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COOK COUNTY ENVIRONMENTAL ORDINANCE

PREAMBLE

The environment in which we live is a basic natural resource of the community. The purity of this resource has been increasingly threatened with the incidental by-products of processes and activities which constitute modern technology. Heating plants, vehicles, industrial processes, and various phases of everyday living contribute increasingly to the contamination of

the environment. That such contamination, if unchecked, works to the detriment of all by affecting health, property, and the appearance of the community, is now a well-accepted fact.

Cook County, in its rapid growth since World War II, is becoming a completely urbanized part of the Chicago Metropolitan Area. As such, it is both generator and recipient of environmental contaminants which are increasing, and will continue to increase, unless appropriate measures are taken.

To prevent this from happening, the people of Cook County, acting through their elected representatives, have declared that environmental control legislation is both reasonable and desirable.

The following document constitutes the above-mentioned legislation. It applies to all existing and new pollution sources within Cook County, except within the corporate limits of the City of Chicago. It has been written to be comprehensive, fair to all concerned, and consistent with the latest scientific and technical knowledge available. With its adoption, this Ordinance will secure for present and future citizens of the community an environment which is clean, healthful, and wholesome. (10-3-67)

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY:

That the rules and procedures governing environmental pollution control in the County of Cook, Illinois, be and the same are hereby adopted to become effective and in force upon the adoption of this Ordinance.

ARTICLE I – TITLE

This Ordinance shall be hereafter known, cited, and referred to as: **The Cook County Environmental Control Ordinance.**

recognizing it is the obligation of the Board of Commissioners of Cook County to manage the affairs of the County so as to minimize environmental damage and encourage and assist local governmental agencies within the County to adopt and implement environmental protection programs consistent with this Ordinance; and...

recognizing the need to assist industry and municipal corporations within Cook County to promote the development of technology for environmental protection and conservation of natural resources, and...

recognizing the desirability of uniform and consistent pollution abatement, regulations, programs and enforcement, this Ordinance is being enacted. (4-16-73)

ARTICLE III - RULES AND DEFINITIONS

In the construction of this Ordinance the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise.

If a term is not specifically defined under Article III, then its definition may be obtained from a standard dictionary.

3.1 RULES

3.1-1 Words used in the present tense shall include the future tense, and words used in the singular number shall include the plural number, and the plural, the singular.

3.1-2 The word "shall" is mandatory and not discretionary.

3.1-3 The word "may" is permissive.

3.1-4 The masculine gender includes the feminine and the neuter.

3.1-5 The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "occupied for," and "maintained for".

3.2 DEFINITIONS

Agricultural Wastes-Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape wastes. (4-16-73)

Air Contaminant-Means and includes, but is not limited to the following: dust, soot, mist, smoke, fumes, fly ash, vapor, corrosive gas, or other discharge, and any other airborne

material or substance that is offensive, nauseous, irritating, or noxious to human health and welfare or to other animal life and/or plant life.

Air Contaminant Source-Any and all sources of emission capable of emitting any air contaminant, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of businesses, commercial and industrial plants, works, shops and stores, heating power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartment buildings, office buildings, hotels, restaurants, schools, hospitals, churches, vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types both indoor and outdoor, refuse dumps and piles, and all stacks and other chimney outlets and any other openings from any of the foregoing. (4-16-73)

Air Pollution-Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property. (4-16-73)

Air Pollution Episode Action Plan-See Episode Action Plan. (4-16-73)

Air Quality Standard-Ambient air quality goal established by Federal, State, or Local Government Agencies, for t TD796nly or puw (Air c 0 Tw 0 T10.56 TD -0.106 -0.157 Tc 0 Tw (-) Tj 39 TD 0 Oni6l 0 erant39 T

repose, safety or welfare of the public, or in such manner as to cause or have a natural tendency to cause injury or damage to business or property.

Atmospheric Pollution Source-Any and all sources of emission of any type of

$$\text{COH/1000 linear feet} = \frac{(\text{area tape ft.}^2) (100,000)}{(\text{Vol. of Air Sample, cu. ft.})} \frac{\log 100}{\% \text{ transmission}}$$

Combustible Refuse-Any combustible waste material containing carbon in a free or combined state other than liquids or gases. (4-16-73)

Combustion for Indirect Heating-The combustion of fuel to produce usable heat that is to be transferred through a heat-conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion. (4-16-73)

Condensed Fumes-Fumes which have cooled and returned to a liquid or solid. (4-16-73)

Construction-The installation or erection of any fuel-burning, combustion, or process equipment, process, or device. (4-16-73)

Cook County-As used in this Ordinance (with the exception of the use of said words to describe or identify the Government or Board of Commissioners thereof), shall mean all of the territory in said County exclusive of the City of Chicago. (4-16-73)

Criteria-Information used as guidelines for decisions when establishing air quality goals, air quality standards and the various air quality alert levels. In no case should criteria be confused with actual air quality standards or goals. (4-16-73)

Decibel-A unit used in sound measurements to relate on a logarithmic basis a given sound intensity to a standard reference intensity. Abbreviated "db."

Department-The Cook County Department of Environmental Control. (4-16-73)

Director-As used in this Ordinance, shall mean the Director of the Department or the Chief Executive of the Department regardless of his official title in the organizational chart. (4-16-73)

Discrete Tone-A sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of the time.

Distillate Fuel Oil-Fuel oils of grade No. 1 or 2 as specified in detailed requirements for fuel oil ASTM D396-69 (1971). (4-16-73)

Domestic Heating Plant-A plant generating heat for a single family residence, or for two residences either in duplex or double house form, or for multiple-dwelling units in which such plant serves fewer than three apartments. Under this designation are also hot water heaters, stoves, and space heaters used in connection with the foregoing establishments, or to heat shacks and other temporary buildings, such as used by the railroad and construction industries;

provided, however, that like equipment used in multiple -dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments are not to be construed to be included under this designation. (4-5-71)

Domestic Refuse Burning Equipment-Any incinerator used for a single family residence or for two residents either in duplex or double house form, or for multiple-dwelling units in which such incinerator serves fewer than three apartments. (4-5-71)

methods or forms of manufacturing, chemical, metallurgical, mechanical processing or any other type of process which may emit smoke, vapors, odors, or particulate, liquid gaseous, or other matter. (8-16-72; 4-16-73)

Fuel-Burning Equipment-Shall mean and include any furnace, boiler, apparatus, device, mechanism, stack or structure used in the process of burning fuel for the primary purpose of producing heat. (4-16-73)

Fuel Dealer-Any person who sells or delivers any fuel directly or indirectly to the ultimate consumer, without regard to price, quantity, or frequency of delivery. (4-16-73)

Fugitive Particulate Matter-Any particulate matter emitted into the atmosphere other than through a stack, provided that nothing in this definition or in Section 6.1-2 shall exempt any source from compliance with other provisions of Article 6 otherwise applicable merely because of the absence of stacks. (4-16-73)

Fumes-Gases, vapors, particulate matter, or any combination thereof that are of such character as to cause atmospheric pollution.

Garbage-Refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products. (4-16-73)

Goal-Level of air quality which is expected to be obtained. (4-16-73)

IEC-International Electrotechnical Commission or its successor bodies.

Impulsive Noise-Noise characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.

2 shall exempt a6 8 0 eriro1f -0.6.157N4 Tc 0u6 f () Tj 00TD -0.24 j -r e1pond.

Internal Combustion Engine-An engine in which combustion of gaseous, liquid, or pulverized solid fuel takes place.

ISO-International Organization for Standardization or its successor bodies.

Landscape Wastes-Any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings. (4-16-73)

Maximum Level Continuous or Semi-Continuous Vibration-The root means square (rms) value of the oscillatory particle motion of the structure or land area involved with the transducer oriented to produce a maximum indication.

Motor Vehicle-Any passenger vehicle, truck, truck-trailer or semi-trailer that is propelled or drawn by mechanical power.

New Equipment-Any fuel-burning, combustion, or process equipment, process, or device, the construction of which was less than 50% complete on the date of enactment of this Ordinance. (4-16-73)

Non-Steady Noise-A noise whose level shifts significantly during the period of observation.

Noxious Odors-Any odors which are wholesome, offensive, harmful, or injurious to the public health, its comfort or its welfare. (4-16-73)

Odors-That quality of an emission of any kind, whether it be solid, liquid or gaseous that renders it perceptible to the sense of smell. (4-16-73)

Opacity-The property of a material whereby it is partially or wholly resistant to the transmission of light and thus also the tendency to obscure an observer's view. (8-16-72)

Opacity, Equivalent-A percentage expression of the degree of resistance to light transmission identical in meaning to relative opacity save that the concept is extended from situations involving only black, white and intermediate shades of grey to include also situations where coloration may be present. (8-16-72)

Opacity, Relative-A relative percentage measurement of the degree of opacity of a material on the basis of 100% relative opacity or no light transmission to 0% relative opacity or complete light transmission; i.e. transparency. For the purposes of this Ordinance, the following equivalence between Relative Opacity and Ringelmann number shall be employed:

| Relative Opacity (%) | Ringelmann Number |
|----------------------|-------------------|
| 0 | 0 |
| 20 | 1 |
| 40 | 2 |
| 60 | 3 |
| 80 | 4 |
| 100 | 5 |

Period of Observation-The time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least ten times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.

Person-Any individual, natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state or local government, contractor, supplier, vendor, installer, operator, user or owner, or any officer, agency, employee, factor, or any kind of representative of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law, or other entity recognized by law as the subject of rights and duties. The masculine, feminine singular or plural is included in any circumstances.

Photochemically Reactive Material-Any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage, composition limitations:

- (1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent. This definition does not

Portable Boiler-A boiler used separately or in connection with a power shovel, road roller, hoist, derrick, or pile driver, steam locomotive, diesel locomotive, steamboat, tugboat, tar kettle, asphalt kettle, and all other portable equipment capable of emitting smoke, particulate or other matter. (4)

Residual Fuel Oil-Fuel oils of grade No. 4, 5, and 6 as specified in detailed requirements for fuel oils ASTM D396-69 (1971). (4-16-73)

Restricted Areas-The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code, plus a zone extending one mile beyond the boundaries of any such municipality have a population of 1,000 or more according to the latest federal census. (4-16-73)

Ringelmann Chart-The chart published and described in the Bureau of Mines, U.S. Department of Interior, Information Circular 8333 or as revised, and on which are illustrated graduated shades of gray to black for use in estimating light obscuring capacity of smoke. (4-16-73)

Ringelmann Number-The number appearing on the Ringelmann Chart ascribed by the observer to the density or equivalent opacity of the smoke emission. (4-16-73)

Rubbish-Solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, trees, branches, yard trimmings, furniture, tin cans, glass, crockery, and masonry. (4-16-73)

SAE-Society of Automotive Engineers or its successor bodies.

Salvage Operations-Any business, trade or industry engaged in whole or in part, in salvaging or reclaiming any product or material such as, but not limited to, metals, chemicals, shipping containers or drums. (4-16-73)

Smoke-Air or gas borne particles, other than uncontaminated water, that form a visible plume in the air from an atmospheric pollution source.

Smoke Monitor-A device using a light source and a light 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. (4-16-73)

Smokeless Flare-A combustion unit and the stack to which it is affixed in which organic material achieves combustion by burning in the atmosphere such that the smoke or other particulate matter emitted to the atmosphere from such combustion does not have an appearance, density, or shade darker than No. 1 on the Ringelmann Chart. (4-16-73)

Sound Level-A general term for the metered value root mean square of the pressure of an air borne sound as measured under a defined condition of frequency weighting and meter response rate. With a conventional sound level meter the duration time of the sound should be much longer than the response time of the meter. In most cases, levels in this Ordinance are specified as measured with "A" scale standard frequency weighted response and are always then noted as db(A) (standard reference level as in "sound pressure level" is always implied). Peak

levels of impulse sounds are always specified as measured with flat, non-weighted, or "C" scale response. Such peak levels are noted as db only, not db "C", as "C" weighing is defined as a flat, "unweighted" response. Peak levels as specified in this Ordinance are the absolute values of the maximum instantaneous sound pressure levels attained throughout the duration of any impulse sounds not the root mean square equivalents and require a special meter which can capture and store for display these maxima. See Peak Level Of An Impulse Sound.

Sound Pressure Level-The sound pressure level, in decibels of a sound, is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective root mean square pressure is to be understood. The reference sound pressure is 20 micro-new tons per square meter. (Often used interchangeably with sound level.)

Splash Loading-A method of loading a tank, railroad tank car, tank truck or trailer by use of other than a submerged loading pipe. (4-16-73)

Stack-(shall include but shall not be limited to) Any conduit, duct, vent, flue, or chimney, arranged to conduct any discharge from any fuel-burning, combustion, or process equipment, process or device into the atmosphere. (4-5-71; 4-16-73)

Standard Conditions-A gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury. (4-16-73)

Standard Cubic Foot (scf)-A measure of the volume of gas under standard conditions. (4-16-73)

Stationary Emission Source-Any atmospheric pollution source whatsoever, excluding vehicles while they are in motion. (4-16-73)

Steady Noise-A noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation.

Submerged Loading Pipe-Any loading pipe the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the tank. When applied to a tank which is loaded from the side, the term means any loading pipe the discharge of which is entirely submerged when the liquid level is 18 inches or two times the loading pipe diameter, whichever is greater, above the bottom of the tank. This definition shall also apply to any loading pipe which is continuously submerged during loading operations. (4-16-73)

Trade Waste-Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste. (4-16-73)

Unit Operations-Methods where raw materials undergo physical change; methods by which raw materials may be altered into different states, such as vapor, liquid, or solid without changing into a new substance with different properties and composition. (4-5-71)

Unit Process-Reactions where raw materials undergo chemical change, where one or more raw materials are combined and completely changed into a new substance with different properties and composition. (4-5-71)

Vehicle-Any type of land, rail, or water conveyance whatsoever operated within the County of Cook. (4-16-73)

Vibration-For purposes of this Ordinance, vibration is the oscillatory motion of the particles of a solid, propagated as a wave, which is felt through physical contact rather than heard. Any vibra

4.1-3 This Ordinance is not intended to abrogate any covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such covenant or other private agreement, the

Permission shall not be granted to allow continued operation du

therefrom in violation of any emission limitation or other requirement provided in this Ordinance, the Director shall give notice in writing to any or all persons owning, operating, or in charge of such equipment, process, device, or premises, of the defective equipment or device, condition or operation, or violation. Such notice shall be given by any inspector or other properly trained, authorized agent of the Director, by delivering such notice to any person owning, operating, or in charge of the equipment, process, device, or premises, involved, or by leaving a copy thereof with a person in charge of such equipment, process, device, or premises, or by mailing a copy directed to the last known address of the person to be notified. Such notice shall direct the alleged violator to appear before the Circuit Court of Cook County. Prosecution under this Ordinance shall be instituted by the Department and shall be carried out by the State's Attorney in the name of the County of Cook.

