

SUBSTITUTE
ORDINANCE
AS AMENDED

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

SECTION I. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by deleting Article II, Sections 11-4-580 through 11-4-810, in its entirety, and replacing it with a new Article II, as follows:

ARTICLE II. AIR POLLUTION CONTROL

Part A. General Provisions

11-4-600 Purpose and intent.

Air pollution can pose hazards to the public health or the environment. The purpose of this article is to reduce the potential risk of harm to the public health, safety, and welfare or to the environment from releases of air contaminants from buildings, structures, facilities, devices, processes or other air pollution sources within the city.

11-4-610 Definitions.

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

"Air contaminant" means any individual substance or matter, including but not limited to smoke, soot, fly ash, dust, cinders, dirt, acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, volatile organic compounds, ozone, waste, particulate, solid, liquid or gaseous matter, or any other material, which is a component of or precursor to air pollution.

"Air pollution" means the presence in the outdoor atmosphere of any air contaminants that (1) endanger the health, safety or welfare of the public; (2) cause or may cause injury, detriment, nuisance or annoyance to the public or damage to business or property; or (3) leave the premises on which they originated so as to interfere with the reasonable and comfortable use and enjoyment of property.

"Automobile or truck sales lot" means any land area used or intended to be used for the display or sale of passenger automobiles or commercial vehicles.

"Combustion equipment" means any equipment or device which generates heat or energy by burning solid, liquid, or gaseous fuel or other material, and which emits or has the potential to emit air contaminants. Combustion equipment includes, but is not limited to, boilers, furnaces, ovens, incinerators, and generators.

"Equipment" shall have the meaning ascribed to the term "process equipment."

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

"Emission unit" means any part or activity at a stationary source that emits or has the potential to emit any air pollution.

"Facility" means any commercial, industrial, or residential establishment which contains one or more regulated areas or units of regulated equipment. A facility may consist of more than one building or structure where all lots are contiguous and the parts of the facility are functionally related.

"Fumes" means gases, vapors or particulate matter that are of such character as to cause air pollution.

"Open burning" means the combustion of any matter in such a way that the products of the combustion are emitted into the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Illinois Environmental Protection Act, as amended.

"Particulate matter" means material, other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid.

"Pollution control device" means any equipment or device used to eliminate, prevent, reduce or control the emission of air contaminants to the outdoor atmosphere. Pollution control devices include, but are not limited to, scrubbers, dust collectors, thermal oxidizers, cyclones, mist collectors, catalytic converters, and electrostatic precipitators.

"Process area" means any location within a facility where chemical, industrial, commercial, or manufacturing operations are conducted, and which emits or has the potential to emit air contaminants. Activities conducted in a process area include, but are not limited to, motor vehicle repairs, grinding, sawing, sanding, cutting, buffing, packaging, assembling, machining, blending, coating, plating, or mixing.

"Process equipment" means any equipment or device used in any industrial, commercial, or manufacturing operations for the mechanical, thermal, or chemical treatment or processing of a raw material, product, or byproduct, and which emits or has the potential to emit air contaminants. Process equipment includes, but is not limited to, tanks, kettles, converters, CNC machines, kilns, ovens, non-residential food preparation units vented to the outdoor atmosphere via a hood,

crucibles, stills, dryers, roasters, crushers, grinders, blenders, mixers, reactors, regenerators, separators, filters, columns, classifiers, screeners, quenchers, cookers, washers, scrubbers, mills, condensers, absorbers, balers, compactors, unfired pressure vessels, indirect fired vessels, unit heaters, infra red heaters, makeup air units with heating elements, agitators, and sedimentation and classification devices. Process equipment also includes, but is not limited to, equipment or devices required for water conditioning, treatment of industrial and municipal wastes, metallurgical processing, pulp and paper production, food processing, dry cleaning, petrochemical production and other similar operations.

"Regulated equipment or area" means any combustion equipment, pollution control device, process equipment, or process area.

"Residential heating plant" means a plant generating heat for a single-family residence, or multiple-dwelling units in which such plant serves fewer than four apartments. Under this designation are also hot water heaters, furnaces, 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.

"Smoke" means small gas-borne particles other than water that form a visible plume in the air from any emission source.

"Stage II vapor recovery system" means a system for gasoline vapor recovery from the fueling of motor vehicles.

