shall comply with all applicable provisions of this Section 6.2-1 no later than six (6) months after adoption of this Section 6.2-1.

**6.2-2 Particulate Emission Standards and Limitations for Fuel-Burning Emission Sources (4-16-73)**

(a) *Fuel-Burning Emission Sources Using Solid Fuel Exclusively*

(1) *Existing Fuel-Burning Emission Sources*

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel-burning emission source using solid fuel exclusively, to exceed 0.1 pounds of particulate matter per million BTU of actual heat input in any one hour period except as provided in Section 6.2-2(a)(2).

(2) *Existing Controlled Fuel-Burning Emission Source*

Notwithstanding Section 6.2-2(a)(1), any existing fuel-burning emission source using solid fuel exclusively may emit up to but not exceed, 0.2 pounds per million BTU, if either of the following conditions is met:

(i) The emission source has an emission rate based on original design or equipment performance test conditions, whichever is stricter, which is less than 0.2 pounds per million BTU of actual heat input, and the emission control of such source is not allowed to degrade more than 0.05 pounds per million BTU from such original design or acceptance performance test conditions; or

(ii) The source is in full compliance with the terms and conditions of a variance granted under Section 5.7 sufficient to achieve an emission rate less than 0.2 pounds per million BTU, and construction has commenced on equipment or modifications prescribed under that program, and emission control of such source is not allowed to degrade more than 0.05 pounds per million BTU from original design or equipment performance test conditions, whichever is stricter.

(3) *New Fuel-Burning Emission Sources*

No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new fuel-burning emission source using solid fuel exclusively, to exceed 0.1 pounds of particulate matter per million BTU of actual heat input.

(b) *Fuel-Burning Emission Sources Using Liquid Fuel Exclusively*

No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period to exceed 0.10 pounds of particulate matter per million BTU of actual heat input from any fuel-burning emission source using liquid fuel exclusively.

(c) *Fuel-Burning Emission Sources Using More Than One Type of Fuel*

No person, while simultaneously burning more than one type of fuel in a fuel-burning emission source, shall cause or allow the emission of particulate matter into the atmosphere in any one hour period in excess of the following equation:

$$E = S_s H_s + 0.10 H_l$$

where:

E- allowable particulate emission rate in pounds per hour;  
S<sub>s</sub>- solid fuel particulate emission standard which is applicable, pounds per million BTU of actual heat input;  
H<sub>s</sub>- Actual heat input from solid fuel in million BTU per hour; and  
H<sub>l</sub>- actual heat input from liquid fuel in million BTU per hour.

(d) *Aggregation of Existing Fuel-Burning Emission Sources*

Section 6.2-2(c) may be applied to the aggregate of all fuel-burning emission sources vented to a common stack provided that:

(1) ductwork has not been modified so as to interconnect such existing fuel-burning emission sources;

(2) the actual heat input to any such existing fuel-burning emission source is not increased; and

(3) no new fuel-burning emission source is added to reduce the degree of control of emissions of particulate matter required by this Section 6.2-2.

(e) *Measurement Methods*

Particulate emissions from fuel-burning emission sources shall be determined by the procedures described in ASME Power Test Code 27-1957 as revised from time to time, or by any other equivalent procedures approved by the Department.

(f) *Compliance Dates*

(1) Every owner or operator of a new fuel-burning emission source shall comply with the standards and limitations of this Section 6.2-2 upon installation.

(2) Every owner or operator of an existing fuel-burning emission source shall procure an approved compliance program in accordance with Section 5.6, by September 1, 1973, to attain compliance with the standards and limitations of this Section 6.2-2.

**6.2-3** *Prohibition of the Use of Fuel-Burning Equipment for the Purpose of Refuse Disposal* (4-16-73)

No person shall cause, suffer, allow, or permit the burning of refuse or any type of waste whatsoever in any boiler, furnace, or other fuel-burning equipment, unless adequate proof is supplied to the Department that such equipment shall be in compliance with all applicable provisions of this Ordinance.

**6.2-4** *Particulate Emission Standards for Incinerators* (Added:4-16-73; Amended 3-6-78, p.2647)

(a) No person shall cause or allow the emission of particulate matter into the atmosphere from any incinerator burning more than 60,000 pounds of refuse per hour to exceed 0.05 grains per standard cubic foot of effluent gases corrected to 12% carbon dioxide.

(b) No person shall cause or allow the emission of particulate matter into the atmosphere from any incinerator burning more than 2,000 but less than 60,000 pounds of refuse per hour to exceed 0.08 grains per standard cubic foot of effluent gases corrected to 12% carbon dioxide.

(c) No person shall cause or allow the emission of particulate matter into the atmosphere from all other existing incinerators to exceed 0.2 grains per standard cubic foot of effluent gases corrected to 12% carbon dioxide.

(d) No person shall cause or allow the emission of particulate matter into the atmosphere from all other new incinerators to exceed 0.1 grains per standard cubic foot of effluent gases corrected to 12% carbon dioxide.

(e) EXCEPTION: Subparagraphs a, b, and d, of this Section 6.2-4 shall not apply to incinerators which burn wood wastes exclusively, if all the following conditions are met:

1. The emission of particulate matter from such incinerator does not exceed 0.2 grains per standard cubic foot of effluent gases corrected to 12% carbon dioxide; and,
2. The location of such incinerator is not in a restricted area, and is more than 1,000 feet from residential or other populated areas; and,
3. When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

(f) All existing incinerators shall comply with this regulation by June 30, 1978, and all new equipment shall comply upon installation.

**6.2-5 Sales of Domestic Incinerators (4-16-73)**

It shall be unlawful for any person to sell, offer for sale, expose for sale, exchange, deliver or install for use within the County of Cook:

- (a) Any make, model, or type of domestic refuse-burning equipment, which has not been approved by the Director; or
- (b) Any make, model or type of approved refuse-burning equipment for the burning of any type of refuse other than the type for which the refuse-burning equipment has been approved by the Director.

The delivery or transportation of any refuse-burning equipment by railroad companies and other common carriers in the course of their common carrier business shall not be deemed to be a violation of the provisions of this Section.

**6.2-6 Incinerator Usage (4-16-73)**

Incinerator operation shall be limited to daylight hours only, unless special permission is granted by the Department. Such permission shall be applied for in writing, and shall include the justification for use or operation. Permission shall be granted after a satisfactory engineering evaluation has been made and an inspection that the incinerator is not in violation of the provisions of this Article has been conducted by the Department.

**6.3 SULFUR STANDARDS AND LIMITATIONS FOR FUEL-BURNING  
AND PROCESS EMISSION SOURCES**

**6.3-1 Sulfur Dioxide (SO<sub>2</sub>) Limitations for Fuel-Burning Emission Sources (4-16-73;8-20-73)**

*(a) Sulfur Content Limitation*

No person shall cause or permit the use of, or, if intended for use in the County of Cook, the purchase, sale, offer for sale, storage or transportation of fuel, which as determined by the methods of the American Society for Testing Materials contains more than 1.0% sulfur by weight. This limitation shall apply until May 30, 1975.

*(b) Sulfur Dioxide Emission Standards and Limitations for New Fuel-Burning Emission Sources with Actual Heat Input Greater than 250 Million BTU per Hour*

*(1) Solid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source greater than 250 million BTU per hour, burning solid fuel exclusively, to exceed 1.2 pounds of sulfur dioxide per million BTU of actual heat input.

*(2) Liquid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source greater than 250 million BTU per hour, burning liquid fuel exclusively;

(i) to exceed 0.8 pounds of sulfur dioxide per million BTU of actual heat input when residual fuel oil is burned; and

(ii) to exceed 0.3 pounds of sulfur dioxide per million BTU of actual heat input when distillate fuel oil is burned.

*(3) Compliance Date*

Fuel-burning emission sources subject to this Section 6.3-1(b) shall comply upon installation.

*(c) Sulfur Dioxide Emission Standards and Limitations for New Fuel-Burning Emission Sources with Actual Heat Input Smaller Than, or Equal to, 250 Million BTU per Hour*

(1) *Solid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source with actual heat input smaller than, or equal to, 250 million BTU per hour, burning solid fuel exclusively, to exceed 1.8 pounds of sulfur dioxide per million BTU of actual heat input.

(2) *Liquid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source with actual heat input smaller than, or equal to, 250 million BTU per hour, burning solid fuel exclusively;

(i) to exceed 1.0 pounds of sulfur dioxide per million BTU of actual heat input when residual fuel oil is burned; and

(ii) to exceed 0.3 pounds of sulfur dioxide per million BTU of actual heat input when distillate fuel oil is burned.

(3) *Compliance Date*

Fuel-burning emission sources subject to this Section 6.3-1(c) shall comply upon installation.

(d) *Sulfur Dioxide Emission Limitations for Existing Fuel-Burning Emission Sources*

(1) *Solid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel-burning emission source, burning solid fuel exclusively, to exceed 1.8 pounds of sulfur dioxide per million BTU of actual heat input.

(2) *Liquid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel-burning emission source, burning liquid fuel exclusively;

(i) to exceed 1.0 pounds of sulfur dioxide per million BTU of actual heat input when residual fuel oil is burned; and

(ii) to exceed 0.3 pounds of sulfur dioxide per million BTU of actual heat input when distillate fuel oil is burned.

(3) *Compliance Date*

Fuel-burning emission sources subject to this Section 6.3-1(d) shall comply by May 30, 1975.

(e) *Combination of Fuels*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel-burning emission source burning simultaneously any combination of solid, liquid and gaseous fuels to exceed the allowable emission rate determined by the following equation:

$$E = S_S H_S + 0.3 H_d + S_R H_R$$

where:

E = allowable sulfur dioxide emission rate, in pounds per hour;

$S_S$  = solid fuel sulfur dioxide emission standard, in pounds per million BTU, which is applicable;

$S_R$  = residual fuel oil sulfur dioxide emission standard, in pounds per million BTU, which is applicable;

$H_S$  = actual heat input from solid fuel, in million BTU, per hour;

$H_R$  = actual heat input from residual fuel oil, in million BTU, per hour;

$H_d$  = actual heat input from distillate fuel oil, in million BTU, per hour; and where that portion of the actual heat input that is derived:

(i) from the burning of gaseous fuels produced by gasification of solid fuel shall be included in  $H_S$ ;

(ii) from the burning of gaseous fuels produced by gasification of distillate fuel oil shall be included in  $H_d$ ;

(iii) from the burning of gaseous fuels produced by the gasification of residual fuel oil shall be included in  $H_R$ ;

(iv) from the burning of gaseous fuels produced by the gasification of any other liquid fuel shall be included in  $H_R$ ; and,

(v) from the burning of by-product gases such as those produced from a blast furnace or a catalyst regeneration unit in a petroleum refinery shall be included in  $H_R$ .

(f) *Compliance Date*

Fuel burning emission sources subject to Section 6.3-1 (e) shall comply by May 30, 1975.

**6.3-2 Sulfur Oxide Limitations for Process Emission Sources (4-16-73)**

No person shall cause or permit the emission in the atmosphere from any new or existing source, gases containing more than 500 parts per million by volume of sulfur dioxide nor more than 15 milligrams per cubic meter of sulfur trioxide; provided, however, that the foregoing limitations shall not apply to those emissions in which the fuel is burned primarily to produce heat, and the sulfur compound emission is due primarily to the sulfur in the fuel burned.

**6.3-3 Sulfur Dioxide Measurement (4-16-73)**

Measurement of sulfur dioxide emissions from stationary sources shall be made according to the procedure published in 36 Fed. Reg. 24890, Method 6, or by measurement procedures specified by the Department and application of standard emission factors as published in Public Health Service Publication 999 AP42, Compilation of Air Pollutant Emission Factors, as revised from time to time.

**6.3-4 Sulfuric Acid Mist Standards and Limitations (4-16-73)**

No person shall cause or allow the emission of sulfuric acid mist into the atmosphere from any process emission source to exceed 0.15 pounds of acid mist per ton of acid used or manufactured.

**6.3-5 Sulfuric Acid Mist and Sulfur Trioxide Measurement (4-16-73)**

Measurement of sulfuric acid mist and sulfur trioxide shall be according to the Barium-Thorin titration method as published in 36 Fed. Reg. 24893.

**6.4 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS**

**6.4-1 Storage**

No person shall cause or allow the storage of any volatile organic material in any stationary tank, reservoir or other container of more than 40,000 gallons capacity unless such tank, reservoir or other container:

- (a) is a pressure tank capable of withstanding the vapor pressure of such materials, so as to prevent vapor or gas loss to the atmosphere at all times; or,
- (b) is designed and equipped with one of the following vapor loss control devices:
  - (1) A floating roof which rests on the surface of the volatile organic material and is equipped with a closure seal or seals to close the space between the roof edge and the tank wall. Such floating roof shall not be permitted if the volatile organic material has a vapor pressure of 12.5 pounds per square inch absolute or greater at 70°F. No person shall cause or allow the emission of air

contaminants into the atmosphere from any gauging or sampling devices attached to such tanks, except during sampling.