- (c) To institute necessary proceedings to prosecute violations of this Ordinance and to compel the prevention and abatement of the issuance of smoke or gases, solids, or liquids, or other matter causing any environmental pollution and nuisances arising therefrom;
- (d) To examine and approve the plans of fuel-burning, combustion, or process equipment, processes, devices, furnaces, and smoke prevention and pollution control devices to be installed, constructed, reconstructed, repaired, or added to, in any building, location, or on any premises as herein provided to assure that they are in accordance with the requirements of this Ordinance;
- (e) To cause inspections to be made of fuel-burning, combustion, or process equipment, processes, devices, furnaces, and all types of pollution control devices;
- (f) To investigate complaints of violations of this Ordinance;
- (g) To encourage and conduct studies, tests of any type, investigations, and research relating to the physical, chemical, biological, engineering, and meteorological aspects of any type of pollution, and its causes, prevention, control, and abatement as he may deem advisable and necessary;
- (h) To develop plans and proposals for joint cooperative investigation and research with public and private agencies and organizations on methods for eliminating or reducing pollution;
- (i) To enlist voluntary cooperation by the public, municipalities, counties, and civic, technical, scientific, and educational societies;
- (j) To advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this Ordinance;

(k) To collect, publish, and disseminate appropriate educational literature and other information to the public for the purpose of advising of the necessity, purpose, and methods for the prevention of environmental pollution and securing cooperation for the reduction of environmental pollutants;

(l) To institute such measures and prescribe such rules and regulations for the control and guidance of his officers and employees as shall secure maximum working efficiency, including the careful examination of drawings and plans and diligent inspection of all sources of emission;

(m) To issue all permits, certificates, notices, or other matters required under the provisions of this Ordinance; and to notify all persons concerned of any decision he may render and to provide such persons with an opportunity to be heard;

(n) To promulgate and publish with the advice and consent of the Technical Advisory Committee SUGGESTED GUIDELINES for the purpose of abating pollution. These guidelines will provide, with clarity and in detail, any information by which an establishment may be guided in the design and/or operation of equipment or process;

(o) To conduct periodic inventories of emissions of all types, equipment and process associated with the emissions or that which can potentially cause pollution from its operation.

5.1 -2 Duties of the Assistant Director

The Assistant Director shall be appointed by the Director, according to law, and he shall have the authority under and subject to the order, direction, and control of the Director to act for the Director, and shall perform such duties as may be required of him by the Director. He shall act as Director of Environmental Control in the absence of the Director from his office and while so acting shall discharge all the duties and possess all the powers imposed upon or vested in the Director. He shall, under the direction of the Director, have general control of all matters and things pertaining to the work of the Department. (4-16-73)

5.1-3 Qualifications of the Assistant Director

The Assistant Director of the Department shall be a professional engineer qualified by technical training in any one of the fields of Sanitary, Combustion, Civil, Environmental, Mechanical, or Chemical engineering and shall have at least five years experience in any one of these fields. (4-16-73)

5.1-4 Technical Personnel

Technical personnel shall be qualified by training in any of the environmental or technical sciences. (4-16-73)

5.1-5 Inspector's Qualifications, Duties, and Authority

The Director shall have, under his supervision and control, Environmental Control Inspectors in such number as may be deemed necessary by the County Board.

An Inspector shall be qualified by technical training or experience in the theory and practice of construction or operation of steam boilers, fuel-burning, combustion, or process equipment, processes and devices, and in the theory and practice of pollution abatement for environmental control.

It is the duty of the inspector to enforce the provisions of this Ordinance. Whenever necessary he may solicit the cooperation of the Sheriff of Cook County and his Deputies and/or local municipal police officers to carry out his duties.

5.2 INSTALLATION PERMITS AND PLANS

5.2-1 Application for installation Permit

It shall be unlawful for any person to install, erect, construct, reconstruct, alter or add to, cause to be installed, erected, constructed, reconstructed, altered, or added to, any fuel-burning combustion, or process equipment, process or device, or any equipment pertaining thereto, or any stack or chimney connected therewith, within Cook County, except within the corporate limits of the City of Chicago, excepting domestic heating plants, locomotives, steamships, and mobile internal combustion engines, or to make, or cause to be made, major repairs to any high pressure boiler furnace on or about the same in said County, until an Installation Permit Application on forms supplied by the Department including suitable plans, specifications, and any other documents requested by the Department of the fuel-burning, combustion, or process equipment, process, or device, or high pressure boiler furnace repair, and the structures or buildings used in connection therewith, has been filed in triplicate by the owner, contractor, installer, or other person, or his agent, in the office of, and has been approved by, the Director as being so designed that the same can be managed and operated to conform to the provisions of this Ordinance, and an Installation Permit issued by him for such installation, erection, construction, reconstruction, alteration, addition to, or repair.

Provided, however, that maintenance or repairs or alterations which are minor in scope or do not change the capacity of such fuel-burning, combustion, or process equipment, process, or device, and which do not involve any change in the method of combustion or operation or materially effect the emission of smoke, dust, fumes, of other products therefrom, may be made without an Installation Permit; provided further, that an emergency repair may be made prior to the application for, and the issuance of, a required Installation Permit in the event an emergency arises and serious consequences would result if the repair were to be deferred. When such repair is made in an emergency, application for an Installation Permit therefor shall be filed in accordance with Section 4.4 of this Ordinance in the office of the Director within a reasonable period of time after the start of such work. (4-16-73)

5.2-2 *Contents of Installation Permit Application*

An application for an Installation Permit shall

5.2-5 Action on Application

An application shall be approved or rejected within thirty working days after it is officially received in the office of the Director. Upon the approval of the application and upon the payment of the prescribed fees, the Director of the Department shall issue a permit for the construction, installation or alteration of such equipment.

5.2-6 Compliance with Approved Plans

Without the approval of the Director, no construction, installation, or alteration shall be made which is not in accordance with the plans, specifications, and other pertinent information upon which the Installation Permit was issued.

5.2-7 Completion of Work

If construction, installation, or alteration is not completed within one year of the date of issuance of the Installation Permit, the permit shall become void and all fees shall be forfeited, unless an extension is granted by the Director of the Department in accordance with Section 5.9 of this Ordinance. Any extension applied for under said Section shall be filed in the office of the Director no later than thirty days prior to the date on which the Permit shall become void. (4-16-73)

5.2-8 Proof of Responsibility Bond

If the proposed plans and specifications submitted pursuant to Sections 5.2-1 and 5.2-2 are not sufficiently complete, in the judgment of the Director to show that the equipment or device for which such plans and specifications were submitted can consistently comply with and can be operated within the provisions of this Ordinance, either because 11.52 08an b Tc , i66 Tw (2)this Ordinance, eonds1Wof 2mat

and amount assuring compliance with the conditions of the permit, any agreement or guarantee and assuring such person or persons' ability to make changes necessary for compliance with the provisions of this Ordinance. (4-5-71)

5.2-9 *Secret Process-*

is in possession of the same, from prosecution for the emission of smoke, dust, and fumes prohibited by this Ordinance.

5.2-13 *Duty to Report Discontinuance or Dismantlement*

It shall be the duty of any person responsible for any discontinued or dismantled fuel-burning, combustion, or process equipment, process, or device coming under the jurisdiction of the permit and/or fee provisions of this Ordinance to notify the Department in writing thirty days of the discontinuance or dismantlement of such equipment or device. The notification shall include the reason for such discontinuance or dismantlement. (4-16-73)

5.2-14 *Permission for Startup of Previously Discontinued or Dismantled Equipment*

It shall be the duty of any person responsible for any previously discontinued or dismantled fuel-burning, combustion, or process equipment, process, or device as specified in Section 5.2-13 to request in writing permission from the Department

5.4-2 Standards for Issuance

No Certificate of Operation shall be granted unless the applicant submits proof to the Department that:

- (a) the emission source or pollution control equipment has been constructed or modified

assured of such maintenance, the Department may require that the permittee have a maintenance program and keep maintenance records as are necessary to demonstrate compliance with this Section; provided, however, the Department shall not have the authority to approve the maintenance programs required thereunder. (4-16-73)

5.4.4 *Certificate of Operation to be Posted-Contents*

Upon a finding that any fuel-burning, combustion, or process equipment, process, or device inspected, on any original or annual inspection, has been found to comply with the provisions of this Ordinance and after payment of the prescribed fees, the Director shall issue a Certificate of Operation which shall be posted in a conspicuous place on or near the equipment, process, or device. Any Certificate of Operation may contain such information or certifications as the Director may require. (4-16-73)

5.4.5 *Effective Date*

Each annual Certificate of Operation shall be effective from the date thereof for a

thereto, or Certificate of Operation for use or operation of any such property, or permit for open burning, or permit to operate any portable boiler or vehicle, shall not be held to exempt any person to whom any such permit or certificate, from prosecution on account of the emission of smoke, particulate or other matter in violation of this Ordinance, caused or permitted by any such person or persons, or any other violation of the provisions of this Ordinance by such person or persons.

5.5-3 *Methods of Enforcement*

(a) *Inspections*

for in this Ordinance; provided, however, that no annual inspection shall be required of locomotives, ships, boats, tugs, mobile internal combustion engines, or domestic heating plants; and provided, also, that where any fuel-burning, combustion, or process equipment, process, or device has been installed, erected, constructed, reconstructed, altered, added to, or repaired pursuant to a permit issued under Section 5.2, has been inspected in accordance with the requirements of Section 5.5-3 hereof, and has been in operation less than six (6) months, an Annual Inspection will not be required until six (6) months from the date such equipment was first put into operation after the completion of such work. Upon notice that the equipment has been found to comply with the provisions of this Ordinance, and after payment of the prescribed fee, the Director shall issue a Certificate of Operation. If, at the time of the Annual Inspection, it is found that the equipment is in such condition that it cannot be operated within the provisions of this Ordinance, the Director shall give notice in writing to the person owning, operating, or in charge of such equipment of the defects found and order him to correct, repair, or replace the defective equipment. Failure to comply with this order within thirty days from its date shall constitute a violation of this Section, and the Director is hereby authorized to revoke the current Certificate of Operation, if any, and may seal the equipment. No person shall violate the seal on any equipment that has been sealed by the Director of the Department unless authorized by him in writing to do so. (4-5-71)

(4) Government and Municipal Fuel-burning, Combustion, or Process Equipment, Processes, or Devices

The Director shall have the same power and jurisdiction over all fuel-burning, combustion, and process equipment, processes, and devices owned or operated by any branch of the Federal, State, or local governments and any municipal corporation as over all other fuel-burning, combustion, and process equipment, processes, and devices subject to the terms of this Ordinance and all such branches and corporations shall be subject to the requirements of this

Ordinance. 686 Copy to the 7 day of the Official Code 734 qualifications 12880-77a Tcc 002B2106Fha 6a.B8 DaITDh7De

(c) *Right of Entry*

(1) In the discharge of his duties, the Director or his authorized inspector shall have the authority to enter, at any reasonable hour, any building, structure, or premises to enforce the provisions of this Ordinance.

(2) The Director shall adopt a badge of office for himself and his representatives which shall be displayed for the purpose of identification.

(3) The assistance and cooperation of health, police, legal, and other officers shall be available to the Director as required in the performance of his duties.

(d) *Complaints and Reports*

It shall be the duty of the Director of the Department to cause an investigation to be made of all complaints made to the Department which come within its jurisdiction. A record of

labor, or someone of the general public who has manifested and demonstrated an interest in environmental control. Each member shall have had no less than five years of experience in this particular profession or occupation and where licenses or permits are required in order to pursue said profession or occupation, he shall be the possessor of a current State of Illinois or Cook County license or permit, or both where required.

(c) Meetings and Hearings

Meetings and hearings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Board of Appeals shall have the power to adopt and enforce such rules and regulations as it may deem necessary to carry into effect the appeal power herein provided and in connection therewith may request technical assistance and advice from any Cook County Department. All meetings and hearings conducted by the Board of Appeals shall be open to the public. The Board of Appeals may hear an appeal en banc, or may designate an individual member or members to conduct hearings. The Board of Appeals may also designate one or more hearing officers to hear appeals and said hearing officers shall be attorneys licensed to practice law in the State of Illinois. Compensation for such hearing officers shall be on a per diem basis at a rate not to exceed \$50.00 per hour. Compensation for such hearing officers shall be borne by the petitioners. (11-29-73)

(d) Witnesses and Evidence

At the hearing, any party or persons may appear in person, or by agent or attorney, and may present evidence, both written and oral, pertinent to the questions and issues involved, and, at the discretion of the Chairman, may be permitted to examine and cross-examine witnesses. The Board of Appeals may issue subpoenas in connection with said hearings, requiring the attendance of witnesses and production of evidence reasonably related to said hearing, and shall have the power to cause to be instituted in court appropriate legal proceedings to compel compliance with said subpoenas.

(e) Record of Proceedings

The Petitioner at his expense shall have a stenographer present to take testimony and preserve a record of all proceedings involved with said hearings. The notice of appeal, the notice of hearing, all other documents in the nature of affidavits, pleadings and written motions filed in the proceedings, the transcript of testimony, and the findings of fact and decisions shall constitute a record of proceedings. The Petitioner shall furnish the Board of Appeals a transcript of such record. The Board of Appeals shall not be required to certify any record, file any answer, or otherwise appear at any proceedings for judicial review unless the party filing the appeal shall deposit the sum of the current standard costs per page or original transcript as prevails among court reporting services in the County of Cook. Upon judicial review, the secretary of the Board of Appeals shall be empowered to certify the record. (11-29-73)

(f) Decisions and Determinations

The Board of Appeals shall keep minutes of its proceedings. No member shall be entitled to vote upon an issue unless he has read the transcript of the hearing and has examined all exhibits received in relation thereto and shall have executed an affidavit to the effect that he has read the transcript and examined the exhibits, which affidavit shall be made a part of the record. A quorum shall consist of three members and a majority of the number present and voting shall determine all issues before the Board. The minutes of all hearings before the Board of Appeals shall show the vote of each member upon each determination, and, if he is absent or otherwise fails to vote, the minutes shall reflect such fact. Every rule and regulation, amendment thereunder, or appeal thereof; every order, requirement, decision or determination of the Board of Appeals; and all records required by law to be kept by the Board of Appeals shall be filed forthwith in the office of the Cook County Department of Environmental Control and shall become a public record.

