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Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

April 10, 2013

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, together with Alderman Moore, an ordinance amending Chapter 11-4 of the Municipal Code regarding treatment of lead and asbestos during construction and renovation.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE

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

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

11-4-2150 Environmental standards related to the demolition, renovation, asbestos abatement and maintenance, sandblasting, chemical washing, and grinding of buildings, facilities or other structures.

a) Intent and purpose. Many buildings, facilities or other structures within the city have been constructed or decorated in part with materials, including but not limited to, asbestos containing materials or lead paint, that can pose hazards to the public health or the environment if those materials are not adequately and appropriately handled and controlled during demolition, renovation, alteration, repair, cleaning or maintenance activities. The purpose of this section article is to reduce the potential risk of harm to the public's health, safety and welfare or to the environment from releases of dust, debris and other materials occasioned by the demolition, renovation, alteration, repair, cleaning or maintenance of certain types of buildings, facilities or other structures within the City of Chicago.

b) Definitions. For purposes of this section article, the following terms shall have the following meanings:

(Omitted text is not affected by this ordinance)

11-4-2170 Demolitions and renovations: permit and notification requirements; performance standards for asbestos abatement; control and disposal of dust and debris.

(a) Demolition of buildings, facilities or other structures: notice of intent to demolish required. No demolition of a building, facility or other structure shall be initiated within the city of Chicago unless a written notice of intent to demolish, accompanied by the fee required by this section, has been filed with, and approved by, the department of health at least ten working days prior to the commencement of demolition. The ten working day period shall not apply if the building, facility or other structure to be demolished has been found to be structurally unsound and in danger of imminent collapse by the building commissioner or state authority or court of competent jurisdiction; provided, however, any person or contractor demolishing such building, facility or other structure shall file a written notice with the department of health regarding such demolition as soon as practicable, and must have a properly licensed asbestos abatement contractor on site during the demolition.

(1) Notice contents: The notice of intent to demolish shall be in such form as prescribed by the commissioner. The owner(s) of any building, facility or other structure to be demolished shall sign the notice of intent to demolish together with any contractor or other person retained or otherwise authorized by the owner (s) to perform the demolition. At a minimum, the notice of intent to demolish shall include the following information:

i) The name, telephone number and address of every person having an ownership interest in the building, facility or other structure to be demolished or the land upon which the building, facility or other structure is situated;

ii) The name, telephone number and address of every contractor or other person performing the demolition;

iii) A sworn statement signed by each applicant agreeing to comply with the notification requirements set forth in subsections (e)(3) and (4) of this section;

Page 1 of 4

(iv) A sworn statement signed by each applicant that discloses whether the demolition will occur at a building containing asbestos. Before making such sworn statement, if the building is a facility, the applicant shall have the building inspected by a licensed asbestos professional, or, if the building is not a facility, the applicant, at a minimum, shall have the contractor or other person performing the demolition conduct a visual inspection of the building, to detect the presence of asbestos in or on the building. If the demolition will occur at a building containing asbestos, the sworn statement shall include a representation that the applicants will comply with the performance standards set forth in subsection (e) of this section, if the

building is a facility, and the disposal requirements set forth in subsections (d)(2) and (e) of this section;

(Omitted text is not affected by this ordinance)

d) (1) Disposal of debris from demolitions and renovations. Debris from demolitions or renovations, excluding demolition fill material as defined in Section 11-4-2150 which is used exclusively to fill below grade into the existing foundation or excavation area of a building left open by the demolition of said building, constitutes waste as that term is defined in Section 11-4-120 and, except as otherwise provided in Section 11-4-1935, shall only be properly disposed of or recycled at a facility duly licensed to accept such material.

(2) Disposal of asbestos-containing waste. Asbestos-containing waste material must be transported off-site and properly disposed of at a facility duly licensed to accept asbestos-containing waste. If ACM is not removed prior to demolition, then all debris from demolition of a building containing asbestos shall be deemed to be asbestos-containing waste material.

e) *Performance standards for facility demolitions or renovations requiring asbestos abatement.*

1) Licensed asbestos professionals: No asbestos abatement shall be performed in any facility within the City of Chicago city unless all persons performing such abatement work are licensed and approved in accordance with the applicable rules and regulations for licensure established by the State of Illinois in Title 77, Part 855, Subpart B of the Illinois Administrative Code, as they may be amended from time to time, which regulations are adopted and incorporated by reference and made a part of this section as if fully set forth herein.

2) Performance standards for asbestos abatement: Except as otherwise provided in subsection (e)(3) of this section, Any any asbestos abatement performed in connection with any facility within the City of Chicago city shall be performed in accordance with the rules and regulations for asbestos abatement established by the State of Illinois in Title 77, Part 855, Subparts C and D of the Illinois Administrative Code, as they may be amended from time to time, which regulations are adopted and incorporated by reference and made a part of this section as if fully set forth herein.

