



City of Chicago



O2020-6200

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 12/16/2020

Sponsor(s): Lightfoot (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 11-4 by modifying Sections 11-4-120, 11-4-810 and 11-4-2200 increasing fines and penalties for violations of air pollution and emission standards by certain facilities

Committee(s) Assignment: Committee on Environmental Protection and Energy

ENVIRO



OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

December 16, 2020

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Public Health, I transmit herewith an ordinance increasing fines for air pollution and fugitive dust violations.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours

A handwritten signature in black ink that reads "Lori E. Lightfoot".

Mayor

ORDINANCE

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

SECTION 1. Section 11-4-120 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

11-4-120 Definitions.

Except as otherwise defined for purposes of a specific subsection, section, article or chapter in this Title 11, whenever the following words and phrases are used in this Title 11, they shall have the meanings ascribed to them in this section:

(Omitted text is unaffected by this ordinance)

“Landscape waste” means grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, and includes any discarded fruits, vegetables and other vegetative material or crop residue generated in the care of a garden. The term “landscape waste” does not include soil other than incidental soil (e.g., soil attached to sod or attached to other materials accumulated as a result of the care of lawns, shrubbery, vines, trees or a garden).

“Large structures” means structures above 40 feet in height; and/or one structure or a cluster of structures totaling 151,000 cubic feet or more.

“Leachate” means any liquid, including any suspended components in the liquid, that come in contact with, percolate through, or are drained from wastes materials.

(Omitted text is unaffected by this ordinance)

“Sintering plant” means the plant used in connection with the process of fusing fine particles of metallic ores causing agglomeration of such particles. Such plants consist of, but are not limited to, sintering machines, handling facilities, wind boxes, stacks and other auxiliaries pertinent to the process.

“Small structures” means structures between 0 feet and 40 feet in height; and/or one structure or a cluster of structures totaling between 0 cubic feet and 150,000 cubic feet.

“Smoke monitor” means a device using a light source and detector which can automatically measure and record the light-obscuring power of smoke at a specific location in the flue or stack of a source. Measuring and recording to be at intervals of not less than 15 seconds.

(Omitted text is unaffected by this ordinance)

“Waters” means all waters of any river, stream, watercourse, pond or lake wholly or partly within or adjoining the territorial boundaries of the City of Chicago.

“Willful and wanton” means a course of action which shows actual or deliberate intention to harm or which, if not intentional, shows an utter indifference to or conscious disregard for the health or safety of others.

"Zoning district" means those districts established by the City Zoning Ordinance (Title 17 of this Code).

SECTION 2. Section 11-4-810 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

11-4-810 Fines.

(a) In addition to any penalty imposed by Section 11-4-800 of this article, and in addition to permanent or temporary injunctive relief that the ~~city~~ City may seek in the Circuit Court of Cook County, whenever ~~the commissioner determines that~~ a facility is in violation of any term or condition of an air pollution control permit, certificate of operation, any section of this article, or any rule or regulation promulgated pursuant to this article, the following penalties shall apply:

(1) Any owner or operator of any regulated equipment or area who fails to comply with the requirement to timely submit to the department a complete self-certification form as required in ~~section~~ Section 11-4-690 of this Code, shall be fined not less than \$1,000.00 nor more than \$5,000.00;

(2) Any owner or operator who violates the terms or conditions of any air pollution control permit or certificate of operation provided in this article or rules ~~and regulations~~ promulgated thereunder or imposed by the ~~commissioner~~ Commissioner pursuant to ~~section~~ Section 11-4-630 or section Section 11-4-670 of this Code, shall be fined not less than \$1,000.00 nor more than \$5,000.00;

(3) Any person who operates any regulated equipment or area without an air pollution control permit required under ~~section~~ Section 11-4-620 of this Code or a certificate of operation required under ~~section~~ Section 11-4-660 of this Code, shall be fined not less than \$1,000.00 nor more than \$5,000.00, except if the regulated equipment or area is part of a facility that meets the criteria for a Category A1 or Category A2 Certificate of Operation under Section 11-4-680, in which case the person shall be fined not less than \$5,000.00 nor more than \$10,000.00;

(4) Any owner or operator of any regulated equipment or area who fails to post an air pollution control permit as required in subsection (b) of ~~section~~ Section 11-4-620 of this Code or a certificate of operation as required in subsection (c) of ~~section~~ Section 11-4-660 of this Code shall be fined not less than \$200.00 nor more than \$500.00;

(5) Any person who violates ~~section~~ Section 11-4-780 of this Code shall be fined not less than \$5,000.00 nor more than \$10,000.00;

(6) Any person who causes or allows air pollution in violation of ~~section~~ Section 11-4-730 of this Code or, any person who violates the substantive emission standards provided in Part C of this article or any ~~regulation~~ rule promulgated thereunder, shall be fined not less than \$1,000.00 nor more than \$5,000.00, provided, however, that if the violation occurs at a facility that meets the criteria for a Category A1 or Category A2 Certificate of Operation under Section 11-4-680, or is associated with a demolition of one or more non-residential large structures, then the person shall be fined not less than \$5,000.00 nor more than \$10,000 for a first offense, not less than \$10,000 nor more than \$15,000 for a second offense, and not less than \$15,000 nor more than \$20,000 for any subsequent offense. If a violation results in injury or death, or is a result of willful and wanton conduct, the fine may be increased to up to \$50,000 for any offense;

(7) Any person who violates any of the provisions of this article or any ~~regulation~~ rule promulgated thereunder, unless a different fine is imposed pursuant to this section, shall be fined not less than \$1,000.00 nor more than \$5,000.00, provided, however, that if the violation occurs at a facility that meets the criteria for a Category A1 or Category A2 Certificate of Operation under Section 11-4-680, or is associated with a demolition of one or more non-

residential large structures as defined in Section 11-4-120 of this Code, then the person shall be fined not less than \$5,000.00 nor more than \$10,000 for a first offense, not less than \$10,000 nor more than \$15,000 for a second offense, and not less than \$15,000 nor more than \$20,000 for any subsequent offense. If a violation results in injury or death, or is a result of willful and wanton conduct, the fine may be increased to up to \$50,000 for any offense;

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 11-4-2200 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

11-4-2200 Violations – Public nuisance – Civil penalties – Joint and several liability.

(a) Civil penalties. Violation of any of the provisions of this article is hereby declared to be a public nuisance. Any person found to have violated any of the provisions of this article shall be assessed a civil penalty in accordance with the following schedule.

Schedule:

<i>Violation Type</i>	<i>Residential Structures With Four or Fewer Units</i>	<i>Residential Structures With More Than Four Units</i>	<i>All Other (Non Residential) Facilities, Structures or Architectural Surfaces</i>
<i>(Omitted text is unaffected by this ordinance)</i>			

Failure to comply with Subsection 11-4-2170(b), (c), or (d), or Subsection 11-4-2190(b), (c), (f), or (g).	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00 for <u>small structures</u> ; and for large structures, <u>not less than \$5,000 and not more than \$10,000 for a first offense; \$10,000 to \$15,000 for a second offense; and \$15,000 to \$20,000 for third and subsequent offenses. If a violation results in injury or death, or is the result of willful and wanton conduct, then the fine may be increased to up to \$50,000 for any offense.</u>
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SECTION 4. This ordinance shall take effect ten days following passage and publication.