(g) Time for Decision

Beginning with the date of filing of a notice of appeal with the Board of Appeals, the Board shall set a date for the hearing within ten days thereafter, which hearing shall be held within the following twenty-one days. The Board of Appeals shall give written notice of said hearing by certified mail to the interested parties. The Board of Appeals may in its discretion, grant continuances. The Board of Appeals shall affirm, modify, or reverse the decision, rule, requirement, regulation or order of the Director of the Cook County Department of Environmental Control, or shall enter an order upon him to act, no later than sixty days after the filing of the notice of appeal. The decision of the Board of Appeals shall be binding on the Director of the Cook County Department of Environmental Control. The provisions of the "Administrative Review Act" (Ill.Rev.Stat. 1969, ch. 110, pars. 264 et seq.), and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply and govern all proceedings for the judicial review of final administrative decisions made by the Board of Appeals.

5.9 PERIOD OF GRACE

In the event any person is compelled to, or deems it advisable to, install any new equipment, process, or devices, appliances, means, or methods, including needed control equipment, in order to comply with any provisions of this Ordinance, and exemption from the operation of this Ordinance is reasonably necessary in order to allow sufficient time for such installations, such exemption may be granted by the Director on good cause shown. Upon complaint in writing by any such person, setting forth that it is impossible in the operation of any plant, fuel-burning, combustion, or process equipment, process, device, or apparatus, to operate the same in complete compliance with the requirements of this Ordinance, and stating evidence satisfactory to the Director that such person has taken, or will take all steps necessary to provide for future compliance with the provisions of this Ordinance, and giving assurance to the Director that the acquisition and installation of the proper equipment, process, device, or appliance, or control equipment, will be affected within a reasonable period of time, stating specifically by

nature and extent thereof, and upon the findings of the Director on investigation by him of the facts, that said complaint is well grounded, the Director is authorized to permit the operation of such plant, fuel-burning, combustion, or process equipment, process, device, or apparatus, for a reasonable period of time, within which period necessary equipment, process, device, means or methods, or control equipment, is to be acquired and installed; provided, however, that the Director is empowered to grant further reasonable extensions of time upon proof of extenuating circumstances, and that an order of the Director denying a complaint for a period of grace or an extension of time shall be subject to review by the Appeals Board, as hereinabove provided. During any such granted period, such persons shall not be subject to the fines and penalties hereinafter provided for the non-compliance sought to be remedied; if, however, such person willfully fails in the time allowed to conform with the applicable provision or provisions of this Ordinance, or to comply with his assurance and agreement, he shall be subject to all applicable fines and penalties herein provided dating from the date of the beginning of the said period or periods.

It shall be the duty of such person to notify the Director immediately of the completion of such installation.

5.10 TECHNICAL ADVISORY COMMITTEE

There is hereby established a Technical Advisory Committee to consult with, assist, and advise the Director of the Cook County Department of Environmental Control on all matters relating to the jurisdiction and responsibility of this Department. The Technical Advisory Committee shall consist of nine (9) members - one member shall be the Director of the Cook County Department of Environmental Control, who shall be the Chairman - one member shall be the Director of the Cook County Health Department - one member may be the Director of the Cook County Civil Defense - one member may be the Superintendent of the Forest Preserve District - one member may be the Superintendent of the Cook County Highways - one member may be the Chairman of the Zoning Board of Appeals of the County of Cook, and three to be appointed by the President of the County Board, one of which may be an Engineer of Ecology. All may be residents of the County of Cook.

The Committee shall:

- (1) Aid and advise the Director with respect to obtaining the active support and cooperation of industry, commercial enterprises, municipal and governmental agencies and other organizations interested in or affected by the provisions of this Ordinance.
- (2) Advise and consult with the Director with respect to amendments to this Ordinance considered appropriate by reason of research conducted in accordance with this Ordinance, or as otherwise provided.
- (3) Attend meetings called by the Chairman from time to time.

(4) Institute, support, and encourage such programs for research and education in the field of ambient environmental control.

(5) With the Director, appoint appropriate sub-committees to carry out such research programs as is deemed appropriate.

(6) Advise and consult with the Director with respect to the membership of the Advisory Subcommittee.

5.11 AMENDMENTS

The Board of Commissioners of Cook County may from time to time, amend the provisions or regulations contained in this Ordinance, for the purpose of promoting the public health, safety, morals, comfort, and general welfare.

5.12 FEES

Fees required for permits, certificates, and inspection of equipment and other sources of emission shall be established by separate resolution of the Board of Commissioners of Cook County. All fees shall be collected by the Director of the Department for deposit with the County Treasurer. (4-16-73)

5.12-1 *Installation Permit Fee Schedule* (10-21-91)

Fees for the inspection of plans, open burning applications, and the issuance of an Installation Permit for the installation, erection, construction, reconstruction, alteration of, or addition to any fuel-burning, combustion, or process equipment, process or device, storage tank, land remediation process, and installation of any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter shall be as follows: (Exception: Fees for addition of afterburners and control devices for any existing refuse combustion equipment shall be based on SCFM calculated at 50% excess air, including the burner input.)

(a) *Filing Fee-For the Evaluation of Plans.*

The first 10 units or multiples of 10's including domestic incinerators and open burning applications, except domestic heating.....\$10.00

(b) *Fuel burning equipment used for space heating, steam or hot water generation, or to generate power, except for domestic heating, for each unit:*

| Rated Input in BTU/HR | | |
|-------------------------------------|--|---------|
| Less than 288,000 | | \$10.00 |
| 288,000 to less than 1,000,000 | | 15.00 |
| 1,000,000 to less than 2,880,000 | | 25.00 |
| 2,880,000 to less than 6,000,000 | | 35.00 |
| 6,000,000 to less than 10,000,000 | | 45.00 |
| 10,000,000 to less than 20,000,000 | | 55.00 |
| 20,000,000 to less than 100,000,000 | | 65.00 |
| 100,000,000 or more | | 85.00 |

(c) *Refuse burning equipment for each unit: t*

Rated Capacity in Gallons
Less than 10,000 \$10.00

| | | |
|----------------------------------|--|---------|
| SCFM | | |
| Less than 2,000 | | \$15.00 |
| 2,000 to less than 5,000..... | | 20.00 |
| 5,000 to less than 10,000..... | | 25.00 |
| 10,000 to less than 15,000..... | | 30.00 |
| 15,000 to less than 20,000..... | | 35.00 |
| 20,000 to less than 30,000..... | | 45.00 |
| 30,000 to less than 40,000..... | | 55.00 |
| 40,000 to less than 100,000..... | | 65.00 |
| 100,000 or more | | 80.00 |

(Added 4-5-71, p. 2031; Amend. 4-16-73, p. 2185; 12-1-75, p. 91; Ord. 85-0-7, 12-3-84.)

5.12-2 Original Inspection Fees Schedule

Fees for the examination or inspection of any new, reconstructed, or altered fuel burning, combustion, or process equipment, process or device, storage tank, or any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter after completion of its installation or reconstruction and before its regular operation or for site inspection of any open burning shall be as follows: (Exception: Fees for the addition of afterburners and control devices for any existing refuse combustion equipment shall be based on SCFM calculated at 50% excess air, including the burner input.)

(i) *Fuel burning equipment used for space heating, steam and hot water generation, or to generate power, except domestic heating, for each unit:*

| | | |
|---|--|---------|
| Input Capacity in BTU/HR. | | |
| Less than 288,000 | | \$10.00 |
| 288,000 to less than 1,000,000 | | 15.00 |
| 1,000,000 to less than 2,400,000 | | 25.00 |
| 2,400,000 to less than 6,000,000 | | 50.00 |
| 6,000,000 to less than 10,000,000 | | 55.00 |
| 10,000,000 to less than 20,000,000 | | 60.00 |
| 20,000,000 to less than 100,000,000 | | 100.00 |
| 100,000,000 or more | | 110.00 |

(ii) *Refuse burning equipment for each unit:*

| | | |
|-----------------------------------|--|---------|
| Total Square Feet of Burning Area | | |
| Less than 5.0 | | \$30.00 |
| 5.0 to less than 10.0 | | 40.00 |
| 10.0 to less than 15.0 | | 50.00 |

Pathological Waste (Crematory) Incineration

| | |
|---------------------------|---------|
| Less than 20#/HR..... | \$50.00 |
| 20 to less than 40..... | 60.00 |
| 40 to less than 80..... | 85.00 |
| 80 to less than 120..... | 110.00 |
| 120 to less than 200..... | 130.00 |
| 200 to less than 300..... | 160.00 |
| Over 300. | 180.00 |

Combustion of Toxic, Hazardous Waster

| | |
|---------------------------|---------|
| Less than 100#/HR..... | \$60.00 |
| 100 to less than 200..... | 110.00 |
| 200 to less than 300..... | 160.00 |
| 300 to less than 400..... | 210.00 |
| 400 or more..... | 260.00 |

(iii) *Storage Tank for each unit:*

(1) Storing organic material having a vapor pressure more than 2.5 psi at standard conditions:

Rated Capacity in Gallons

| | |
|----------------------------------|---------|
| Less than 10,000 | \$10.00 |
| 10,000 to less than 40,000..... | 15.00 |
| 40,000 to less than 60,000..... | 20.00 |
| 60,000 to less than 100,000..... | 25.00 |
| 100,000 or more | 30.00 |

(2) Storing organic materials having a vapor pressure less than 2.5 psi at standard conditions:

Rated Capacity in Gallons

| | |
|----------------------------------|---------|
| Less than 10,000 | \$10.00 |
| 10,000 to less than 20,000 | 15.00 |
| 20,000 to less than 40,000 | 20.00 |
| 40,000 or more | 25.00 |

(3) Storing liquid inorganic materials with potential of emission to the atmosphere:

Rated Capacity in Gallons

| | |
|----------------------------------|---------|
| 10,000 to less than 50,000..... | \$10.00 |
| 50,000 to less than 100,000..... | 15.00 |
| 100,000 or more | 20.00 |

The fee for tanks of capacities less than 20,000 gallons shall be based on the aggregate capacity.

Storing of Toxic or Hazardous substance material (as listed in Hazardous, Toxic Chemical Substance List in the "Toxic Substance Control Act" (Public Law List 94-469)

| Rated Capacity in Gallons | |
|----------------------------------|---------|
| Less than 5,000 Gallons..... | \$10.00 |
| 5,000 to less than 15,000 | 20.00 |
| 15,000 to less than 25,000 | 30.00 |
| 25,000 or more | 45.00 |

(iv) *Process equipment or device, per each unit* \$20.00

(v) *Any device or apparatus to control pollution for each unit:*

| Standard Cubic Feet per Minute | |
|----------------------------------|---------|
| Less than 2,000 | \$25.00 |
| 2,000 to less than 5,000..... | 33.00 |
| 5,000 to less than 10,000..... | 41.00 |
| 10,000 to less than 15,000..... | 50.00 |
| 15,000 to less than 20,000..... | 65.00 |
| 20,000 to less than 30,000..... | 82.00 |
| 30,000 to less than 40,000..... | 98.00 |
| 40,000 to less than 100,000..... | 130.00 |
| 100,000 or more | 163.00 |

(vi) *Open burning for each day of occurrence* \$18.00
(Added 4-5-71, p. 2031; Amend. 4-16-73, p. 2185; 12-1-75, p. 93; Ord. 85-08-7, 12-3-84.)

5.12-3 Annual Inspection Fees

Fees shall be as follows for annual inspection of any fuel burning, combustion, or process equipment, process, or device controlling pollution, or any storage tank:

(a) *Fuel burning equipment used for space heating, steam or hot water generation, or generation of power for each unit: (except domestic heating)*

| Rated Input in BTU/HR | | |
|-------------------------|-------------|---------|
| 1,000,000 to less than | 2,400,000 | \$40.00 |
| 2,400,000 to less than | 6,000,000 | 65.00 |
| 6,000,000 to less than | 10,000,000 | 70.00 |
| 10,000,000 to less than | 20,000,000 | 85.00 |
| 20,000,000 to less than | 100,000,000 | 115.00 |
| 100,000,000 or more | | 125.00 |

In case of multiple fuel burning equipment, or rated input less than 1,000,000 BTU/HR each, the fee shall be assessed on an aggregate rating. If the aggregate rating is less than 1,000,000 BTU/HR, no fee will be assessed.

(b) *Refuse burning equipment for each unit:*

| | | |
|---|------|---------|
| Total square feet of burning area less than | 5.0 | \$50.00 |
| 5.0 to less than | 10.0 | 65.00 |
| 10.0 to less than | 15.0 | 82.00 |
| 15.0 to less than | 20.0 | 98.00 |
| 20.0 to less than | 60.0 | 163.00 |
| 60.0 or more | | 326.00 |

Pathological Waste (Crematory) Incineration

| | |
|----------------------|---------|
| Less than 20#/HR | \$50.00 |
| 20 to less than 40 | 80.00 |
| 40 to less than 80 | 160.00 |
| 80 to less than 120 | 200.00 |
| 120 to less than 200 | 240.00 |
| 200 to less than 300 | 280.00 |
| 300 or more | 340.00 |

Combustion of Toxic, Hazardous Waste

| | |
|----------------------|---------|
| Less than 100#/HR | \$80.00 |
| 100 to less than 200 | 130.00 |
| 200 to less than 300 | 180.00 |
| 300 to less than 400 | 230.00 |
| 400 or more | 280.00 |

(c) *Per one unit of Process Equipment or Device* \$22.00

(d) *Any device or apparatus to control pollution, for each unit:*

Storing of Toxic and Hazardous Substance Material (as listed in Hazardous Toxic Chemical Substance List in the "Toxic Substance Control Act" (Public Law 94-469))

Rated Capacity in Gallons

| | |
|----------------------------------|---------|
| Less than 5,000 | \$17.00 |
| 5,000 to less than 15,000 | 33.00 |
| 15,000 to less than 25,000 | 50.00 |
| 25,000 or more | 65.00 |

(f) *Fees are due upon Receipt.* A \$25.00 Late Fee handling charge in addition to amounts due will be assessed on accounts outstanding 60 days after the date of billing.