3) Notification required: Any person performing asbestos abatement at any facility within the City of Chicago city shall provide the department with notice of the abatement by submitting the following forms at least 10 working days prior to the commencement of the abatement, accompanied by the environmental review fee required by this section: (i) a fully completed copy of all notification forms required pursuant to Title 40, Part 61 of the Code of Federal Regulations, entitled "National Emission Standards for Hazardous Air Pollutants (NESHAP)," and Section 855.220 of Title 77, Part 855 of the Illinois Administrative Code; the asbestos abatement notification form prescribed by the commissioner, and (ii) in the case of a demolition of a facility with asbestos-containing material ACM, a fully completed and signed

Page 2 of 4

notice of intent to demolish form, in accordance with subsection (a) of this section. If the abatement is performed as part of an emergency renovation operation, as defined in 40 CFR §61.141, the notification must be submitted as soon as possible, but no later than the following work day.

(4) *Timing of notifications:*

1) A copy of the notification form required pursuant to Section 855.220 of Title 77, Part 855 of the Illinois Administrative Code shall be filed with the Department at the same time the notification is required to be provided to the state.

(ti) The Notice of intent to demolish shall be made to the department at least ten working days prior to the demolition. The requirement to file the notice of intent to demolish ten working days prior to the demolition shall not apply in the event of a demolition involving a building, facility or other structure that has been found to

~~be structurally unsound and in danger of imminent collapse by a proper city or state authority or court of competent jurisdiction.~~

(Omitted text is not affected by this ordinance)

g) Environmental review fees. (1) The environmental review fee stated in subsections (a) and (e) (3) of this section shall be based on the type of structure as follows:

Residential structures with four or fewer units \$300.00

Residential structures with more than four units \$450.00

All other (Nonresidential) structures \$600.00

2) A mixed-use structure shall be assessed at the highest applicable rate.

3) If asbestos abatement work is performed in connection with a demolition, and the form required under subsection (a) of this section is submitted together with the form required under subsection (e)(3) of this section, then only one environmental review fee shall be assessed.

4) If an annual asbestos abatement notice is submitted with the environmental review fee specified in this subsection, no additional environmental review fee shall be assessed for submitting a revised asbestos abatement notice if: (i) the revised notice is submitted in the form and within the time provided in subsection (e)(3) of this section, (ii) the revised notice refers to the annual notice and specifies the revisions made to the annual notice, and (iii) the work referenced in the revised notice involves not more than 160 square feet or 260 linear feet of ACM abatement.

5) Work performed by or for the city any unit of federal, state or local government or school district shall not be subject to the fee set forth in this subsection.

h) Lead-Safe Renovation, Repair, and Painting Certification Required. No renovation of a building, facility or other structure shall be initiated within the city if such renovation is regulated under 40 CFR §745.82, unless the applicant for the renovation submits and complies with a sworn statement, on a form prescribed by the commissioner, stating that: (1) individuals performing the renovation are properly trained in accordance with 40 CFR Part 745, Subpart E; (2) renovators and firms performing the renovation are certified in accordance with 40 CFR Part 745, Subpart E; and (3) the work practices in 40 CFR 745.85 will be followed during the renovation. The commissioner may require a copy of the certification issued pursuant to 40 CFR Part 745, Subpart E to be submitted with such a statement.

Page 3 of 4

11-4-2190 Sandblasting, grinding and chemical washing of buildings, facilities or other structures; permit and notification requirements; performance standards for lead paint abatement; and disposal of debris.

The owner(s) of any building, facility or other structure to be sandblasted, ground, or chemically washed and any contractor or other person retained or otherwise authorized by the owner(s) to perform any sandblasting, grinding or chemical washing of any building, facility or other structure shall be responsible for complying with the following requirements:

(a) Permits required for sandblasting, grinding or chemical washing of buildings, facilities or other structures. No person shall sandblast, grind or chemically wash any building, facility, structure, statue or other architectural surface without having first been issued a permit by the department; provided, however, no permit shall be required for graffiti removal activities conducted by the department of streets and sanitation. A permit shall be required for each individual building, facility, structure, statue or other architectural surface.

(1) Minimum requirements: Applications for sandblasting, grinding or chemical wash permits

shall be in such form as shall be prescribed by the commissioner. The owner(s) of the building, facility, structure, statue or other architectural surface to be sandblasted, ground or chemically washed shall sign the permit application as co-permittees with any contractor or other person retained or otherwise authorized by the owner(s) to perform the sandblasting, grinding or chemical washing operation. At a minimum, every such application for a permit to sandblast, grind or chemically wash a building, facility, structure, statue or other architectural surface shall include the following information:

(Omitted text is not affected by this ordinance)

(xi) For renovations regulated under 40 CFR §745.82, a sworn statement, on a form prescribed by the commissioner, signed by each applicant representing that: (1) individuals performing the renovation are properly trained in accordance with 40 CFR Part 745, Subpart E; (2) renovators and firms performing the renovation are certified in accordance with 40 CFR Part 745, Subpart E; and (3) the work practices in 40 CFR 745.85 will be followed during the renovation. The commissioner may require a copy of the certification issued pursuant to 40 CFR Part 745, Subpart E to be submitted with such a statement.

(Omitted text is not affected by this ordinance)

(h) Permit fees. The fee for a permit to sandblast, grind or chemically wash any building, structure, statue or other architectural surface shall be \$200.00 per building, structure, statue or other architectural surface. The permit fee shall be waived for any unit of federal, state or local government or school district.

SECTION 2. This ordinance shall take effect upon passage and approval.