(2) A vapor recovery system consisting of:

(i) A vapor gathering system capable of collecting 85% or more of the uncontrolled volatile organic material that would be otherwise emitted to the atmosphere; and,

(ii) a vapor disposal system capable of processing such volatile organic material so as to prevent their emission to the atmosphere. No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tank, reservoir or other container except during sampling.

(3) Other equipment or means of equal efficiency approved by the Department according to the provisions of this Ordinance.

**6.4-2 Loading (4-16-73)**

(a) No person shall cause or allow the discharge of more than 8 pounds per hour of organic material into the atmosphere during the loading of any organic material from the aggregate loading pipes of any loading facility having a throughput of greater than 40,000 gallons per day into any railroad tank car, tank truck or trailer. The Department may accept, as a reasonable alternative, that each such loading pipe be equipped with pollution control equipment capable of reducing by 85% or more the uncontrolled organic material that would be otherwise emitted to the atmosphere if splash loading were employed.

(b) No person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 250 gallons, unless such tank is equipped with a permanent submerged loading pipe or an equivalent device approved by the Department according to the provisions of this Ordinance or unless such tank is a pressure tank as described in Section 6.41(a) or is fitted with a recovery system as described in Section 6.4-1 (b) (2).

(c) Exception: If no odor nuisance exists the limitations of Section 6.4-2 (a) and (b) shall only apply to volatile organic material.

**6.4-3 Organic Material-Water Separation (4-16-73)**

(a) No person shall use any single or multiple compartment effluent water separator which receives effluent water containing 200 gallons a day or more of organic material from any equipment processing, refining, treating, storing, or handling organic material unless such effluent water separator is equipped with pollution control equipment capable of reducing by 85% or more the uncontrolled organic material emitted to the atmosphere.

(b) *Exception*: If no odor nuisance exists the limitations of this Section 6.4-3 (a) shall only apply to volatile organic material.

(c) Section 6.4-3 (a) shall not apply to water and crude oil separation in the production of Illinois crude oil, if both the following conditions are met:

(1) The vapor pressure of such crude oil is less than 5 pounds per square inch absolute (psia); and,

(2) The location of such tank is outside a major metropolitan area.

**6.4-4 Pumps and Compressors (4-16-73)**

No person shall cause or allow the discharge of more than two cubic inches of liquid volatile organic material into the atmosphere from any pump or compressor in any 15 minute period at standard conditions.

**6.4-5 Architectural Coatings (4-16-73)**

No person shall cause or allow the sale or use of any architectural coating containing more than 20% by volume of photochemically reactive material in containers having a capacity of more than one gallon.

**6.4-6 Use of Organic Material (4-16-73)**

No person shall cause or allow the discharge of more than 8 pounds per hour of organic material into the atmosphere from any emission source, except as provided in Section 6.4-6(a) and

(b) herein and the following:

*Exception*: If no odor nuisance exists the limitation of this Section 6.4-6 shall apply only to photochemically reactive material.

(a) *Alternative Standard*

Emissions of organic material in excess of those permitted by Section 6.4-6 are allowable if such emissions are controlled by one of the following methods:

(1) flame, thermal or catalytic incineration so as either to reduce such emissions to 10 ppm equivalent methane (molecular weight 16) or less, or to convert 85% of the hydrocarbons to carbon dioxide and water; or,

(2) a vapor recovery system which adsorbs and/or absorbs and/or condenses at least 85% of the total uncontrolled organic material that would otherwise be emitted to the atmosphere; or,

(3) any other pollution control equipment approved by the Department capable of reducing by 85% or more the uncontrolled organic material that would be otherwise emitted to the atmosphere.

(b) *Exceptions:* The provisions of Section 6.4-6 shall not apply to:

(1) the spraying or use of insecticides, herbicides, or other pesticides;

(2) fuel-burning emission sources; or

(3) the application of paving asphalt and pavement marking paint from sunrise to sunset and when air pollution watch, alert or emergency conditions are not declared.

**6.4-7 Waste Gas Disposal (4-16-73)**

(a) *Petroleum Refinery and Petrochemical Manufacturing Process Emissions*

No person shall cause or allow the discharge of organic materials into the atmosphere from:

(1) any catalyst regenerator of a petroleum cracking system; or,

(2) any petroleum fluid coker; or,

(3) any other waste gas stream from any petroleum or petrochemical manufacturing process;

in excess of 100 ppm equivalent methane (molecular weight 16.0).

(b) *Vapor Blowdown*

No person shall cause or allow the emission of organic material into the atmosphere from any vapor blowdown system or any safety relief valve, except such safety relief valves not capable of causing an excessive release, unless such emission is controlled:

(1) to 10 ppm equivalent methane (molecular weight 16.0) or less; or,

(2) by combustion in a smokeless flare; or,

(3) by other pollution control equipment approved by the Department according to the Provisions of this Ordinance.

(c) Sets of Unregulated Safety Relief Valves Capable of Causing Excessive Releases  
Section 6.4-7 (b) shall not apply to any set of unregulated safety relief valves capable of causing excessive releases, provided that the owner or operator thereof by April 26, 1973, provides the Department with the following:

(1) a historical record of each such set (or, if such records are unavailable, of similar sets which, by virtue of operation under similar circumstances, may reasonably be presumed to have the same or greater frequency of excessive releases) for a three-year period immediately preceding October 1, 1972, indicating:

(i) dates on which excessive releases occurred from each such set; and,

(ii) duration in minutes of each such excessive release; and,

(iii) quantities (in pounds) of mercaptans and/or hydrogen sulfide emitted into the atmosphere during each such excessive release.

(2) proof, using such three-year historical records, that no excessive release is likely to occur from any such set either alone or in combination with such excessive releases from other sets owned or operated by the same person and located within a ten-mile radius from the center point of any such set, more frequently than 3 times in any 12 month period; and

(3) accurate maintenance records pursuant to the requirements of Section 6.4-7(c) (1); and,

(4) proof, at three-year intervals, using such three-year historical records, that such set conforms to the requirement of Section 6.4-7(c) (3).

**6.4-8 Emissions During Clean-up Operations and Organic Material Disposal (4-16-73)**

Emissions of organic material released during clean-up operations and disposal shall be included with other emissions of organic material from the related emission source or pollution control equipment determining total emissions.

**6.4-9 Testing Method for Determination of Emissions of Organic Materials (4-16-73)**

The total organic material concentrations in an effluent stream shall be measured by a Flame Ionization Detector, or by other methods approved by the Department according to the provisions of this Ordinance.

**6.4-10 Compliance Dates (4-16-73)**

- (a) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 6.4 by April 26, 1973.
- (b) Every owner or operator of an existing emission source shall comply with the standards and limitations of Section 6.4 by December 31, 1973.

**6.5 CARBON MONOXIDE EMISSION STANDARDS  
AND LIMITATIONS (4-16-73)**

**6.5-1 Fuel-Burning Emission Sources With Actual Heat Input Greater than 10 Million  
BTU Per Hour**

No person shall cause or allow the emission of carbon monoxide into the atmosphere from any fuel burning emission source with actual heat input greater than 10 million BTU per hour to exceed 200 ppm, corrected to 50% excess air.

**6.5-2 Incinerators**

- (a) No person shall cause or allow the emission of carbon monoxide into the atmosphere from any incinerator to exceed 500 ppm, corrected to 50 per cent excess air.
- (b) *Exception:* This Section 6.5-2 shall not apply to existing incinerators burning less than 2000 pounds of refuse per hour which are in compliance with this Ordinance.

**6.5-3 Petroleum and Petrochemical Processes**

No person shall cause or allow the emission of a carbon monoxide waste gas stream into the atmosphere from a petroleum or petrochemical process unless such waste gas stream is burned in a direct flame afterburner or carbon monoxide boiler so that the resulting concentration of carbon monoxide in such waste gas stream is less than or equal to 200 ppm corrected to 50% excess air, or such waste gas stream is controlled by other equivalent pollution control equipment approved by the Department according to the provisions of this Ordinance.

**6.5-4 Sintering Plants, Blast Furnaces and Basic Oxygen Furnaces**

- (a) No person shall cause or allow the emission of gases containing carbon monoxide into the atmosphere from any sintering plant, from any blast furnace, or from any basic oxygen furnace to exceed a concentration of 200 ppm, corrected to 50% excess air.
- (b) *Exception:* This Section 6.5-4 shall not apply to blast furnaces during abnormal movement of the furnace burden when it is necessary to relieve pressure for safety reasons.

#### **6.5-5 Cupolas**

No person shall cause or allow the emission of gases containing carbon monoxide into the atmosphere from any cupola with a manufacturer's rated melt rate in excess of 5 tons per hour, unless such gases are burned in a direct flame after burner so that the resulting concentration of carbon monoxide in such gases is less than or equal to 200 ppm corrected to 50% excess air or such gas streams are controlled by other equivalent pollution control equipment approved by the Department according to the provisions of this Ordinance.

#### **6.5-6 Measurement Methods**

Carbon monoxide concentrations in an effluent stream shall be measured by the Nondispersive Infrared Method or by other methods approved by the Department according to the provisions of this Ordinance.

#### **6.5-7 Compliance Dates**

(a) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 6.5 by April 26, 1973.

(b) Every owner or operator of an existing emission source shall comply with the standards and limitations of Section 6.5 by December 31, 1973.

### **6.6 NITROGEN OXIDES EMISSION STANDARDS AND LIMITATION (4-16-73)**

#### **6.6-1 New Fuel-Burning Emission Sources**

No person shall cause or allow the emission of nitrogen oxides into the atmosphere in any one hour period from any new fuel-burning emission source with an actual heat input equal to or greater than 200 million BTU per hour to exceed the following standards and limitations:

(a) for gaseous fossil fuel firing, 0.20 pounds per million BTU of actual heat input;

(b) for liquid fossil fuel firing, 0.30 pounds per million BTU of actual heat input;

(c) for dual gaseous and liquid fossil fuel firing, 0.30 pounds per million BTU of actual heat input;

(d) for solid fossil fuel firing, 0.7 pounds per million BTU of actual heat input; and,

(e) for fuel-burning emission sources burning simultaneously any combination of solid, liquid and gaseous fossil fuels and allowable emission rate shall be determined by the following equation:

$$E = \frac{[0.3 (P_g + P_l) + 0.7 (P_s)] Q}{[P_g + P_l + P_s]}$$

where:

- E = allowable nitrogen oxides emission rate in pounds per hour;
  - P<sub>g</sub> = per cent of actual heat input derived from gaseous fossil fuel;
  - P<sub>l</sub> = per cent of actual heat input derived from liquid fossil fuel;
  - P<sub>s</sub> = per cent of actual heat input derived from solid fossil fuel;
  - Q = actual heat input derived from all fossil fuels in million BTU per hour
- Note: P<sub>l</sub> + P<sub>g</sub> + P<sub>s</sub> = 100.0

**6.6-2 Existing Fuel-Burning Emission Sources**

No person shall cause or allow the emission of nitrogen oxides into the atmosphere in any one hour period from any existing fuel-burning emission source with an actual heat input equal to or greater than 200 million BTU per hour, to exceed the following limitations:

- (a) for gaseous and/or liquid fossil firing, 0.3 pounds per million BTU of actual heat input;
- (b) for solid fossil fuel firing, 0.9 pounds per million BTU of actual heat input;
- (c) for fuel-burning emission sources burning simultaneously any combination of solid, liquid and gaseous fuel the allowable emission rate shall be determined by the following equation:

$$E = \frac{[0.3 (P_g + P_l) + 0.9 (P_s)] Q}{[P_g + P_l + P_s]}$$

- E = allowable nitrogen oxides emission rate in pounds per hour;
  - P<sub>g</sub> = per cent of actual heat input derived from gaseous fossil fuel;
  - P<sub>l</sub> = per cent of actual heat input derived from liquid fossil fuel;
  - P<sub>s</sub> = per cent of actual heat input derived from solid fossil fuel;
  - Q = actual heat input derived from all fossil fuels in million BTU per hour
- Note: P<sub>l</sub> + P<sub>g</sub> + P<sub>s</sub> = 100.0

- (d) *Exceptions:* Section 6.6-2 of this Ordinance shall not apply to existing fuel burning emission sources which are either cyclone fired boilers burning solid or liquid fuel, or horizontally opposed fired boilers burning solid fuel.

**6.6-3 Nitric Acid Manufacturing Processes**

*(a) New Weak Nitric Acid Processes*

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing process to exceed the following standards and limitations

- (1) 3.0 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of acid produced (100 per cent acid basis);
- (2) visible emissions in excess of 5% opacity;
- (3) 0.1 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of acid produced (100 per cent acid basis) from any acid storage tank vents.

*(b) Existing Weak Nitric Acid Processes*

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing weak nitric acid manufacturing process to exceed the following standards and limitations:

- (1) 5.5 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of acid produced (100 per cent acid basis);
- (2) visible emissions in excess of 5% opacity;
- (3) 0.2 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of acid produced (100 per cent acid basis) from any acid storage tank vents.

*(c) Concentrated Nitric Acid Processes*

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any concentrated nitric acid manufacturing process to exceed the following standards and limitations:

- (1) 3.0 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of acid produced (100 per cent acid basis);
- (2) 225 ppm of nitrogen oxides (expressed as NO<sub>2</sub>) in any effluent gas stream emitted into the atmosphere;
- (3) visible emissions in excess of 5% opacity.