5.12-4 *Payment of Fees*

All fees and penalties prescribed for the issuance of permits, licenses or certificates, or for the inspection of plans, premises or equipment, under any provision of this Article, shall be paid to the Department, which shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid, a duplicate of which shall be made part of the records of the Department. All fees and penalties thus received shall be deposited with the County Treasurer.

5.12-5 *Fees are Debt Due the County-Suit for*

All fees or penalties prescribed for the payment of which is required under any provision -25,000 or more.....

device, or apparatus inspected is located in or upon premises used and occupied exclusively by such institution; provided, however, that such charitable, religious or educational institution is not carried on for, or connected with any institution conducted for private gain or profit. The Director may require every application for the remission of such fees to be verified by affidavit of one or more taxpayers of the County. Nothing in this Section shall apply to fees prescribed and required for permits for demolition or renovation of structures containing asbestos material or removal of asbestos containing material (ACM) structure or premises. (6-22-93)

**ARTICLE VI - EMISSION STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCES**

6.1 GENERAL

6.1-1 Visible Emissions

(a) Emissions of Smoke

It shall be unlawful within the jurisdictional boundaries of Cook County Department of Environmental Control for any person owning, or in charge of, or operating any fuel-burning, refuse-burning, combustion, or process equipment, process, device, portable boiler, stacks, vents or premises to cause, suffer or allow the emission or discharge of smoke from any single such source into the atmosphere the appearance, density, or shade of which is darker than No. 1¹/₂ on the Ringelmann Chart, except in conformity with the limits set forth in the following table:

| Opacity Percent % | Smoke Ringelmann No. |
|----------------------|-------------------------|
|----------------------|-------------------------|

(c) *Qualifications of the Department of Environmental Control Inspectors*

Visible emission determination shall be made by qualified, authorized Department of Environmental Control Inspectors having successfully completed a course of training by the Cook County Department of Environmental Control or any other governmental agency sponsoring qualification training courses, or by Environmental Control Inspectors having at least three years of past experience directing in the determination of visible emissions for an authorized governmental control agency. (8-16-72)

(d) *Determination of Ringelmann Readings*

Use of the Ringelmann Chart in making measurements of smoke emissions shall be discretionary with the Inspector making the observation. (8-16-72)

6.1-2 Fugitive Particulate Matter

(a) No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.

(b) Section 6.1-2(a) shall not apply to emissions of fugitive particulate matter from stockpile of materials when the wind speed is greater than 25 miles per hour. Determination of wind speed for the purposes of this Section 6.1-2(b) shall be by a one-hour average at the nearest official station of the U.S. Weather Bureau, by interpretation of surface weather maps by a meteorologist, or by wind speed instruments installed at the stockpile site.

(c) No person shall cause or allow the operation of a vehicle of the second division as defined by III.Rev.Stat., Ch. 95-1/2 1-217, as revised, or a semitrailer as defined by I-II.Rev.Stat., Ch. 95-1/2 1-187, as revised, without a covering sufficient to prevent the release of particulate matter into the atmosphere, provided that this Section 6.1-2(c) shall not apply to automotive exhaust emissions. (4-16-73)

6.2 PARTICULATE MATTER STANDARDS

6.2-1 Particulate Emission Standards for all Process Emission Sources

(a) No person shall cause, suffer, allow, or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table 6.1, 6.2, or 6.3, whichever is applicable, for the process weight rate allocated to such source or in excess of 0.1 grains per standard cubic foot of exhaust at any given time during the process.

(b) Process weight per hour, or process weight rate, is the actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process

weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.

(c) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the minimum value for allowable emission shall apply.

| | | |
|-----------|--------|-------|
| 600,000 | 300.00 | 53.00 |
| 700,000 | 350.00 | 58.00 |
| 800,000 | 400.00 | 62.00 |
| 900,000 | 450.00 | 66.00 |
| 1,000,000 | 500.00 | 67.00 |

Interpolation of the data in this Table 6.1 for process weight rates up to 450 tons per hour shall be accomplished by use of the equation $E = 2.54 (P)^{0.534}$, where E = allowable emission rate in pounds per hour and P = process weight rate in tons per hour. Interpolation of the data in this table for process weight rates greater than or equal to 450 tons per hour shall be accomplished by use of the equation $E = 24.8 (P)^{0.16}$. A graphical interpolation of the data in this Table 6.1 shall be obtained from the graph following Article VI.

FIGURE 6.1
STANDARDS FOR ALL NEW PROCESS EMISSION SOURCES

TABLE 6.2 (8-20-73)
Standards for Existing Process Emission Sources

| Process Weight Rate | Process Weight Rate | Allowable Emission Rate |
|---------------------|---------------------|-------------------------|
|---------------------|---------------------|-------------------------|

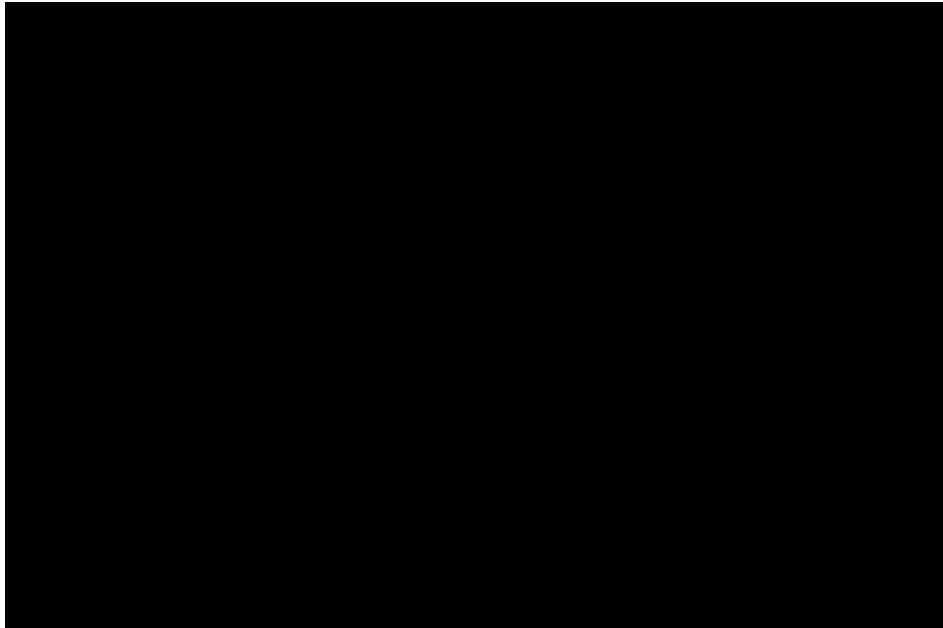


FIGURE 6.2
STANDARDS FOR ALL EXISTING PROCESS EMISSION SOURCES

TABLE 6.3 (8-20-73)
Allowable Emissions from Cupolas with a Process
Weight Rate of Less than or Equal to 20,000 lb/hr

| <u>Process Weight Rate</u> <u>Pounds per Hour</u> | <u>Allowable Emission Rate</u> <u>Pounds per Hour</u> |
|--|--|
| 1,000 | 3.05 |
| 2,000 | 4.70 |
| 3,000 | 6.35 |
| 4,000 | 8.00 |
| 5,000 | 9.58 |
| 6,000 | 11.30 |
| 7,000 | 12.90 |
| 8,000 | 14.30 |

| | |
|--------|-------|
| 9,000 | 15.50 |
| 10,000 | 16.65 |
| 12,000 | 18.70 |
| 16,000 | 21.60 |
| 18,000 | 23.40 |
| 20,000 | 25.10 |

Intermediate values not listed in this Table 6.3 shall be linearly interpolated.

(e) All new processes and/or process equipment shall comply with all applicable provisions of this Section 6.2-1 no later than six (6) months after adoption of this Section 6.2-1.

6.2-2 Particulate Emission Standards and Limitations for Fuel-Burning Emission Sources (4-16-73)

(a) *Fuel-Burning Emission Sources Using Solid Fuel Exclusively*

(1) *Existing Fuel-Burning Emission Sources*

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel-burning emission source using solid fuel exclusively, to exceed 0.1 pounds of particulate matter per million BTU of actual heat input in any one hour period except as provided in Section 6.2-2(a)(2).

(2) *Existing Controlled Fuel-Burning Emission Source*

Notwithstanding Section 6.2-2(a)(1), any existing fuel-burning emission source using solid fuel exclusively may emit up to but not exceed, 0.2 pounds per million BTU, if either of the following conditions is met:

(i) The emission source has an emission rate based on original design or equipment performance test conditions, whichever is stricter, which is less than 0.2 pounds per million BTU of actual heat input, and the emission control of such source is not allowed to degrade more than 0.05 pounds per million BTU from such original design or acceptance performance test conditions; or

(ii) The source is in full compliance with the terms and conditions of a variance granted under Section 5.7 sufficient to achieve an emission rate less than 0.2 pounds per million BTU, and construction has commenced on equipment or modifications prescribed under that program, and emission control of such source is not allowed to degrade more than 0.05 pounds per million BTU from original design or equipment performance test conditions, whichever is stricter.

(3) *New Fuel-Burning Emission Sources*

No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new fuel-burning emission source using solid fuel exclusively, to exceed 0.1 pounds of particulate matter per million BTU of actual heat input.

(b) *Fuel-Burning Emission Sources Using Liquid Fuel Exclusively*

No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period to exceed 0.10 pounds of particulate matter per million BTU of actual heat input from any fuel-burning emission source using liquid fuel exclusively.

(c) *Fuel-Burning Emission Sources Using More Than One Type of Fuel*

No person, while simultaneously burning more than one type of fuel in a fuel-burning emission source, shall cause or allow the emission of particulate matter into the atmosphere in any one hour period in excess of the following equation:

$$E = S_s H_s + 0.10 H_l$$

where:

E- allowable particulate emission rate in pounds per hour;
S_s- solid fuel particulate emission standard which is applicable, pounds per million BTU of actual heat input;
H_s- Actual heat input from solid fuel in million BTU per hour; and
H_l- actual heat input from liquid fuel in million BTU per hour.

(d) *Aggregation of Existing Fuel-Burning Emission Sources*

Section 6.2-2(c) may be applied to the aggregate of all fuel-burning emission sources vented to a common stack provided that:

(1) ductwork has not been modified so as to interconnect such existing fuel-burning emission sources;

(2) the actual heat input to any such existing fuel-burning emission source is not increased; and

(3) no new fuel-burning emission source is added to reduce the degree of control of emissions of particulate matter required by this Section 6.2-2.

(e) EXCEPTION: Subparagraphs a, b, and d, of this Section 6.2

**6.3 SULFUR STANDARDS AND LIMITATIONS FOR FUEL-BURNING
AND PROCESS EMISSION SOURCES**

6.3-1 Sulfur Dioxide (SO₂) Limitations for Fuel-Burning Emission Sources (4-16-73;8-20-73)

(a) Sulfur Content Limitation

No person shall cause or permit the use of, or, if intended for use in the County of Cook, the purchase, sale, offer for sale, storage or transportation of fuel, which as determined by the methods of the American Society for Testing Materials contains more than 1.0% sulfur by weight. This limitation shall apply until May 30, 1975.

(b) Sulfur Dioxide Emission Standards and Limitations for New Fuel-Burning Emission Sources with Actual Heat Input Greater than 250 Million BTU per Hour

(1) Solid Fuel Burned Exclusively

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source greater than 250 million BTU per hour, burning solid fuel exclusively, to exceed 1.2 pounds of sulfur dioxide per million BTU of actual heat input.

(2) Liquid Fuel Burned Exclusively

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source greater than 250 million BTU per hour, burning liquid fuel exclusively;

(i) to exceed 0.8 pounds of sulfur dioxide per million BTU of actual heat input when residual fuel oil is burned; and

(ii) to exceed 0.3 pounds of sulfur dioxide per million BTU of actual heat input when distillate fuel oil is burned.

(3) Compliance Date

Fuel-burning emission sources subject to this Section 6.3-1(b) shall comply upon installation.

(c) Sulfur Dioxide Emission Standards and Limitations for New Fuel-Burning Emission Sources with Actual Heat Input Smaller Than, or Equal to, 250 Million BTU per Hour

(1) *Solid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source with actual heat input smaller than, or equal to, 250 million BTU per hour, burning solid fuel exclusively, to exceed 1.8 pounds of sulfur dioxide per million BTU of actual heat input.

(2) *Liquid Fuel Burned Exclusively*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel-burning emission source with actual heat input smaller than, or equal to, 250 million BTU per hour, burning solid fuel exclusively;

- (i) to exceed 1.0 pounds of sulfur dioxide per million BTU of actual heat input when residual i) t4F-0.1805t po..20. (in1.n544 Tw-lper millo3j.20.6) Tj ely

(3) *Compliance Date*

Fuel-burning emission sources subject to this Section 6.3-1(d) shall comply by May 30, 1975.

(e) *Combination of Fuels*

No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel-burning emission source burning simultaneously any combination of solid, liquid and gaseous fuels to exceed the allowable emission rate determined by the following equation:

$$E = S_S H_S + 0.3 H_d + S_R H_R$$

where:

E = allowable sulfur dioxide emission rate, in pounds per hour;

S_S = solid fuel sulfur dioxide emission standard, in pounds per million BTU, which is applicable;

S_R = residual fuel oil sulfur dioxide emission standard, in pounds per million BTU, which is applicable;

H_S = actual heat input from solid fuel, in million BTU, per hour;

H_R = actual heat input from residual fuel oil, in million BTU, per hour;

H_d = actual heat input from distillate fuel oil, in million BTU, per hour; and where that portion of the actual heat input that is derived:

(i) from the burning of gaseous fuels produced by gasification of solid fuel shall be included in H_S;

(ii) from the burning of gaseous fuels produced by gasification of distillate fuel oil shall be included in H_d;

(iii) from the burning of gaseous fuels produced by the gasification of residual fuel oil shall be included in H_R;

(iv) from the burning of gaseous fuels produced by the gasification of any other liquid fuel shall be included in H_R; and,

(v) from the burning of by-product gases such as those produced from a blast furnace or a catalyst regeneration unit in a petroleum refinery shall be included in H_R.

