

Proposed Rules for Large Recycling Facilities Comments from Groot Industries, Inc.

Comment 1

Proposed Rule: Section 2, Definitions

Suggested Change:

“Consequential Facility” means a Large Recycling Facility that meets at least one of these criteria:

- a. Has been found in violation of any federal, state, or local air quality law or regulation within the last three years;
- b. Conducts the shredding of vehicles;
- c. Is permitted to sort 100 tons per day or more of Recyclable Materials using magnetic systems, eddy-current systems, mechanical screens, or other mechanical sorting equipment and sorting is not performed within an enclosed building;
- d. Conducts the torch-cutting, welding, or heating of metals;
- e. Accepts and handles Type D Recyclable Materials; or
- f. Has a total outdoor recycling operation covering two acres or more and is within 600 feet of a Sensitive Area.

Rationale:

The definition of “Consequential Facility” is intended to identify those recycling facilities which would be subject to the Air Quality Impact Assessment under proposed rule 3.9.22. Under the proposed definition, single-stream recycling facilities which process

Mechanical sorting equipment is electric powered (via the electric grid) and would not be a source of CO, NO_x, VOCs, SO₂, or lead. Because the mechanical equipment is used only to sort materials and not chemically or thermally treat the materials, the equipment would not be a potential source of Toxic Air Pollutants. Therefore, the criteria pollutant most associated with sorting would be particulate matter. However, if sorting operations are conducted within an enclosed building, controls are in place to prevent off-site migration of particulates.

Comment 2

Proposed Rule: Section 2, Definitions

Suggested Change:

“Large Recycling Facility” means a Facility that 1) is authorized to accept 250 tons or more per day of Recyclable Materials; or 2) has a Site area consisting of 2.5 acres or larger. Large Recycling Facilities do not include Facilities that a) receive, Process or Store Recyclable Materials from residential and commercial sources within an enclosed building or container; and 2) Process Recyclable Materials only through manual, mechanical or automated means without use of chemical or thermal treatment, cutting, or torching.

Rationale:

The Proposed Rule is tied in part to a threshold of 250 tons per day of Recyclable Material; that threshold presumes that smaller Recycling Facilities (< 250 tons per day) are inherently safer or operate with fewer potential impacts, which may not be the case. Large Recycling Facilities (>250 tons per day) have often invested in Site and Facility improvements that allow them to operate more safely and with fewer potential environmental impacts than smaller Facilities.

“Single-stream” Material Recycling Facilities (MRFs) process Recyclable Materials from residential and commercial sources. The Recyclable Materials include 1) metal, plastic and glass containers and 2) mixed paper and cardboard. The MRFs conduct all receiving, sorting and Processing operations in an enclosed building. Processing consists primarily of densification of Recyclable Materials using balers. There is no thermal or chemical treatment of the Recyclable Materials, and no cutting or torching, as might be required to handle bulk metals from industrial sources. Further, after Processing, Recyclable Materials are either Stored in an enclosed building or an enclosed trailer/container -- i.e., Recyclable Materials are not stockpiled and Processed outside. Single-stream MRFs are essential infrastructure for the City to attain its recycling goals.

For these reasons, Recycling Facilities that receive Recyclable Materials only from residential and commercial sources, and that conduct all receiving, Processing and Storage activities within an enclosed building, would be excluded from the definition of “Large Recycling Facility”.

Comment 3

Proposed Rule: Section 2, Definitions

Suggested Change:

“Sensitive Area” means any property with a residential ~~use zoning~~, a park, a hospital, a clinic, a church, a day-care center, or a school

Rationale:

The term “residential use” is not defined elsewhere in the Proposed Rules and is ambiguous. The City has residential zoning maps which would remove the ambiguity.