"Stationary emission source" means an emission source which is not self-propelled.

Part B. Permitting

11-4-620 Permitting of facilities, devices, or processes for control of air pollution.

(a) *Air Pollution Control Permit Required.*

- (1) Except as otherwise provided in this article or in rules or regulations promulgated thereunder, no person shall install or operate in any way any regulated equipment or area without a valid air pollution control permit issued by the commissioner.
- (2) No person shall replace or relocate any regulated equipment or area requiring an air pollution control permit without receiving a new air pollution control permit from the commissioner.
- (3) No person shall repair or modify any regulated equipment or area requiring an air pollution control permit, if such repair or modification will increase the quantity or change the nature of air contaminants emitted from such

regulated equipment or area, without receiving a new air pollution control permit from the commissioner.

(b) *Posting.* Air pollution control permits shall be posted in a conspicuous place at or near the regulated equipment or area for which they are issued.

(c) *Exceptions.* An air pollution control permit shall not be required for any of the following equipment or under the following circumstances:

- (1) Residential heating plants;
- (2) Indoor fireplaces that are exempted under subsection (b) or (c) of section 11-4-740, or for which the commissioner has issued a variance pursuant to subsection (d) of section 11-4-740;
- (3) Coin-operated laundry washers and dryers;
- (4) Air conditioners and refrigerators;
- (5) Gas-fired cooking equipment;
- (6) Stage II vapor recovery systems;
- (7) Bench-scale laboratory equipment used exclusively for chemical or physical analysis;
- (8) Repair, replacement, modification or relocation specifically authorized or required under applicable federal or state law; provided, however, that in the case of such a repair or modification, the owner or operator shall notify the commissioner in writing at least seven days prior to commencing the repair or modification;
- (9) Repair, replacement, modification or relocation necessitated by an emergency before permission can be obtained, if the commissioner subsequently determines that such action was taken based on a reasonable belief that an emergency had arisen, and that serious consequences would have resulted if the action was deferred; or
- (10) Other equipment or circumstances exempted by the commissioner in accordance with rules and regulations promulgated pursuant to this article.

(d) *Termination.* Any air pollution control permit issued prior to the installation of any regulated equipment or area shall become void, and all fees paid for such permit shall be forfeited, if installation is not completed within one year from the date of issuance of the air pollution control permit, or any extended period allowed by the commissioner in writing.

(e) *Permit application content.* The owner of any regulated equipment or area requiring an air pollution control permit shall file an application in a form prescribed by the commissioner and provide all requested information.

(f) *Other laws and regulations.* The permitting requirements of this section do not in any way limit the authority of the commissioner to enforce any environmental laws or regulations otherwise applicable to a regulated equipment or area installed or operating in the city.

11-4-630 Standards for issuance of air pollution control permits.

(a) The commissioner shall grant an air pollution control permit only if the commissioner has determined that:

- (1) the owner or operator of the regulated equipment or area for which a permit is sought is not currently in violation of any substantive standards set forth in Part C of this article or any regulations promulgated pursuant to this article; and
- (2) any control equipment or technology to be utilized to control the emission of air contaminants is appropriate for the facility's operations and throughput; provided, however, any control equipment or technology permitted by state or federal law or regulation shall be considered appropriate.

(b) The commissioner shall have authority to impose conditions necessary to achieve the purposes of this article upon any permit issued pursuant to this section.

(c) Any person whose application for an air pollution control permit is denied, or upon whom permit conditions are imposed pursuant to paragraph (b) of this section, may appeal to the commissioner for a hearing on the denial or conditions by submitting a written request for a hearing within 15 days of the date of the letter denying the permit application or granting the application with conditions. The commissioner, or the commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled with the mutual consent of the parties. Failure to timely request a hearing in accordance with this paragraph shall constitute a waiver of the opportunity for a hearing.

11-4-640 Shutdown of permitted equipment.

The owner or operator of any regulated equipment or area subject to an air pollution control permit that is dismantled or discontinued shall notify the commissioner in writing of that dismantling or discontinuance within thirty days of its occurrence.

11-4-650 Permit fees.