(f) *Compliance Date*

Fuel burning emission sources subject to Section 6.3-1 (e) shall comply by May 30, 1975.

6.3-2 Sulfur Oxide Limitations for Process Emission Sources (4-16-73)

No person shall cause or permit the emission in the atmosphere from any new or existing source, gases containing more than 500 parts per million by volume of sulfur dioxide nor more than 15 milligrams per cubic meter of sulfur trioxide; provided, however, that the foregoing limitations shall not apply to those emissions in which the fuel is burned primarily to produce heat, and the sulfur compound emission is due primarily to the sulfur in the fuel burned.

6.3-3 Sulfur Dioxide Measurement (4-16-73)

Measurement of sulfur dioxide emissions from stationary sources shall be made according to the procedure published in 36 Fed. Reg. 24890, Method 6, or by measurement procedures specified by the Department and application of standard emission factors as published in Public Health Service Publication 999 AP42, Compilation of Air Pollutant Emission Factors, as revised from time to time.

6.3-4 Sulfuric Acid Mist Standards and Limitations (4-16-73)

No person shall cause or allow the emission of sulfuric acid mist into the atmosphere from any process emission source to exceed 0.15 pounds of acid mist per ton of acid used or manufactured.

6.3-5 Sulfuric Acid Mist and Sulfur Trioxide Measurement (4-16-73)

Measurement of sulfuric acid mist and sulfur trioxide shall be according to the Barium-Thorin titration method as published in 36 Fed. Reg. 24893.

6.4 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

6.4-1 Storage

No person shall cause or allow the storage of any volatile organic material in any stationary tank, reservoir or other container of more than 40,000 gallons capacity unless such tank, reservoir or other container:

- (a) is a pressure tank capable of withstanding the vapor pressure of such materials, so as to prevent vapor or gas loss to the atmosphere at all times; or,
- (b) is designed and equipped with one of the following vapor loss control devices:
 - (1) A floating roof which rests on the surface of the volatile organic material and is equipped with a closure seal or seals to close the space between the roof edge and the tank wall. Such floating roof shall not be permitted if the volatile organic material has a vapor pressure of 12.5 pounds per square inch absolute or greater at 70°F. No person shall cause or allow the emission of air

contaminants into the atmosphere from any gauging or sampling devices attached to such tanks, except during sampling.

(2) A vapor recovery system consisting of:

(i) A vapor gathering system capable of collecting 85% or more of the uncontrolled volatile organic material that would be otherwise emitted to the atmosphere; and,

(ii) a vapor disposal system capable of processing such volatile organic material so as to prevent their emission to the atmosphere. No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tank, reservoir or other container except during sampling.

(3) Other equipment or means of equal efficiency approved by the Department according to the provisions of this Ordinance.

6.4-2 Loading (4-16-73)

(a) No person shall cause or allow the discharge of more than 8 pounds per hour of organic material into the atmosphere during the loading of any organic material from the aggregate loading pipes of any loading facility having a throughput of greater than 40,000 gallons per day into any railroad tank car, tank truck or trailer. The Department may accept, as a reasonable alternative, that each such loading pipe be equipped with pollution control equipment capable of reducing by 85% or more the uncontrolled organic material that would be otherwise emitted to the atmosphere if splash loading were employed.

(b) No person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 250 gallons, unless such tank is equipped with a permanent submerged loading pipe or an equivalent device approved by the Department according to the provisions of this Ordinance or unless such tank is a pressure tank as described in Section 6.41(a) or is fitted with a recovery system as described in Section 6.4-1 (b) (2).

(c) Exception: If no odor nuisance exists the limitations of Section 6.4-2 (a) and (b) shall only apply to volatile organic material.

6.4-3 Organic Material-Water Separation (4-16-73)

(a) No person shall use any single or multiple compartment effluent water separator which receives effluent water containing 200 gallons a day or more of organic material from any equipment processing, refining, treating, storing, or handling organic material unless such effluent water separator is equipped with pollution control equipment capable of reducing by 85% or more the uncontrolled organic material emitted to the atmosphere.

(b) *Exception*: If no odor nuisance exists the limitations of this Section 6.4-3 (a) shall only apply to volatile organic material.

(c) Section 6.4-3 (a) shall not apply to water and crude oil separation in the production of Illinois crude oil, if both the following conditions are met:

(1) The vapor pressure of such crude oil is less than 5 pounds per square inch absolute (psia); and,

(2) The location of such tank is outside a major metropolitan area.

6.4-4 Pumps and Compressors (4-16-73)

No person shall cause or allow the discharge of more than two cubic inches of liquid volatile organic material into the atmosphere from any pump or compressor in any 15 minute period at standard conditions.

6.4-5 Architectural Coatings (4-16-73)

No person shall cause or allow the sale or use of any architectural coating containing more than 20% by volume of photochemically reactive material in containers having a capacity of more than one gallon.

6.4-6 Use of Organic Material (4-16-73)

No person shall cause or allow the discharge of more than 8 pounds per hour of organic material into the atmosphere from any emission source, except as provided in Section 6.4-6(a) and

(b) herein and the following:

Exception: If no odor nuisance exists the limitation of this Section 6.4-6 shall apply only to photochemically reactive material.

(a) *Alternative Standard*

Emissions of organic material in excess of those permitted by Section 6.4-6 are allowable if such emissions are controlled by one of the following methods:

(1) flame, thermal or catalytic incineration so as either to reduce such emissions to 10 ppm equivalent methane (molecular weight 16) or less, or to convert 85% of the hydrocarbons to carbon dioxide and water; or,

(2) a vapor recovery system which adsorbs and/or absorbs and/or condenses at least 85% of the total uncontrolled organic material that would otherwise be emitted to the atmosphere; or,

(3) any other pollution control equipment approved by the Department capable of reducing by 85% or more the uncontrolled organic material that would be otherwise emitted to the atmosphere.

(b) *Exceptions:* The provisions of Section 6.4-6 shall not apply to:

(1) the spraying or use of insecticides, herbicides, or other pesticides;

(2) fuel-burning emission sources; or

(3) the application of paving asphalt and pavement marking paint from sunrise to sunset and when air pollution watch, alert or emergency conditions are not declared.

6.4-7 Waste Gas Disposal (4-16-73)

(a) *Petroleum Refinery and Petrochemical Manufacturing Process Emissions*

No person shall cause or allow the discharge of organic materials into the atmosphere from:

(1) any catalyst regenerator of a petroleum cracking system; or,

(2) any petroleum fluid coker; or,

(3) any other waste gas stream from any petroleum or petrochemical manufacturing process;

in excess of 100 ppm equivalent methane (molecular weight 16.0).

(b) *Vapor Blowdown*

No person shall cause or allow the emission of organic material into the atmosphere from any vapor blowdown system or any safety relief valve, except such safety relief valves not capable of causing an excessive release, unless such emission is controlled:

(1) to 10 ppm equivalent methane (molecular weight 16.0) or less; or,

(2) by combustion in a smokeless flare; or,

(3) by other pollution control equipment approved by the Department according to the Provisions of this Ordinance.

(c) Sets of Unregulated Safety Relief Valves Capable of Causing Excessive Releases
Section 6.4-7 (b) shall not apply to any set of unregulated safety relief valves capable of causing excessive releases, provided that the owner or operator thereof by April 26, 1973, provides the Department with the following:

(1) a historical record of each such set (or, if such records are unavailable, of similar sets which, by virtue of operation under similar circumstances, may reasonably be presumed to have the same or greater frequency of excessive releases) for a three-year period immediately preceding October 1, 1972, indicating:

(i) dates on which excessive releases occurred from each such set; and,

6.4-10 Compliance Dates (4-16-73)

(a) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 6.4 by April 26, 1973.

(b) Every owner or operator of an existing emission source shall comply with the standards and limitations of Section 6.4 by December 31, 1973.

**6.5 CARBON MONOXIDE EMISSION STANDARDS
AND LIMITATIONS (4-16-73)**

6.5-1 Fuel-

6.5-5 Cupolas

No person shall cause or allow the emission of gases containing carbon monoxide into the atmosphere from any cupola with a manufacturer's rated melt rate in excess of 5 tons per hour, unless such gases are burned in a direct flame after burner so that the resulting concentration of carbon monoxide in such gases is less than or equal to 200 ppm corrected to 50% excess air or such gas streams are controlled by other equivalent pollution control equipment approved by the Department according to the provisions of this Ordinance.

6.5-6 Measurement Methods

Carbon monoxide concentrations in an effluent stream shall be measured by the Nondispersive Infrared Method or by other methods approved by the Department according to the provisions of this Ordinance.

6.5-7 Compliance Dates

(a) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 6.5 by April 26, 1973.

(b) Every owner or operator of an existing emission source shall comply with the standards and limitations of Section 6.5 by December 31, 1973.

6.6 NITROGEN OXIDES EMISSION STANDARDS AND LIMITATION (4-16-73)

6.6-1 New Fuel-Burning Emission Sources

No person shall cause or allow the emission of nitrogen oxides into the atmosphere in any one hour period from any new fuel-burning emission source with an actual heat input equal to or greater than 200 million BTU per hour to exceed the following standards and limitations:

- (a) for gaseous fossil fuel firing, 0.20 pounds per million BTU of actual heat input;
- (b) for liquid fossil fuel firing, 0.30 pounds per million BTU of actual heat input;
- (c) for dual gaseous and liquid fossil fuel firing, 0.30 pounds per million BTU of actual heat input;
- (d) for solid fossil fuel firing, 0.7 pounds per million BTU of actual heat input; and,
- (e) for fuel-burning emission sources burning simultaneously any combination of solid, liquid and gaseous fossil fuels and allowable emission rate shall be determined by the following equation:

$$E = \frac{[0.3(P_g + P_l) + 0.7(P_s)] Q}{[P_g + P_l + P_s]}$$

where:

E = allowable nitrogen oxides emission rate in pounds per hour;

P_g = per cent of actual heat input derived from gaseous fossil fuel;

P_l = per cent of actual heat input derived from liquid fossil fuel;

P_s = per cent of actual heat input derived from solid fossil fuel;

Q = actual heat input derived from all fossil fuels in million BTU per hour

Note: P_l + P_g + P_s = 100.0

6.6-2 Existing Fuel

6.6-3 Nitric Acid Manufacturing Processes

(a) New Weak Nitric Acid Processes

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing process to exceed the following standards and limitations

- (1) 3.0 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 per cent acid basis);
- (2) visible emissions in excess of 5% opacity;
- (3) 0.1 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 per cent acid basis) from any acid storage tank vents.

(b) Existing Weak Nitric Acid Processes

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing weak nitric acid manufacturing process to exceed the following standards and limitations:

- (1) 5.5 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 per cent acid basis);
- (2) visible emissions in excess of 5% opacity;
- (3) 0.2 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 per cent acid basis) from any acid storage tank vents.

(c) Concentrated Nitric Acid Processes

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any concentrated nitric acid manufacturing process to exceed the following standards and limitations:

- (1) 3.0 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 per cent acid basis);
- (2) 225 ppm of nitrogen oxides (expressed as NO₂) in any effluent gas stream emitted into the atmosphere;
- (3) visible emissions in excess of 5% opacity.

(d) Nitric Acid Concentrating Processes

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any nitric acid concentrating process to exceed the following limitations:

- (1) 3.0 pounds of nitrogen oxides (expressed as NO₂) per ton of acid produced (100 per cent acid basis);
- (2) visible emissions in excess of 5% opacity.

6.6-4 Industrial Processes: General

(a) New Industrial Processes

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new process producing products of organic nitrations and/or oxidations using nitric acid to exceed the following standards and limitations:

- (1) 5.0 pounds of nitrogen oxides (expressed as NO₂) per ton of nitric acid (100 per cent acid basis) used in such new process;
- (2) visible emissions in excess of 5% opacity.

(b) Existing Industrial Processes

No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing process producing products of organic nitrations and/or oxidations using nitric acid to exceed 10.0 pounds of nitrogen oxides (expressed as NO₂) per ton of nitric acid (100% acid basis) used in such process.

(c) Exemption: Section 6.6-4 (a) and (b) of this Ordinance shall not apply to any industrial process using less than 100 tons of nitric acid (100% acid basis) annually or which produces less than 1 ton of nitrogen oxides (expressed as NO₂) per year.

6.6-5 Measurement Method

Measurement of nitrogen oxides shall be according to the Phenol Disulfonic Acid Method as published in 36 Federal Register 15718, Method 7.

6.6-6 Compliance Dates

(a) Every owner or operator of a new emission source shall comply with the standards and limitations of Section 6.6 by April 26, 1973.

(b) Except as otherwise provided in Section 6.6-6(c), every owner or operator of an existing emission source shall comply with the standards and limitations of Section 6.6 by December 31, 1973.

(c) Every owner or operator of an existing coal fired fuel-burning emission source shall comply with the applicable standards and limitations of Section 6.6 by May 30, 1975.

6.7 COMPLIANCE DATE FOR ALL EMISSION SOURCES (4-16-73)

Notwithstanding the issuance of a Certificate of Operation, no person shall cause or allow the operation of any emission source which is not in compliance with the standards and limitations set forth in the Ordinance after April 26, 1973, unless otherwise provided by a compliance date specifically set forth for a particular category of emission source in this Ordinance.

6.8 CONDENSIBLE EMISSIONS

Emissions other than uncontaminated water vapor from any sources that are liable to generate or evolve into particulate form through phase change or other transformation from a gas or liquid form shall, in accordance with Section 6.10, be deemed to be particulate matter at the emission point.

6.9 CIRCUMVENTION CLAUSE

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of contaminants to the environment, dilutes or conceals an emission which would otherwise constitute violation of this Ordinance, Rules and Regulations.