*(d) Nitric Acid Concentrating Processes*

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any nitric acid concentrating process to exceed the following limitations:

- (1) 3.0 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of acid produced (100 per cent acid basis);
- (2) visible emissions in excess of 5% opacity.

**6.6-4 Industrial Processes: General**

*(a) New Industrial Processes*

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new process producing products of organic nitrations and/or oxidations using nitric acid to exceed the following standards and limitations:

- (1) 5.0 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of nitric acid (100 per cent acid basis) used in such new process;
- (2) visible emissions in excess of 5% opacity.

*(b) Existing Industrial Processes*

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing process producing products of organic nitrations and/or oxidations using nitric acid to exceed 10.0 pounds of nitrogen oxides (expressed as NO<sub>2</sub>) per ton of nitric acid (100% acid basis) used in such process.

*(c) Exemption:* Section 6.6-4 (a) and (b) of this Ordinance shall not apply to any industrial process using less than 100 tons of nitric acid (100% acid basis) annually or which produces less than 1 ton of nitrogen oxides (expressed as NO<sub>2</sub>) per year.

**6.6-5 Measurement Method**

Measurement of nitrogen oxides shall be according to the Phenol Disulfonic Acid Method as published in 36 Federal Register 15718, Method 7.

**6.6-6 Compliance Dates**

(a) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 6.6 by April 26, 1973.

(b) Except as otherwise provided in Section 6.6-6(c), every owner or operator of an existing emission source shall comply with the standards and limitations of Section 6.6 by December 31, 1973.

(c) Every owner or operator of an existing coal fired fuel-burning emission source shall comply with the applicable standards and limitations of Section 6.6 by May 30, 1975.

#### **6.7 COMPLIANCE DATE FOR ALL EMISSION SOURCES (4-16-73)**

Notwithstanding the issuance of a Certificate of Operation, no person shall cause or allow the operation of any emission source which is not in compliance with the standards and limitations set forth in the Ordinance after April 26, 1973, unless otherwise provided by a compliance date specifically set forth for a particular category of emission source in this Ordinance.

#### **6.8 CONDENSIBLE EMISSIONS**

Emissions other than uncontaminated water vapor from any sources that are liable to generate or evolve into particulate form through phase change or other transformation from a gas or liquid form shall, in accordance with Section 6.10, be deemed to be particulate matter at the emission point.

#### **6.9 CIRCUMVENTION CLAUSE**

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

#### **6.10 TESTS OF FUEL-BURNING, COMBUSTION, OR PROCESS EQUIPMENT, PROCESSES, OR DEVICES**

The Director is hereby authorized to conduct, or cause to be conducted, any test or tests as may be necessary to determine the extent of particulate matter and/or any other discharge from any fuel-burning, combustion, or process equipment, process or device, if and when, in his judgment, there is evidence that any such equipment, process, or device is exceeding any emission limitation described by or under this Ordinance. Tests shall be made and the results calculated in accordance, where applicable, with American Society of Mechanical Engineers Power Test Codes, entitled "Determining Dust Concentration in a Gas Stream PTC-27-1957" procedures as revised from time to time or in accordance with modified procedures published by the Department. All tests and calculations shall be made under the direction of a competent engineer. Any test or tests to be conducted on the premises where such equipment, process, or device is located shall be made after written notice to, and with the cooperation of, the owner or operator. The cost of any test or tests and calculations shall be a debt due the County from any person responsible as owner, operator or otherwise of such fuel-burning, combustion or process

equipment, process, or device in all cases when such test or tests shall have proved any emission of particulate matter in violation of any provision of this Ordinance, and such unpaid debt shall be recoverable in court of competent jurisdiction. If any such emission is shown by such test or tests within the limits of emission prescribed in this Ordinance, the cost of such test or tests shall be charged to the annual appropriation of the Department.

## **6.11 OPEN BURNING (4-16-73)**

### **6.11-1 Prohibitions**

(a) No person shall cause or allow open burning except as provided in Sections 6.11-2, 6.11-3, and 6.11-4.

(b) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

### **6.11-2 Exemptions**

The following activities are not in violation of Section 6.11 unless they cause atmospheric pollution as defined in this Ordinance. Nothing in this Section shall exempt such activities from applicable local restrictions.

(a) The open burning of agricultural waste, but only:

(1) on the premises on which such waste is generated; and

(2) in areas other than restricted areas; and

(3) when atmospheric conditions will readily dissipate contaminants; and

(4) if such burning does not create a visibility hazard on roadways, railroad tracks, or air fields; and

(5) more than 1,000 feet from residential or other populated areas, schools, hospitals, or nursing homes; and

(6) when it can be affirmatively demonstrated to the Department that no economically reasonable alternative method of disposal is available.

(b) The open burning of domicile waste, but only:

(1) on the premises on which such waste is generated; and,

(2) in areas other than restricted areas; and

- (3) when atmospheric conditions will readily dissipate contaminants; and
- (4) if such burning does not create a visibility hazard on roadways, railroad tracks, or airfields; and
- (5) when it can be affirmatively demonstrated to the Department that no reasonable alternative method of disposal is available.

(c) The open burning of landscape waste, but only:

- (1) on the premises on which such waste is generated; and
- (2) when atmospheric conditions will readily dissipate contaminants; and
- (3) if such burning does not create a visibility hazard on roadways, railroad tracks, or airfields; and
- (4) in those areas of the County of Cook which are not in the following prohibited areas:
  - (i) municipalities in which open burning is prohibited.
  - (ii) unincorporated areas 1,000 feet or less from a municipality in which open burning of landscape waste is prohibited; and
- (5) when it can be affirmatively demonstrated to the Department that no reasonable alternative method of disposal is available.

(d) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the Department.

(e) The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that garbage shall not be burned in such cases.

(f) Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

#### **6.11-3 Permits**

(a) The Department may grant permits for open burning in the following instances:

- (1) For instruction in methods of fire fighting; or for testing of equipment for extinguishing fires, or flares and signals, or of experimental incinerators, or for research in control of fires;

- (2) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;
  - (3) For research or management in prairie or forest ecology;
  - (4) For the destruction of landscape wastes, excluding leaves, provided, that such burning shall not occur:
    - (i) in restricted areas;
    - (ii) within 1,000 feet of any residential or other populated area, school, hospital, or nursing home.
    - (iii) unless the requirements of Section 6.11-2 are met.
  - (5) For the destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require, such burning may be done without a permit, and a report shall be filed with the Department within ten days thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary.
- (b) An application for a permit shall be in such form and shall contain such information as shall be required in procedures adopted by the Department. Such application shall contain, as a minimum, data and information sufficient to inform the Department with respect to: the exact quantities and types of material to be burned; the nature and quantities of air contaminants which will result; the exact frequency, including dates where appropriate, when such burning will take place; the exact location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, etc., the methods or actions which will be taken to reduce the emission of air contaminants; the reasons why alternatives to open burning are not available; the name of the local fire fighting unit that has been contacted and if they will be present during the burning; and the reasons why such burning is necessary to the public interest. If the burning is a training session, a list of all of the trained personnel shall be submitted to the Department.
- (c) No permit shall be granted unless the applicant proves to the satisfaction of the Department that the open burning is necessary to the public interest; will be conducted in such a time, place and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof.
- (d) The Department may impose such conditions in the permit as may be necessary to accomplish the purposes of this Ordinance.

(e) No permit shall be valid for longer than one year. Applications for renewal of a permit shall be submitted to the Department at least ninety days prior to the expiration of the prior permit, and shall conform to Section 6.11-3(b). The standards for issuance of renewal permits shall be as set forth in Section 6.11-3(c).

(f) Violation of any of the conditions of the permit shall be grounds for revocation of the permit by the Department as well as for other sanctions provided in this Ordinance.

(g) The Department may revise any permit granted pursuant to this Section, or any condition contained in any such permit.

#### **6.11-4 Explosive Wastes**

Open burning of wastes creating a hazard of explosion, fire, or other serious harm, unless authorized by other provisions of this Section 6.11, shall be permitted only upon application for and grant of a variance as provided by the Department.

#### **6.11-5 Local Enforcement**

It shall be the obligation of local governments, as well as of the Department, to enforce by appropriate means the prohibitions in this Section 6.11.

### **6.12 MATERIALS SUBJECT TO BECOMING WINDBORNE**

#### **6.12-1 General**

Dusts and other types of pollution borne by the wind from such sources as storage areas, yards, roads, and other open areas within lot boundaries shall be kept to a minimum by such measures as wetting piles, landscaping, paving, oiling, or other means acceptable by the Department.

#### **6.12-2 Handling**

It shall be unlawful for any person to cause or permit the handling, loading, unloading, reloading, storing, transferring, transporting, placing, depositing, throwing, discarding, or scattering of any ashes, fly ash, cinders, slag, or dust collected from any combustion process, any dust, dirt, chaff, wastepaper, trash, rubbish, waste, or refuse matter of any kind of any other substance or material whatever which is likely to be scattered by the wind, or is susceptible to being windborne without taking measures, or precautions, so as to minimize atmospheric pollution or nuisance to other property, that are acceptable by the Department.

### **6.12-3 Storage**

It shall be unlawful for any person to operate or maintain or cause to be operated or maintained any building, structure, or premises, open area, right-of-way, storage pile of materials, vessel, or vehicle, or construction, alteration building, demolition or wrecking operation, or any other enterprise which has or involves any matter, material, or substance likely to be scattered by the wind or susceptible to being windborne, without taking reasonable precautions or measures, so as to minimize atmospheric pollution or nuisance to other property, that are acceptable by the Department.

### **6.12-4 Surfacing of Roads and Vehicle Areas**

No person shall maintain or conduct, or cause to be maintained or conducted, any parking or automotive or machinery sales lot, or any private roadway unless such real property is covered or treated with a surface or substance or otherwise maintained in such manner as to minimize atmospheric pollution or nuisance to other property.

## **6.13 COMPLIANCE WITH STATE STANDARDS**

Smoke and particulate matter emissions shall comply with the State of Illinois Environmental Protection Agency "Air Pollution Control Regulations" as issued by the Illinois Pollution Control Board. In case of overlapping requirements, the more restrictive shall apply.

## **6.14 NONDEGRADATION (4-16-73)**

Areas whose environment is better than limits established herein shall be maintained at its high quality. Such environment shall not be lowered in quality unless it can be demonstrated that such change is justifiable to accommodate necessary economic or social development.

## **ARTICLE VII-EPISODES**

### **7.1 GENERAL**

These regulations adopted pursuant to Sections 10 and 27 of the Environmental Protection Act are designed to prevent, during periods of atmospheric stagnation, ambient air pollution concentrations from reaching levels which could cause significant harm to the health of humans. Emissions which do not normally cause established air quality standards to be exceeded might well be capable of producing dangerously high concentrations of pollutants during periods of atmospheric stagnation. Such periods, generally of a few days duration, occur whenever high atmospheric pressure, very low wind speeds, and a temperature inversion exist in the same place at the same time. These conditions prevent normal ventilation of the air horizontally and vertically, and pollutants released into the atmosphere are literally trapped near their sources.

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

## **7.2 MONITORING**

For purposes of this Article, monitoring stations used to determine Watch, Alert, or Emergency levels shall be officially recognized stations located in any portion of the federally designated air quality control region in which a part of the County of Cook is included and shall be located according to guidelines for establishment of air quality surveillance networks as developed by the Federal Environmental Protection Agency, and shall use measurement methods or equivalent methods as officially authorized by the agency.

If any monitoring station registers air contaminant concentrations in excess of any Episode level and if weather conditions indicate that such concentrations would not be expected, proper operation of the sampling equipment at these stations will be verified by the Department before the concentrations are used to declare any Watch, Alert, or Emergency level.

## **7.3 DETERMINATION OF ACTIONS REQUIRED**

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

## **7.4 EPISODE LEVELS**

An Episode may be initiated with any of the following four levels, which are, in order of increasing severity of air contamination.

- 1) Watch
- 2) Yellow Alert
- 3) Red Alert
- 4) Emergency

During an Episode, the Department, through its monitoring facilities, may declare different levels throughout the County of Cook as the Director or his representatives deem necessary.

## 7.5 AREAS AFFECTED BY WATCH, ALERT, OR EMERGENCY

A Watch shall be declared for the Cook County portion of the air quality control region of which it is a part, excluding the municipality of Chicago, if any part of said air quality control region meets the Watch criteria set forth in Section 7.6-2. When part of said County has acceptable air quality but air contaminant levels at one or more monitoring stations are high enough to call for Alert or Emergency action, corridors of the region shall be defined depending upon meteorological factors, emission inventory data, and mathematical simulation modeling. Alerts or Emergencies shall be declared for one or more of these individual corridors.

