REPORT OF THE COMMITTEE ON ENVIRONMENTAL CONTROL

July 23, 2012

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Gorman, Vice Chairman Steele, Commissioners Gainer, Murphy, Silvestri and Tobolski (6)

Absent: Commissioner Schneider (1)

Also Present: Commissioners Butler and Daley. Deborah Stone, Director of Environmental Control

Ladies and Gentlemen:

Your Committee on Environmental Control of the Board of Commissioners of Cook County met pursuant to notice on Monday, July 23, 2012 at the hour of 12:30 P.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item(s) and upon adoption of this report, the recommendations are as follows:

318998 AN AMENDMENT TO CHAPTER 30 ENVIRONMENT, SECTIONS 30-541 THROUGH 30-551 (PROPOSED ORDINANCE AMENDMENT). Transmitting a Communication from Deborah Stone, Director, Department of Environmental Control:

respectfully submitting an amendment to the Asbestos and Related Substance Article of the County Code for your approval.

Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO THE ASBESTOS AND RELATED SUBSTANCES ARTICLE OF THE COUNTY CODE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, Sections 30-541 through 30-551 of the Cook County Code are hereby amended as follows:

Sec. 30-541. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequately Wet means sufficiently mixed or penetrated with liquid to prevent the release of particulates. Upon inspection, water has visibly attached itself to the Asbestos Containing Material (ACM).

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including but not limited to the stripping or removal of ACM from a structural component.

Applicant means the owner of a building or property who is required to obtain a permit under this Article and any agent of the owner who applies for said permit on behalf of the owner.

Asbestos means 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 anthophilite fiber).

Asbestos-containing material (ACM) means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section l, Polarized Light Microscopy.

Asbestos Abatement Contractor means any Person, firm or corporation engaged in asbestos removal and abatement activities in Cook County, outside of the limits of the City of Chicago.

Certificate of Registration means the physical documentation issued by the Cook County Department of Environmental Control.

Commercial activity means any activity done for hire or having financial profit as a primary aim.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, shearing, slicing, or punching.

Debris means asbestos-containing waste produced by the demolition of a structure.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project means the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

Department means the Cook County Department of Environmental Control.

Director means the Director of the Cook County Department of Environmental Control.

Engage in Asbestos Abatement Activity shall refer to those activities provided in Sections 30-541 through 30-550 of the Ordinances of Cook County.

Federal, State, or Local Regulations means a law, administrative rule, or regulation of the federal government, any state in the United States of America, or any unit of local government, including, but not limited to, cities, ~~c~~counties, municipalities, or townships.

Permit Holder means the person who has received a permit under this Article VI.

Person or *Persons* means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.

~~Project Supervisor means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of asbestos containing materials.~~

Project means any activity which requires an application for any permit required by this Article VI.

Spraying means the pneumatic application of material used for fireproofing or insulation.

Strip means to take off ACM from any part of a structure or structural components.

Structure means any building, or part thereof, enclosing any occupancy including residential, institutional, assembly, business, mercantile, industrial, storage, hazardous and miscellaneous uses. When separated by fire walls, each unit so separated shall be deemed a separate structure.

Structural component means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

Structural member means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

Waste means any asbestos-containing matter which has been or is intended to be discarded.

Sec. 30-542. General requirements.

(a) *Restrictions on activities involving discharge of asbestos into air.* 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 structural component 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:

(1) 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.

(2) 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.

(3) 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.

(4) 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 waste material or container shall be disposed of by burial at a sanitary landfill.

(5) Waste manifests and air monitoring reports or air clearance reports are required to be submitted to the Cook County Department of Environmental Control within ten (10) business days of the expiration of the asbestos removal permit.

~~(b) Application of Subsection (a)(4) of this section. Subsection (a)(4) of this section shall not apply to the demolition of a structure, except as provided in Section 30-544(a)(4) and (5).~~

~~(c)~~ (b) *Permit required for manufacture of asbestos-containing products.* 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 this section and such additional standards as are hereinafter specifically required.

(c) *Cutting, trimming, fitting or stripping of asbestos containing material.*

(1) The cutting, trimming, fitting or stripping of asbestos-containing material in the construction, alteration or repair of a structure or structural component 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.

(2) 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.

(d) *Asbestos-containing material applied in construction, alteration or repair of structure or structural component.* Asbestos-containing material applied in the construction, alteration or repair of a structure or structural component 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.

(e) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets shall be adequately wetted to preclude dust dispersion at the point of discharge.

(f) All asbestos-containing debris shall be adequately wetted before loading into trucks, other vehicles or containers. During transport such asbestos-containing waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.

(g) *Standard for demolition, alteration or repair of asbestos-containing structures or structural component.*

(1) Contractor certification and 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 that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) 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 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.

c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

(h) Permit required; Fees

a. A demolition permit shall be obtained from the Director prior to any demolition of any structure as set out in Sec. 30-961. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1.

(2) An asbestos removal permit shall be required for all demolition, alteration or repair of any asbestos-containing structure or structural component in addition to a demolition permit, if required by Sec.30-961 and shall be obtained prior to the start of a project. Application for this permit must be submitted no less than 10 business days prior to the start of the project. This permit is valid for 30 days after issuance and the contractor may not be off-site for more than 10 consecutive days during the permitted time. The permit fee for asbestos removal shall be as set out in Section 32-1.

Inspection fee shall not be applicable to structures used primarily as a domestic residence.

(3) Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1

(4) No demolition permit shall be issued unless the applicant has submitted all information required by Sections 30-961 through 30-967.

(5) An application for a demolition permit may be submitted less than the required 10 business days time period in cases where the public safety is at risk. In such cases, the applicant must submit a letter explaining the nature of the public safety risk, a completed application and copies of the check for the permit and variance filing fees, as set out in Sec. 32-1 via email or facsimile.

(i) Operations and Maintenance Asbestos Removal Permit; Fees

(1) An Operations and Maintenance Asbestos Removal Permit is available for large commercial and industrial sites, healthcare facilities and schools with ongoing asbestos mitigation projects. Permit Filing Fees shall be as set out in Sec. 32-1

(2) To obtain an Operations and Maintenance Asbestos Removal Permit an applicant must submit a written request to the Director or his or her designee no less than 15 days prior to the scheduled start of the asbestos renovation project. This request shall include, but not be limited to, a completed Cook County notification form, an explanation of the unique circumstances involved in the project, schematic drawings and blueprints (when available) of the structure and a filing fee as set out in Sec. 32-1

(3) Issuance of an Operations and Maintenance Asbestos Removal Permit is subject to departmental approval. The Department shall issue a written response to the petitioner. The Department's decision is final. If the request is denied, the filing fee will be returned.

(4) An Operations and Maintenance Asbestos Removal Permit is applicable for one building, regardless of connecting enclosed walkways or underground tunnels. A separate request must be filed for each free standing structure on the premises or campus.

(5) An Operations and Maintenance Asbestos Removal Permit is non-transferrable to a new person, or different location.

(6) An Operations and Maintenance Asbestos Removal Permit is valid for one calendar year, beginning on January 1 of each year. The permit holder may use the permit at any time during the year, until the expiration of the permit on December 31 of each year. Upon expiration of an

existing permit, the permit holder may reapply for a new permit for the project.

(7) An Operations and Maintenance Asbestos Removal Permit requires notification of the Department by email or fax transmission prior to starting each removal episode. The notice must include the location within the building where work is to be performed, onsite contact information and the anticipated work hours. Within 48 hours of each episode's completion the permit holder must submit a written summary of the episode.

(8) The permit holder shall submit to the Department a chronological summary of the project and payment made based on the required inspectional fees as set out in Sec. 32-1. Healthcare facilities and schools shall submit a project summary and inspection fee payment every six months. Commercial and industrial facilities shall submit a project summary and inspection fee payment every quarter.

Sec. 30-543. ~~Construction, alteration and repair of a structure~~.Fibrous material restrictions.

(a) *Spraying of asbestos-containing material prohibited.* The spraying of asbestos-containing material is prohibited after April 1, 1978.

(b) *Procedure for spraying nonasbestos fibrous material.* Nonasbestos fibrous matter shall not be sprayed in an area open to the atmosphere, unless the following procedures are taken:

(1) 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.

a. 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.

~~(c) Cutting, trimming, fitting or stripping of asbestos-containing material.~~

~~(1) 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.~~

~~a. 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.~~

(~~d~~c) *Visible emissions of fiber-containing material considered violation.* Compliance with Subsections (b) and (c)542(c) and 543(b) of this section notwithstanding, visible emissions of fiber-containing material in an area open to the atmosphere shall be considered a violation.

~~(e) Asbestos-containing material applied in construction, ALTERATION or repair of structure. 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.~~

Sec. 30-544. Demolition <u>of asbestos containing structure</u>.

(a) *Procedure for demolition of asbestos containing structure.* 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:

(1) Boilers and pipes and steel members insulated or fireproofed with asbestos-containing material shall be <u>adequately</u> 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-<u>containing</u> waste shall be immediately bagged and disposed of in accordance with Section 30-542(a)(4).

(2) When demolition by toppling occurs such reasonable enclosure for dust emission control as is compatible with the character of the structure shall be employed.

(3) Before the demolition or toppling of any section or wall of the structure, adequate wetting to suppress the dust shall be employed.

(4) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets shall be ~~sufficiently~~ <u>adequately</u> wetted to preclude dust dispersion at the point of discharge.

(5) All asbestos-containing debris shall be ~~thoroughly~~ <u>adequately</u> 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 by burial at a sanitary landfill.

(b) *Standard for demolition of structures.*

(1) *Contractor certification and 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 that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) 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 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.

c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

~~(2) *Permit required fees.*~~

~~a. A demolition permit shall be obtained from the Director prior to any demolition of any structure. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1~~

~~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 Section 30-544 and shall be obtained prior to the start of a project. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.~~

~~c. Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1~~

~~d. Permit fees under Subsections (b)(2)a and (b)(2)b of this section shall be established in accordance with Section 30-91 and thereafter Sections 30-92 through 30-95 shall be applicable.~~

Sec. 30-545. Sampling and counting or particulate matter from manufacture of asbestos-containing product.

