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Legislation Details (With Text)

File #: O2013-9115
Type: Ordinance **Status:** Failed to Pass
File created: 11/20/2013 **In control:** City Council
Final action: 5/20/2015

Title: Amendment of Municipal Code Chapter 11-4 regarding handling and storage of materials susceptible to becoming windborne

Sponsors: Pope, John, Burke, Edward M.

Indexes: Ch. 4 Environmental Protection & Control

Attachments: 1. O2013-9115.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	Fail
11/25/2013	1	Committee on Finance	Held in Committee	Pass
11/20/2013	1	City Council	Referred	

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 11-4-610 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

11-4-610 Definitions.

For purposes of this Article II, the following definitions shall apply:

(The previous portions of this section not affected by this amendment, and is not displayed here, for editorial convenience)

"Emission source" means any and all sources of air pollution, whether privately or publicly owned or operated. Emission source includes, but is not limited to, all types of business, commercial and industrial plants, work shops and stores, and power plants and stations, buildings and other structures of all types, including multiple-family residences, apartment houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, construction equipment, underground or above ground storage tanks, tractors, buses and other motor vehicles, garages, vending and service locations or stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, refuse dumps and piles and all stacks, vents and other chimney outlets from any of the foregoing. The term also includes storage facilities, whether indoors or outdoors, and regardless of whether used in connection with

combustion equipment or process equipment.

(The remainder of this section not affected by this amendment, and is not displayed here, for editorial convenience)

SECTION 2. Section 11 -4-760 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through and inserting the language underscored , as follows:

11-4-760 Handling and storage of material susceptible to becoming windborne.

- a) Material handling: No person shall cause or permit the use, handling, loading, unloading, storing, depositing, or scattering of any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize air pollution.
- b) Material storage: No person shall operate or maintain, or cause to be operated or maintained, any building, structure, premises, open area, right-of-way or enterprise which contains, uses or involves any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize air pollution.
- c) Material piles: ~~Owners~~ The owner of a construction sites_A of any general contractor or subcontractor working on a construction sites, and the owner or operator of any site for the storage of material or of any waste transfer station shall employ dust control measures for material piles. These measures shall ensure that no visible dust or dirt from material piles migrates off the ~~construction~~ site or onto the public ways or waterways. Work with material piles shall be suspended as necessary during high winds (in excess of 15 miles per hour) unless alternate measures are implemented to effectively control dust.
- d) Track out onto the public way: Property owners or any general contractor or subcontractor working on construction sites, and the owner or operator of any site for the storage of material or of any waste transfer station shall ensure that mud, dirt, and other debris is not tracked out onto the public way. The commissioner or the commissioner of the department of streets and sanitation may require property owners, site operators, general contractors and subcontractors to employ a street sweeper, water truck, truck wash, or other device to control the track out of mud, dust, and debris onto the public way.
- e) Rides and regulations. The commissioner is authorized to promulgate additional rules and regulations for the proper management of any substance or material that may become airborne or be scattered by the wind.
- f) Enforcement. The department of health and the department of streets and sanitation are authorized to enforce the provisions of this section.
- g) Site-specific control measures authorized. The commissioner is authorized to mandate site-specific measures to prevent materials from becoming windborne. Such measures may include,

without limitation, wetting (while controlling runoff); encapsulating the source: enclosing the materials within a building or structure: temporary cover with material not susceptible to becoming windborne: any other measure determined by the commissioner to be effective in protecting the public from windborne substances: and any combination of authorized

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measures. In selecting a measure or combination of measures, the commissioner shall consider: the size of the location of the materials: the site's proximity to residences, schools, restaurants and hospitals; the nature of the materials: the potential effectiveness of the measure or combination of measures on the source of the materials; and any risk to life, health or property that may be related to exposure to the materials. If mandated measures prove ineffective, or if the owner or operator of the site fails or refuses to install any mandated measure, the commissioner may order the materials to be removed at the sole cost of the owner or operator of the site. Failure to install, maintain or properly operate a mandated prevention measure shall constitute a violation of this section.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.