Every applicant for an air pollution control permit shall pay a permit fee of \$150.00 per piece of a regulated equipment or area permitted, except that if the regulated equipment or area is installed pursuant to a building permit issued under Chapter 13-32 of this Code and the required permit fees are paid in accordance with sections 13-32-302 and 13-32-310 of this Code, no additional fee is required to obtain an air pollution control permit.

11-4-660 Certificate of operation - - required.

(a) *Certificate of operation required.* No person shall cause or allow the operation of any regulated equipment or area requiring an air pollution control permit under Section 11-4-620 of this Code, or a Stage II vapor recovery system, without a valid certificate of operation issued by the commissioner. An application for a certificate of operation shall be made to the department in a form prescribed by the commissioner.

(b) *Scope of certificate of operation.* A single certificate of operation shall be issued for

a facility, which may encompass regulated equipment or areas requiring more than one air pollution control permit.

(c) *Posting.* Certificates of operation shall be posted in a conspicuous place at the facility for which they are issued.

(d) *Duration and renewal.* A certificate of operation shall be valid for one year from the date of issuance unless a shorter period is specified by the commissioner, subject to annual renewal as set forth in Section 11-4-690.

(e) *Exceptions.* A certificate of operation shall not be required from the department for facilities operating only the following equipment:

- (1) Emergency or standby generators;
- (2) Boilers or furnaces; or
- (3) Other equipment exempted by the commissioner in accordance with rules and regulations promulgated pursuant to this article.

11-4-670 Standards for the issuance of annual certificate of operation.

(a) The commissioner shall not issue or renew a certificate of operation unless the applicant has certified that it is in compliance with all of the following standards. The applicant must

- (1) operate in a manner that is not detrimental to public health or safety, or to the environment;
- (2) comply with all substantive standards set forth in Part C of this article or any regulation promulgated pursuant to this article;
- (3) hold an air pollution control permit for all regulated equipment or areas in the facility for which a certificate of operation is sought, and comply with all terms of all air pollution control permits; and
- (4) keep all regulated equipment or areas in good repair and free from operational defects.

(b) The commissioner shall have authority to impose conditions necessary to achieve the purposes of this article upon any certificate of operation issued pursuant to this section.

(c) Any person whose application for a certificate of operation is denied, or upon whom certificate of operation conditions are imposed pursuant to paragraph (b) of this section, may appeal to the commissioner for a hearing on the denial or conditions by submitting a written request for a hearing within 15 days of the date of the letter denying the certificate application or imposing the conditions. The commissioner, or the commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled with the mutual consent of the parties. Failure to timely request a hearing in accordance with this paragraph shall constitute a waiver of the opportunity for a hearing.

11-4-680 Certificate of operation fee.

Every applicant for a certificate of operation shall pay a fee based on the potential or actual

emissions of the facility for which the certificate of operation is sought. Facilities are categorized and fees shall be levied as follows:

Category	Emissions	Fee
A1	Facility whose potential and actual emissions are 100 tons or more per year.	\$1,250.00
A2	Facility with potential to emit more than 100 tons per year, but whose actual emissions are less than 100 tons per year.	\$750.00
B	Facility whose potential and actual emissions are more than 10 tons per year but less than 100 tons per year.	\$250.00
C	Facility whose potential and actual emissions are 10 tons or less per year, or Stage II vapor recovery system.	\$50.00

11-4-690 Annual certification of compliance.

Every owner or operator of a facility with a certificate of operation issued in accordance with section 11-4-660 of this Code must certify annually to the commissioner that the facility continues to meet the standards for issuance of a certificate of operation, beginning one year from the date that the certificate was issued. The self-certification must be submitted in an appropriate form as prescribed by the commissioner prior to the expiration of the certificate of operation. Such self-certification shall include a sworn statement by the owner or operator of the subject facility either (1) stating that in the previous year, no repairs or modifications occurred that in any way affected the quantity or nature of air contaminants emitted or potentially emitted from the facility, and no changes were made at or to the subject facility that altered the information provided as part of its air pollution control permit application; or (2) describing any such changes in detail and stating any effect on emissions from the facility. Timely submission of the annual self-certification shall constitute renewal of the certificate of operation for an additional period of one year. Every owner or operator shall include the certificate of operation fee designated in section 11-4-680 along with the annual self-certification.

Part C. Substantive Standards.

11-4-700 Visible emissions limitations.

- (a) No person shall cause or allow the emission of smoke or other particulate matter