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 two 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 430x magnification and counting only fibers 5 microns or greater in length, with a length to breadth ratio of three to one or greater.

Sec. 30-546. Controlling asbestos handling facilities.

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.

Sec. 30-547. Inspection.

(a) Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 30-542(~~e~~b) shall be subject to inspection by the Department at any reasonable time, without prior notice.

(b) In the event the Department inspects a work site where Asbestos Abatement Activity is taking place, the Asbestos Abatement Contractor must cooperate with the Department's attempts to monitor activity to ensure that safety concerns are appropriately addressed. Upon request, the Asbestos Abatement Contractor will be required to produce required information, including, but not limited to, the following:

(1) A copy of the Certificate of Registration; and

(2) Documentation verifying that all employees at that worksite have the appropriate licensure through the Illinois Department of Public Health, if licensure is required.

Sec. 30-548. Sampling.

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.

Sec. 30-549. Transporting.

No product which may emit asbestos-fiber during its transportation shall be transported unless such product be enclosed so as to preclude the emission of asbestos fiber into ambient air.

Sec. 30-550. Violation.

Notwithstanding compliance with Section 30-549 the visible emission of particulate matter in the course of such transportation shall be considered a violation.

Sec. 30-551. Asbestos abatement contractor registration, registration fees and penalties.

(a) In order to ensure that the health and safety of the public is protected from the harmful effects of exposure to asbestos materials caused by negligent or improper Asbestos Abatement Activities, all Asbestos Abatement Contractors doing business in Cook County outside the corporate limits of the City of Chicago must register with the Department of Environmental Control.

(b) No Asbestos Abatement Contractor shall do business in Cook County outside of the corporate limits of the City of Chicago without having a currently valid Certificate of Registration issued by the Department.

(c) The Department shall prepare and maintain a list of registered Asbestos Abatement Contractors which list shall be made available upon request.

(d) To obtain a Certificate of Registration, the Asbestos Abatement Contractor shall complete an application provided by the Department of Environmental Control. The application shall be returned to the Department, accompanied by a non-refundable registration fee set forth in Section 32-1 of the Ordinances of Cook County.

(e) The application shall require the following information:

(1) The Asbestos Abatement Contractor's name, mailing address, contact person, phone number, and e-mail address, together with its form of ownership. If a corporation, a copy of the corporation's last annual report filed with the Asbestos Abatement Contractor's state of incorporation. If the Asbestos Abatement Contractor is a corporation, partnership, or other firm, the substantial owners, as defined in Chapter 34, Article V, Section 34-367 of the Ordinances of Cook County, shall be identified.

(2) The Asbestos Abatement Contractor's license number issued by the State of Illinois Department of Public Health, the date of license expiration and a copy of said license.

(3) A list of all enforcement actions taken against the Asbestos Abatement Contractor in the preceding two years for alleged violations of Federal, State or Local Regulations pertaining to the handling, removal or disposal of asbestos-containing materials, including information about the alleged violations charged and the disposition.

(4) The number of years the Person has been doing business as an Asbestos Abatement Contractor.

(5) A list of supervisors employed by the Asbestos Abatement Contractor who are licensed by the Illinois Department of Public Health.

(6) A list of asbestos containing material removal and abatement techniques that have previously been employed by the Asbestos Abatement Contractor.

(7) A list of the names and addresses of waste disposal sites and waste haulers

primarily used by the Asbestos Abatement Contractor.

(8) Certification by the Asbestos Abatement Contractor that all information furnished to the Department is true and accurate.

(9) Other information as required by the Department.

(f) The application shall require the Asbestos Abatement Contractor to certify compliance with all Cook County ordinances, including, but not limited to, the following:

(1) Chapter 30, Environment;

(2) Chapter 34, Article V, Child Support Payments;

(3) Chapter 38, Article III, Public Health and Private Nuisances;

(4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;

(5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;

(6) Chapter 74, Taxation; or

(7) The Cook County Zoning Ordinance.

(g) The Director shall determine whether the applicant satisfies the requirements to be registered as an Asbestos Abatement Contractor. Upon approval of the application, the Department shall issue a Certificate of Registration to the asbestos removal contractor. Such Certificate of Registration shall expire two years following its date of issuance, and shall be renewable.

(h) The Asbestos Abatement Contractor is required to notify the Department of any material changes to the registration requirements set forth in Section 30-551(e). The Director of the Department may revoke the registration if the Asbestos Abatement Contractor fails to notify the Department of any material changes to the registration requirements identified in Section 30-551(e).

(i) The Director shall have the authority to deny an application for a Certificate of Registration. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The Director may deny issuance of a Certificate of Registration to any Asbestos Abatement Contractor where any one of the following conditions exists:

(1) Failure to provide any of the required information on the application.

(2) Providing false information on the application.

(3) Outstanding violations, debts or penalties owed to Cook County for

violation of any County ordinance, unless such violations, debts or penalties are being contested or appealed.

(4) Failure to have any required licensure by the Illinois Department of Public Health.

(5) Five or more administrative violations, three or more enforcement actions impacting public health in the two years preceding the date of application or a combined total of five administrative and enforcement actions in the two years preceding the date of application.

(j) If one of the conditions listed in section (i) is found to exist prior to the expiration of the Certificate of Registration, the Director may revoke the registration after notifying the Asbestos Abatement Contractor of the violation via certified mail, of the decision. The contractor shall have ten days from the date of the Director's letter to make a written request for an administrative hearing to contest the decision or to provide information to the Department that reaffirms that they remain in compliance with the requirements of the ordinance. The Asbestos Abatement Contractor may reapply for a Certificate of Registration after a period of 14 business days. Approval of the Certificate of Registration after a revocation shall be probationary for one year after issuance of the Certificate of Registration. Any additional violations during the one-year probation will result in the suspension of the Certificate of Registration for a period of no less than one month and no more than one year.

(k) Any Certificate of Registration issued by the Department pursuant to this article may be renewed if the Asbestos Abatement Contractor submits a completed registration renewal application on a form provided by the Department, and makes payment of a renewal fee set by the Department, consistent with the provisions of Section 32-1 of the Ordinances of Cook County. Renewal of a Certificate of Registration may be withheld if the Director finds that evidence exists that renewal of the Certificate of Registration will present health and safety concerns for the public. The Director may refuse to renew a Certificate of Registration if any of the conditions identified in Section 30-551(i) exist. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration renewal. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The applicant shall have 15 days from the date of the Director's letter to make a written request for an administrative hearing to contest the Director's decision.

(l) If the Director denies an application for or revokes a Certificate of Registration or an application for renewal of a Certificate of Registration, the Director shall so notify the Asbestos Abatement Contractor in writing within 30 days of the decision, including a statement of the basis for the denial or revocation. The Asbestos Abatement Contractor shall be given the opportunity to contest the Director's action decision in a hearing as set forth in Article IX, Administrative Hearings, Section 2-901 et seq. of the Code of Ordinances. The Asbestos Abatement Contractor shall be given written notice at least seven days before the hearing is scheduled. The Department of Administrative Hearings shall make a final decision on granting the Certificate of Registration.

(m) Any person that performs asbestos removal activity governed by this article without possessing a valid and current Certificate of Registration issued by the Department

shall be subject to fines in accordance with the provisions of Section 30-213 of this article.

(n) The Department shall maintain records of any instances of Asbestos Abatement Activity performed without a Certificate of Registration for five years from the date of the discovery of the nonauthorized activity and said records shall be considered when reviewing subsequent applications for registration.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

CHAPTER 30, ENVIRONMENT		
30-551	Asbestos Removal Contractor Certificate of Registration, initial or renewed	200.00
~~30-544(b)(2)a.~~ 30-542(h)(1) 30-961(a)	Demolition permit fee	
~~30-544(b)(2)a.~~ 30-542(h)(1)	Residential filing fee (garage/shed)	150.00
30-542(h)(1)	Residential Filing fee (4 units or less)	150.00
30-542(h)(2)	Residential fee(5 units or more)	1,000.00
~~30-544(b)(2)a.~~ 30-542(h)(1)	Commercial and industrial filing fee	~~350.00~~ 1,000.00
~~30-544(b)(2)a.~~ 30-542(h)(1)	Inspection fee	150.00
~~30-544(b)(2)b.~~ 30-542(h)(2)	Asbestos removal permit	
~~30-544(b)(2)b.1~~ 30-542(h)(2)	Filing fee	200.00
30-542(i).	Operations and Maintenance Asbestos Removal Filing Fee for Healthcare facilities and schools	500.00
30-542(i).	Operations and Maintenance Asbestos Removal Filing Fee for commercial and industrial buildings	1,000.00

~~30-544(b)(2)b.2.~~ 30-542(h)(2) 30-542(i)(8)	Inspection fee shall not exceed $2,000.00 per project, or inspection period for Operations and Maintenance Permits, or the following, whichever is the lesser:	
~~30-544(b)(2)b.2.(i)~~	Asbestos-containing material, per linear foot	2.00

30-542(h)(2) 30-542(i)(8)		
~~30-544(b)(2)b.2.(ii)~~ 30-542(h)(2) 30-541(i)(8)	Asbestos-containing material, per square foot	6.00
~~30-554(b)(2)c.~~ —30-542(h)(3) 30-961(c)	Permit revision fee	55.00
30-542(h)(5)	Emergency Variance Filing Fee.	100.00
30-600	Open burning permit fee schedule:	
30-600(1)	Filing fee per permit; maximum ten occurrences (burns) per permit	20.00
30-600(2)	Open burning fee for each day of occurrence (for each burn)	36.00

Effective date: This amended ordinance shall be in effect ___ days after passage.