Comment 4

Proposed Rule: Section 3, Application Requirements

Suggested Change:

Permit applications shall contain Documentation sufficient to Demonstrate that the Facility is designed and will be operated in a manner that protects the public health, safety and the environment. ~~Documentation submitted to other regulatory agencies, such as the EPA, IEPA, and the MWRD, relating to a construction or operation of a waste facility, a recycling facility, a discharge source, or an emission source must be included in the application as an Attachment and referenced in the application.~~

Nothing contained in these rules shall be interpreted to require a waste facility that also conducts a recycling operation at the same Site to obtain more than one permit from the Chicago Department of Public Health. For such Sites, the Applicant shall submit a single permit application pursuant to the Department’s rules for the most intensive use. As an example, a solid waste transfer station which also conducts recycling operations would apply for a CDPH permit to construct and operate a transfer station in accordance with the Transfer Station Application Requirements and Location, Operating and Design Standards.

Rationale:

Deleted Text: The request for “Documentation submitted to other regulatory agencies” is overly broad and burdensome and could result in an excessively-long permit application. As an example, the historical Illinois Environmental Protection Agency (IEPA) permit file could be hundreds or thousands of pages long. Such documentation is a matter of public record and therefore available to the Department of Public Health through FOIA request. Furthermore, the

Department of Public Health permit would typically be applied for before other regulatory permits (e.g., an NPDES permit), and therefore the “Documentation submitted to other regulatory agencies” might not be available at the time of the CPDH permit application.

Added Text: A requirement to submit multiple permit applications for a single Site is burdensome. In instances where recycling operations are conducted at the same Site that a more intensive waste use is also permitted by CDPH (such as a transfer station or landfill), the permit application would be filed in accordance with the rules pertaining to the more intensive waste use. Solid waste facilities, as distinct from recycling facilities, require an IEPA development permit and an IEPA operating permit in addition to a CDPH permit, and therefore are subject to multiple permit requirements from more than one regulatory authority.

Comment 5

Proposed Rule: Section 3.8, Nature of a Special Use

Suggested Change:

~~If applicable, an application for a New Facility or an Expanding Facility shall contain all reports and information intended to support an application for a variance in the nature of a special use (Special Use Variance) from the Zoning Board of Appeals (ZBA).~~ If the Facility already has a Special Use Variance, the application shall contain a copy of the Special Use Variance and Documentation to Demonstrate that the Facility is in compliance with all conditions of the Special Use Variance.

Rationale:

The requirement to submit all reports and information intended to support an application for a variance in the nature of a special use is burdensome and duplicative. Applications for Special Use Variances are typically lengthy (in many cases amounting to hundreds of pages and drawings), and the information is a matter of public record and available to CPDH through another City entity (ZBA). Furthermore, the application for a Special Use Variance addresses land use and planning issues that are outside the regulatory purview of the CPDH and more properly considered by the ZBA. Finally, the Proposed Regulations for Large Recycling Facilities already require specific information (e.g., Section 3.9.2, 3.9.3, 3.9.14, 3.10) on land use, traffic and other zoning-related issues to be included in the permit application, without the need to submit the entire ZBA record.

Comment 6

Proposed Rule: Section 3.9.2.2, USGS Site Location Map

Suggested Change:

A clearly marked one-mile radius around the entire Facility that identifies any feature such as a ~~residential property~~, stream, river, pond, lake, Wetland, road, highway, school, park, and any other Sensitive Area.

Rationale:

At the indicated scale (USGS 7.5 Minute Quadrangle Map) in Section 3.9.2, residential properties could not be shown without obscuring other features. Information on residential features is requested (at a more legible scale) in Section 3.9.3.3.

Comment 7

Proposed Rule: Section 3.9.3.2, Aerial Photography Drawing(s)

Suggested Change:

Clearly marked radiuses of 150 feet and 660 feet around the entire Facility boundary to identify features such as a ~~residential property~~, road, highway, school, park, ~~non-manufacturing land uses~~ and any other Sensitive Area within these radiuses.

Rationale:

Showing all residential properties could obscure other features. Section 3.9.3.3 requires zoning information to be provided on the aerial photograph, which would indicate where residential and non-manufacturing areas are located in relation to the Facility. Section 3.9.4.1 (Location Standards, Residential Setbacks) states that a Facility must meet the setback requirements set forth in Section 17-9-0117 of the Municipal Code; those setbacks are measured from R-zoning district boundaries.