## 7.6 EPISODE ACTION WATCH

### 7.6-1 Requirements for Initiating Watch

The Director or his designated representative shall declare an Episode Action Watch when:

- (a) An Air Stagnation Advisory is received for any area within the State, or
- (b) Any two-hour average of pollutant or product specified by Section 7.6-2 of this Article at any monitoring station is equal to or greater than any Watch level and the official National Weather Service forecast for the next twenty-four (24) hours does not indicate substantial improvement of conditions which cause atmospheric stagnation.

### 7.6-2 Watch Criteria

SO <sub>2</sub> ppm 2-hr avg	Particulate COH 2-hr avg	Product 2-hr avg	CO ppm 2-hr avg	O <sub>3</sub> ppm 2-hr avg	NO <sub>2</sub> ppm 2-hr avg
0.30	5.0	1.0	30	0.07	0.40

### 7.6-3 Actions During Watch

- (a) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State of Illinois Environmental Protection Agencies.
- (b) The Department, or a local agency designated by the Department, shall notify all facilities having Episode Action Plans, giving significant lead time for alert actions of emission reducing consequence that an Episode Action Watch exists and that they may be required within a short time to take action to reduce emissions.
- (c) The public shall be notified by radio and/or television that meteorological conditions are such that there is substantial danger of an air pollution alert; that the public may be asked within a few hours to take steps to minimize air pollutant emissions; and that

persons suffering from respiratory or heart conditions should take appropriate precautions.

**7.7 YELLOW ALERT**

**7.7-1 Requirements for Initiating Yellow Alert**

The Director or his designated representative shall declare a Yellow Alert whenever:

- (a) An Episode Action Watch has been in effect for four (4) hours in the area in which such Yellow Alert is to be declared; and
- (b) Any Yellow Alert criteria at any monitoring station is equaled or exceeded; and
- (c) The official National Weather Service forecast for the next twelve (12) hours does not indicate substantial improvement of conditions which cause atmospheric stagnation.

**7.7-2 Yellow Alert Criteria**

SO <sub>2</sub> ppm 24-hr avg	Particulate COH 24-hr avg	Product		CO ppm 8-hr avg	O <sub>3</sub> ppm 1-hr avg	NO <sub>2</sub> ppm	
		4-hr avg	24 hr avg			1-hr avg	24-hr avg
0.30	3.0	1.0	0.20	15	0.10	0.60	0.15

**7.7-3 Actions During Yellow Alert**

- (a) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State of Illinois Environmental Protection Agencies.
- (b) The Department, or a local agency designated by the Department, shall notify facilities required to take Yellow Alert Actions of major emission reducing consequences that a Yellow Alert is in effect and that they are required to take action in accordance with their Air Pollution Episode Action Plan required by Section 7.10.
- (c) The public shall be notified by radio and/or television that a Yellow Alert is in effect; that the public is required to take action in accordance with this Article; that the public is requested to avoid the unnecessary use of automobiles and of electricity; and that persons suffering from respiratory or heart conditions should take appropriate precautions.
- (d) Electric power generating stations shall effect the maximum feasible reduction of emissions by utilizing fuels which have low ash content and contain sulfur not in excess of the amount specified in Section 6.3 for such fuel, provided, however, that emissions

from such stations shall not exceed the applicable emission standards and limitations of Article VI of this Ordinance; by limiting soot blowing and boiler lancing, where essential, to periods of maximum atmospheric turbulence; by diverting power generation to stations outside the area for which the Alert is in effect; or by any other means approved by the Department. Such actions will be in accordance with the Air Pollution Episode Action Plan if such plan has been approved for that station.

(e) Facilities having fuel-burning emission sources with a total rated capacity in excess of 10 million BTU/hr and burning coal and/or fuel oil shall reduce emissions by utilizing fuels which have low ash content and contain sulfur not in excess of the amount specified in Section 6.3 for such fuel, provided, however, that emissions from such facilities shall not exceed the applicable emission standards and limitations of Article VI of this Ordinance; by limiting soot blowing and boiler lancing, where essential, to periods of high atmospheric turbulence, or by any means approved by the Department. If fuels of low ash and sulfur content are not available, such facilities with the exception of residences, hospitals, and other essential facilities as designated by the Department, shall curtail fuel-burning to the maximum degree consistent with avoiding injury to persons or severe damage to the property. Such actions will be in accordance with the Air Pollution Episode Action Plan if such plan has been approved for that facility.

(f) Facilities engaged in manufacturing required to submit an Air Pollution Episode Action Plan shall curtail or defer production and allied operations in accordance with their plan, if such plan has been approved for that facility insofar as such reductions can be achieved without creating injury to persons or severe damage to property. Such reductions shall be made notwithstanding any variance or compliance program.

(g) All open burning and all incineration except as provided in Section 7.7-3(h) are prohibited. Certain burning of explosive or pathological wastes may be exempted from this restriction by the Department in writing upon specific written application.

(h) Incinerators meeting the emission standards and limitations of this Ordinance may be operated only during the hours of maximum atmospheric turbulence as designated by the State of Illinois Environmental Protection Agency.

## **7.8 RED ALERT**

### **7.8-1** *Requirements for Initiating Red Alert*

The Director or his designated representative shall declare a Red Alert whenever:

(a) A Yellow Alert has been in effect for four (4) hours in the area for which such Red Alert is to be declared; and

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

(i) Any Red Alert criteria is equaled or exceeded at any monitoring station; or

(ii) Yellow Alert criteria has been met for the preceding twenty-four (24) hour period at any monitoring station.

**7.8-2 Red Alert Criteria**

SO <sub>2</sub> ppm 24-hr avg	Particulate COH 24-hr avg	Product 4-hr avg	24-hr avg	CO ppm 8-hr avg	O <sub>3</sub> ppm 1-hr avg	NO <sub>2</sub> ppm 1-hr avg	24-hr avg
0.35	5.0	0.80	2.0	30	0.40	1.2	0.30

**7.8-3 Actions During Red Alert**

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

(b) The Department, or a local agency designated by the Department, shall notify facilities required to take Red Alert actions of major reducing consequences that a Red Alert is in effect and that they are required to take action in accordance with their Air Pollution Episode Action Plan as required by Section 7.10.

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

(d) All actions required during the Yellow Alert shall be continued .

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

(f) Facilities engaged in manufacturing required to submit an Air Pollution Episode Action Plan shall curtail production in accordance with the Air Pollution Episode Action Plan if such plan has been approved for that facility.

**7.9-1 Requirements for Initiating Emergency**

The Director or his designated representative shall declare an Emergency whenever:

- (a) A Red Alert has been in effect for twelve (12) hours in the same area for which the Emergency is to be declared; and
- (b) The official National Weather Service forecast for the next twelve (12) hours does not indicate substantial improvement of conditions which cause atmospheric stagnation; and any of the following conditions is met:
  - (i) Any Emergency criteria is equaled or exceeded at any monitoring station; or
  - (ii) Red Alert criteria has been met for the preceding twenty-four (24) hours at any monitoring station; or
  - (iii) Yellow Alert criteria has been met for the preceding thirty-six (36) hours at any monitoring station.

**7.9-2 Emergency Criteria**

SO <sub>2</sub> ppm 24-hr avg	Particulate COH 24-hr avg	Product		CO ppm 8-hr avg	O <sub>3</sub> ppm 1-hr avg	NO <sub>2</sub> ppm	
		4-hr avg	24-hr avg			1-hr avg	24-hr avg
0.40	7.0	2.4	1.2	40	0.60	1.6	0.40

**7.9-3 Actions During Emergency**

- (a) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State of Illinois Environmental Protection Agencies.
- (b) The public shall be notified by radio and/or television that an Emergency is in effect; that the public is required to take action in accordance with this Article; and that persons suffering from respiratory or heart conditions should take appropriate precautions.
- (c) The Department, or a local agency designated by the Department, shall notify facilities required to take Emergency actions of major emission reducing consequence that an Emergency is in effect and that they are required to take action in accordance with their Air Pollution Episode Action Plan as required in Section 7.10.
- (d) All actions required during the Yellow and Red Alert shall be continued.

(e) The unnecessary use of electricity, such as for decorative or amusement purposes, is prohibited.

(f) The use of motor vehicles is prohibited except for essential uses such as police, fire and health services, delivery of food or essential fuel, waste collection, utility or pollution control, emergency repairs, and such comparable uses as may be designated by authorized Highway and Law Enforcement Officials in accordance with the Illinois Emergency Highway Traffic Regulation Plan.

(g) All aircraft flights leaving the area of the emergency are forbidden except for reasons of public health or safety as approved by the State of Illinois Environmental Protection Agency.

(h) Buildings shall be maintained at temperatures no greater than 65°F, except for hospitals and for other buildings approved by the Department for reasons of health or severe damage to property.

(i) All manufacturing activities shall be curtailed to the greatest extent possible without causing injury to persons or severe damage to equipment.

(j) All facilities or activities listed below shall immediately cease operations:

Mining and quarrying.

Contract construction work.

Wholesale trade establishments.

Schools, except elementary schools which shall close at the end of the normal school day and not reopen until the Emergency is terminated.

Governmental agencies except those needed to administer air pollution alert programs and other essential agencies determined by the Department to be vital for public safety and welfare.

Retail trade stores except those dealing primarily in the sale of food or pharmaceuticals.

Real estate agencies, insurance offices and similar business.

Laundries, cleaners and dryers, beauty and barber shops and photographic studios.

Amusement and recreational service establishments such as motion picture theaters.

Automobile repair and automobile service garages.

Advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies, and commercial testing laboratories.

## **7.10 AIR POLLUTION EPISODE ACTION PLANS**

### **7.10-1** *Submission of Plans*

(a) All persons responsible for the operation of a facility of a type set forth in Section 7.10-2 shall prepare a written Air Pollution Episode Action Plan, consistent with safe operating procedures, for reducing the emission of air contaminants during Yellow

Alerts, Red Alerts, and Emergencies. These plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the provisions of this Ordinance. If any plan does not conform with, or effectively implement the requirements of this Article, the Department may disapprove the plan and require the plan to be revised.

(b) Plans required by this Section 7.10 shall be submitted to the Department or to the State of Illinois Environmental Protection Agency within thirty (30) days after notification by either agency that such plans must be submitted.

**7.10-2 *Facilities for Which Plans are Required***

Plans are required for the following types of facilities:

(a) Electric power generating stations.

(b) Facilities having fuel-burning emission sources and a rated heat input in excess of 10 million BTU/hr burning coal and/or fuel oil.

(c) Facilities engaged in manufacturing which are included in the following SIC group designations which employ more than 20 employees at any one location:

Paper and allied products industries, Group 26;  
Chemicals and allied products industries, Group 28;  
Petroleum refining and related industries, Group 29;  
Stone, glass, clay, and concrete products industries, Group 32;  
Primary metals industries, Group 33.

(d) Public and commercial refuse disposal operations.

(e) Other facilities certified by the Department as having substantial sources of emissions, including all those emitting more than 100 tons per year of any air contaminants.

**7.10-3 *Contents of Plans***

(a) Plans shall list all possible sources of air contaminants within the facility; shall describe the manner in which contaminant emissions will be reduced during Yellow Alert, Red Alert, and Emergency; and shall specify the approximate magnitude of the reduction of emissions that will be achieved.

(b) Plans required of facilities according to Sections 7.10-2(a) and 7.10-2(b) shall specify the means whereby a supply of low ash, low sulfur fuel, adequate for at least four days operation, will be assured.

(c) Plans for facilities having incinerators shall specify what preparations have been made to handle and store the amount of refuse that could accumulate during four days, including the acquisition of leakproof, covered containers of a design acceptable by the local sanitation authorities.

**7.10-4 Failure to Submit or Revise Plans**

Failure to submit a plan, or refuse any unacceptable plan, when required by the Department, shall constitute a violation of this Ordinance.

**7.10.5 Availability of Plans**

During Alerts or Emergencies, plans required by this Section 7.10 shall be made available at the facility in question to any person authorized to carry out the provisions of this Article.

**7.11 SEALING OF OFFENDERS**

The Department may seal any facility, vehicle, vessel, aircraft, fuel-burning, combustion, or process equipment, process, or device operated in violation of this Article or contributing to an immediate danger to health.

**7.12 TERMINATION OF WATCH AND LOWERING OF ALERTS**

When the concentration of all pollutants no longer prevails for any Watch, Alert or Emergency level, and when in the judgment of the Director or his representative, meteorological conditions are such to warrant the termination of any Watch, or the lowering of any Alert or Emergency level, he shall notify all Department personnel, all other concerned County Departments and local agencies, and a public notice shall be issued that the Watch has been terminated or the Alert or Emergency level has been lowered.

**ARTICLE VIII  
NOXIOUS, ODOROUS AND TOXIC MATTER**

**8.1 GENERAL**

The emission of noxious, odorous, or toxic matter in such manner or quantity as to be detrimental to or endanger the public health, comfort, or welfare is prohibited. (Added: 4-16-73; Amended: 3-6-78, p. 2651)

**8.2 DISCHARGE OF TOXIC MATTER**

No activity or operation shall cause, at any time, the discharge of toxic matter into the atmosphere in such concentrations as to be detrimental to or endanger the public health, safety,

or welfare, or cause injury or damage to property or business or be needlessly destructive of any insect, plant, or animal life which contributes to the general welfare. (8-16-73)

### **8.3 INTERNAL COMBUSTION ENGINES**

No person shall operate or cause to be operated upon any street, highway, public place, stream, or waterway, or any private premises, any internal combustion engine of any motor vehicle, boat, or other vehicle, while stationary or moving, which emits from any source unreasonable and/or excessive smoke, obnoxious, or noxious gases, fumes, or vapors.