Vice Chairman Steele, seconded by Commissioner Silvestri, moved to Accept the Substitute Proposed Ordinance Amendment to Communication No. 318998. The motion carried, and the Communication No. 318998 was substituted as follows:

SUBSTITUTE FOR COMMUNICATION No. 318998
Environmental Control Committee
Sponsored by:

ROBERT B. STEELE, County Commissioner

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Sec. 30-541. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequately Wet means sufficiently mixed or penetrated with liquid to prevent the release of particulates. Upon inspection, water has visibly attached itself to the Asbestos Containing Material (ACM).

Alteration means any change, addition, or modification of a structure or one or

more structural components in any way, including but not limited to the stripping or removal of ACM from a structural component.

Applicant means the owner of a building or property who is required to obtain a permit under this Article and any agent of the owner who applies for said permit on behalf of the owner.

Asbestos means 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 anthophilite fiber).

Asbestos-containing material (ACM) means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section l, Polarized Light Microscopy.

Asbestos Abatement Contractor means any Person, firm or corporation engaged in asbestos removal and abatement activities in Cook County, outside of the limits of the City of Chicago.

Certificate of Registration means the physical documentation issued by the Cook County Department of Environmental Control.

Commercial activity means any activity done for hire or having financial profit as a primary aim.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, shearing, slicing, or punching.

Debris means asbestos-containing waste produced by the demolition of a structure.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project means the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

Department means the Cook County Department of Environmental Control.

Director means the Director of the Cook County Department of Environmental Control.

Engage in Asbestos Abatement Activity shall refer to those activities provided in Sections 30-541 through 30-550 of the Ordinances of Cook County.

Federal, State, or Local Regulations means a law, administrative rule, or regulation of the federal government, any state in the United States of America, or any unit of local government, including, but not limited to, cities, counties, municipalities, or townships.

Permit Holder means the person who has received a permit under this Article VI.

Person or *Persons* means any individual, corporation, partnership, joint venture,

trust, association, limited liability company, sole proprietorship or other legal entity.

~~Project Supervisor means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of asbestos-containing materials.~~

Project means any activity which requires an application for any permit required by this Article VI.

Spraying means the pneumatic application of material used for fireproofing or insulation.

Strip means to take off ACM from any part of a structure or structural components.

Structure means any building, or part thereof, enclosing any occupancy including residential, institutional, assembly, business, mercantile, industrial, storage, hazardous and miscellaneous uses. When separated by fire walls, each unit so separated shall be deemed a separate structure.

Structural component means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

Structural member means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

Waste means any asbestos-containing matter which has been or is intended to be discarded.

Sec. 30-542. General requirements.

(a) *Restrictions on activities involving discharge of asbestos into air.* 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 structural component 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:

(1) 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.

(2) 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.

(3) 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.

(4) 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 waste material or container shall be disposed of by burial at a sanitary landfill.

(5) Air monitoring reports or air clearance reports, when required to be done by 40 CFR 763, Subpart G, and Waste Manifests are required to be submitted to the Cook County Department of Environmental Control within sixty (60) ~~ten (10)~~ business days of the expiration of the asbestos removal permit.

~~(b) Application of Subsection (a)(4) of this section. Subsection (a)(4) of this section shall not apply to the demolition of a structure, except as provided in Section 30-544(a)(4) and (5).~~

~~(c)~~ (b) *Permit required for manufacture of asbestos-containing products.* 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 this section and such additional standards as are hereinafter specifically required.

(c) *Cutting, trimming, fitting or stripping of asbestos containing material.*

(1) The cutting, trimming, fitting or stripping of asbestos-containing material in the construction, alteration or repair of a structure or structural component 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.

(2) 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.

(d) *Asbestos-containing material applied in construction, alteration or repair of structure or structural component.* Asbestos-containing material applied in the construction, alteration or repair of a structure or structural component 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.

(e) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets, debris shall be adequately wetted to

preclude dust dispersion at the point of discharge.

(f) All asbestos-containing debris shall be adequately wetted before loading into trucks, other vehicles or containers. During transport such asbestos-containing waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.

(g) *Standard for demolition, alteration or repair of asbestos-containing structures or structural component.*

(1) Contractor certification and 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 that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) 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 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.

c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

(h) Permit required; Fees

(1) A demolition permit shall be obtained from the Director prior to any demolition of any
structure as set out in Sec. 30-961. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1.

(2) An asbestos removal permit shall be required for all demolition, alteration or repair of any asbestos-containing structure or structural component in addition to a demolition permit, if required by Sec.30-961 and shall be obtained prior to the start of a project. Application for this permit must be submitted no less than 10 business days prior to the start of the project. This permit is valid for 30 days after issuance and the contractor may not be off-site for more than 10 consecutive days during the permitted time. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.

(3) Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1

(4) No demolition permit shall be issued unless the applicant has submitted all information required by Sections 30-961 through 30-967.

(5) An application for an asbestos removal ~~demolition~~ permit may be submitted less than the required 10 business days time period in cases where the public safety is at risk. In such cases, the applicant must submit a letter

explaining the nature of the public safety risk, a completed application and copies of the check for the permit and variance filing fees, as set out in Sec. 32-1 via email or facsimile.

(i) Operations and Maintenance Asbestos Removal Permit; Fees

(1) An Operations and Maintenance Asbestos Removal Permit is available for large commercial and industrial sites, healthcare facilities and schools with ongoing asbestos mitigation projects. Permit Filing Fees shall be as set out in Sec. 32-1

(2) To obtain an Operations and Maintenance Asbestos Removal Permit an applicant must submit a written request to the Director or his or her designee no less than 15 calendar days prior to the scheduled start of the asbestos renovation project. This request shall include, but not be limited to, a completed Cook County notification form, an explanation of the unique circumstances involved in the project, schematic drawings and blueprints (when available) of the structure and a filing fee as set out in Sec. 32-1

(3) Issuance of an Operations and Maintenance Asbestos Removal Permit is subject to departmental approval. The Department shall issue a written response to the petitioner. The Department's decision is final. If the request is denied, the filing fee will be returned.

(4) An Operations and Maintenance Asbestos Removal Permit is applicable for one building, regardless of connecting enclosed walkways or underground tunnels. A separate request must be filed for each free standing structure on the premises or campus.

(5) An Operations and Maintenance Asbestos Removal Permit is non-transferrable to a new person, or different location

(6) An Operations and Maintenance Asbestos Removal Permit is valid for one calendar year, beginning on January 1 of each year. The permit holder may use the permit at any time during the year, until the expiration of the permit on December 31 of each year. Upon expiration of an existing permit, the permit holder may reapply for a new permit for the project.

(7) An Operations and Maintenance Asbestos Removal Permit requires notification of the Department by email or fax transmission prior to starting each removal episode. The notice must include the location within the building where work is to be performed, onsite contact information and the anticipated work hours. Within 48 hours of each episode's completion the permit holder must submit a written summary of the episode.

(8) The permit holder shall submit to the Department a chronological summary of the project and payment made based on the required inspectional fees as set out in Sec. 32-1. Healthcare facilities and schools shall submit a project summary and inspection fee payment every six months. Commercial and industrial facilities shall submit a project summary and inspection fee payment every quarter.

Sec. 30-543. ~~Construction, alteration and repair of a structure.~~-Fibrous material restrictions.

(a) *Spraying of asbestos-containing material prohibited.* The spraying of asbestos-containing material is prohibited after April 1, 1978.

(b) *Procedure for spraying nonasbestos fibrous material.* Nonasbestos fibrous matter shall not be sprayed in an area open to the atmosphere, unless the following procedures are taken:

(1) 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.

(2) 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.

~~(c) Cutting, trimming, fitting or stripping of asbestos-containing material.~~

~~(1) 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.~~

~~(2) 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.~~

(~~d~~c) *Visible emissions of fiber-containing material considered violation.* Compliance with Subsections (b) and (c)542(c) and 543(b) of this section notwithstanding, visible emissions of fiber-containing material in an area open to the atmosphere shall be considered a violation.

~~(e) Asbestos-containing material applied in construction, ALTERATION or repair of structure. 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.~~

Sec. 30-544. Demolition <u>of asbestos containing structure</u>.

(a) *Procedure for demolition of asbestos containing structure.* 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:

(1) Boilers and pipes and steel members insulated or fireproofed with asbestos-

containing material shall be adequately 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-containing waste shall be immediately bagged and disposed of in accordance with Section 30-542(a)(4).

(2) When demolition by toppling occurs such reasonable enclosure for dust emission control as is compatible with the character of the structure shall be employed.

(3) Before the demolition or toppling of any section or wall of the structure, adequate wetting to suppress the dust shall be employed.

(4) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets shall be ~~sufficiently~~ adequately wetted to preclude dust dispersion at the point of discharge.

(5) All asbestos-containing debris shall be ~~thoroughly~~ adequately 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 by burial at a sanitary landfill.

(b) *Standard for demolition of structures.*

(1) *Contractor certification and 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 that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) 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 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.

c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.

~~(2) *Permit required; fees.*~~

~~a. A demolition permit shall be obtained from the Director prior to any demolition of any structure. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1~~

~~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 Section 30-544 and shall be obtained prior to the start of a project. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.~~

~~c. Any of the permits may be revised up to six times before a new permit is required. Each time a permit is revised, (including, but not limited to, date revisions) a revision fee will be required in the amount set out in Section 32-1~~

~~d. Permit fees under Subsections (b)(2)a and (b)(2)b of this section shall be established in accordance with Section 30-91 and thereafter Sections 30-92 through 30-95 shall be applicable.~~

Sec. 30-545. Sampling and counting or particulate matter from manufacture of asbestos-containing product.

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 two 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 430x magnification and counting only fibers 5 microns or greater in length, with a length to breadth ratio of three to one or greater.

Sec. 30-546. Controlling asbestos handling facilities.

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.

Sec. 30-547. Inspection.

(a) Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 30-542(~~e~~b) shall be subject to inspection by the Department at any reasonable time, without prior notice.