Comment 8

Proposed Rule: Section 3.9.5.5, General Layout of the Facility

Suggested Change:

All pertinent features of the stormwater management system (e.g. on-site stormwater flow, inlets, storm water pipelines, catch basins, and detention/retention ponds). For a New or Expanding Facility, the extent of the high-water level during a one hundred (100) year, 24-hour precipitation event, shall also be depicted if present.

Rationale:

The “if present” language is added for clarity.

Comment 9

Proposed Rule: Section 3.9.7.3, Pavements

Suggested Change:

For new pavements, provide ~~cross-sectional~~ drawings showing ~~the thickness and material composition of the pavement system layers from sub-grade to the surface slab or wearing course, and the general~~ elements of the roadways such as the traveled way, ~~shoulders, cross slope, side slopes,~~ curbs, gutters, medians, barriers, guardrails, and ditches.

Rationale:

Roadway cross-sections would typically be developed only during the final architectural/engineering design of the Facility, not at the environmental permitting phase. Detailed roadway design would be reviewed at the building permit phase by other City departments prior to construction.

Comment 10

Proposed Rule: Section 3.9.7.4, Pavements

Suggested Change:

For a New or Expanding Facility, all internal roadways intersecting the public way shall be paved with concrete or asphalt. The length of the concrete or asphalt pavement shall be the lesser of 1) the distance between the public way and the primary scale; or 2) a length of 250 feet into the Facility commencing from the public way. If the Facility does not operate a scale, the distance to the Tipping Floor or receiving building may be used to determine the minimum required length of the concrete or asphalt pavement.

Rationale:

Asphalt pavement will achieve the same objective as this Proposed Rule and provide flexibility in the design of the Large Recycling Facility.

Comment 11

Proposed Rule: Section 3.9.8.2, Utilities

Suggested Change:

~~Calculations demonstrating the peak demand for Utilities required for the proper operation of the Facility. This shall include, but is not limited to, gas and electrical demands.~~

Rationale:

Peak utility demand calculations would typically be developed only during the final architectural/engineering design of the Facility, not at the environmental permitting phase. Detailed mechanical/electrical/civil design plans would be reviewed at the building permit phase by other City departments, and by utility-providers prior to connection. The information required by Section 3.9.8.1 (utility-location drawing) will provide CDPH with sufficient information on the availability of utilities on-site and adjacent to the Facility.

Comment 12

Proposed Rule: Section 3.9.8.3, Utilities

Suggested Change:

~~Documentation to Demonstrate that sufficient capacity for Utilities is available to the Facility to satisfy the demands calculated in 3.9.8.2 Such Documentation may be in the form an approval letter or permit from the utility provider.~~

Rationale:

As noted under Comment 9, peak utility demand calculations would typically be developed only during the final architectural/engineering design of the Facility, not at the environmental permitting phase. It would therefore be unduly burdensome to require such calculations, and utility approval or permits, at the environmental permitting phase.

Comment 13

Proposed Rule: Section 3.9.11.2, Structures and Fixed Equipment

Suggested Change:

~~Documentation that the buildings used to store recyclables meet all building and fire prevention requirements set forth in the Municipal Code.~~

Rationale:

For new Facilities, it is premature to request final architectural/engineering design parameters with respect to building code and fire code requirements at the environmental permitting phase, other than to note that all buildings must meet the building and fire safety provisions set forth in the Municipal Code. Compliance with Municipal Code requirements will be evaluated by other City departments during the building permit phase and prior to construction.

Existing Facilities, especially older Facilities, may have received proper building permits under previous versions of the City's building code. As a result, and other than for fire prevention requirements, it would be challenging for such Facilities to meet this Proposed Rule because it would require a complete building code review of a long-established Facility. Moreover, the performance standard established by this Proposed Rule (i.e., compliance with all provisions of the current building code) may not be feasible.

Comment 14

Proposed Rule: Section 3.9.12.1, Tipping Floor and Storage Capacity

Suggested Change:

Detailed calculations of the volume available for the unloading of inbound materials on the Tipping Floor(s). ~~The Facility shall have a dedicated Tipping Floor for the unloading of vehicles with commingled or unknown Recyclable Material, and another dedicated Tipping Floor for accommodating homogeneous loads or loads with known content and shipped under a bill of lading.~~

Rationale:

The decision to have separate tipping floors for commingled recyclables and source-separated (homogenous) recyclables is a business decision best made by the Facility operator. Both types of materials may be processed over the same sorting line, and there is no reason (other than the operator's business judgement) to require separate dedicated tipping floors. This requirement could be counter-productive to CDPH's goals in that it could result in two undersized tipping floors instead of single tipping floor of adequate size to handle all incoming materials.