### **8.4 NUISANCES**

#### **8.4-1 Nuisance-Abatement**

(a) Any emission of smoke, particulate matter, or other matter (gaseous, liquid, or solid) from any single source in excess of the limitations established in or pursuant to the provisions of this Ordinance shall be deemed and is hereby declared to be a public nuisance, and may be summarily abated by the Director. Such abatement may be in addition to the administrative proceedings herein provided.

(b) The Director is further empowered to institute legal proceedings for the abatement or prosecution of emissions of smoke, particulate, or other matter which causes injury, detriment, nuisance, or annoyance to the public or endangers the health, comfort, safety, or welfare of the public, or causes or has a natural tendency to cause injury or damage to business or property. Such abatement may be in addition to the administrative proceedings herein provided.

#### **8.4-2 Nuisance-Preservation of Common Law Rights**

Nothing in this Ordinance shall be construed to impair any cause of action or legal remedy therefore, of any person or the public for injury or damage arising from the discharge, emission, or release into the atmosphere from any source whatsoever of such quantities of smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or concentration as to constitute atmospheric pollution, or a common law nuisance.

## **ARTICLE IX NOISE AND VIBRATION CONTROL**

### **9.1 NOISE AND VIBRATION CONTROL DEFINITIONS**

Words and terms which are contained in this Article shall have the meaning ascribed to them in Article III. All acoustical terminology shall be that contained in ANSI S1.1 "Acoustical Terminology."

## **9.2 NOISE ON A PUBLIC WAY**

**9.2-1** No person shall make, or cause, permit or allow to be made, upon a public way, or in such close proximity to a public way as to be distinctly and loudly audible upon such public way, any noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic device; provided that the said restrictions shall not apply to any licensed peddler crying or calling for the purpose of advertising goods, wares or merchandise when lawfully using any public way in the County of Cook between the hours of 8:00 a.m. and 6:00 p.m.

**9.2-2** No person shall use or perform any hand organ or other musical instrument, or device, for pay or in expectation of payment, in any public way or public place of the County of Cook before 8:00 a.m. or after 6:00 p.m. of any day.

## **9.3 STEAM WHISTLES**

No person shall blow, or cause to be blown, within the County of Cook, a steam whistle of any stationary steam plant as a signal for commencing or suspending work, or for any other purpose. This Section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire, collision, or other imminent danger.

## **9.4 BOISTEROUS USE OF PREMISES**

No person owning, or in possession or control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premise is situated or be dangerous or detrimental to health.

## **9.5 SCAVENGER OPERATIONS**

All scavenger operations in the County of Cook, commercial and municipal, shall limit the actual contact hours involved in the pickup of refuse and all other solid waste in any residential or business-commercial zone (R1 through R6 and BI through B5) wherever regular human occupancy is involved by virtue of residence only and such contiguous portions of any M1 through M4 zone within 600 ft of any such place of regular residence or the institutional equivalents (hospitals, nursing homes, etc.) to the period of 7:00 a.m. to 6:00 p.m. These limits apply only to those contact periods wherein the collection function is in progress in R1 through R6, B1 through B5 and contiguous portions of M1 through M4 zones and are not intended to include or confine such functions as start up or shut down operations at the central operating point (transfer station, sanitary landfill, incinerator, etc.) or the transit time of the first trip to and the last trip from the defined collection areas. Noise levels in such central operating points shall

be governed by the property line values applicable for their location (Sections 9.14 through 9.17). The exemptions on engine operation when parked, of Section 9.7 shall apply as will the restrictions on new vehicles of Section 9.8(b) and vehicle use of Section 9.9(a). When under severe conditions it can be shown to the satisfaction of the Director that operation outside these hours is in the overall public interest or operationally essential, a special variance can be requested for such period as can likewise be shown necessary.

### **9.6 USE OF CONSTRUCTION EQUIPMENT**

It shall be unlawful for any person to use any pile driver, shovel, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 6:00 p.m. and 7:00 a.m. except for emergency work on public service utilities, within 600 feet of any building used for residential or hospital purposes. An exception to this rule can be made at the discretion of the Director and special operating hours permitted when to his satisfaction it can be shown that more extended work hours would in any given case be in the overall public interest or technically essential, such as continuous cement pouring.

### **9.7 IDLING OF MOTOR VEHICLES**

It shall be unlawful for any person to cause or permit the operation of the main engine of any motor vehicle when parked or standing, except for the following:

- (a) Whenever engaged in any rescue operations attendant to accident or other common disaster.
- (b) Whenever operation of the main power train is essential to a basic function as with, but not necessarily limited to, pre-mixed cement trucks, platform lift trucks, compactor refuse trucks, certain varieties of dump trucks and the like, while function is in action.
- (c) Whenever weather conditions justify the use of heating or air-conditioning systems for the welfare and safety of any occupants (or future passengers in the case of public vehicles stopped in turn around or other such waiting areas) or when such low temperatures prevail that the startup of public conveyances or service vehicles might not otherwise be feasible.
- (d) Whenever the need for operation of refrigeration equipment on trailers carrying perishable contents is necessary, but which then must conform with the appropriate boundary levels involved by location and most especially so when parked overnight in any district adjacent to occupied residences. In general when parked, the use of auxiliary power sources shall be subject to the same general caution regarding applicability of other noise level restrictions for operation of the main engine and when the vehicle is in motion shall be considered simply as a component of the overall resultant sound level as specified by Section 9.9(a) or in the case of private travel trailers with auxiliary air conditioners by 9.9(c) and these latter, even while legally parked are subject to the same lot line and zone noise level restrictions described above.

(e) Whenever main or auxiliary engines are operated for emergency repairs, or when properly housed for professional maintenance (subject to appropriate boundary level restrictions) and the occasional maintenance such as cleaning and flushing of the radiator and associated circulation system and/or seasonal change of antifreeze, cleaning of the carburetor or the like of a personally owned auto by a private citizen.

**9.8 NEW MOTOR VEHICLE NOISE PERFORMANCE**

No person shall sell, or offer for sale, a new motor vehicle that produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the center of travel under test procedures established by Section 9.28 of this Article:

	<b>Type of Vehicle</b>	<b>Date of Manufacture</b>	<b>Noise Limit</b>
(a)	Motorcycle	Before 1 Jan. 1973	88 db(A)
	Same	After 1 Jan. 1973	86 db(A)
	Same	After 1 Jan. 1975	84 db(A)
	Same	After 1 Jan. 1980	75 db(A)
(b)	Any motor vehicle with a gross vehicle weight of 8,000 pounds or more	Before 1 Jan. 1973	88 db(A)
	Same	After 1 Jan. 1973	86 db(A)
	Same	After 1 Jan. 1975	84 db(A)
	Same	After 1 Jan. 1980	75 db(A)
(c)	Passenger cars, motor-driven cycle and any other Motor vehicle	Before 1 Jan. 1973	86 db(A)
	Same	After 1 Jan. 1973	84 db(A)
	Same	After 1 Jan. 1975	80 db(A)
	Same	After 1 Jan. 1980	75 db(A)

The manufacturer, distributor, importer or designated agent shall certify in writing to the Department that the vehicles sold within the County of Cook comply with the provisions of this Section.

**9.9 MOTOR VEHICLE USE NOISE PERFORMANCE**

No person shall operate, within the speed limits specified in this Section, either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such manner as to exceed the following noise limit for the category of motor vehicle, based on a distance of not less than 50 feet from the center line of travel under test procedures established by Section 9.29 of this Article:

<b>Type of Vehicle and Date of Manufacture</b>	<b>Noise Limit in Relation to 35 MPH or Less</b>	<b>Posted Speed Limit Over 35 MPH</b>
(a) Any motor vehicle with a manufacturer's GVW rating of 8,000 lbs. or more, and by combination of vehicles towed by such motor vehicle		
Before 1 Jan. 1973	88 db(a)	90 db(A)
After 1 Jan. 1973	86 db(a)	90 db(A)
(b) Any motor cycle other than a motor-driven cycle		
Before 1 Jan. 1978	82 db(a)	86 db(A)
After 1 Jan. 1978	78 db(a)	82 db(A)
(c) Any motor vehicle and any combination of motor vehicles towed by such motor vehicle		
Before 1 Jan. 1973	76 db(a)	82 db (A)
After 1 Jan. 1978	70 db(a)	79 db(A)

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers for noise control.

**9.10 MOTOR VEHICLE MUFFLER MODIFICATION**

No person shall remove, modify or change the exhaust muffler, intake muffler, or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance of a new motor vehicle with the requirements of this Section shall be those used to establish compliance of a new motor vehicle with the requirements of this Article.

**9.11 NEW MOTOR POWERED EQUIPMENT  
NOISE PERFORMANCE**

No person shall sell or lease, or offer for sale or lease, any powered equipment or any powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet under test procedures established by Section 9.30 of this Article:

<b>Type of Equipment</b>	<b>Noise Limit</b>
(a) Construction and industrial machinery, such as crawler -tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wag ons, pavement breakers, compressors, and pneumatic powered equipment, etc. but not including pile drivers:	
Manufactured before 1 Jan. 1973	94 db(A)
Manufactured after 1 Jan. 1973	88 db(A)
Manufactured after 1 Jan. 1975	86 db(A)
Manufactured after 1 Jan. 1980	80 db(A)
(b) Agricultural tractors and equipment:	
Manufactured before 1 Jan. 1975	88 db(A)
Manufactured after 1 Jan. 1975	86 db(A)
Manufactured after 1 Jan. 1980	80 db(A)
(c) Powered commercial equipment of 20 HP or less intended for infrequent use in a residential area, such as chain saws, pavement breakers, log chippers, powered hand tools, etc.:	
Manufactured before 1 Jan. 1973	88 db(A)

Manufactured after 1 Jan. 1973	84 db(A)
Manufactured after 1 Jan. 1980	80 db(A)

(d) Powered equipment intended for repetitive use in residential areas. Such equipment includes lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment, general low horsepower (usually electric) hand power tools and the like:

Manufactured before 1 Jan. 1975	74 db(A)
Manufactured after 1 Jan. 1975	70 db(A)
Manufactured after 1 Jan. 1978	65 db(A)

The manufacturer, distributor, lessor or designated agent shall certify in writing to the Department that his product(s) sold within the County of Cook complies with the provisions of this Section.

**9.12 PROPERTY USE NOISE PERFORMANCE  
CONSISTENT WITH ZONE**

Any property use established in a Zoning District as defined and designated under the provision of the Cook County Zoning Ordinance shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.

**9.13 NOISE LEVEL MEASUREMENT**

Noise levels shall be measured in terms of the sound pressure level in octave - frequency bands using equipment which meets the requirements established by this Ordinance. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that equipment suitable for such noise measurement, as defined by this Ordinance, is used. Noises such as those of an irregular and intermittent nature shall be restricted as provided for hereinafter.

**9.14 M1 ZONE NOISE PERFORMANCE STANDARDS APPLIED  
IN NON-ABUTTING M2-M4 ZONES**

In all instances in which an M2 General Manufacturing, M3 Heavy Manufacturing District or M4 Motor Freight Terminal does not directly adjoin a Residence or Business District, the performance standards governing noise for the M1 Restricted Manufacturing Districts shall apply at the nearest Residence or Business District boundary line, as these districts are defined and designated under the provisions of the Zoning Ordinance.

**9.15 R1-6, B1-5, AND M1 ZONE NOISE  
PERFORMANCE STANDARDS**

In M1, Restricted Manufacturing Zoning Districts, at no point on the boundary of a Residence, R1 through R6, Business or Commercial B1 through B5 District, shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation, exceed the decibel levels in the designated octave bands shown below for the Zoning Districts indicated as measured under test procedures established by Section 9.31 of this Article:

Levels	Octave Band Center Frequency (Hz)	Maximum Sound Pressure (db) Along District Boundaries	
		Residence	Business - Commercial
	31.5	72	79
	63	71	78
	125	65	72
	250	57	64
	500	51	58
	1000	45	52
	2000	39	46
	4000	34	41
	8000	32	39
db(A)	A-scale levels	55 db(A)	62

In Business and Commercial Zoning Districts, all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods or products, or any property use shall conform with the performance standards of this Section, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place. In Residential Zoning Districts, any property use shall conform with the performance standards stated above for Residence District Boundaries, provided that performance standards shall in every case be applied at the boundaries of the lot on which such use is established, including boundaries between R1 through R6 and B1 through B5 Districts. The maximum sound pressure levels established in this Section to be applied to the boundaries of a lot shall not apply to construction sites. Construction site noise level shall be regulated by Sections 9.6 and 9.11.