6.10 TESTS OF FUEL-BURNING, COMBUSTION, OR PROCESS EQUIPMENT, PROCESSES, OR DEVICES

The Director is hereby authorized to conduct, or cause to be conducted, any test or tests as may be necessary to determine the extent of particulate matter and/or any other discharge from any fuel-burning, combustion, or process equipment, process or device, if and when, in his judgment, there is evidence that any such equipment, process, or device is exceeding any emission limitation described by or under this Ordinance. Tests shall be made and the results calculated in accordance, where applicable, with American Society of Mechanical Engineers Power Test Codes, entitled "Determining Dust Concentration in a Gas Stream PTC -27-1957" procedures as revised from time to time or in accordance with modified procedures published by the Department. All tests and calculations shall be made under the direction of a competent engineer. Any test or tests to be conducted on the premises where such equipment, process, or device is located shall be made after written notice to, and with the cooperation of, the owner or operator. The cost of any test or tests and calculations shall be a debt due the County from any person responsible as owner, operator or otherwise of such fuel-burning, combustion or process

equipment, process, or device in all cases when such test or tests shall have proved any emission of particulate matter in violation of any provision of this Ordinance, and such unpaid debt shall be recoverable in court of competent jurisdiction. If any such emission is shown by such test or tests within the limits of emission prescribed in this Ordinance, the cost of such test or tests shall be charged to the annual appropriation of the Department.

6.11 OPEN BURNING (4-16-73)

6.11-1 Prohibitions

- (a) No person shall cause or allow open burning except as provided in Sections 6.11-2, 6.11-3, and 6.11-4.
- (b) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

6.11-2 Exemptions

(3) when atmospheric

- (2) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;
- (3) For research or management in prairie or forest ecology;
- (4) For the destruction of landscape wastes, excluding leaves, provided, that such burning shall not occur:
 - (i) in restricted areas;
 - (ii) within 1,000 feet of any residential or other populated area, school, hospital, or nursing home.
 - (iii) unless the requirements of Section 6.11-2 are met.
- (5) For the destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require, such burning may be done without a permit, and a report shall be filed with the Department within ten days thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary.

(e) No permit shall be valid for longer than one year. Applications for renewal of a permit shall be submitted to the Department at least ninety days prior to the expiration of the prior permit, and shall conform to Section 6.11-3(b). The standards for issuance of renewal permits shall be as set forth in Section 6.11-3(c).

(f) Violation of any of the conditions of the permit shall be grounds for revocation of the permit by the Department as well as for other sanctions provided in this Ordinance.

(g) The Department may revise any permit granted pursuant to this Section, or any condition contained in any such permit.

6.11-4 Explosive Wastes

Open burning of wastes creating a hazard of explosion, fire, or other serious harm, unless authorized by other provisions of this Section 6.11, shall be permitted only upon application for and grant of a variance as provided by the Department.

6.11-5 Local Enforcement

It shall be the obligation of local governments, as well as of the Department, to enforce by appropriate means the prohibitions in this Section 6.11.

6.12 MATERIALS SUBJECT TO BECOMING WINDBORNE

6.12-1 General

Dusts and other types of pollution borne by the wind from such sources as storage areas, yards, roads, and other open areas within lot boundaries shall be kept to a minimum by such measures as wetting piles, landscaping, paving, oiling, or other means acceptable by the Department.

6.12-2 Handling

It shall be unlawful for any person to cause or permit the handling, loading, unloading, reloading, storing, transferring, transporting, placing, depositing, throwing, discarding, or scattering of any ashes, fly ash, cinders, slag, or dust collected from any combustion process, any dust, dirt, chaff, wastepaper, trash, rubbish, waste, or refuse matter of any kind of any other substance or material whatever which is likely to be scattered by the wind, or is susceptible to being windborne without taking measures, or precautions, so as to minimize atmospheric pollution or nuisance to other property, that are acceptable by the Department.

6.12-3 Storage

It shall be unlawful for any person to operate or maintain or cause to be operated or maintained any building, structure, or premises, open area, right-of-way, storage pile of materials, vessel, or vehicle, or construction, alteration building, demolition or wrecking operation, or any other enterprise which has or involves any matter, material, or substance likely to be scattered by the wind or susceptible to being windborne, without taking reasonable precautions or measures, so as to minimize atmospheric pollution or nuisance to other property, that are acceptable by the Department.

6.12-4 Surfacing of Roads and Vehicle Areas

No person shall maintain or conduct, or cause to be maintained or conducted, any parking or automotive or machinery sales lot, or any private roadway unless such real property is covered or treated with a surface or substance or otherwise maintained in such manner as to minimize atmospheric pollution or nuisance to other property.

6.13 COMPLIANCE WITH STATE STANDARDS

Smoke and particulate matter emissions shall comply with the State of Illinois Environmental Protection Agency "Air Pollution Control Regulations" as issued by the Illinois Pollution Control Board. In case of overlapping requirements, the more restrictive shall apply.

6.14 NONDEGRADATION (4-16-73)

Areas whose environment is better than limits established herein shall be maintained at its high quality. Such environment shall not be lowered in quality unless it can be demonstrated that such change is justifiable to accommodate necessary economic or social development.

ARTICLE VII-EPISODES

7.1 GENERAL

These regulations adopted pursuant to Sections 10 and 27 of the Environmental Protection Act are designed to prevent, during periods of atmospheric stagnation, ambient air pollution concentrations from reaching levels which could cause significant harm to the health of humans. Emissions which do not normally cause established air quality standards to be exceeded might well be capable of producing dangerously high concentrations of pollutants during periods of atmospheric stagnation. Such periods, generally of a few days duration, occur whenever high atmospheric pressure, very low wind speeds, and a temperature inversion exist in the same place at the same time. These conditions prevent normal ventilation of the air horizontally and vertically, and pollutants released into the atmosphere are literally trapped near their sources.

In highly industrialized areas, if atmospheric stagnation persists, pollutants can reach unusually high levels and a serious threat to public health may result. During recorded episodes of atmospheric stagnation, an increase in the number of cases of illness and death has occurred

7.5 AREAS AFFECTED BY WATCH, ALERT, OR EMERGENCY

A Watch shall be declared for the Cook County portion of the air quality control region of which it is a part, excluding the municipality of Chicago, if any part of said air quality control region meets the Watch criteria set forth in Section 7.6-2. When part of said County has acceptable air quality but air contaminant levels at one or more monitoring stations are high enough to call for Alert or Emergency action, corridors of the region shall be defined depending upon meteorological factors, emission inventory data, and mathematical simula

persons suffering from respiratory or heart conditions should take appropriate precautions.

7.7 YELLOW ALERT

7.7-1 Requirements for Initiating Yellow Alert

The Director or his designated representative shall declare a Yellow Alert whenever:

- (a) An Episode Action Watch has been in effect for four (4) hours in the area in which such Yellow Alert is to be declared; and
- (b) Any Yellow Alert criteria at any monitoring station is equaled or exceeded; and
- (c) The official National Weather Service forecast for the next twelve (12) hours does not indicate substantial improvement of conditions which cause atmospheric stagnation.

7.7-2 Yellow Alert Criteria

| SO ₂ ppm 24-hr avg | Particulate COH 24-hr avg | Product | | CO ppm 8-hr avg | O ₃ ppm 1-hr avg | NO ₂ ppm | |
|----------------------------------|---------------------------------|-------------|--------------|--------------------|--------------------------------|---------------------|--------------|
| | | 4-hr avg | 24 hr avg | | | 1-hr avg | 24-hr avg |
| 0.30 | 3.0 | 1.0 | 0.20 | 15 | 0.10 | 0.60 | 0.15 |

7.7-3 Actions During Yellow Alert

- (a) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State of Illinois Environmental Protection Agencies.
- (b) The Department, or a local agency designated by the Department, shall notify facilities required to take Yellow Alert Actions of major emission reducing consequences that a Yellow Alert is in effect and that they are required to take action in accordance with their Air Pollution Episode Action Plan required by Section 7.10.
- (c) The public shall be notified by radio and/or television that a Yellow Alert is in effect; that the public is required to take action in accordance with this Article; that the public is requested to avoid the unnecessary use of automobiles and of electricity; and that persons suffering from respiratory or heart conditions should take appropriate precautions.
- (d) Electric power generating stations shall effect the maximum feasible reduction of emissions by utilizing fuels which have low ash content and contain sulfur not in excess of the amount specified in Section 6.3 for such fuel, provided, however, that emissions

from such stations shall not exceed the applicable emission standards and limitations of Article VI of this Ordinance; by limiting soot blowing and boiler lancing, where essential, to periods of maximum atmospheric turbulence; by diverting power generation to stations outside the area for which the Alert is in effect; or by any other means approved by the Department. Such actions will be in accordance with the Air Pollution Episode Action Plan if such plan has been approved for that station.

(e) Facilities having fuel-burning emission sources with a total rated capacity in excess of 10 million BTU/hr and burning coal and/or fuel oil shall reduce emissions by utilizing fuels which have low ash content and contain sulfur not in excess of the amount specified in Section 6.3 for such fuel, provided, however, that emissions from such facilities shall not exceed the applicable emission standards and limitations of Article VI of this Ordinance; by limiting soot blowing and boiler lancing, where essential, to periods of high atmospheric turbulence, or by any means approved by the Department. If fuels of low ash and sulfur content are not available, such facilities with the exception of residences, hospitals, and other essential facilities as designated by the Department, shall curtail fuel-burning to the maximum degree consistent with avoiding injury to persons or severe damage to the property. Such actions will be in accordance with the Air Pollution Episode Action Plan if such plan has been approved for that facility.

(f) Facilities engaged in manufacturing required to submit an Air Pollution Episode Action A

(b) The official National Weather Service forecast for the next twelve (12) hours does not indicate substantial improvement of conditions which cause atmospheric stagnation; and either of the following conditions is met;

7.9-1 Requirements for Initiating Emergency

The Director or his designated representative shall declare an Emergency whenever:

- (a) A Red Alert has been in effect for twelve (12) hours in the same area for which the Emergency is to be declared; and
- (b) The official National Weather Service forecast for the next twelve (12) hours does not indicate substantial improvement of conditions which cause atmospheric stagnation; and any of the following conditions is met:
 - (i) Any Emergency criteria is equaled or exceeded at any monitoring station; or
 - (ii) Red Alert criteria has been met for the preceding twenty-four (24) hours at any monitoring station; or
 - (iii) Yellow Alert criteria has been met for the preceding thirty-six (36) hours at any monitoring station.

7.9-2 Emergency Criteria

| SO ₂ ppm 24-hr avg | Particulate COH 24-hr avg | Product | | CO ppm 8-hr avg | O ₃ ppm 1-hr avg | NO ₂ ppm | |
|----------------------------------|---------------------------------|-------------|--------------|--------------------|--------------------------------|---------------------|--------------|
| | | 4-hr avg | 24-hr avg | | | 1-hr avg | 24-hr avg |
| 0.40 | 7.0 | 2.4 | 1.2 | 40 | 0.60 | 1.6 | 0.40 |

7.9-3 Actions During Emergency

- (a) The Department shall notify all Department personnel, all other concerned County Departments and local agencies, and shall coordinate its activities with the Federal Government and the State of Illinois Environmental Protection Agencies.
- (b) The public shall be notified by radio and/or television that an Emergency is in effect; that the public is required to take action in accordance with this Article; and that persons suffering from respiratory or heart conditions should take appropriate precautions.
- (c) The Department, or a local agency designated by the Department, shall notify facilities required to take Emergency actions of major emission reducing consequence that an Emergency is in effect and that they are required to take action in accordance with their Air Pollution Episode Action Plan as required in Section 7.10.
- (d) All actions required during the Yellow and Red Alert shall be continued.

(e) The unnecessary use of electricity, such as for decorative or amusement purposes, is prohibited.

(f) The use of motor vehicles is prohibited except for essential uses such as police, fire and health services, delivery of food or essential fuel, waste collection, utility or pollution control, emergency repairs, and such comparable uses as may be designated by authorized Highway and Law Enforcement Officials in accordance with the Illinois Emergency Highway Traffic Regulation Plan.

(g) All aircraft flights leaving the area of the emergency are forbidden except for reasons of public health or safety as approved by the State of Illinois Environmental Protection Agency.

(h) Buildings shall be maintained at temperatures no greater than 65°F, except for hospitals and for other buildings approved by the Department for reasons of health or severe damage to property.

(i) All manufacturing activities shall be curtailed to the greatest extent possible without causing injury to persons or severe damage to equipment.

(j) All facilities or activities listed below shall immediately cease operations:

Mining and quarrying.

Contract construction work.

Wholesale trade establishments.

Schools, except elementary schools which shall close at the end of the normal school day and not reopen until the Emergency is terminated.

Governmental agencies except those needed to administer air pollution alert programs and other essential agencies determined by the Department to be vital for public safety and welfare.

Retail trade stores except those dealing primarily in the sale of food or pharmaceuticals.

Real estate agencies, insurance offices and similar business.

Laundries, cleaners and dryers, beauty and barber shops and photographic studios.

Amusement and recreational service establishments such as motion picture theaters.

Automobile repair and automobile service garages.

Advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies, and commercial testing laboratories.

7.10 AIR POLLUTION EPISODE ACTION PLANS

7.10-1 *Submission of Plans*

(a) All persons responsible for the operation of a facility of a type set forth in Section 7.10-2 shall prepare a written Air Pollution Episode Action Plan, consistent with safe operating procedures, for reducing the emission of air contaminants during Yellow

Alerts, Red Alerts, and Emergencies. These plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the provisions of this Ordinance. If any plan does not conform with, or effectively implement the requirements of this Article, the Department may disapprove the plan and require the plan to be revised.

(b) Plans required by this Section 7.10 shall be submitted to the Department or to the State of Illinois Environmental Protection Agency within thirty (30) days after notification by either agency that such plans must be submitted.

7.10-2 *Facilities for Which Plans are Required*

Plans are required for the following types of facilities:

(a) Electric power generating stations.

(b) Facilities having fuel-burning emission sources and a rated heat input in excess of 10 million BTU/hr burning coal and/or fuel oil.

(c) Facilities engaged in manufacturing which are included in the following SIC group designations which employ more than 20 employees at any one location:

Paper and allied products industries, Group 26;
Chemicals and allied products industries, Group 28;
Petroleum refining and related industries, Group 29;
Stone, glass, clay, and concrete products industries, Group 32;
Primary metals industries, Group 33.

(d) Public and commercial refuse disposal operations.

(e) Other facilities certified by the Department as having substantial sources of emissions, including all those emitting more than 100 tons per year of any air contaminants.

7.10-3 *Contents of Plans*

(a) Plans shall list all possible sources of air contaminants within the facility; shall describe the manner in which contaminant emissions will be reduced during Yellow Alert, Red Alert, and Emergency; and shall specify the approximate magnitude of the reduction of emissions that will be achieved.