Comment 15

Proposed Rule: Section 3.9.12.2, Tipping Floor and Storage Capacity

Suggested Change:

~~Detailed calculations of the volume available for the temporary Storage of Unauthorized Materials. Such area shall be located adjacent to or near the Tipping Floor, designed to accommodate any Unauthorized Material that can reasonably be encountered in the inbound stream, and shall be sized to accommodate at least 5% of the Facility's daily permitted capacity. unloading of inbound materials on the Tipping Floor(s).~~

Rationale:

The requirement to size the storage area for Unauthorized Material at 5% or more of daily permitted capacity is arbitrary and may unduly burden the design and operation of a safe and efficient Facility. Since the size of the storage area is tied to daily permitted capacity, the presumption appears to be that Unauthorized Material is only removed once per day. However, that may not be the case in a Facility's operating plan; for instance, Unauthorized Material may be removed once a roll-off container used to store the material is full.

Section 3.11 of the Proposed Regulations requires a screening plan and emergency response plan for Unauthorized Material. CPDH's objectives can be more flexibly addressed through the Facility operating plan required by Section 3.11 instead of specifying an arbitrarily-sized storage area for Unauthorized Material.

Comment 16

Proposed Rule: Section 3.9.13.1, Water Drainage

Suggested Change:

~~A stormwater management plan approved by the Chicago Building Department pursuant to the stormwater ordinance under Chapter 11-18 of the Municipal Code, or a letter from the Chicago Building Department that the facility is exempted from the stormwater ordinance requirement. The 100-year high water elevation must be depicted on the general layout requirements in subsection 3.9.5, even if the Facility is exempted from Chapter 11-18.~~

Rationale:

Because the stormwater management plan must be approved by the Chicago Building Department, the approval would logically be pursued during the building permit phase, which comes after the CDPH environmental permitting process. Section 3.9.13 generally requires the Design Report to Demonstrate that adequate systems exist to handle stormwater and wastewater flows from the Facility. This requirement will provide CDPH with relevant information to review the stormwater and wastewater management systems of the Facility, without disrupting the normal phasing of permits.

Comment 17

Proposed Rule: Section 3.9.13.2, Water Drainage

Suggested Change:

Copies of the Facility's NPDES and MWRD discharge permits, or anticipated submittal date, ~~along with a copy of the permit application(s)~~, and any other permit issued by the IEPA Bureau of Water.

Rationale:

The requirement to include an NPDES and/or MWRD permit application(s) in the CDPH Large Recycling Facility permit application is unduly burdensome because: a) it requires inclusion of additional permit application material that would typically only be developed after the issuance of a CDPH permit; and, b) requires permit application material for which CDPH cannot issue the requisite permit.

Comment 18

Proposed Rule: Section 3.9.14, Traffic

Suggested Change:

The Design Report shall Demonstrate that ~~the Facility is designed and located as to minimize the impact on the existing traffic flow in the surrounding area~~ ~~traffic generated by the Facility will not significantly affect existing traffic flows~~, and that the points of ingress and egress are designed according to Illinois Department of Transportation (IDOT) standards.

Rationale:

The suggested change brings the proposed CDPH rule into conformance with the traffic criterion specified in Section 17-13-0905-B of the Municipal Code, and removes the potential ambiguity of the words "significantly affect".

Comment 19

Proposed Rule: Section 3.9.14,6, Traffic

Suggested Change:

A Demonstration ~~the Facility is designed and located as to minimize the impact on the existing traffic flow in the surrounding area~~ ~~that traffic generated by the Facility will not interfere with the flow of traffic or exceed the intended level of service of any public street or right-of-way.~~

Rationale:

The suggested change brings the proposed CDPH rule into conformance with the traffic criterion specified in Section 17-13-0905-B of the Municipal Code. As proposed by CDPH, "interfere with the flow of traffic" is a subjective standard.