(b) In the event the Department inspects a work site where Asbestos Abatement Activity is taking place, the Asbestos Abatement Contractor must cooperate with the Department's attempts to monitor activity to ensure that safety concerns are appropriately addressed. Upon request, the Asbestos Abatement Contractor will be required to produce required information, including, but not limited to, the following:

(1) A copy of the Certificate of Registration; and

(2) Documentation verifying that all employees at that worksite have the appropriate licensure through the Illinois Department of Public Health, if licensure is required.

Sec. 30-548. Sampling.

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.

Sec. 30-549. Transporting.

No product which may emit asbestos-fiber during its transportation shall be transported unless such product be enclosed so as to preclude the emission of asbestos fiber into ambient air.

Sec. 30-550. Violation.

Notwithstanding compliance with Section 30-549 the visible emission of particulate matter in the course of such transportation shall be considered a violation.

Sec. 30-551. Asbestos abatement contractor registration, registration fees and penalties.

(a) In order to ensure that the health and safety of the public is protected from the harmful effects of exposure to asbestos materials caused by negligent or improper Asbestos Abatement Activities, all Asbestos Abatement Contractors doing business in Cook County outside the corporate limits of the City of Chicago must register with the Department of Environmental Control.

(b) No Asbestos Abatement Contractor shall do business in Cook County outside of the corporate limits of the City of Chicago without having a currently valid Certificate of Registration issued by the Department.

(c) The Department shall prepare and maintain a list of registered Asbestos Abatement Contractors which list shall be made available upon request.

(d) To obtain a Certificate of Registration, the Asbestos Abatement Contractor shall complete an application provided by the Department of Environmental Control. The application shall be returned to the Department, accompanied by a non-refundable registration fee set forth in Section 32-1 of the Ordinances of Cook County.

(e) The application shall require the following information:

(1) The Asbestos Abatement Contractor's name, mailing address, contact person, phone number, and e-mail address, together with its form of ownership. If a corporation, a copy of the corporation's last annual report filed with the Asbestos Abatement Contractor's state of incorporation. If the Asbestos Abatement Contractor is a corporation, partnership, or other firm, the substantial owners, as defined in Chapter 34, Article V, Section 34-367 of the Ordinances of Cook County, shall be identified.

(2) The Asbestos Abatement Contractor's license number issued by the State of

Illinois Department of Public Health, the date of license expiration and a copy of said license.

(3) A list of all enforcement actions taken against the Asbestos Abatement Contractor in the preceding two years for alleged violations of Federal, State or Local Regulations pertaining to the handling, removal or disposal of asbestos-containing materials, including information about the alleged violations charged and the disposition.

(4) The number of years the Person has been doing business as an Asbestos Abatement Contractor.

(5) A list of supervisors employed by the Asbestos Abatement Contractor who are licensed by the Illinois Department of Public Health.

(6) A list of asbestos containing material removal and abatement techniques that have previously been employed by the Asbestos Abatement Contractor.

(7) A list of the names and addresses of waste disposal sites and waste haulers primarily used by the Asbestos Abatement Contractor.

(8) Certification by the Asbestos Abatement Contractor that all information furnished to the Department is true and accurate.

(9) Other information as required by the Department.

(f) The application shall require the Asbestos Abatement Contractor to certify compliance with all Cook County ordinances, including, but not limited to, the following:

(1) Chapter 30, Environment;

(2) Chapter 34, Article V, Child Support Payments;

(3) Chapter 38, Article III, Public Health and Private Nuisances;

(4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;

(5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;

(6) Chapter 74, Taxation; or

(7) The Cook County Zoning Ordinance.

(g) The Director shall determine whether the applicant satisfies the requirements to be registered as an Asbestos Abatement Contractor. Upon approval of the application, the Department shall issue a Certificate of Registration to the asbestos removal contractor. Such Certificate of Registration shall expire two years following its date of issuance, and shall be renewable.

(h) The Asbestos Abatement Contractor is required to notify the Department of any material changes to the registration requirements set forth in Section 30-551(e). The Director of the Department may revoke the registration if the Asbestos Abatement

Contractor fails to notify the Department of any material changes to the registration requirements identified in Section 30-551(e).

(i) The Director shall have the authority to deny an application for a Certificate of Registration. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The Director may deny issuance of a Certificate of Registration to any Asbestos Abatement Contractor where any one of the following conditions exists:

(1) Failure to provide any of the required information on the application.

(2) Providing false information on the application.

(3) Outstanding violations, debts or penalties owed to Cook County for violation of any County ordinance, unless such violations, debts or penalties are being contested or appealed.

(4) Failure to have any required licensure by the Illinois Department of Public Health.

(5) Five or more administrative violations, three or more enforcement actions impacting public health in the two years preceding the date of application or a combined total of five administrative and enforcement actions in the two years preceding the date of application.

(j) If one of the conditions listed in section (i) is found to exist prior to the expiration of the Certificate of Registration, the Director may revoke the registration after notifying the Asbestos Abatement Contractor of the violation via certified mail, of the decision. The contractor shall have ten days from the date of the Director's letter to make a written request for an administrative hearing to contest the decision or to provide information to the Department that reaffirms that they remain in compliance with the requirements of the ordinance. The Asbestos Abatement Contractor may reapply for a Certificate of Registration after a period of 14 business days. Approval of the Certificate of Registration after a revocation shall be probationary for one year after issuance of the Certificate of Registration. Any additional violations during the one-year probation will result in the suspension of the Certificate of Registration for a period of no less than one month and no more than one year.

(k) Any Certificate of Registration issued by the Department pursuant to this article may be renewed if the Asbestos Abatement Contractor submits a completed registration renewal application on a form provided by the Department, and makes payment of a renewal fee set by the Department, consistent with the provisions of Section 32-1 of the Ordinances of Cook County. Renewal of a Certificate of Registration may be withheld if the Director finds that evidence exists that renewal of the Certificate of Registration will present health and safety concerns for the public. The Director may refuse to renew a Certificate of Registration if any of the conditions identified in Section 30-551(i) exist. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration renewal. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The applicant shall have 15 days from the date of the Director's letter to make a written request

for an administrative hearing to contest the Director's decision.

(l) If the Director denies an application for or revokes a Certificate of Registration or an application for renewal of a Certificate of Registration, the Director shall so notify the Asbestos Abatement Contractor in writing within 30 days of the decision, including a statement of the basis for the denial or revocation. The Asbestos Abatement Contractor shall be given the opportunity to contest the Director's action decision in a hearing as set forth in Article IX, Administrative Hearings, Section 2-901 et seq. of the Code of Ordinances. The Asbestos Abatement Contractor shall be given written notice at least seven days before the hearing is scheduled. The Department of Administrative Hearings shall make a final decision on granting the Certificate of Registration.

(m) Any person that performs asbestos removal activity governed by this article without possessing a valid and current Certificate of Registration issued by the Department shall be subject to fines in accordance with the provisions of Section 30-213 of this article.

(n) The Department shall maintain records of any instances of Asbestos Abatement Activity performed without a Certificate of Registration for five years from the date of the discovery of the nonauthorized activity and said records shall be considered when reviewing subsequent applications for registration.

BE IT FURTHUR ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

CHAPTER 30, ENVIRONMENT		
30-551	Asbestos Removal Contractor Certificate of Registration, initial or renewed	200.00
~~30-544(b)(2)a.~~ 30-542(h)(1) 30-961(a)	Demolition permit fee	
~~30-544(b)(2)a.~~ 30-542(h)(1)	Residential filing fee (garage/shed)	150.00
30-542(h)(1)	Residential Filing fee (4 units or less)	150.00
30-542(h)(1)	Residential fee(5 units or more)	~~1000.00~~ 600.00

~~30-544(b)(2)a.~~ 30-542(h)(1)	Commercial and industrial filing fee	~~350.00~~ 600.00
~~30-544(b)(2)a.~~ 30-542(h)(1)	Inspection fee	150.00
~~30-544(b)(2)b.~~ 30-542(h)(2)	Asbestos removal permit	
~~30-544(b)(2)b.1~~ 30-542(h)(2)	Filing fee	200.00
30-542(i).	Operations and Maintenance Asbestos Removal Filing Fee for Healthcare facilities and schools	500.00
30-542(i).	Operations and Maintenance Asbestos Removal Filing Fee for commercial and industrial buildings	1,000.00
~~30-544(b)(2)b.2.~~ 30-542(h)(2) 30-542(i)(8)	Inspection fee shall not exceed $2,000.00 per project, or inspection period for Operations and Maintenance Permits, or the following, whichever is the lesser:	
~~30-544(b)(2)b.2.(i)~~ 30-542(h)(2) 30-542(i)(8)	Asbestos-containing material, per linear foot	2.00
~~30-544(b)(2)b.2.(ii)~~ 30-542(h)(2) 30-541(i)(8)	Asbestos-containing material, per square foot	6.00
~~30-554(b)(2)c.~~ 30-542(h)(3) 30-961(c)	Permit revision fee	55.00
30-542(h)(5)	Emergency Variance Filing Fee.	100.00
30-600	Open burning permit fee schedule:	
30-600(1)	Filing fee per permit; maximum ten occurrences (burns) per permit	20.00
30-600(2)	Open burning fee for each day of occurrence (for each burn)	36.00

BE IT FURTHUR ORDAINED, by the Cook County Board of Commissioners, that Chapter 30-213 Violations and Penalty of the Cook County Code is hereby amended as follows:

Sec. 30-213. Violations and Penalty.

(a) After any person has been previously notified of three or more violations of this chapter 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 chapter, 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. The Director may refer the violation notice to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. 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 the whereabouts of such person 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 administrative law officer or administrative law judge 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 chapter, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, the administrative law officer or administrative law judge may enter an order revoking any certificate or permit outstanding for such equipment or process and directing 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 administrative law officer or administrative law judge 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 Division 3 of this article.

(b) 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 or device shall be discontinued and may seal such equipment or process:

(1) 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 chapter;

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

(a) *Persons liable.*

(1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, 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 the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any 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.

Unless otherwise specifically provided, where the violation of the provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle 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 or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.

(2) 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 the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and 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.

(b) *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 chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than $10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than $300.00 and not more than $10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be suspended or revoked as hereinbefore provided.