**9.16 M2 ZONE NOISE PERFORMANCE STANDARDS**

For M2, General Manufacturing Zoning Districts, at no point either on the boundary of a Residence, Business or Commercial District, or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation, exceed the decibel levels in the designated octave bands shown below for the Zoning Districts included as measured under test procedures established by Section 9.31 of this Article:

Octave Band Center Frequency (Hz)	Maximum Sound Pressure Levels (db) Along District Boundaries	
	Residence	Business -Commercial
31.5	72	79
63	71	78
125	66	73
250	60	67
500	54	61
1000	49	55
2000	44	50
4000	40	46
8000	37	43
A-scale levels	58 db(A)	64 db(A)

**9.17 M3 AND M4 ZONE NOISE  
PERFORMANCE STANDARDS**

For M3 and M4 Zoning Districts, at no point either on the boundary of a Residence, Business or Commercial District, or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation, exceed the decibel level in the designated octave bands shown below for the Zoning Districts included as measured under test procedures established by Section 9.31 of this Article:

Octave Band Center Frequency (Hz)	Maximum Sound Pressure Levels (db) Along District Boundaries	
	Residence	Business -Commercial
31.5	75	80
63	74	79
125	69	74
250	64	69
500	58	63
1000	52	57
2000	47	52
4000	43	48
8000	40	45
A-scale levels	61 db(A)	66 db(A)

**9.18 R1-6, B1-5, AND M1 ZONE  
VIBRATION STANDARDS**

No person located in R1 through R6, B1 through B5, or M1 zone shall cause or permit by the operation of impact tools, improperly balanced rotating equipments, or any

other source, the propagation of earth borne tremors, continuous or intermittent vibrations or sharp impulses and shocks into any structure involving regular human occupancy whether by virtue of residence, occupation, commerce, recreation, or other such reason, such that continued daily exposure is involved and located on any property in the aforesaid zones (neither from one property lot to another within any one zone, nor from any property lot in one zone to any property lot in another zone of any of the three designated) of an intensity perceptible without the aid of instruments in the sense that the maximum amplitude of such vibrations shall never equal that level commonly referred to in the art as "imperceptible" or "threshold of perceptibility," or indistinguishable from the ambient, whichever is higher. (In terms of an instrumented decision in the latter case, the presence or absence of the given vibration shall not produce any change in the metered value of the ambient to show compliance, i.e., for a violation not to exist.) Propagation of vibrations within M1 Zones shall be prescribed by the rules pertaining within M2 zones.

#### **9.19 M2 ZONE VIBRATION STANDARDS**

No person located in an M2, general manufacturing zone, where higher energy operations such as impact extrusion, forming and stamping or any other such activity occurs, shall propagate into any structure involving regular human occupancy for any lawful reason as noted above and thus daily exposure and located in any R1 through R6, B1 through B5 and M1 zone earth borne tremors, vibrations, etc., more than barely perceptible without the aid of instruments in the sense that the maximum amplitude involved can equal but not exceed by more than one (1) db that level known in the art as "imperceptible" or "threshold of perceptibility" or of such level that they are barely distinguishable from the ambient, whichever is greater. (In terms of an instrumented decision in the latter case, the presence or absence of the given vibration shall not cause a change of more than one (1) db from the metered value of the ambient e.g., introduction of the vibration of which a resident has complained shall not produce an increase in excess of one (1) db in the meter reading obtained at his residence.) Vibration levels propagated within M2 zones may enter into the "just perceptible" or "barely perceptible" levels (save for personnel immediately involved with the operation of the source equipments where clearly perceptible levels may be unavoidable), but shall not approach levels and durations of exposure for any personnel that could result in discomfort or fatigue or in any other way produce a state endangering safety or welfare.

#### **9.20 M3 AND M4 ZONE VIBRATION STANDARDS**

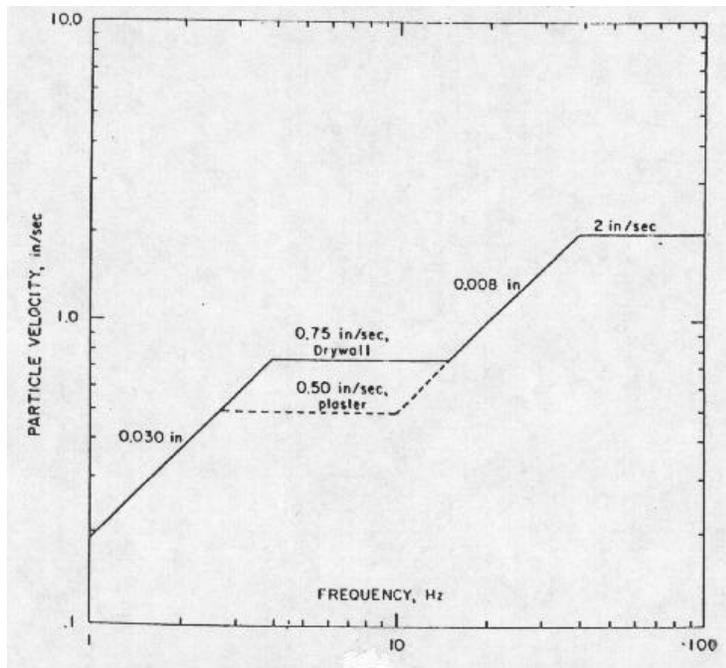
The same general conditions for propagation of vibrations and earth borne tremors into R1 through R6, B1 through B5 and M1 zones as described above for M2 zones shall hold for operations located in M3, heavy manufacturing and M4, motor freight terminals, save that since even higher energy operation such as heavy forging, impact forming and stamping of large parts, the constant ingress and egress of heavy trucks and the like are involved the maximum amplitude of vibrations propagated into the R1 through R6, B1 through B5 and M1 zones may exceed the level commonly known as "imperceptible" or "threshold of perceptibility" and enter into the range commonly identified as "just perceptible" or "barely perceptible," but not more than a maximum of

three (3) db, or of such a level as to equal but not exceed the ambient, whichever is greater. (In terms of an instrumented decision in the latter case the presence or absence of the given vibration shall not cause a change of more than three (3) db from the metered value of the ambient.) The propagation of vibrations within M3 and M4 zones shall be governed as are vibrations within M2 zones.

## **9.21 REGULATIONS FOR IMPULSE NOISE AND VIBRATION RESULTING FROM CONTROLLED DETONATIONS**

### **9.21-1** *Standard Regulations*

(a) *Earth Tremors.* No person shall cause or permit as the result of such controlled and earth confined explosions as are employed in quarrying, earth-moving, tunneling, road-building, excavating and the like the propagation of earth tremors and impulsive vibrations of the closest structure beyond the emitter's property line which result in a particle velocity in/sec based on frequency Hz in any of three components, longitudinal, vertical or transverse components in excess of the graph shown below:



(b) *Airborne Impulse Sounds.* No person as the result of any such blasting activities indicated above, including continued daily exposure, shall propagate at or beyond the boundaries of the emitter's property, air blasts and impulsive sounds which when measured at or beyond the boundaries of the emitter's property involved are found to have a peak sound pressure level in excess of 125 db.

**9.21-2** *Preemption of Control of Very High Level Impulses by State or Federal Legislation Involving Potential Damage to Living Creatures*

Under no circumstances shall any person cause or permit the propagation beyond the self property lines involved in any permanently located operation such as quarrying (or in the case of operations of potentially variable location such as construction, road building and the like beyond the boundaries of any control zone established by State or Federal legislation) of earth borne vibrations or air borne impulse sounds which shall

exceed any safety limits or damage risk criteria set forth now or in the future by any State or Federal legislation involving the health, safety or physical injury of humans, domestic animals, farm animals or wildlife as shall be specified in any such legislation. Within the property limits of such fixed operations, or within the control zones of operations of variable location, the production of such earth tremors or air blasts, or provision of protective measures therefrom shall be regulated by such State and Federal labor and safety laws as apply to any and all personnel involved.

### **9.21-3** *General Specifications*

All measurements taken to determine the quantities specified above shall utilize instruments and methods which meet the approval of the Director and which may be specified in any Suggested Guidelines for Control of Noise and Vibration published by the Department and such appropriate and applicable standards as are proposed, preliminary and/or adopted and issued by such appropriate and qualified groups as IEC, ISO, ANSI, CHABA (National Academy of Sciences - National Research Council, Committee on Hearing, Bioacoustic Biomechanics) and the like.

### **9.22 GENERAL DEPARTMENT POLICIES AND METHODS FOR COMPLAINT INVESTIGATION, FIELD MONITORING AND RESOLUTION OF DISPUTE IN VIBRATION PROBLEMS**

In investigating and evaluating vibration problems, the Department shall employ the most judicious combination of subjective evaluation, controlled experiment where feasible and practicable, measurement by instruments and application of the most modern and widely accepted psycho-physical data and criteria. All procedures shall follow those outlined in any published Department's Suggested Guidelines for Noise and Vibration Control. Examples of the psycho-physical criteria to be employed are, but shall not necessarily be limited to the work of Reiher and Meisteer, that of Dieckmann and its incorporation into German Standard DIN 4025, the researchers of Goldman von Gierke, von Bekesy, the proposed ISO standards as described in its report 108/WG-7 and discussed by Bender and Collins in BBN report 1767, etc.

### **9.23 USE OF AUDIBLE MOTOR VEHICLE SIGNAL DEVICES AND HORNS**

No person shall sound any horn or audible signal device of any motor vehicle of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.

### **9.24 ENGINE-POWERED WATERCRAFT NOISE LIMITATIONS**

No person shall operate any engine-powered pleasure vessel, engine-powered craft or motorboat in a harbor within the County of Cook, on any waterway within the County of Cook, or anywhere within Lake Michigan within two miles of the County

corporate limits at any time in such a manner as to exceed the following noise limit, as measured at a distance of not less than 50 feet from the path of travel:

	<b>Noise Limit</b>
Before 1 Jan. 1975	85 db(A)
After 1 Jan. 1975	76 db(A)

### **9.25 NEW OFF-HIGHWAY RECREATIONAL VEHICLE NOISE PERFORMANCE**

No person shall sell or offer for sale a new motor-driven off-highway recreational vehicle, including dune buggies, snowmobiles, all-terrain vehicles, go-carts, and mini-bikes, that produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the center line of travel under test procedures as published by Section 9.32 of this Article:

<b>Type of Vehicle</b>	<b>Date of Manufacture</b>	<b>Noise Limit</b>
Snowmobile	Before 1 Jan. 1973	86 db(A)
Same	After 1 Jan. 1973	82 db(A)
Same	After 1 Jan. 1974	73 db(A)
Any other vehicle including dune buggy, all-terrain vehicle, go-cart, mini-bike	Before 1 Jan. 1973	86 db(A)
	After 1 Jan. 1973	82 db(A)
	After 1 Jan. 1975	73 db(A)

### **9.26 OFF-HIGHWAY RECREATIONAL VEHICLE USE NOISE PERFORMANCE**

It shall be unlawful for any person to operate a motor-driven vehicle of a type not subject to registration for road use, at any time or under any condition of load, acceleration, or deceleration, in such a manner as to exceed the following noise limit at any point on property zoned for business or residential at a distance of not less than 50 feet from the path of travel:

	<b>Noise Limit</b>
Before 1 Jan. 1973	86 db(A)
After 1 Jan. 1973	82 db(A)

### **9.27 PUBLIC PERFORMANCE EXEMPTION**

The operational performance standards established by this Article shall not apply to any public performance being conducted in accordance with the provisions of a special permit granted for the conduct of public performance.

### **9.28 TEST PROCEDURES FOR SECTION 9.8**

Test procedures to determine whether maximum noise emitted by new motor vehicles sold or offered for sale meet the noise limits stated in Section 9.8 shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc.; SAE Recommended Practice J184; Recommended Practice J366; SAE Standard J986a, and such other and further standards as may be propounded in Suggested Guidelines of the Cook County Department of Environmental Control.

### **9.29 TEST PROCEDURES FOR SECTION 9.9**

Test procedures to determine whether maximum noise emitted by motor vehicles in use meet the noise limits stated in Section 9.9 shall be in substantial conformity with Standards and Recommended Practices established by the Society of Automotive Engineers, Inc., including SAE Standard J986a; Recommended Practice J366; Recommended Practice J184; and such other and further standards as may be propounded in Suggested Guidelines of the Cook County Department of Environmental Control.

### **9.30 TEST PROCEDURES FOR SECTION 9.11**

Test procedures to determine whether maximum noise emitted by engine-powered equipment or powered hand tools, sold or leased, meet the noise limits stated in Section 9.11 shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE Standard J952b; SAE Recommended Practice J184; and such further standards as may be propounded in the Suggested Guidelines of the Cook County Department of Environmental Control.

### **9.31 TEST PROCEDURES FOR SECTIONS 9.15, 9.16, AND 9.17**

Test procedures to determine whether maximum noise levels emitted by property uses along property lines and zoning district boundaries meet the noise limits stated in Sections 9.15, 9.16, and 9.17 shall be in substantial conformity with ANSI Standards S1.4-1961 or IEC Standards 123-1961; ANSI S1.12-1967; ANSI Standard S1.11-1966; IEC Standard 179-1965; IEC Standard 225-1966; SAE Recommended Practice J184; and such other and further standards as may be propounded in Suggested Guidelines of the Cook County Department of Environmental Control.