Comment 20

Proposed Rule: Section 3.9.14.7, Traffic

Suggested Change:

Traffic counts taken in hourly intervals at all ingress/egress points during the morning and evening peak traffic periods throughout the anticipated operating hours of the Facility. The entire operating period shall be represented in this traffic count study and shall identify the peak hours of traffic volumes occurring in the morning and afternoon. The traffic counts shall include a classification of vehicles.

Rationale:

Traffic impact analyses typically conduct traffic counts during the morning and evening peak rush-hour periods. These are the periods of greatest potential traffic-related impacts from a Facility.

Comment 21

Proposed Rule: Section 3.9.18.1.A, Section 3.9.18.1, Perimeter Barrier

Suggested Change:

A description of the Facility's perimeter barrier, including, but not limited to:

- ~~—A. Height—On sides of the Facility where there are non-manufacturing land uses within 660 feet, the barrier must be at least 15 feet tall. For all other sides, the barrier must be at least 8 feet high.~~
- ~~—B. Material Composition—The barrier must be solid and constructed of durable material such as concrete, cinder block, brick, or another material approved by the Commissioner.~~
- C. Site Access Locations - When possible, all gates and access openings shall be located away from adjacent or nearby-non-manufacturing land uses.
- D. A detailed drawing of the construction of the barrier, its height, and the placement around the Site. The drawing may be included in the general layout required in subsection 3.9.5.
- E. A demonstration that the barrier, along with other structural and non-structural best practices and controls proposed for the Site, will control noise, dust, blowing litter, and unauthorized access.

Rationale:

The prescriptive nature of the barrier specified in the Proposed Rule may conflict with the screening provisions of the City's Zoning Ordinance. Proposed Rule 3.9.18.1.E requires Large Recycling Facilities to demonstrate that perimeter barriers meet "performance-based" objectives -- this is a better standard than the prescriptive requirements in Section 3.9.18.1.A and Section 3.9.18.1. because it provides more flexibility with respect to the Zoning Ordinance requirements as to height and material composition of the barrier. Further, landscape architecture designs are developed in the context of the surrounding area, and the prescriptive requirements of the Proposed Rule could result in a barrier that is not compatible, or less compatible, with neighboring uses. The land use and planning aspects of fencing/barriers is more appropriately addressed at the zoning level than the CDPH permitting process.

Comment 22

Proposed Rule: Section 3.9.20.1, Noise Impact Assessment

Suggested Change:

An inventory of noise-generating equipment (including HVAC and air-handling systems) and activities at the Facility and their corresponding sound pressure level in dB(a) and one-band octaves. This inventory shall include loud noises from explosions, slamming of tailgates, and other impulse noise sources. Sound level data may be derived from existing acoustical data, sound power levels from equipment manufacturers, or through noise measurements or published studies of comparable operation or equipment.

Rationale:

Clarification to add an additional potential source of sound level data.

Comment 23

Proposed Rule: Section 3.11.1.2, Types of Recyclable Material

Suggested Change:

A description of the general specific source locations (names of Chicago neighborhoods, suburbs, counties, state, or countries) and source types (industrial, commercial, residential, construction or demolition activity, junk peddlers, tow-truck drivers, waste transfer stations, recycling service pick-ups, etc.) from which the different types of materials will be accepted, and the source-screening protocol, including radiation screening of metal scraps, that will be followed to ensure materials to be accepted do not contain Unauthorized Materials.

Rationale:

Recycling is a competitive business and “specific” source locations may change due to acquisition or loss of a customer.

Comment 24

Proposed Rule: Section 3.11.2.5, Quantity of Recyclable Material

Suggested Change:

An Existing Facility shall provide the following additional information:

- ~~— A. The average daily volume of site-generated vehicle traffic, including the numbers of inbound and outbound vehicles by type (e.g. semi-trailers, roll-off, etc.) and the peak hour site traffic experienced at the Facility;~~
- B. The average and maximum daily volumes of material processed at the Facility, broken down by process type (i.e., shredding, crushing, torching, etc.);
- C. The monthly annual volume of materials brought to the Facility;
- D. The monthly annual volume of materials transported out of the Facility;
- ~~— E. The average and maximum daily volumes of material brought to the Facility.~~

Rationale:

Section 3.11.2.5.A is largely redundant with Section 3.9.14.1. Section 3.11.2.5.E is redundant with Section 3.11.2.5.B. Annual as opposed to monthly reporting of material volumes is

recommended for Section 3.11.2.5.C and Section 3.11.2.5.D to simplify reporting while still providing data on the relative amounts of incoming and outgoing materials.