Any person, firm, or corporation that issues a check or other draft to the Department or the Department of Revenue that is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in his account, or because the drawer does not have sufficient credit with the drawee, shall be liable in the amount of $25.00 and shall be liable for interest upon the amount at the rate of nine percent annually.

The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In determining the amount of the fine the following factors shall be taken into consideration:

The Director shall refer a violation citation to the Cook County Department of Administrative Hearings for adjudication seeking a fine, collection of compliance fees owed to the Cook County Department of Environmental Control, and, if applicable, a $25.00 fee for all checks and drafts not honored by a financial institution. The Cook County Department of Administrative Hearings shall set the matter for a hearing to be conducted by an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In addition to assessing a fine, the administrative law judge may, as a sanction, order the respondent to pay any outstanding compliance fees alleged in the citation and found by the administrative law judge to be due and owing to the Department. In determining the amount of the fine the following factors shall be taken into consideration:

(1)The gravity of the offense,
(2)The respondent's past history with respect to compliance with the provisions of this chapter,
(3)The respondent's financial situation,
(4)The extent of respondent's cooperation,
(5)The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and
(6)Any other factors relevant to the circumstances relating to the violation.

Section	Violation	Fine
30-542(a)	Release of ACM in the air	$5,000.00
~~30-542(b)(1)a.~~ 30-542(g)(1)a.	Workers with no valid IDPH ACM Abatement license	~~300.00~~ 1,000.00
30-542(a)(4)	Lack of vacuumed or sealing ACM waste	3,000.00
30-543(c)(1)	Lack of enclosure if required	5,000.00
30-543(d)	Visible release of ACM in the air	5,000.00
30-544(a)(3)	Structure not adequately wet	1,000.00
30-544(a)(4)	ACM dropped without dust tight method	3,000.00
30-544(a)(5)	ACM not contained for transportation	5,000.00
~~30-544(b)(2)a~~ 30-542(h)(1)	No valid demolition permit	~~500.00~~ 1,000.00
~~30-544(b)(2)b~~ 30-542(h)(2)	No valid ACM abatement permit	~~500.00~~ 1,000.00
30-92	Late payment of fees	300.00
30-186	No valid certificate of operation	300.00
30-455(a)	Noise	300.00
30-421	Noxious odors	500.00
30-551	No valid Asbestos Removal Contractor Certificate of Registration	1,000.00

Effective date: This amended ordinance shall be in effect 120 days after passage.

Vice Chairman Steele, seconded by Commissioner Silvestri, moved Approval of the Proposed Ordinance Amendment in Communication No. 318998 as amended by substitution. The motion carried.

Commissioner Tobolski voted No on Communication No. 318998.

318999 COOK COUNTY DEMOLITION DEBRIS DIVERSION ORDINANCE (PROPOSED ORDINANCE). Transmitting a Communication, dated June 14, 2012 from Deborah Stone, Director, Department of Environmental Control:

respectfully submitting for your approval the Cook County Demolition Debris Diversion Ordinance.

Submitting a Proposed Ordinance sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

PROPOSED ORDINANCE

COOK COUNTY DEMOLITION DEBRIS DIVERSION ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, Article X Demolition Debris Diversion, Sections 30-961 through 30-972 of the Cook County Code are hereby enacted as follows:

Sec. 30-961. Short title.

Section 30-961 through Section 30-972 shall be known, and may be cited, as the Cook County Demolition Debris Diversion Ordinance

Sec. 30-962. Purpose and intent.

The purpose of this Ordinance is to establish a program for recycling and salvaging of construction and demolition waste consistent with the Cook County Solid Waste Plan. This Ordinance is intended to introduce reuse and recycling requirements that will help achieve Cook County's goal to:

(1) Reduce the amount of construction and demolition waste generated at the source;

(2) Regulate the salvage and transport of salvageable construction and demolition material and to prevent the improper disposal of construction and demolition debris within the County of Cook; and,

(3) Recover materials for the purpose of recycling and reuse that would otherwise be discarded and return them to the economy.

Sec. 30-963. Findings.

(a) The County finds and determines that:

(1) The County is committed to protecting the public health, safety, welfare and environment and in order to meet these commitments it is necessary that the County promote the reduction of solid waste and reduce the stream of solid waste going to landfills.

(2) The debris generated in construction and demolition projects accounts

for a significant portion of the materials disposed of in landfills and a large percentage of such debris is comprised of materials particularly suitable for recycling.

(3) The reuse and recycling of certain portions of construction and demolition debris is essential to further the County's efforts to reduce solid waste.

(4) Except in unusual circumstances, it is feasible to divert an average of at least seventy percent (70%) of all construction and demolition debris from construction and demolition projects.

Sec. 30-964. Definitions

AHERA means the Asbestos Hazard Emergency Response Act, 15 U.S.C. § 2641 *et seq.*

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including but not limited to the stripping or removal of ACM from a structure component.

ASHARA means the Asbestos School Hazard Abatement Reauthorization Act, 15 USC § 2641
et seq..

Construction and Demolition Debris ("C&D debris") means waste produced by the demolition or alteration of a structure. C&D debris may include but is not limited to bricks, concrete, masonry materials, soil, rock scrap, scrap metal, plaster, gypsum drywall, plumbing fixtures and piping, insulation, roofing shingles, other roof coverings, reclaimed or other asphalt pavement, glass, plastics, electrical wiring, corrugated cardboard, piping or metals incidental to any of those materials, landscape waste and wood, including painted, treated, coated wood, wood products, wall coverings, and incidental dirt, metal, mortar, gypsum, plasterboard, wood and sand that may be intermingled with reusable or recyclable demolition material generated from demolition activities.

Deconstruction means the process of systematically dismantling a structure in an environmentally, economically and socially responsible manner, aiming to maximize the recovery of materials for reuse and recycling.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project involves the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

Divert or Diversion means to recycle or reuse demolition debris for any purpose other than disposal in a landfill, incineration facility.

Facility means an establishment that collects material, including construction and

demolition debris, and either reprocesses or aggregates the material to be sold back into the market or serves as an intermediate
or permanent site for disposal. Facilities include recycling establishments, building material reuse centers, transfer stations or landfills.

Hauler means an establishment that collects and transports material, including construction and demolition debris, from the original site of generation or intermediate site to another destination, such as a facility.

Recycle or Recycling means to set aside, handle, package or offer for collection residential, commercial, or industrial solid waste materials or by-products for the purpose of being reused or processed and then returned to the economic mainstream as useful products.

Remodel or Renovation means the altering of an existing building or structure, or any portion of its structural components or systems, including the stripping, removal or abatement of ACM from a building or structure. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Reuse means recovering material for repeated use in the same form. This includes materials that are reused in the same location as they are generated.

Sec. 30-965. Demolition Debris Diversion Requirements.

(a) Except as provided in section 30-967, applications for a demolition permit will be subject to the following Demolition Debris Diversion Requirements:

(1) Any residential building is subject to a minimum five percent (5%) by weight reuse requirement and a minimum total seventy percent (70%) by weight diversion requirement.

(2) Any non-residential building is subject to a seventy percent (70%) by weight recycling requirement with reuse encouraged whenever possible.

Sec. 30-966. Submission of Demolition Permit Application.

(a) To be issued a demolition permit, a demolition permit application, including an asbestos inspection report, completed to AHERA/ASHARA standards, conducted by an Illinois Department of Public Health certified building inspector, must be submitted no less than 10 business days prior to the start of the demolition project, reviewed, and approved by the Director.

(b) Application may include but is not limited to a Demolition Debris Diversion Plan, estimating the respectively required diversion goals as set out in Sec. 30-965 and the transport means and destinations of demolition debris. The Demolition Debris Diversion Plan shall include, but is not limited to, the Estimated Material Tracking Form and the Material Transport Form.

(c) The Estimated Material Tracking Form shall require the following information:

(1) The estimated quantity of each type of demolition debris and proposed

means of diversion. The applicant shall list the types of demolition debris by material and the estimated amount of each type of demolition debris that will be reused or recycled. In estimating the weight of the demolition debris, the applicant shall use the conversion rates approved by the Director for this purpose.

(2) The estimated total weight of demolition debris generated by the project, which is calculated at the end of the Estimated Material Tracking Form.

(3) A list with the name and address of the hauler or haulers that will transport each type of the demolition debris and the name and address of the facility or facilities that will receive the demolition debris.

(d) The application shall require certification of compliance with all Cook County ordinances, including, but not limited to, the following:

(1) Chapter 30, Environment;

(2) Chapter 34, Article V, Child Support Payments;

(3) Chapter 38, Article III, Public Health and Private Nuisances;

(4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;

(5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;

(6) Chapter 74, Taxation; or

(7) The Cook County Zoning Ordinance.

Sec. 30-967. Exceptions to the Demolition Debris Diversion requirements.

(a) The following structures will be exempt from the Demolition Debris Diversion Requirements of Sec. 30-965 but must still apply for Demolition Permit before commencing any demolition activity:

(1) Garages and sheds; and

(2) Projects that are not demolishing any load-bearing walls.

(b) In the event that the applicant believes that the diversion of all or some demolition debris is impossible or impracticable, the applicant shall submit written justification and supplemental documentation along with the application substantiating the reasons the project should be exempt from the diversion requirements or be subject to decreased diversion requirements should be decreased. As a result, the applicant shall be subject to a required site inspection by the Department to verify this claim.

(c) The Director or his/her designee shall determine, in writing, whether any of the Demolition Debris Diversion Requirements shall be waived in whole or in part on

the grounds of impracticability or impossibility.

(d) If the Director or his/her designee declines to approve a Demolition Permit Application, he or she shall document in writing the basis of denial.

Sec. 30-968. Submission of Demolition Debris Diversion Report.

(a) Within ten (10) days of the expiration of the demolition permit the permit holder or his or her designee shall submit to the Department a Demolition Debris Diversion Report verifying that the Demolition Debris Diversion Requirements were met as set out in Sec. 30-965.

