



City of Chicago



SO2014-9766

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 12/10/2014

Sponsor(s): Emanuel (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Section 17-9-0117 regarding coke and coal bulk materials throughput reporting requirements

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards

SUBSTITUTE
ORDINANCE

WHEREAS, Owners and operators of facilities engaged in coke & coal bulk material uses in Chicago have cited studies they claim demonstrate that petroleum coke ("petcoke") from such facilities does not migrate into the surrounding areas; and

WHEREAS, Experts retained by the City conducted a study using the most advanced methods available to evaluate dust samples collected in residential neighborhoods surrounding coke & coal bulk material use facilities, and found evidence of petcoke; and

WHEREAS, The City's retained experts determined that the sampling methods utilized by coke & coal bulk material use facilities to demonstrate the absence of petcoke in surrounding neighborhoods are flawed, because such sampling is unlikely to detect the substance due to the many years of aerial deposition required before petcoke accumulates in concentrations detectable using that methodology; and

WHEREAS, The City's retained experts identified gaps in the air monitoring programs implemented by coke & coal bulk material use facilities to measure the potential impact of fugitive dust on private residences located nearby; and

WHEREAS, Migration of dust from petcoke, coke, and coal uses negatively impacts nearby residents' quality of life, subjecting them to severe inconvenience and unpleasantness by blackening homes and vehicles, and impairing their enjoyment of their properties and their ability to utilize outdoor spaces; and

WHEREAS, In addition to its impact on nearby residents' quality of life, migration of dust from petcoke, coke, and coal uses reduces the value of those residents' properties and inhibits economic development in their neighborhoods; and

WHEREAS, Each month, an average of at least 348,292 tons – the equivalent of 17,414 truckloads of petcoke, coal, and coke – enters the City, bound for open-air facilities located within a range of 280 to 405 feet from residential neighborhoods; and

WHEREAS, Owners and operators of coke & coal bulk material use facilities have made little progress toward compliance with the building enclosure requirements imposed by the bulk solid materials regulations the City put into effect on March 13, 2014; and

WHEREAS, For these reasons, the City has determined that the Chicago Department of Planning and Development must act to protect the quality of life, property values, and economic development of Southeast Side neighborhoods by exercising its authority to limit the amount of bulk solid materials handled at facilities engaged in coke & coal bulk material uses; now, therefore,

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

SECTION 1. Section 17-9-0100 of the Chicago Zoning Ordinance is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

17-9-0100 Use standards.

(Omitted text is unaffected by this ordinance)

17-9-0117 Waste-Related Uses, Recycling Facilities, Mining/Excavation Uses, and Coke & Coal Bulk Material Uses.

(Omitted text is unaffected by this ordinance)

17-9-0117-B Coke & Coal Bulk Material Uses.

(Omitted text is unaffected by this ordinance)

(5) Owners and operators of *coke & coal bulk material uses* allowed under this subsection 17-9-0117-B shall report and certify, under penalty of perjury, the following data, expressed in both tons and cubic yards, in quarterly reports submitted to the department of planning and development, pursuant to a form, format, and schedule set by that department:

- (a) the total monthly amount of *coke & coal* received;
- (b) the total monthly amount of *coke & coal* leaving the facility by truck, barge, boat, railcar, or other means of conveyance;
- (c) the maximum daily amount of *coke & coal* present at the facility in each calendar month; and
- (d) the monthly *coke & coal* throughput, i.e., the amount of *coke & coal* received at a facility in a given calendar month, plus the amount of *coke & coal* leaving the facility in that same month, divided by 2.

The owners and operators shall include in each quarterly report the method used for determining the values of subsections 17-9-0117-B(5)(a), (b), and (c), and shall maintain for inspection all documents used in preparing the reports for a period of at least 3 years. Violators of this subsection 17-9-0117-B(5) shall be subject to a fine of not less than \$1,000 nor more than \$5,000. Each day that a violation continues shall constitute a separate and distinct offense. Utilizing ~~this~~ these reports and other relevant data, the commissioner of planning and development shall ~~monitor whether imposing~~ determine what limitations on (1) coke & coal throughput is, and (2) the maximum daily amount of coke & coal present at the facility in each calendar month, are necessary to abate any the negative impact on the community resulting from the secondary effects of coke & coal bulk material uses (including impaired enjoyment of real and personal property in neighborhoods located near such uses), and shall, no later than ~~3~~ 3 years following the effective date of this subsection, ~~provide to the city council a report recommending what~~ March 31, 2015, issue one or more administrative orders setting throughput limitations, ~~if any, should be imposed and maximum daily amount limitations for all~~ owners and operators of coke & coal bulk material uses subject to this subsection 17-9-0117-B(5).

(Omitted text is unaffected by this ordinance)

SECTION 2. This ordinance shall take effect ten days following due passage and publication.