Comment 25

Proposed Rule: Section 3.11.2.6.C, Chronological Summary of Events

Suggested Change:

All complaints received by Owner/Operator concerning the Facility.

Rationale:

Clarification because the Applicant can only report complaints that are received by the Owner and/or Operator of the Facility.

Comment 26

Proposed Rule: Section 3.11.3.1, Devices, Apparatus, and Processes

Suggested Change:

A flow diagram(s) indicating the ~~quantity of~~ material flow between each major Process line or device or Process step on the diagram. The diagram(s) shall also indicate ~~equipment~~ Processing rates for Process lines, staffing requirements, storage capacity, mean staging time, and inflow/outflow rates, including operating hours, ~~peak daily weekly, monthly and seasonal periods, peak quantities, Processing capacities, number of employees, and all other applicable factors.~~

Rationale:

A Process line consists of multiple devices that are designed to work in sequence. Therefore, the quantity of material flow is a function of the overall Process line and showing the quantity of material flow between sequential “devices” on the line may be duplicative. The requirements at the end of this Proposed Rule (and marked with strikethrough) are largely redundant, both within Section 3.11.3.1 and with other Sections of the Proposed Rules. Furthermore, “all other applicable factors” is overly-broad.

Comment 27

Proposed Rule: Section 4.7.1, Water Quality Monitoring

Suggested Change:

Facilities that discharge to Waters or MS4s shall conduct stormwater monitoring and sampling as required below, unless all Storage and Processing of Recyclable Materials is performed under roof.

Rationale:

Section 4.7 states that all Facilities must comply with MWRD requirements for discharges into Waters under MWRD’s jurisdiction and into any MS4 (Municipal Separate Storm Sewer System). Further, Section 4.7 states that all discharges to Waters and MS4s must also obtain an NPDES permit from the IEPA. Section 3.9.19 of the Proposed Rules also requires a Stormwater Pollution Prevention Plan to be included in CDPH permit applications for Large Recycling Facilities.

Water quality monitoring should be performed as required by the NPDES permit. Recycling operations conducted under roof prevent precipitation from contacting Recyclable Materials, and

therefore the Water Quality Monitoring specified in Section 4.7.1 is not warranted for such Facilities.

Comment 28

Proposed Rule: Section 4.15, Pavement Maintenance and Cleaning

Suggested Change:

All driveways, access roads, parking areas and other areas used for vehicle traffic shall be properly maintained to prevent or minimize any dust emissions, standing water, and the tracking of mud off-site. Broken pavements and potholes shall ~~immediately~~ be backfilled, patched, or repaired as soon as practicable.

Rationale:

The repairs identified may not be able to be completed “immediately” due to material availability. Furthermore, the repair activities should be performed in such a way so as not to conflict with the continued safe operation of the Facility.

Comment 29

Proposed Rule: Section 4.15.1, Sweeping

Suggested Change:

All Site pavements ~~and those within a quarter-mile of the Facility~~ shall be cleaned using a street sweeper to minimize dust and remove mud and any spilled materials.

Rationale:

The requirement to clean pavements within a quarter mile of the Facility presumes that Facility operations are responsible for the mud or spilled materials. Instances of mud tracking or material spillage are more properly handled through investigation and enforcement by CDPH or other City departments.

Comment 30

Proposed Rule: Section 4.15.1.2, Sweeping Frequency

Suggested Change:

The street sweeping shall be sufficient so that not more than 4 hour elapses between each street sweeper cleaning or after every 100 vehicle material receipts or dispatches, but not less than one time daily when the Facility is in operation, unless the Site pavements roads are free and clear of any material transported to or from the Facility.

Rationale:

Consistency with Suggested Change under previous comment.