(b) Applicants shall use a standard Demolition Debris Diversion Report provided by the Department.

(c) The Demolition Debris Diversion Report shall include, but is not limited to, the Actual Tracking Form and the Material Transport Reports.

(1) The Actual Material Tracking Form shall contain the following information:

a. The weight of demolition debris that was diverted by type of material, diversion method, haulers that managed the debris, and facilities that received the debris.

b. The weight of demolition debris that was not diverted.

(2) Material Transport Reports shall be submitted to substantiate the Actual Material Tracking Form and shall contain the following information for each facility used:

a. A complete list of the types of demolition debris transported to each facility, including itemized weight for each type;

b. The total weight of demolition debris transported to each facility;

c. The final destination for the materials as managed by each facility;

d. Each facility's contact information; and,

e. Any barriers encountered that prohibited diversion of demolition debris.

(3) Certification by the General Contractor that all information furnished to the Department is true and accurate.

(d) If the Demolition Debris Diversion Report shows that the project failed to meet the Demolition Debris Diversion Requirements as set out in Sec. 30-965, the applicant shall be in violation of this Ordinance and subject to the fines as specified in

Sec. 30-972.

(e) An applicant who fails to submit the required documentation as provided herein shall be subject to the full amount of the fines specified in Section 30-213 as if no amount of demolition debris was recycled or reused.

(f) Any false statement, documentation or audit non-compliance shall result in fines and/or penalties pursuant to this Ordinance and/or the penalties specified in Section 30-972.

(g) Notwithstanding the foregoing, where title to the property is transferred to a bona fide purchaser after the rehabilitation of the property, if an applicant is unavailable or refuses to provide the required documentation, the bona fide purchaser may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that the applicant is unavailable or refuses to provide the required documentation.

Sec. 30-969. Exceptions to the Demolition Debris Diversion Report.

(a) In the event that the applicant was unable to divert the amount of demolition debris as required by Sec. 30-965, the applicant shall submit written justification and supplemental documentation along with the Demolition Debris Diversion Report substantiating the reasons it was impossible or impracticable for the project to achieve its estimated diversion goals.

(b) The Director shall consider this documentation to determine whether the applicant has violated the reporting requirements as set out in Sec. 30-968.

(c) If the Director finds that the applicant has not submitted sufficient written justification and supplemental documentation to justify the impossibility or impracticability to meet this requirement, the Director shall make a written finding that the Applicant has violated the provisions of this Article and state the basis for that finding in writing.

(d) If the project has been exempt from meeting the Demolition Debris Diversion Requirements as set out in Sec. 30-967, the project shall be exempt from submitting a Demolition Debris Diversion Report. If a project has been issued a Demolition Permit with Demolition Debris Diversion Requirements lower than set out in Sec. 30-965, the project is still required to submit a Demolition Debris Diversion Report.

Sec. 30-970. County's right to monitor and inspect.

(a) The Director or his/her designee may inspect and monitor all demolition projects to determine actual levels of demolition debris diversion and to validate the information provided in the Demolition Debris Diversion Plan and the Demolition Debris Diversion Report.

(b) An applicant shall retain the receipts or weight tickets for the quantities of materials reused recycled and landfilled as indicated in the Demolition Debris Diversion Report for at least three years after the demolition is complete.

(c) Site inspections by the Department may occur during demolition activity to

verify proper siting and material handling procedures are being followed in compliance with all applicable sections of the Cook County Code.

Sec. 30-971. Rulemaking.

The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance.

Sec. 30-972. Penalties.

(a) A permit holder is in violation this Cook County Demolition Debris Diversion Ordinance by:

(1) Failing to submit Demolition Debris Diversion Report;

(2) Failing to timely file a required Demolition Debris Diversion Report;

(3) Failing to complete Demolition Debris Diversion Report to a satisfactory degree, which includes submitting inaccurate, incomplete, inconsistent, or illegible information;

(4) Failing to maintain records required by this Article;

(5) Failing to divert demolition debris as required by Sec. 30-965;

(6) Violating any other portion of the Cook County Demolition Debris Diversion Ordinance.

(b) With respect to violating this Ordinance, a full list of penalties and fines are listed in Sec. 30-213.

(c) Criminal prosecutions pursuant to this Ordinance shall in no way bar the right of Cook County to institute civil proceedings to recover fines, interest and costs incurred for such proceedings. Civil penalties and interest assessed pursuant to this Ordinance shall be computed at the rate provided by the Cook County Uniform Penalty, Interest and Procedures Ordinance.

Effective date: This Ordinance shall take effect 120 days after passage.

Vice Chairman Steele, seconded by Commissioner Murphy, moved to Accept the Substitute Proposed Ordinance Amendment to Communication No. 318999. The motion carried, and Communication No. 318999 was substituted as follows:

SUBSTITUTE FOR COMMUNICATION No. 318999
Environmental Control Committee
Sponsored by:

ROBERT B. STEELE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

COOK COUNTY DEMOLITION DEBRIS DIVERSION ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30 Environment, Article X Demolition Debris Diversion, Sec. 30-961 through 30-972 of the Cook County Code are hereby enacted as follows:

Sec. 30-961. Short title.

Section 30-961 through Section 30-972 shall be known, and may be cited, as the Cook County Demolition Debris Diversion Ordinance

Sec. 30-962. Purpose and intent.

The purpose of this ordinance is to establish a program for recycling and salvaging of construction and demolition waste consistent with the Cook County Solid Waste Plan. This ordinance is intended to introduce reuse and recycling requirements that will help achieve Cook County's goal to:

(1) Reduce the amount of construction and demolition waste generated at the source;

(2) Regulate the salvage and transport of salvageable construction and demolition material and to prevent the improper disposal of construction and demolition debris within the County of Cook; and,

(3) Recover materials for the purpose of recycling and reuse that would otherwise be discarded and return them to the economy.

Sec. 30-963. *Findings*.

(a) The County finds and determines that:

(1) The County is committed to protecting the public health, safety, welfare and environment and in order to meet these commitments it is necessary that the County promote the reduction of solid waste and reduce the stream of solid waste going to landfills.

(2) The debris generated in construction and demolition projects accounts for a significant portion of the materials disposed of in landfills and a large percentage of such debris is comprised of materials particularly suitable for recycling. .

(3) The reuse and recycling of certain portions of construction and demolition debris is essential to further the County's efforts to reduce solid waste.

(4) Except in unusual circumstances, it is feasible to divert an average of at least seventy percent (70%) of all construction and demolition debris from construction and demolition projects.

Sec. 30-964. Definitions

AHERA means the Asbestos Hazard Emergency Response Act, 15 U.S.C. § 2641 *et seq.*

Alteration means any change, addition, or modification of a structure or one or more structural components in any way, including but not limited to the stripping or removal of ACM from a structure component.

ASHARA means the Asbestos School Hazard Abatement Reauthorization Act, 15 USC § 2641
et seq..

Construction and Demolition Debris ("C&D debris") means waste produced by the demolition or alteration of a structure. C&D debris may include but is not limited to bricks, concrete, masonry materials, soil, rock scrap, scrap metal, plaster, gypsum drywall, plumbing fixtures and piping, insulation, roofing shingles, other roof coverings, reclaimed or other asphalt pavement, glass, plastics, electrical wiring, corrugated cardboard, piping or metals incidental to any of those materials, landscape waste and wood, including painted, treated, coated wood, wood products, wall coverings, and incidental dirt, metal, mortar, gypsum, plasterboard, wood and sand that may be intermingled with reusable or recyclable demolition material generated from demolition activities.

Deconstruction means the process of systematically dismantling a structure in an environmentally, economically and socially responsible manner, aiming to maximize the recovery of materials for reuse and recycling.

Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a facility together with any related handling operations.

Demolition Project involves the demolition of any load-bearing or non-load-bearing building or portion of a building that may or may not contain ACM.

Divert or Diversion means to recycle or reuse demolition debris for any purpose other than disposal in a landfill, incineration facility.

Facility means an establishment that collects material, including construction and demolition debris, and either reprocesses or aggregates the material to be sold back into the market or serves as an intermediate
or permanent site for disposal. Facilities include recycling establishments, building material reuse centers, transfer stations or landfills.

Hauler means an establishment that collects and transports material, including construction and demolition debris, from the original site of generation or intermediate site to another destination, such as a facility.

Recycle or Recycling means to set aside, handle, package or offer for collection residential, commercial, or industrial solid waste materials or by-products for the purpose of being reused or processed and then returned to the economic mainstream as useful products.

Remodel or Renovation means the altering of an existing building or structure, or

any portion of its structural components or systems, including the stripping, removal or abatement of ACM from a building or structure. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Residential means a structure that contains one or more dwelling units.

Reuse means recovering material for repeated use in the same form. This includes materials that are reused in the same location as they are generated.

Sec. 30-965. Demolition Debris Diversion Requirements.

(a) Except as provided in section 30-967, applications for a demolition permit will be subject to the following Demolition Debris Diversion Requirements:

(1) Any residential building is subject to a minimum five percent (5%) by weight reuse requirement and a minimum total seventy percent (70%) by weight diversion requirement.

(2) Any non-residential building is subject to a seventy percent (70%) by weight recycling requirement with reuse encouraged whenever possible.

Sec. 30-966. Submission of Demolition Permit Application.

(a) To be issued a demolition permit, a demolition permit application, including an asbestos inspection report, completed to AHERA/ASHARA standards, conducted by an Illinois Department of Public Health certified building inspector, must be submitted no less than 10 business days prior to the start of the demolition project, reviewed, and approved by the Director.

(b) Application may include but is not limited to a Demolition Debris Diversion Plan, estimating the respectively required diversion goals as set out in Sec. 30-965 and the transport means and destinations of demolition debris. The Demolition Debris Diversion Plan shall include, but is not limited to, the Estimated Material Tracking Form and the Material Transport Form.

(c) The Estimated Material Tracking Form shall require the following information:

(1) The estimated quantity of each type of demolition debris and proposed means of diversion. The applicant shall list the types of demolition debris by material and the estimated amount of each type of demolition debris that will be reused or recycled. In estimating the weight of the demolition debris, the applicant shall use the conversion rates approved by the Director for this purpose.