### **9.32 TEST PROCEDURES FOR SECTION 9.25**

Test procedures to determine whether maximum noise emitted by new motor-driven recreational, off-highway vehicles, including dune buggies, snowmobiles, all-terrain vehicles, go-carts, and mini-bikes meet the noise limits stated in Section 9.25 shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE Standard J192; SAE

Recommended Practice J184; and such other and further standards as may be propounded in suggested Guidelines of the Cook County Department of Environmental Control.

**9.33 EXCESS NOISE OR VIBRATION DECLARED A PUBLIC NUISANCE**

Any emission of noise or earth-shaking vibration from any source in excess of the limitations established in or pursuant to this Article shall be deemed and is hereby declared to be a public nuisance, and may be subject to summary abatement procedures. Such abatement may be in addition to the administrative proceedings, fines and penalties herein provided. The Director is empowered to secure the institution of legal proceedings for the abatement or prosecution of emissions of noise and earth-shaking vibration which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public, or cause or have a natural tendency to cause injury or damage to public property. Such legal proceedings may be in addition to the administrative proceedings, fines and penalties herein provided.

**9.34 OTHER PRIVATE OR PUBLIC NUISANCE  
ACTION NOT IMPAIRED**

Nothing in this Article shall be construed to impair any cause of action, or legal remedy therefor, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise or earth-shaking vibration in such place or manner, or at such levels, so as to constitute a common-law nuisance.

**9.35 PUNISHMENT OF CONVICTED VIOLATORS**

Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Article IX, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) for the first offense, and not less than Fifty Dollars (\$50.00) nor more than Five Hundred (\$500.00) for the second and each subsequent offense, in any 180-day period, or shall be punishable as a misdemeanor by incarceration in the County jail for a term not to exceed six months under the procedure set forth in Section 1-2 - 1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1969, ch. 24, par. 1-2 - 1.1) as amended, or by both fine and imprisonment. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation, or failure to comply as permitted to exist after notification thereof. This Article shall take effect immediately.

**ARTICLE X  
ASBESTOS AND DEMOLITION ORDINANCE**

**10.1 DEFINITIONS**

**Asbestos**-Any fiber or any mixture containing fiber of hydrated silicate mineral, which, on the basis of its crystalline structure, falls into one of two categories:

- (1) pyroxenes - chrysotile fiber;
- (2) amphiboles - crocidolite, amosite, tremolite, actinolite or anthophyllite fiber.

**Commercial Activity**-Any activity done for hire or having financial profit as a primary aim.

**Debris**-Asbestos-containing waste produced by the demolition of a structure.

**Department**-The Cook County Department of Environmental Control.

**Director**-The Director of the Cook County Department of Environmental Control.

**Spraying**-The pneumatic application of material used for fireproofing or insulation.

**Waste**-Any asbestos-containing matter which has been or is intended to be discarded.

**10.2 GENERAL REQUIREMENTS**

**10.2-1** After April 1, 1978, no commercial activity not otherwise hereinafter prohibited, involving the potential discharge of visible amounts of asbestos fiber or asbestos-containing materials into the ambient air from the construction, alteration, repair or demolition of a structure or from the processing or manufacturing of asbestos - containing products, shall be conducted unless the person or entity in charge of such activity complies with the following regulations:

(a) Personnel shall be designated to exercise full-time supervisory authority over all aspects of the activity from which the release of asbestos fiber into the environment could result, in such a manner as to insure compliance with the pertinent asbestos control regulations.

(b) Each employee engaged in such activity shall complete a course of instruction on the potential hazards of exposure to asbestos fiber, including the precautions that must be observed to prevent or restrict the dispersion of asbestos fiber into the environment.

(c) Facilities shall be provided and procedures instituted and supervised that prevent the removal from the site of visible amounts of asbestos-containing material on the clothing of the employees.

(d) Asbestos-containing wastes shall be immediately vacuumed or otherwise collected where vacuuming is impossible and shall be placed in a container resistant to tearing or breaking under normal handling conditions, which shall be tightly sealed and clearly marked as containing asbestos waste. Such containers shall be placed directly upon a vehicle for disposal by burial at a sanitary landfill.

Section 10.2-1(d) shall not apply to the demolition of a structure, except as provided in Section 10.4-1(d) and (e).

**10.2-3** After April 1, 1978, the manufacturing or processing of asbestos-containing products is prohibited, unless the person or entity in charge of such activity has obtained a permit from the Director. Before obtaining such permit, the applicant shall demonstrate compliance with Section 10.2 and such additional standards as are hereinafter specifically required.

### **10.3 CONSTRUCTION, ALTERATION AND REPAIR OF A STRUCTURE**

**10.3-1** The spraying of asbestos-containing material is prohibited after April 1, 1978.

**10.3-2** Non-asbestos fibrous matter shall not be sprayed in an area open to the atmosphere, unless the following procedures are taken:

(a) The entire floor or area to be sprayed shall be enclosed with plastic-coated tarpaulins in a manner which shall preclude the escape of fiber-containing material from the enclosure. All interior open area such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the working area.

(b) The entire sprayed area, all ledges and surfaces, including tarpaulins within the enclosure, shall be thoroughly vacuumed upon completion of the spraying operation and immediately before the enclosure is dismantled.

**10.3-3** (a) The cutting, trimming, fitting or stripping of asbestos-containing material in the construction, alteration or repair of a structure which is done at the site of such structure in an area open to the atmosphere shall be conducted within a special enclosure designed to preclude the escape of asbestos fiber from the immediate area of such enclosure.

(b) The mechanical exhaustion of dust from such enclosure to the ambient air is prohibited unless such exhaust system is equipped with a properly sized fabric filter for dust collection or an equivalent device as approved by the Agency.

**10.3-4** Compliance with Section 10.3-2 and 10.3-3 notwithstanding, visible emissions of fiber-containing material in an area open to the atmosphere shall be considered a violation.

**10.3-5** Asbestos-containing material applied in the construction, alteration or repair of a structure shall be coated with a sealant, provided with a cover or installed in some other manner so as to preclude emission of the asbestos-containing material to the circulating air. Any plenum or other structure coated with or containing asbestos-containing insulation and used in the circulation of air in a building shall be thoroughly cleaned of all debris and waste insulation.

#### **10.4 DEMOLITION**

**10.4-1** Where the risk of public exposure to asbestos fiber from the dislodging of asbestos-containing materials is present, no demolition of a structure shall be initiated unless all safeguards necessary and practicable to reduce the emission of dust are taken. Such procedures shall include, but are not necessarily limited to:

(a) Boilers and pipes and steel members insulated or fireproofed with asbestos-containing material shall be wetted and stripped before toppling of walls is begun. This procedure shall be followed, where practicable, as to all other asbestos-lined surfaces. Such asbestos waste shall be immediately bagged and disposed of in accordance with Section 10.2-1(d).

(b) When demolition by toppling occurs such reasonable enclosure for dust emission control as is compatible with the character of the structure shall be employed.

(c) Before the demolition or toppling of any section or wall of the structure, adequate wetting to suppress the dust shall be employed.

(d) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets and shall be sufficiently wetted to preclude dust dispersion at the point of discharge.

(e) All asbestos-containing debris shall be thoroughly wetted before loading into trucks, other vehicles or containers. During transport such waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed of by burial at a sanitary landfill.

**10.4-2 Contractor Certification & Performance**

(a) Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof of Certification for asbestos application or removal by an agency or entity recognized and acceptable to the Department.

(b) Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in CFR61.141; CFR61.145; CFR61.150 and as amended. (Amended: 6-22-93)

(c) Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Illinois Administrative Code 228 and as amended.

**10.4-3 Permit Required - Fees**

(a) A demolition permit shall be obtained from the Director prior to any demolition of any structure. The permit fee for demolition shall be as follows:

Filing Fee .....	\$25.00
Inspection Fee .....	\$75.00

(b) An asbestos removal permit shall be required for all demolition, alteration or repair of a structure which has been determined to contain asbestos-containing material. Such permit will be in lieu of requirements of 10.4-3.1 and shall be obtained prior to the start of a project. The permit fee for asbestos removal shall be as follows:

Filing Fee .....	\$100.00
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Inspectional Fee shall not exceed \$1000.00 per project or the following, whichever is the lesser: (Amended: 12-11-91)

Per lineal foot of asbestos-containing material .....	\$ 1.00
(or)	
Per square foot of asbestos-containing material.....	\$ 3.00

Inspectional fee shall not be applicable to structure used primarily as a domestic residence.

(c) Permit fees under Section 10.4-3(a) and (b) shall be established in accordance with Section 5.12 and thereafter Sections 5.12-4, 5.12-5, 5.12-6, 5.12-7 shall be applicable.

## 10.5

**10.5-1** (a) After April 1, 1978, a factory plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall discharge no visible emission of particulate matter from such manufacturing or processing into the ambient air and shall emit no concentrations of asbestos fiber into the ambient air in excess of 2 fibers per cubic centimeter of air.

(1) Sampling of emissions shall be by the membrane filter method and according to the procedures recommended in the ASME Power Test Code 27-1957, or other procedures generally accepted by persons knowledgeable in the state of the art.

(2) Counting shall be according to the procedure outlined in Edwards, G.H. and Lynch, J.R., "The Method Used by the U.S. Public Health Service for Enumeration of Asbestos Dust on Membrane Filters," Ann. Occupational Hyg. (Oxford) 11 (1): 1-6, Jan.'68; with 20 fields per sample, counted at random using phase contrast microscopy at 430 x magnification and counting only fibers 5 microns or greater in length, with a length to breadth ratio of 3 to 1 or greater.

**10.5-2** Any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall control all asbestos handling facilities so that exhaust air can be ducted through necessary air pollution control equipment and samples taken of the gases which are emitted into the ambient air.

**10.5-3** Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 10.2-3 hereunder shall be subject to inspection by the Agency at any reasonable time, without prior notice.

**10.5-4** At a frequency to be determined by the Agency, any factory, plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall sample the exhaust from such factory, plant or enterprise and submit the emission data to the Agency.

**10.5-5** No product which may emit asbestos-fiber during its transportation shall be transported unless such product is enclosed so as to preclude the emission of asbestos fiber into the ambient air.

**10.5-6** Notwithstanding compliance with Section 10.5-5 the visible emission of particulate matter in the course of such transportation shall be considered a violation.

**I. INCORPORATION BY REFERENCE** (Added 10-21-91)

1) The following parts, and any amendments to these parts, of the Illinois Pollution Control Board Regulations are incorporated by reference:

- a) Monitoring and Testing  
35 ILL. Adm. Code 201 - Subpart J (1988)
- b) Alternate Control Strategies  
35 ILL. Adm. Code 202 (1988)
- c) Major Stationary Sources Construction and Modifications  
35 ILL. Adm. Code 203 (1988)
- d) Emission Standards and Limitations for Stationary Sources  
35 ILL. Adm. Code 211 (1988)
- e) Visual and Particulate Emissions  
35 ILL. Adm. Code 212 (1988)
- f) Sulfur Limitation  
35 ILL. Adm. Code 214 (1988)
- g) Organic Material Emission Standards and Limitations  
35 ILL. Adm. Code 215 (1988)
- h) Carbon Monoxide Emissions  
35 ILL. Adm. Code 216 (1988)
- i) Nitrogen Oxides Emissions  
35 ILL. Adm. Code 217 (1988)
- j) Asbestos  
35 ILL. Adm. Code 228 (1988)
- k) New Source Performance Standards  
35 ILL. Adm. Code 230 (1988)
- l) Hazardous Air Pollutants  
35 ILL. Adm. Code 231 (1988)
- m) Air Quality Standards  
35 ILL. Adm. Code 243 (1988)
- n) Episodes  
35 ILL. Adm. Code 244 (1988)
- o) Odors  
35 ILL. Adm. Code 245 (1988)

2) Wherever the word "agency" is used in the incorporated Pollution Control Board Regulations, the word "department" may be substituted when appropriate.

3) Any duty on the agency that is created by the incorporated Pollution Control Board Regulations is not binding on the Department.

4) Definitions of any terms used in the incorporated Pollution Control Board Regulations are those that are adopted or approved by the Illinois Statutes or the Pollution Control Board Regulations.

5) If there is any inconsistency or conflict, especially those relating to substantive rules, between the Pollution Control Board Regulations that are incorporated and the Cook County Ordinance, the Pollution Control Board Regulations will be followed unless the inconsistency or conflict relates to fees, permits, inspections, penalties or procedure.

## ARTICLE XI

### SOLID WASTE MANAGEMENT

(Added: 4-18-2000)

#### 11.1 PURPOSE

The purpose of this Article is to implement a solid waste plan for the management of municipal waste within Cook County, except for the corporate limits of the City of Chicago, in order to satisfy the requirements of the Illinois Solid Waste Planning and Recycling Act of 1988 (P.A. 85-1198).

