

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
CONSTRUCTION SITE REPROCESSING
RULES AND REGULATIONS

Whereas, pursuant to Chapters 11-4 and 2-30 of the Municipal Code of Chicago (the “Code”), the Department of Environment is charged with enforcement of environmental regulations, including waste management, within the City of Chicago; and

Whereas, pursuant to the authority granted by Section 2-30-030 of the Code, the Commissioner of the Department of Environment, City of Chicago, is authorized to issue rules and regulations necessary or proper to accomplish the purposes of Chapter 11-4 of the Code, and is further authorized to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in Chapter 11-4 of the Code; and

Whereas, specifically, under Section 11-4-1935 of the Code, the Commissioner of Environment may adopt rules and regulations setting forth application requirements and standards and conditions for the location and operation of construction site reprocessing activities, and to require applicants for and operators of such activities to provide such information as the Commissioner deems necessary to effectuate the purposes of this section; now, therefore,

I, Sadhu A. Johnston, Commissioner, Department of Environment, City of Chicago, issue the following rules and regulations pursuant to Sections 2-30-030 and 11-4-1935 of the Municipal Code of Chicago.

1.0 Scope and Purpose. The purpose of these rules and regulations is to interpret and clarify the phrase “used solely on site” with regard to the use of reprocessed construction/demolition materials.

2.0 Definitions. The following terms, as used in Section 11-4-1935 of the Chicago Municipal Code and the regulations promulgated pursuant thereto, shall have the following meanings:

- 2.0.1 The term “Commissioner” means the Commissioner of the Department of Environment of the City of Chicago.
- 2.0.2 The term “demolition site” means the real property, or any portion thereof, on which the demolition occurred and on which the authorized reprocessing activity will occur.
- 2.0.3 The term “Department” or “DOE” means the Department of Environment of the City of Chicago.
- 2.0.4 The term “planned construction” means construction where the necessary site planning, permitting, and preparation have been completed at the time reprocessing authorization is requested pursuant to section 11-4-1935 of the Code.

2.0.5 The term “on site” means the demolition site, and may, with the Commissioner’s express written authorization, include adjacent properties at which planned construction will occur so long as the adjacent properties are:

- a) Owned by the same property owner who owns the demolition site. (Projects undertaken by one or more governmental entities, including projects undertaken by one or more municipal corporations and/or any subdivisions thereof, shall be deemed to have common ownership);
- b) Developed by the same developer or general contractor who is the developer or general contractor at the demolition site. (Projects undertaken by one or more governmental entities, including projects undertaken by one or more municipal corporations and/or any subdivisions thereof, shall be deemed to have the same developer); and
- c) Located no farther than 1/4 mile (1,320 feet) from the demolition site, as measured from the perimeter of the demolition site, whether or not bisected by publicways; or located within 1 mile (5,280 feet) from the demolition site as measured from the perimeter of the demolition site, whether or not bisected by publicways, if the following conditions are met:

1) the applicant has submitted a plan that describes the pollution control measures, monitoring, and recordkeeping (such as maintenance of load tickets and other documentation) that will be implemented to ensure compliance with the Code and DOE regulations; and

2) the applicant submits, within 30 days of the expiration of the temporary reprocessing authorization, a report to DOE that fully documents, to the satisfaction of the Commissioner, the quantity and location of all reprocessed construction and demolition debris removed from the demolition site for use in the planned construction.

3.0 Reprocessing activities. The site operator shall locate the reprocessing device and approved construction site reprocessing activities in accordance with the setback distances and other conditions specified in the reprocessing authorization and shall conduct the reprocessing activities in accordance with the terms and conditions of the construction site reprocessing authorization.

4.0 Changes to construction site reprocessing authorization. No changes to the construction site reprocessing authorization may be made without the operator first having submitted a new authorization application to the Department and having obtained the Commissioner’s express written authorization thereof.

5.0 Use of reprocessed construction/demolition material. The site operator may reprocess only as much reprocessable construction/demolition material as will be used on site for planned construction. All excess reprocessed construction/demolition material and unprocessed construction/demolition material must be disposed of or recycled at a properly permitted facility not more than 30 days from the date that the construction site reprocessing authorization expires.

6.0 Transport. All vehicles transporting construction/demolition material on or from the site must be completely sealed with a tarp or similar cover.