(2) The estimated total weight of demolition debris generated by the project, which is calculated at the end of the Estimated Material Tracking Form.

(3) A list with the name and address of the hauler or haulers that will transport each type of the demolition debris and the name and address of the facility or facilities that will receive the demolition debris.

(d) The application shall require certification of compliance with all Cook County ordinances, including, but not limited to, the following:

(1) Chapter 30, Environment;

(2) Chapter 34, Article V, Child Support Payments;

(3) Chapter 38, Article III, Public Health and Private Nuisances;

(4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;

(5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;

(6) Chapter 74, Taxation; or

(7) The Cook County Zoning Ordinance.

Sec. 30-967. Exceptions to the Demolition Debris Diversion requirements.

(a) The following structures will be exempt from the Demolition Debris Diversion Requirements of Sec. 30-965 but must still apply for Demolition Permit before commencing any demolition activity:

(1) Garages and sheds

(2) Projects that are not demolishing any load-bearing walls

(b) In the event that the applicant believes that the diversion of all or some demolition debris is impossible or impracticable, the applicant shall submit written justification and supplemental documentation along with the application substantiating the reasons the project should be exempt from the diversion requirements or be subject to decreased diversion requirements should be decreased. As a result, the applicant shall be subject to a required site inspection by the Department to verify this claim.

(c) The Director or his/her designee shall determine, in writing, whether any of the Demolition Debris Diversion Requirements shall be waived in whole or in part on the grounds of impracticability or impossibility.

(d) If the Director or his/her designee declines to approve a Demolition Permit Application, he or she shall document in writing the basis of denial.

Sec. 30-968. Submission of Demolition Debris Diversion Report.

(a) Within ten (10) days of the expiration of the demolition permit the permit holder or his or her designee shall submit to the Department a Demolition Debris Diversion Report verifying that the Demolition Debris Diversion Requirements were met as set out in Sec. 30-965.

(b) Applicants shall use a standard Demolition Debris Diversion Report provided by the Department.

(c) The Demolition Debris Diversion Report shall include, but is not limited to, the Actual Tracking Form and the Material Transport Reports.

(1) The Actual Material Tracking Form shall contain the following information:

a. The weight of demolition debris that was diverted by type of material, diversion method, haulers that managed the debris, and facilities that received the debris.

b. The weight of demolition debris that was not diverted.

(2) Material Transport Reports shall be submitted to substantiate the Actual Material Tracking Form and shall contain the following information for each facility used:

a. A complete list of the types of demolition debris transported to each facility, including itemized weight for each type;

b. The total weight of demolition debris transported to each facility;

c. The final destination for the materials as managed by each facility;

d. Each facility's contact information; and,

e. Any barriers encountered that prohibited diversion of demolition debris.

(3) Certification by the Demolition ~~General~~ Contractor that all information furnished to the Department is true and accurate.

(d) If the Demolition Debris Diversion Report shows that the project failed to meet the Demolition Debris Diversion Requirements as set out in Sec. 30-965, the applicant shall be in violation of this Ordinance and subject to the fines as specified in Sec. 30-972.

(e) An applicant who fails to submit the required documentation as provided herein shall be subject to the full amount of the fines specified in Section 30-213 as if no amount of demolition debris was recycled or reused.

(f) Any false statement, documentation or audit non-compliance shall result in fines and/or penalties pursuant to this Ordinance and/or the penalties specified in Section 30-972.

(g) Notwithstanding the foregoing, where title to the property is transferred to a bona fide purchaser after the rehabilitation of the property, if an applicant is unavailable or refuses to provide the required documentation, the bona fide purchaser may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that

the applicant is unavailable or refuses to provide the required documentation.

Sec. 30-969. Exceptions to the Demolition Debris Diversion Report.

(a) In the event that the applicant was unable to divert the amount of demolition debris as required by Sec. 30-965, the applicant shall submit written justification and supplemental documentation along with the Demolition Debris Diversion Report substantiating the reasons it was impossible or impracticable for the project to achieve its estimated diversion goals.

(b) The Director shall consider this documentation to determine whether the applicant has violated the reporting requirements as set out in Sec. 30-968.

(c) If the Director finds that the applicant has not submitted sufficient written justification and supplemental documentation to justify the impossibility or impracticability to meet this requirement, the Director shall make a written finding that the Applicant has violated the provisions of this Article and state the basis for that finding in writing.

(d) If the project has been exempt from meeting the Demolition Debris Diversion Requirements as set out in Sec. 30-967, the project shall be exempt from submitting a Demolition Debris Diversion Report. If a project has been issued a Demolition Permit with Demolition Debris Diversion Requirements lower than set out in Sec. 30-965, the project is still required to submit a Demolition Debris Diversion Report.

Sec. 30-970. County's right to monitor and inspect.

(a) The Director or his/her designee may inspect and monitor all demolition projects to determine actual levels of demolition debris diversion and to validate the information provided in the Demolition Debris Diversion Plan and the Demolition Debris Diversion Report.

(b) An applicant shall retain the receipts or weight tickets for the quantities of materials reused recycled and landfilled as indicated in the Demolition Debris Diversion Report for at least three years after the demolition is complete.

(c) Site inspections by the Department may occur during demolition activity to verify proper siting and material handling procedures are being followed in compliance with all applicable sections of the Cook County Code.

Sec. 30-971. Rulemaking.

The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance.

Sec. 30-972. Penalties.

(a) A permit holder is in violation this Cook County Demolition Debris Diversion Ordinance by:

(1) Failing to submit Demolition Debris Diversion Report;

(2) Failing to timely file a required Demolition Debris Diversion Report;

(3) Failing to complete Demolition Debris Diversion Report to a satisfactory degree, which includes submitting inaccurate, incomplete, inconsistent, or illegible information;

(4) Failing to maintain records required by this Article;

(5) Failing to divert demolition debris as required by Sec. 30-965;

(6) Violating any other portion of the Cook County Demolition Debris Diversion Ordinance.

(b) With respect to violating this Ordinance, a full list of penalties and fines are listed in Sec. 30-213.

(c) Criminal prosecutions pursuant to this Ordinance shall in no way bar the right of Cook County to institute civil proceedings to recover fines, interest and costs incurred for such proceedings. Civil penalties and interest assessed pursuant to this Ordinance shall be computed at the rate provided by the Cook County Uniform Penalty, Interest and Procedures Ordinance.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 30-213 Violations and Penalty of the Cook County Code is hereby amended as follows:

Sec. 30-213. Violations and Penalty.

(a) After any person has been previously notified of three or more violations of this chapter 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 chapter, 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. The Director may refer the violation notice to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. 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 the whereabouts of such person 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 administrative law

officer or administrative law judge 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 chapter, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, the administrative law officer or administrative law judge may enter an order revoking any certificate or permit outstanding for such equipment or process and directing 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 administrative law officer or administrative law judge 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 Division 3 of this article.

(b) 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 or device shall be discontinued and may seal such equipment or process:

(1) 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 chapter;

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

(a) *Persons liable.*

(1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, 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 the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any 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.

Unless otherwise specifically provided, where the violation of the

provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle 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 or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.

(2) 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 the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and 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.

(b) *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 chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than $10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than $300.00 and not more than $10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be suspended or revoked as hereinbefore provided.

Any person, firm, or corporation that issues a check or other draft to the Department or the Department of Revenue that is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in his account, or because the drawer does not have sufficient credit with the drawee, shall be liable in the amount of $25.00 and shall be liable for interest upon the amount at the rate of

nine percent annually.

The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In determining the amount of the fine the following factors shall be taken into consideration:

The Director shall refer a violation citation to the Cook County Department of Administrative Hearings for adjudication seeking a fine, collection of compliance fees owed to the Cook County Department of Environmental Control, and, if applicable, a $25.00 fee for all checks and drafts not honored by a financial institution. The Cook County Department of Administrative Hearings shall set the matter for a hearing to be conducted by an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In addition to assessing a fine, the administrative law judge may, as a sanction, order the respondent to pay any outstanding compliance fees alleged in the citation and found by the administrative law judge to be due and owing to the Department. In determining the amount of the fine the following factors shall be taken into consideration:

(1)The gravity of the offense,

(2)The respondent's past history with respect to compliance with the provisions of this chapter,

(3)The respondent's financial situation,

(4)The extent of respondent's cooperation,

(5)The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and

(6)Any other factors relevant to the circumstances relating to the violation.

Section	Violation	Fine
30-542(a)	Release of ACM in the air	$5,000.00
30-542(b)(1)a.	Workers with no valid IDPH ACM Abatement license	300.00

30-542(a)(4)	Lack of vacuumed or sealing ACM waste	3,000.00
30-543(c)(1)	Lack of enclosure if required	5,000.00
30-543(d)	Visible release of ACM in the air	5,000.00
30-544(a)(3)	Structure not adequately wet	1,000.00
30-544(a)(4)	ACM dropped without dust tight method	3,000.00
30-544(a)(5)	ACM not contained for transportation	5,000.00
30-544(b)(2)a	No valid demolition permit	500.00
30-544(b)(2)b	No valid ACM abatement permit	500.00
30-92	Late payment of fees	300.00
30-186	No valid certificate of operation	300.00
30-455(a)	Noise	300.00
30-421	Noxious odors	500.00
30-551	No valid Asbestos Removal Contractor Certificate of Registration	1,000.00
30-968 (e)	Failing to submit Demolition Debris Diversion Report.	1,000.00
30-968(e)	Late filing of the required Demolition Debris Diversion report. Filing is considered late 11 days after permit expiration date.	500.00
30-968	Failing to submit complete and required documentation, which includes submitting inaccurate, incomplete, inconsistent, or illegible information;	1000.00
30-965	Failing to divert demolition debris as required by Sec. 30-965	5,000.00

Effective date: This Ordinance shall take effect 120 days after passage.