Municipal governments have the primary role and responsibility in providing or arranging for waste management services within their jurisdictional areas, whereas Cook County will implement the coordination, planning, and monitoring of the solid waste management plan throughout incorporated and unincorporated Cook County and establish delegation agreements with sub-county waste management agencies and the Illinois Environmental Protection Agency.

Solid waste management in Cook County shall encourage municipal recycling and source reduction, promote composting of yard waste, and place substantial emphasis on alternatives to landfills.

#### 11.2 COOK COUNTY SOLID WASTE MANAGEMENT COORDINATING COMMITTEE

(a) *Established.* There is hereby established the Cook County Solid Waste Management Coordinating Committee (CCSWMCC). This Committee shall be comprised of seven members. Three shall represent the suburban solid waste agencies as follows: one representative from the Solid Waste Agency of Northern Cook County (SWANCC), one representative of the South Suburban Mayors and Managers Association (SSMMA), and one representative of the West Cook County Solid Waste Agency (WCCSWA). Each of the above Solid Waste Agencies shall be represented by its Chairperson or the Chairperson's designee. The remaining four members of this Committee shall be appointed by the President of the Cook County Board as follows: one representative of the Northwest Suburbs and one representative from the Southwest Suburbs that do not belong to any of the above listed Agencies, and two Cook County representatives at large. In addition, the President of the County Board may appoint the President of the Northeastern Illinois Planning Commission (NIPC), as an ex-officio member without voting rights.

(b) *Duties.* It shall be the duty of the committee to oversee the implementation of the Cook County Solid Waste Management Plan and to aid and assist each of its members in dealing with solid waste issues.

### **11.3 SOLID WASTE COORDINATOR**

The Director of the Department of Environmental Control shall designate a solid waste coordinator, who shall be responsible for the implementation, coordination, and monitoring of the Cook County Solid Waste Plan. The coordinator shall also be actively involved in Cook County's solid waste policy development, especially as it concerns public education and recycling activities. The coordinator shall report directly to the Director.

### **11.4 REPORTING REQUIREMENTS**

The Solid Waste Agencies and Municipal governments, that do not belong to any of the Solid Waste Agencies, shall report to the Solid Waste Coordinator of Cook County on a quarterly basis, their solid waste activities in order to evaluate their compliance with the Cook County Solid Waste Plan.

### **11.5 SEVERABILITY**

If any section or part of this Article is held invalid for any reason, such holding shall not affect the validity of the remaining portions of those sections.

## **ARTICLE XII**

### **NEW POLLUTION CONTROL FACILITY SITING ORDINANCE**

(Added: 4-18-2000)

#### **12.1 PURPOSE AND INTENT**

The purpose of this Article is to adopt rules and regulations relating to the form, content, fees and filing procedures for applications and approval of sites for the location of new Pollution Control Facilities in unincorporated Cook County, Illinois. The intention of the Article is to be consistent with the Illinois Local Siting Review Act, 415 ILCS 5/39.2.

#### **12.2 RULES AND DEFINITIONS**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. Words used in the singular number shall include the plural number and the plural shall include the singular.
2. The words "shall" is mandatory, while the word "may" is permissive.
3. The masculine gender includes the feminine and neuter genders.

The following words and terms shall have the meanings set forth except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

**COOK COUNTY SOLID WASTE MANAGEMENT COORDINATING COMMITTEE** means the committee as defined in Section 11.2 of the Cook County Environmental Control Ordinance.

**COUNTY** means the unincorporated area of Cook County, Illinois.

**COUNTY BOARD** means the County Board of Cook County, Illinois.

**COUNTY CLERK** means the County Clerk of Cook County, Illinois.

**POLLUTION CONTROL FACILITY** is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. The following are not pollution control facilities: (1) waste storage sites regulated under 40 CFR, Part 761.42; (2) sites or facilities used by any person conducting waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person; (3) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility; (4) sites or facilities used by any person to specifically conduct a landscape composting operation; (5) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV (415 ILCS 5/53 et seq.); (6) the portion of a site or facility accepting exclusively general construction or demolition debris, and operated and located in accordance with Section 22.38 of the Illinois Environmental Act (415 ILCS 5/22.38).

A new pollution control facility is:

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

**SITE** means any location, place, tract of land, or facilities, including but not limited to buildings and improvements used for purposes subject to regulation or control by this Ordinance or regulations hereunder.

**SPECIAL WASTE** means any industrial process waste, pollution control waste or hazardous waste.

**STORAGE** means the containment of waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of such waste.

**TREATMENT** means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any waste, so as to neutralize such waste or so as to render such waste safer for transport, amenable for recovery, amenable for storage, or to reduce such waste in volume.

**WASTE** is any discarded material, including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in 415ILCS5/3.94 of the Illinois Environmental Act, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from and any facility subject to the Federal Surface mining Control and Reclamation Act of 1977.

## **12.3 PROCEDURE FOR FILING AN APPLICATION**

### **12.3.1 *Pre-Filing Notice of Intent to File an Application.***

The applicant shall meet all pre-application notice requirements specified in Illinois 415 ILCS 5/39.2, which specifies that:

1. The applicant shall prepare notice of intent to file an application for site location approval containing the following information:
  - a. The name and address of the applicant;
  - b. The location of the proposed site;
  - c. The nature and size of the proposed development;
  - d. The nature of the activity at the proposed site;
  - e. The probable life of the proposed activity;

- f. The date when the application for the site location approval will be submitted to the County Board;
  - g. A description of the right of persons to comment on such an application, as provided by this Ordinance;
  - h. Any other information that may be required by the County Board President.
2. The above-described notice shall be published in a newspaper of general circulation in Cook County, no later than fourteen (14) days prior to filing a request for site location approval;
  3. No sooner than thirty (30) days, nor later than fourteen (14) days prior to filing an application for site location approval, the applicant shall serve written notice of such request containing the above-described information, either in person or by registered mail (return receipt requested) on the owners of all property within the subject area not solely owned by the applicant, and on the owners of all property within two hundred fifty (250) feet in each direction of the lot line of the subject property. Owners shall be considered such persons or entities appearing in the authentic tax records of the County in which such facility is proposed to be located. The number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the two hundred fifty (250) foot requirement.
  4. At least fourteen (14) days prior to filing an application for site location approval, the applicant shall serve a copy of the above described notice upon members of the General Assembly from the legislative district(s) in which the facility is proposed to be located.
  5. Within fourteen (14) days after publishing notices required by this Section, the applicant shall file proof of such publication with the County Clerk.

**12.3.2 Request for Application and Filing Location.**

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

### **12.3.3** *Pre-Filing Review.*

The applicant for site location approval shall provide full and complete answers to all the questions on the application form. At the time the applicant files an application with the President of the Cook County Board and with the County Clerk, a copy of the application shall be immediately delivered by the County Clerk to the Cook County Department of Building and Zoning for review. The County Clerk shall also deliver copies of the application to the Cook County Department of Environmental Control, Cook County Department of Planning and Development, and to the Cook County Highway Department. The Commissioner of the Department of Building and Zoning, or one of his assistants, shall examine the application to determine that all questions are fully and completely answered.

If the Commissioner or his assistant finds that all questions are fully and completely answered, the County Clerk shall file the application and date stamp all copies. This date shall be considered the official filing date for all time limit purposes. Such date must be at least fourteen (14) days after the notices required by Section 12.3.1 of this Ordinance have been properly served.

If the Commissioner or his assistant finds that the application is not complete, he shall specify to the applicant the portions of the application which are deficient, and inform the applicant that the application will not be filed until such time as those portions are completed. Once an application has been officially filed according to the above procedures, no amendments, alterations or changes to the application may be made by the applicant.

### **12.3.4** *Payment of Processing Costs/Surety Bond.*

The Department of Building and Zoning shall bill the applicant for the costs, including overhead expenses, incurred by the County in processing an application for a New Pollution Control Facility or any expansion of any existing facility. The County shall bill the applicant for costs incurred every thirty (30) days. Any such bill shall be payable thirty (30) days after it is rendered by the County.

A two percent (2%) penalty, compounded monthly, shall be added to the total outstanding balance of any bill not paid by the 30th day after it has been rendered, unless otherwise regulated by State statute.

The processing fees shall reimburse the County for the costs of processing the application, including: space rental, hearing officer(s), court reporter, transcription costs, public notice, staff review time, County consultant (including tests and testimony, if any, provided by such consultants), and any other costs incident to the consideration of an application.

As part of the application process, to insure the payment of costs incurred by the County, the applicant shall post a surety bond with the County Clerk naming the County

as oblige, in the amount of two hundred fifty thousand and 00/100 dollars (\$250,000.00). The applicant shall maintain such surety bond in full force and effect for a period of one hundred eighty (180) days from the date of filing the application, unless the applicant withdraws his application. The applicant shall be obligated to pay all costs incurred by the County. Such costs shall not be limited to the amount of the surety bond.

When costs incurred by the County in processing an application for a new Pollution Control Facility, have been billed to the applicant and remain unpaid for a period of ninety (90) days, the applicant shall be considered in default. The County shall cease to provide any further services to the applicant and shall reject the application, such rejection being termed as a final action and thereby eliminating further County responsibilities under this Ordinance. The County shall collect any amounts due from the surety bond posted for that purpose.

#### **12.3.5 *Application Receipt and Distribution.***

Upon receipt of a completed application and posting of the required surety bond, the County Clerk shall date stamp all the copies and immediately deliver one copy to the President of the County Board, one copy to the Commissioner of Building and Zoning, one copy to the Cook County Solid Waste management Coordinating Committee, one copy to each municipality within one and one-half (12) miles of the proposed facility, one copy to the Pollution Control Facility Hearing Officer(s), and one copy to the Office of the State's Attorney.

A copy of the application shall be made available for public inspection in the office of the County Board or in the office of the County Clerk. Any person shall be allowed to obtain a copy of said application or any part thereof upon paying the cost of reproduction and filing the proper request as outlined in the Freedom of Information Act ( Illinois Revised Statutes, Chapter 116, Paragraph 201 et seq.).

#### **12.3.6 *Withdrawal of an Application***

An applicant may withdraw an application any time prior to fourteen (14) days before the first scheduled hearing. An applicant may file a new application. Where an application is withdrawn, after payment of any costs incurred to the date of withdrawal, the County Clerk shall release the applicant's surety bond. The re-filing of an application puts into operation the notice and time requirements for a new application, and the required surety bond must be maintained in full force and effect as specified in Section 12.3.4 of this Ordinance.

### **12.4 GENERAL SUPERVISION OF APPLICATION REVIEW PROCESS**

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

### **12.5 APPOINTMENT OF HEARING OFFICER(S)**

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

### **12.6 RESPONSIBILITIES OF HEARING OFFICERS(S)**

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

### **12.7 PUBLIC HEARING ON AN APPLICATION**

At least one public hearing shall be held by the Pollution Control Facility Hearing Officer(s) no sooner than ninety (90) days, but no later than one hundred twenty (120) days after the filing of an application for site location approval. The notice requirements shall be the same as those in Section 12.3.1 of this Ordinance.

### **12.8 PRESENTATIONS TO THE COUNTY BOARD**

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

### **12.9 COUNTY BOARD APPROVAL OF A PROPOSED SITE**

The County Board's decision to grant or deny an application for site location approval shall be in writing, specifying the reasons for the decision, such reasons shall be in conformance with 415 ILCS 5/39.2(a). A decision to grant site location approval may be made subject to certain conditions as may be reasonable and necessary to accomplish the purposes of this Ordinance, and as are not inconsistent with the rules and regulations promulgated by the Illinois Pollution Control Board.

Whether the County Board approves or disapproves the proposed site location, a Resolution shall be passed to that effect, stating the reason(s) for the decision. If there is no final action by the County Board within one hundred eighty (180) days after the filing of the request for site approval, the applicant, according to 415 ILCS 5/39.2, may deem the request approved.

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

## **12.10 APPEAL OF COUNTY BOARD'S DECISIONS**

### **12.10.1 *Appeal by Applicant.***

If the County Board refuses to grant approval of the request for site location under this Ordinance, the applicant may, within thirty five (35) days, petition for a hearing before the Illinois Pollution Control Board to contest the decision of the County Board.

### **12.10.2 *Appeal by Third Party.***

If the County Board grants approval of the request for site location under this Ordinance, a third party other than the applicant, who participated in the Public Hearing conducted by the County Board, may petition the Illinois Pollution Control Board within thirty-five (35) days for a hearing to contest the approval of the County Board. Such hearing shall be based exclusively on the record before the County Board. The burden of proof shall be on the petitioner. The County Board and the applicant shall be named as co-respondents.

## **12.11 EXPIRATION OF LOCAL SITING APPROVAL**

The local siting approval granted under this Ordinance shall expire at the end of two (2) calendar years from the date upon which it was granted, unless the siting approval granted under this Section is for a sanitary landfill operation, in which case the approval shall expire in 3 calendar years from the date upon which it was granted, and unless within that period the applicant has made application to the Illinois Environmental Protection Agency for a permit to develop the site. In the event that the local siting decision has been appealed, such expiration period shall be deemed to begin on the date upon which the appeal process is concluded.

## **12.12 SEVERABILITY CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and an independent provision, and such holding shall not affect the validity of the remaining portions hereof.