(b) Plans required of facilities according to Sections 7.10-2(a) and 7.10-2(b) shall specify the means whereby a supply of low ash, low sulfur fuel, adequate for at least four days operation, will be assured.

(c) Plans for facilities having incinerators shall specify what preparations have been made to handle and store the amount of refuse that could accumulate during four days, including the acquisition of leakproof, covered containers of a design acceptable by the local sanitation authorities.

7.10-4 *Failure to Submit or Revise Plans*

or welfare, or cause injury or damage to property or business or be needlessly destructive of any insect, plant, or animal life which contributes to the general welfare. (8-16-73)

8.3 INTERNAL COMBUSTION ENGINES

No person shall operate or cause to be operated upon any street, highway, public place, stream, or waterway, or any private premises, any internal combustion engine of any motor vehicle, boat, or other vehicle, while stationary or moving, which emits from any source unreasonable and/or excessive smoke, obnoxious, or noxious gases, fumes, or vapors.

8.4 NUISANCES

8.4-1 Nuisance-Abatement

(a) Any emission of smoke, particulate matter, or other matter (gaseous, liquid, or solid) from any single source in excess of the limitations established in or pursuant to the provisions of this Ordinance shall be deemed and is hereby declared to be a public nuisance, and may be summarily abated by the Director. Such abatement may be in addition to the administrative proceedings herein provided.

(b) The Director is further empowered to institute legal proceedings for the abatement or prosecution of emissions of smoke, particulate, or other matter which causes injury, detriment, nuisance, or annoyance to the public or endangers the health, comfort, safety, or welfare of the public, or causes or has a natural tendency to cause injury or damage to business or property. Such abatement may be in addition to the administrative proceedings herein provided.

8.4-2 Nuisance-Preservation of Common Law Rights

Nothing in this Ordinance shall be construed to impair any cause of action or legal remedy therefore, of any person or the public for injury or damage arising from the discharge, any source

9.2 NOISE ON A PUBLIC WAY

9.2-1 No person shall make, or cause, permit or allow to be made, upon a public way, or in such close proximity to a public way as to be distinctly and loudly audible upon such public way, any noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic device; provided that the said restrictions shall not apply to any licensed peddler crying or calling for the purpose of advertising goods, wares or merchandise when lawfully using any public way in the County of Cook between the hours of 8:00 a.m. and 6:00 p.m.

9.2-2 No person shall use or perform any hand organ or other musical instrument, or device, for pay or in expectation of payment, in any public way or public place of the County of Cook before 8:00 a.m. or after 6:00 p.m. of any day.

9.3 STEAM WHISTLES

No person shall blow, or cause to be blown, within the County of Cook, a steam whistle of any stationary steam plant as a signal for commencing or suspending work, or for any other purpose. This Section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire, collision, or other imminent danger.

9.4 BOISTEROUS USE OF PREMISES

No person owning, or in p

be governed by the property line values applicable for their location (Sections 9.14 through 9.17). The exemptions on engine operation when parked, of Section 9.7 shall apply as will the restrictions on new vehicles of Section 9.8(b) and vehicle use of Section 9.9(a). When under severe conditions it can be shown to the satisfaction of the Director that operation outside these hours is in the overall public interest or operationally essential, a special variance can be requested for such period as can likewise be shown necessary.

9.6 USE OF CONSTRUCTION EQUIPMENT

It shall be unlawful for any person to use any pile driver, shovel, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 6:00 p.m. and 7:00 a.m. except for emergency work on public service utilities, within 600 feet of any building used for residential or hospital purposes. An exception to this rule can be made at the discretion of the Director and special operating hours permitted when to his satisfaction it can be shown that more extended work hours would in any given case be in the overall public interest or technically essential, such as continuous cement pouring.

9.7 IDLING OF MOTOR VEHICLES

It shall be unlawful for any person to cause or permit the operation of the main engine of any motor vehicle when parked or standing, except for the following:

- (a) Whenever engaged in any rescue operations attendant to accident or other common disaster.
- (b) Whenever operation of the main power train is essential to a basic function as with, but not necessarily limited to, pre-mixed cement trucks, platform lift trucks, compactor refuse trucks, certain varieties of dump trucks and the like, while function is in action.
- (c) Whenever weather conditions justify the use of heating or air-conditioning systems for the welfare and safety of any occupants (or future passengers in the case of public vehicles stopped in turn around or other such waiting areas) or when such low temperatures prevail that the startup of public conveyances or service vehicles might not otherwise be feasible.
- (d) Whenever the need for operation of refrigeration equipment on trailers carrying perishable contents is necessary, but which then must conform with the appropriate

(e) Whenever main or auxiliary engines are operated for emergency repairs, or when properly housed for professional maintenance (subject to appropriate boundary level restrictions) and the occasional maintenance such as cleaning and flushing of the radiator and associated circulation system and/or seasonal change of antifreeze, cleaning of the carburetor or the like of a personally owned auto by a private citizen.

9.8 NEW MOTOR VEHICLE NOISE PERFORMANCE

No person shall sell, or offer for sale, a new motor vehicle that produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the center of travel under test procedures established by Section 9.28 of this Article:

| Type of Vehicle | Date of Manufacture | Noise Limit |
|------------------------|----------------------------|--------------------|
|------------------------|----------------------------|--------------------|

| Type of Vehicle and Date of Manufacture | Noise Limit in Relation to 35 MPH or Less | Posted Speed Limit Over 35 MPH |
|--|--|-----------------------------------|
| (a) Any motor vehicle with a manufacturer's GVW rating of 8,000 lbs. or more, and by combination of vehicles towed by such motor vehicle | | |
| Before 1 Jan. 1973 | 88 db(a) | 90 db(A) |
| After 1 Jan. 1973 | 86 db(a) | 90 db(A) |
| (b) Any motor cycle other than a motor-driven cycle | | |
| Before 1 Jan. 1978 | 82 db(a) | 86 db(A) |
| After 1 Jan. 1978 | 78 db(a) | 82 db(A) |
| (c) Any motor vehicle and any combination of motor vehicles towed by such motor vehicle | | |
| Before 1 Jan. 1973 | 76 db(a) | 82 db (A) |
| After 1 Jan. 1978 | 70 db(a) | 79 db(A) |

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers for noise control.

9.10 MOTOR VEHICLE MUFFLER MODIFICATION

No person shall remove, modify or change the exhaust muffler, intake muffler, or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance of a new motor vehicle with the requirements of this Section shall be those used to establish compliance of a new motor vehicle with the requirements of this Article.

**9.11 NEW MOTOR POWERED EQUIPMENT
NOISE PERFORMANCE**

No person shall sell or lease, or offer for sale or lease, any powered equipment or any powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet under test procedures established by Section 9.30 of this Article:

| Type of Equipment | Noise Limit |
|---|--------------------|
| (a) Construction and industrial machinery, such as crawler -tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wag ons, pavement breakers, compressors, and pneumatic powered equipment, etc. but not including pile drivers: | |
| Manufactured before 1 Jan. 1973 | 94 db(A) |
| Manufactured after 1 Jan. 1973 | 88 db(A) |
| Manufactured after 1 Jan. 1975 | 86 db(A) |
| Manufactured after 1 Jan. 1980 | 80 db(A) |
| (b) Agricultural tractors and equipment: | |
| Manufactured before 1 Jan. 1975 | 88 db(A) |
| Manufactured after 1 Jan. 1975 | 86 db(A) |
| Manufactured after 1 Jan. 1980 | 80 db(A) |
| (c) Powered commercial equipment of 20 HP or less intended for infrequent use in a residential area, such as chain saws, pavement breakers, log chippers, powered hand tools, etc.: | |
| Manufactured before 1 Jan. 1973 | 88 db(A) |

| | | |
|--------------------|-------------|----------|
| Manufactured after | 1 Jan. 1973 | 84 db(A) |
| Manufactured after | 1 Jan. 1980 | 80 db(A) |

In M1, Restricted Manufacturing Zoning Districts, at no point on the boundary of a Residence, R1 through R6, Business or Commercial B1 through B5 District, shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation, exceed the decibel levels in the designated octave bands shown below for the Zoning Districts indicated as measured under test procedures established by Section 9.31 of this Article:

| Levels | Octave Band Center Frequency (Hz) | Maximum Sound Pressure (db) Along District Boundaries | |
|--------|---|--|--------------------------|
| | | Residence | Business - Commercial |
| | 31.5 | 72 | 79 |
| | 63 | 71 | 78 |
| | 125 | 65 | 72 |
| | 250 | 57 | 64 |
| | 500 | 51 | 58 |
| | 1000 | 45 | 52 |
| | 2000 | 39 | 46 |
| | 4000 | 34 | 41 |
| | 8000 | 32 | 39 |
| db(A) | A-scale levels | 55 db(A) | 62 |

a 250 2m-s ps7ye6e3em 0 fn7S8 eoB Tw la4n Tcfn4A)db(A) A

| Octave Band Center Frequency (Hz) | Maximum Sound Pressure Levels (db) Along District Boundaries | |
|---|---|----------------------|
| | Residence | Business -Commercial |
| 31.5 | 72 | 79 |
| 63 | 71 | 78 |
| 125 | 66 | 73 |
| 250 | 60 | 67 |
| 500 | 54 | 61 |
| 1000 | 49 | 55 |
| 2000 | 44 | 50 |
| 4000 | 40 | 46 |
| 8000 | 37 | 43 |
| A-scale levels | 58 db(A) | 64 db(A) |

**9.17 M3 AND M4 ZONE NOISE
PERFORMANCE STANDARDS**

For M3 and M4 Zoning Districts, at no point either on the boundary of a Residence, Business or Commercial District, or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation, exceed the decibel level in the designated octave bands shown below for the Zoning Districts included as measured under test procedures established by Section 9.31 of this Article:

| Octave Band Center Frequency (Hz) | Maximum Sound Pressure Levels (db) Along District Boundaries | |
|---|---|----------------------|
| | Residence | Business -Commercial |
| 31.5 | 75 | 80 |
| 63 | 74 | 79 |
| 125 | 69 | 74 |
| 250 | 64 | 69 |
| 500 | 58 | 63 |
| 1000 | 52 | 57 |
| 2000 | 47 | 52 |
| 4000 | 43 | 48 |
| 8000 | 40 | 45 |
| A-scale levels | 61 db(A) | 66 db(A) |

**9.18 R1-6, B1-5, AND M1 ZONE
VIBRATION STANDARDS**

No person located in R1 through R6, B1 through B5, or M1 zone shall cause or permit by the operation of impact tools, improperly balanced rotating equipments, or any

other source, the propagation of earth borne tremors, continuous or intermittent vibrations or sharp impulses and shocks into any structure involving regular human occupancy whether by virtue of residence, occupation, commerce, recreation, or other such reason, such that continued daily exposure is involved and located on any property in the aforesaid zones (neither from one property lot to another within any one zone, nor from any property lot in one zone to any property lot in another zone of any of the three designated) of an intensity perceptible without the aid of instruments in the sense that the maximum amplitude of such vibrations shall never equal that level commonly referred to in the art as "imperceptible" or "threshold of perceptibility," or indistinguishable from the ambient, whichever is higher. (In terms of an instrumented decision in the latter case, the presence or absence of the given vibration shall not produce any change in the metered value of the ambient to show compliance, i.e., for a violation not to exist.) Propagation of vibrations within M1 Zones shall be prescribed by the rules pertaining within M2 zones.

9.19 M2 ZONE VIBRATION STANDARDS

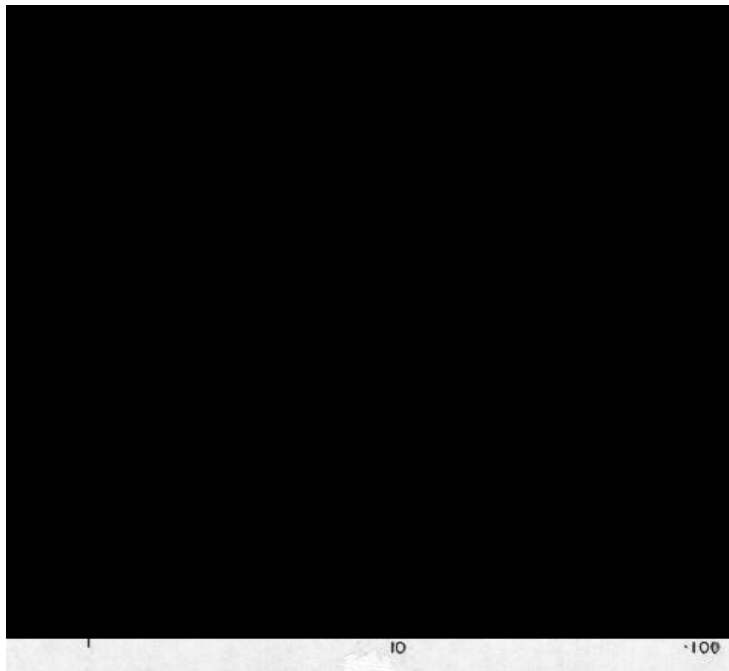
No person located in an M2, general manufacturing zone, where higher energy

three (3) db, or of such a level as to equal but not exceed the ambient, whichever is greater. (In terms of an instrumented decision in the latter case the presence or absence of the given vibration shall not cause a change of more than three (3) db from the metered value of the ambient.) The propagation of vibrations within M3 and M4 zones shall be governed as are vibrations within M2 zones.

9.21 REGULATIONS FOR IMPULSE NOISE AND VIBRATION RESULTING FROM CONTROLLED DETONATIONS

9.21-1 *Standard Regulations*

(a) *Earth Tremors.* No person shall cause or permit as the result of such controlled and earth confined explosions as are employed in quarrying, earth-



(b) *Airborne Impulse Sounds.* No person as the result of any such blasting activities indicated above, including continued daily exposure, shall propagate at or beyond the boundaries of the emitter's property, air blasts and impulsive sounds which when measured at or beyond the boundaries of the emitter's property involved are found to have a peak sound pressure level in excess of 125 db.