Chairman Gorman entered into the record letters from Rev. Dr. Clare Butterfield (Executive Director Faith in Place), Jean Pogge (CEO) and Elise Zelechowski (Managing Director) from Delta Institute Rebuilding Exchange, and Karstein Pawlik (President, Association of Subcontractors & Affiliates).

Chairman Gorman asked the Secretary of the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-107(dd).

1) Norman Chimenti, Illinois Environmental Contrail Association
2) Karstein Pawlik, President, Association of Subcontractors & Affiliates
3) Elise Zelechowski, Managing Director, Delta Institute rebuilding Exchange
4) Ken Ortiz, The Reuse People of America
5) George Blakemore, Concerned Citizen

Vice Chairman Steele, seconded by Commissioner Murphy, moved Approval of the Proposed Ordinance Amendment in Communication No. 318999 as Amended by substitution. The motion carried.

YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION WITH REGARD TO THE MATTER NAMED HEREIN:

Communication Number 318998	Approved as Amended
Communication Number 318999	Approved as Amended

Vice Chairman Steele, seconded by Commissioner Silvestri, moved to adjourn. The motion carried and the meeting was adjourned.

Respectfully submitted,
Committee on Environmental Control

Elizabeth "Liz" Doody Gorman, Chairman

Attest:

Matthew B. DeLeon, Secretary

*A video recording of this meeting is available on the Office of the Secretary to the Board's website on the Video Page at http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/

COUNTY BUILDING
118 N. CLARK STREET
ROOM 567
CHICAGO, IL 60602
(312) 603-4215
(312) 603-2014 FAX

SOUTH DISTRICT OFFICE
9763 W. 143RD STREET
ORLAND PARK, IL 60462
TEL (708) 349-1336
FAX (708) 349-1627

NORTH DISTRICT OFFICE
711 CHELMSFORD LANE, SUITE A
ELK GROVE VILLAGE, IL 60007
TEL (847) 871-1717
FAX (847) 640-2058

ELIZABETH "LIZ" DOODY GORMAN
COMMISSIONER - 17TH DISTRICT
COOK COUNTY BOARD OF COMMISSIONERS
liz@lizgorman.com

MEMORANDUM

TO: Members of the Environmental Control Committee
Matthew DeLeon, Secretary to the Board of Commissioners

FROM: Commissioner Elizabeth "Liz" Doody Gorman,
Chairman, Environmental Control Committee

DATE: July 20, 2012

RE: Backup Information for Committee Meeting
July 23, 2012

Attached please find correspondence which we received regarding the items before the Environmental Control Committee at its meeting scheduled for Monday, July 23, 2012 at 12:30 PM. These will be included at the meeting as part of the official record

Printed on Recycled Paper

July 20, 2012

To Commissioner Liz Gorman, Chairman
And Members of the Environmental Control Committee of the Cook County Board

Dear Ms. Gorman, and Members of the Committee:

I am writing in support of the proposed Demolition Debris Diversion Ordinance currently before the committee. This ordinance would require significant recycling and diversion from landfills of construction debris resulting from the demolition of residential and commercial structures in Cook County.

At Faith in Place we support this ordinance, not only because it would result in important reductions in the amount of waste sent to area landfills, but because it would help our constituents in another important but less obvious way. Faith in Place works with congregations of all faiths and their members, to live out the religious responsibility common to many faiths that we serve as stewards of the earth. We believe that responsible use of resources such as construction debris is part of that responsibility, and we don't want to see material sent to landfills which can be recycled and put back into use. Landfills are not a good use of the beauty of creation, and we don't want to see any more of them than are absolutely necessary.

Equally important to us is the requirement in this ordinance that a percentage of demolished buildings be deconstructed and put back into the market for re-use. Recycling is a good step for construction debris, but much of the material in demolished buildings can simply be taken apart with care and used again – a much less energy intensive and resource intensive solution for this material than recycling in altered form. People from our city have been trained in the skills of careful deconstruction, but their training can only result in gainful employment if those who are taking apart the abandoned homes and buildings that are most present in communities where jobs are most needed are subject to some kind of minimum deconstruction requirement. Deconstruction jobs are an important potential new career path for those in the very neighborhoods where most vacancies exist. We believe this ordinance is important for these reasons of justice, as well as for the diversion it provides from landfills.

We urge you and the committee to pass this ordinance as quickly as possible. Thank you for this opportunity to express my support and the support of the faith community for this important piece of legislation.

Sincerely,

Clare Butterfield

Rev. Dr. Clare Butterfield
Executive Director

faith in place

70 E. Lake, Suite 920 Chicago, IL 60601
Ph. 312.733.4640 Fax 312.726.6108
University YMCA, 1001 S. Wright, Room 7
Champaign, IL 61820 Ph. 217.649.1898

Stronger Congregations for a Sustainable World
www.faithinplace.org

Delta Institute
35 E. Wacker Drive
Suite 1200
Chicago, IL 60601
O. (312) 554-0900
F. (312) 554-0193
www.delta-institute.org

Dear Members of the Environmental Control Committee:

Under the terms of Delta Institute's EECBG contract with Cook County in 2011, Delta conducted preliminary research to identify ways that Cook County could reduce solid waste entering its landfills. We were pleased that the Cook County Department of Environmental Control used that research to create the Cook County Deconstruction Ordinance that will be considered by the Environmental Control Committee next Monday. We are writing to share our experience with deconstruction and reuse of salvaged materials and provide an update on the market for reclaimed materials.

In 2008, Delta Institute founded the ReBuilding Exchange (RX), a materials reuse store that trains hard-to-employ workers on building deconstruction, material salvage and warehouse and retail store skills. The RX has grown exponentially over the last four years, even as new businesses have struggled and many have folded due to the recession. The RX has trained hundreds of workers, diverted tens of thousands of tons of waste from landfills and is now earning enough to cover the cost of its warehouse and retail operation. The success of this venture is due to the significant growth in the market for reclaimed materials and the growing awareness of the advantages of deconstruction.

As landfills become scarce and the long term environmental negative impact of landfills becomes clearer, county and city governments are looking for ways to reduce and divert waste from landfills. Building waste accounts for 40% of the waste stream in the United States. Diverting a large portion of this waste from landfills can be accomplished by deconstruction and salvage of materials from buildings slated for demolition.

The field of sustainable deconstruction has grown considerably in the last three years as individuals and companies realize the high quality and lower cost of reclaimed materials. High-end restaurants and retailers now regularly feature reclaimed materials. The Pottery Barn catalogue lists 24 separate furniture products made from reclaimed lumber; Restoration Hardware lists 15; and West Elm lists 6. Larger restaurants chains such as Rosebud and Lettuce Entertain You use reclaimed materials in fixtures, furniture and wall décor.

Architects, homeowners, contractors, builders, and multi-family building owners are just some of the frequent customers of the ReBuilding Exchange, looking for materials ranging from plumbing and electrical supplies to lumber, hardware, windows and doors. The ReBuilding Exchange serves close to 20,000 customers/year.

Deconstruction is a proven strategy to create jobs, lower the need for landfill space and reduce the amount of deforestation needed to create items from new lumber. Passage of the Cook County Deconstruction ordinance will support the growth of this emerging market and help create new jobs in Cook County.

Sincerely,

Jean Pogge, CEO

Elise Zelechowski, Managing Director

TESTIMONY ON PROPOSED DEMOLITION DEBRIS DIVERSION ORDINANCE
BEFORE THE ENVIRONMENTAL CONTROL COMMITTEE
JULY 23, 2012
GIVEN BY KARSTEN PAWLIK

Chairperson Gorman and Member of the Committee:

Good afternoon, my name is Karsten Pawlik and I am President of the Association of Subcontractors & Affiliates of Chicago (ASAC) and I am a demolition contractor. Our association represents over 350 subcontractor members and affiliates, a number of which engage in demolition activity in Cook County. ASAC worked closely with the City of Chicago to establish its Construction & Demolition Debris Recycling ordinance back in 2004 and again when it was amended last November. We also worked with Cook County starting in 2008 to bring about a Demolition Debris Recycling ordinance and continue that work today.

Since 2004, much has changed in the demolition industry. Our rate of demolition debris recycling has reached roughly 85%, even on projects in suburban Cook County where no recycling requirement exists. This is because demolition contractors increasingly discovered the economic benefit of recycling.

But in recent years, the sagging economy has hit us hard. As such, ASAC has expressed two concerns to the Department of Environmental Control regarding the proposed Demolition Debris Diversion ordinance before you today. The first is the proposed increase in the fee for a demolition permit. ASAC appreciates the Department's willingness to reduce the proposed fee from $1,000 to $600 for commercial and larger multi-family demolitions. However, this still represents a 71% increase over the current $350 fee.

Our second concern relates to the 5% reuse requirement for residential demolitions. The potential donation/resale value of deconstructing a 2,000 square foot house, which is projected at $3,500 is unrealistic. The labor cost alone to administer the deconstruction of a building averages four times that of a normal demolition. Then factor in higher hauling costs associated with deconstruction, environmental remediation for mold or lead and the costs rise even higher. Then consider the fact that these properties are often in poor condition and there is virtually no market for these building components and demolition contractors will be forced to incur substantial costs with no economic benefit. If such a market did exist, believe me, demolition contractors would most certainly be engaging in the practice as they currently do with recycling of demolition debris. ASAC recognizes that there is a waiver option for this reuse requirement. However, with the high number of waiver requests, we believe the resources of both the County and demolition contractor could be better spent by eliminating this requirement.

Finally, ASAC strongly recommends and we understand the Department is working toward an online reporting mechanism for the permit application and reports required by this ordinance. This will go a long way to minimizing the administrative burden for both Cook County and demolition contractors and help reduce costs to both associated with these requirements.

Thank you for the opportunity to provide ASAC's comments and we hope that you will amend the ordinance to address our concerns.

2200 E. Devon Ave., Suite 261 | Des Plaines, IL 60018
Phone: 847.827.8336 | Fax: 847.827.8359
www.asachicago.org | info@asachicago.org