9.21-2 *Preemption of Control of Very High Level Impulses by State or Federal Legislation Involving Potential Damage to Living Creatures*

Under no circumstances shall any person cause or permit the propagation beyond the self property lines involved in any permanently located operation such as quarrying (or in the case of operations of potentially variable location such as construction, road building and the like beyond the boundaries of any control zone established by State or Federal legislation) of earth borne vibrations or air borne impulse sounds which shall

exceed any safety limits or damage risk criteria set forth now or in the future by any State or Federal legislation involving the health, safety or physical injury of humans, domestic animals, farm animals or wildlife as shall be specified in any such legislation. Within the property limits of such fixed operations, or within the control zones of operations of variable location, the production of such earth tremors or air blasts, or provision of protective measures therefrom shall be regulated by such State and Federal labor and safety laws as apply to any and all personnel involved.

9.21-3 General Specifications

All measurements taken to determine the quantities specified above shall utilize instruments and methods which meet the approval of the Director and which may be specified in any Suggested Guidelines for Control of Noise and Vibration published by the Department and such appropriate and applicable standards as are proposed, preliminary and/or adopted and issued by such appropriate and qualified groups as IEC, ISO, ANSI, CHABA (National Academy of Sciences - National Research Council, Committee on Hearing, Bioacoustic Biomechanics) and the like.

9.22 GENERAL DEPARTMENT POLICIES AND METHODS FOR COMPLAINT INVESTIGATION, FIELD MONITORING AND RESOLUTION OF DISPUTE IN VIBRATION PROBLEMS

In investigating and evaluating vibration problems, the Department shall employ the most judicious combination of subjective evaluation, controlled experiment where feasible and practicable, measurement by instruments and application of the most modern and widely accepted psycho-physical data and criteria. All procedures shall follow those outlined in any published Department's Suggested Guidelines for Noise and Vibration Control. Examples of the psycho-physical criteria to be employed are, but shall not necessarily be limited to the work of Reiher and Meisteer, that of Dieckmann and its incorporation into German Standard DIN 4025, the researchers of Goldman von Gierke, von Bekesy, the proposed ISO standards as described in its report 108/WG-7 and discussed by Bender and Collins in BBN report 1767, etc.

9.23 USE OF AUDIBLE MOTOR VEHICLE SIGNAL DEVICES AND HORNS

No person shall sound any horn or audible signal device of any motor vehicle of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.

9.24 ENGINE-POWERED WATERCRAFT NOISE LIMITATIONS

No person shall operate any engine-powered pleasure vessel, engine-powered craft or motorboat in a harbor within the County of Cook, on any waterway within the County of Cook, or anywhere within Lake Michigan within two miles of the County

corporate limits at any time in such a manner as to exceed the following noise limit, as measured at a distance of not less than 50 feet from the path of travel:

9.28 TEST PROCEDURES FOR SECTION 9.8

Recommended Practice J184; and such other and further standards as may be propounded in suggested Guidelines of the Cook County Department of Environmental Control.

9.33 EXCESS NOISE OR VIBRATION DECLARED A PUBLIC NUISANCE

Any emission of noise or earth-shaking vibration from any source in excess of the limitations established in or pursuant to this Article shall be deemed and is hereby declared to be a public nuisance, and may be subject to summary abatement procedures. Such abatement may be in addition to the administrative proceedings, fines and penalties herein provided. The Director is empowered to secure the institution of legal proceedings for the abatement or prosecution of emissions of noise and earth-shaking vibration which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public, or cause or have a natural tendency to cause injury or damage to public property. Such legal proceedings may be in addition to the administrative proceedings, fines and penalties herein provided.

**9.34 OTHER PRIVATE OR PUBLIC NUISANCE
ACTION NOT IMPAIRED**

Nothing in this Article shall be construed to impair any cause of action, or legal remedy therefor, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise or earth-shaking vibration in such place or manner, or at such levels, so as to constitute a common-law nuisance.

9.35 PUNISHMENT OF CONVICTED VIOLATORS

Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Article IX, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) for the first offense, and not less than Fifty Dollars (\$50.00) nor more than Five Hundred (\$500.00) for the second and each subsequent offense, in any 180-day period, or shall be punishable as a misdemeanor by incarceration in the County jail for a term not to exceed six months under the procedure set forth in Section 1-2 - 1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1969, ch. 24, par. 1-2 - 1.1) as amended, or by both fine and imprisonment. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation, or failure to comply as permitted to exist after notification thereof. This Article shall take effect immediately.

**ARTICLE X
ASBESTOS AND DEMOLITION ORDINANCE**

10.1 DEFINITIONS

Asbestos-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 anthophyllite fiber.

Commercial Activity-

(c) 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.

(d) 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 containers shall be placed directly upon a vehicle for disposal by burial at a sanitary landfill.

Section 10.2-1(d) shall not apply to the demolition of a structure, except as provided in Section 10.4-1(d) and (e).

10.2-3 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 Section 10.2 and such additional standards as are hereinafter specifically required.

10.3 CONSTRUCTION, ALTERATION AND REPAIR OF A STRUCTURE

10.3-1 The spraying of asbestos-containing material is prohibited after April 1, 1978.

10.3-2 Non-asbestos fibrous matter shall not be sprayed in an area open to the atmosphere, unless the following procedures are taken:

(a) 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 areas 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.

(b) 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.

10.3-3 (a) 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 fibers within
10.3 CONSTRU57 Tc.

(b) 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.

10.3-4 Compliance with Section 10.3-2 and 10.3-3 notwithstanding, visible emissions of fiber-containing material in an area open to the atmosphere shall be considered a violation.

10.3-5 Asbestos-containing material applied in the construction, alteration or repair of a structure s

10.4-2 Contractor Certification & 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 of Certification for asbestos application or removal by an agency or entity recognized and acceptable 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 CFR61.141; CFR61.145; CFR61.150 and as amended. (Amended: 6-22-93)

(c) Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Illinois Administrative Code 228 and as amended.

10.4-3 Permit Required - Fees

(a) A demolition permit shall be obtained from the Director prior to any demolition of any structure. The permit fee for demolition shall be as follows:

| | |
|----------------------|---------|
| Filing Fee | \$25.00 |
| Inspection Fee | \$75.00 |

(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 10.4-3.1 and shall be obtained prior to the start of a project. The permit fee for asbestos removal shall be as follows:

| | |
|------------------|----------|
| Filing Fee | \$100.00 |
|------------------|----------|

Inspectional Fee shall not exceed \$1000.00 per project or the following, whichever is the lesser: (Amended: 12-11-91)

| | |
|---|---------|
| Per lineal foot of asbestos-containing material | \$ 1.00 |
| (or) | |
| Per square foot of asbestos-containing material..... | \$ 3.00 |

Inspectional fee shall not be applicable to structure used primarily as a domestic residence.

(c) Permit fees under Section 10.4-3(a) and (b) shall be established in accordance with Section 5.12 and thereafter Sections 5.12-4, 5.12-5, 5.12-6, 5.12-7 shall be applicable.

10.5

10.5-1 (a) 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 2 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 430 x magnification and counting only fibers 5 microns or greater in length, with a length to breadth ratio of 3 to 1 or greater.

10.5-2 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.

10.5-3 Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 10.2-3 hereunder shall be subject to inspection by the Agency at any reasonable time, without prior notice.

10.5-4 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.

10.5-5

I. INCORPORATION BY REFERENCE (Added 10-21-91)

1) The following parts, and any amendments to these parts, of the Illinois Pollution Control Board Regulations are incorporated by reference:

- a) Monitoring and Testing
35 ILL. Adm. Code 201 - Subpart J (1988)
- b) Alternate Control Strategies
35 ILL. Adm. Code 202 (1988)
- c) Major Stationary Sources Construction and Modifications
35 ILL. Adm. Code 203 (1988)
- d) Emission Standards and Limitations for Stationary Sources
35 ILL. Adm. Code 211 (1988)
- e) Visual and Particulate Emissions
35 ILL. Adm. Code 212 (1988)
- f) Sulfur Limitation
35 ILL. Adm. Code 214 (1988)
- g) Organic Material Emission Standards and Limitations
35 ILL. Adm. Code 215 (1988)
- h) Carbon Monoxide Emissions
35 ILL. Adm. Code 216 (1988)
- i) Nitrogen Oxides Emissions
35 ILL. Adm. Code 217 (1988)
- j) Asbestos
35 ILL. Adm. Code 228 (1988)
- k) New Source Performance Standards
35 ILL. Adm. Code 230 (1988)
- l) Hazardous Air Pollutants
35 ILL. Adm. Code 231 (1988)
- m) Air Quality Standards
35 ILL. Adm. Code 243 (1988)
- n) Episodes
35 ILL. Adm. Code 244 (1988)
- o) Odors
35 ILL. Adm. Code 245 (1988)

2) Wherever the word "agency" is used in the incorporated Pollution Control Board Regulations, the word "department" may be substituted when appropriate.

3) Any duty on the agency that is created by the incorporated Pollution Control Board Regulations is not binding on the Department.

4) Definitions of any terms used in the incorporated Pollution Control Board Regulations are those that are adopted or approved by the Illinois Statutes or the Pollution Control Board Regulations.

5) If there is any inconsistency or conflict, especially those relating to substantive rules, between the Pollution Control Board Regulations that are incorporated and the Cook County Ordinance, the Pollution Control Board Regulations will be followed unless the inconsistency or conflict relates to fees, permits, inspections, penalties or procedure.

ARTICLE XI

SOLID WASTE MANAGEMENT

(Added: 4-18-2000)

11.1 PURPOSE

The purpose of this Article is to implement a solid waste plan for the management of municipal waste within Cook County, except for the corporate limits of the City of Chicago, in order to satisfy the requirements of the Illinois Solid Waste Planning and Recycling Act of 1988 (P.A. 85-1198).

Municipal governments have the primary role and responsibility in providing or arranging for waste management services within their jurisdictional areas, whereas Cook County will implement the coordination, planning, and monitoring of the solid waste management plan throughout incorporated and unincorporated Cook County and establish delegation agreements with sub-county waste management agencies and the Illinois Environmental Protection Agency.

Solid waste management in Cook County shall encourage municipal recycling and source reduction, promote composting of yard waste, and place substantial emphasis on alternatives to landfills.

11.2 COOK COUNTY SOLID WASTE MANAGEMENT COORDINATING COMMITTEE

(a) *Established.* There is hereby established the Cook County Solid Waste Management Coordinating Committee (CCSWMCC). This Committee shall be comprised of seven members. Three shall represent the suburban solid waste agencies as follows: one representative from the Solid Waste Agency of Northern Cook County (SWANCC), one representative of the South Suburban Mayors and Managers Association (SSMMA), and one representative of the West Cook County Solid Waste Agency (WCCSWA). Each of the above Solid Waste Agencies shall be represented by its Chairperson or the Chairperson's designee. The remaining four members of this Committee shall be appointed by the President of the Cook County Board as follows: one representative of the Northwest Suburbs and one representative from the Southwest Suburbs that do not belong to any of the above listed Agencies, and two Cook County representatives at large. In addition, the President of the County Board may appoint the President of the Northeastern Illinois Planning Commission (NIPC), as an ex-officio member without voting rights.

(b) *Duties.* It shall be the duty of the committee to oversee the implementation of the Cook County Solid Waste Management Plan and to aid and assist each of its members in fulfilling the

11.3 SOLID WASTE COORDINATOR

The Director of the Department of Environmental Control shall designate a solid waste coordinator, who shall be responsible for the implementation, coordination, and monitoring of the Cook County Solid Waste Plan. The coordinator shall also be actively involved in Cook County's solid waste policy development, especially as it concerns public education and recycling activities. The coordinator shall report directly to the Director.

11.4 RE

The following words and terms shall have the meanings set forth except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

COOK COUNTY SOLID WASTE MANAGEMENT COORDINATING COMMITTEE means the committee as defined in Section 11.2 of the Cook County Environmental Control Ordinance.

COUNTY means the unincorporated area of Cook County, Illinois.

COUNTY BOARD means the County Board of Cook County, Illinois.

COUNTY CLERK means the County Clerk of Cook County, Illinois.

SITE means any location, place, tract of land, or facilities, including but not limited to buildings and improvements used for purposes subject to regulation or control by this Ordinance or regulations hereunder.

SPECIAL WASTE means any industrial process waste, pollution control waste or hazardous waste.

STORAGE means the containment of waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of such waste.

TREATMENT means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any waste, so as to neutralize such waste or so as to render such waste safer for transport, amenable for recovery, amenable for storage, or to reduce such waste in volume.

WASTE is any discarded material, including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in 415ILCS5/3.94 of the Illinois Environmental Act, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from and any facility subject to the Federal Surface mining Control and Reclamation Act of 1977.

12.3 PROCEDURE FOR FILING AN APPLICATION

12.3.1 *Pre-Filing Notice of Intent to File an Application.*

The applicant shall meet all pre-application notice requirements specified in Illinois 415 ILCS 5/39.2, which specifies that:

1. The applicant shall prepare notice of intent to file an application for site location approval containing the following information:
 - a. The name and address of the applicant;
 - b. The location of the proposed site;
 - c. The nature and size of the proposed development;
 - d. The nature of the activity at the proposed site;
 - e. The probable life of the proposed activity;

- f. The date when the application for the site location approval will be submitted to the County Board;
- g. A description of the right of persons to comment on such an

12.3.3 *Pre-Filing Review.*

The applicant for site location approval shall provide full and complete answers to all the questions on the application form. At the time the applicant files an application with the President of the Cook County Board and with the County Clerk, a copy of the application shall be immediately delivered by the County Clerk to the Cook County Department of Building and Zoning for review. The County Clerk shall also deliver copies of the application to the Cook County Department of Environmental Control, Cook County Department of Planning and Development, and to the Cook County

as oblige, in the amount of two hundred fifty thousand and 00/100 dollars (\$250,000.00). The applicant shall maintain such surety bond in full force and effect for a period of one hundred eighty (180) days from the date of filing the application, unless the applicant

12.5 APPOINTMENT OF HEARING OFFICER(S)

The President of the County Board shall appoint a Pollution Control Facility Hearing Officer(s) to serve during any public hearings concerning an application for site location approval. The Hearing Officer(s) shall serve at the pleasure of the President of the County Board. Compensation for services of the Hearing Officer(s) shall be mutually agreed upon before a hearing.

12.6 RESPONSIBILITIES OF HEARING OFFICERS(S)

The Hearing Officer(s) shall be responsible for calling the hearing to order and for deciding points of order. The Hearing Officer(s) shall determine the order of presentation of testimony. The Hearing Officer(s) may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or other evidence. The Hearing Officer(s) shall rule on

