

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
NOTICE OF FINAL REGULATIONS TO SECTION 11-4-140**

Pursuant to sections 2-30-030 and 11-4-140 of the Municipal Code of Chicago, notice is given this ___ day of November, 2000, that the City of Chicago Department of Environment (the "Department") hereby publishes final regulations for the collection of liquid waste fees under Section 11-4-140 of the Municipal Code of Chicago (September 1, 1999, as amended July 19, 2000).

William Abolt
Commissioner of Environment
City of Chicago

**DEPARTMENT OF ENVIRONMENT
CITY OF CHICAGO
30 NORTH LASALLE, 25TH FLOOR
CHICAGO, ILLINOIS 60602**

**LIQUID WASTE FEE RULES AND REGULATIONS
(\$0.025/GALLON FEE - FOR WASTE TRANSPORTED OFF-SITE)**

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11-4-140.010 Description of Fee

The City of Chicago (the "City") incurs considerable costs in regulating the generation, transportation, handling, reprocessing and disposal of liquid waste within the corporate limits of the City. The City Council enacted an ordinance that became effective October 1, 1999, which

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imposed a fee on the generators of liquid waste. Section 11-4-140 of the Municipal Code of Chicago (the "Code"). The purpose of this fee is to recapture a portion of the costs incurred by the City, in large part, through the Chicago Department of Environment in regulating the generation, transportation, handling, reprocessing and disposal of liquid waste within the corporate limits of the City.

11-4-140.020 Description of Rules and Regulations

These rules and regulations are promulgated pursuant to Sections 2-30-030 and 11-4-140 of the Code, which authorize the Commissioner of the Department of Environment to make rules and regulations relating to the collection of liquid waste fees and any rules and regulations necessary or proper to accomplish the purposes of Chapter 11-4 of the Code.

11-4-140.030 Definitions

For only the purposes of these regulations the following definitions shall apply:

The term "Commissioner" means the Commissioner of the Department of Environment of the City.

The term "Department" means the Department of Environment of the City.

The term "liquid waste" means any discarded or abandoned material which maintains the physical state of continuous volume relatively independent of pressure and which takes the shape of its container at ambient temperature; and is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

The term "liquid waste generator" means any natural individual, corporation, partnership, trust, association, limited liability company, joint venture, foundation or other legal entity whose act or process produces liquid waste and meets one or more of the following criteria:

- (1) generates liquid waste that is designated by the Illinois Environmental Protection Act as "special waste," pursuant to 415 ILCS 5/3.45; and
- (2) does not meet the criteria in (1) above, but generates liquid waste that has the potential to adversely impact the public health, safety or welfare of the citizens of the City. (See Section 11-4-140.050 of these regulations for further information.)

The term "liquid special waste" means any liquid waste that is designated by the Illinois Environmental Protection Act as "special waste," pursuant to 415 ILCS 5/3.45.

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The term "liquid special waste generator" means any natural individual, corporation, partnership, trust, association, limited liability company, joint venture, foundation or other legal entity that generates liquid special waste.

The term "reclaim" means to remove any contaminant from liquid waste so as to render such liquid usable for its originally intended purpose.

11-4-140.040 Amount of Fee for Liquid Special Waste

A liquid waste generator shall pay a \$0.025 per gallon fee for liquid special waste that is transported off-site and accompanied by a manifest required by the Code of Federal Regulations, pursuant to 40 CFR Section 262.20, the Illinois Environmental Protection Act, pursuant to 415 ILCS 5/22.01, or by the Illinois Pollution Control Regulations, pursuant to 35 Ill. Adm. Code 722.120 and 808.122. A liquid special waste generator shall pay the fee on the total volume of liquid special waste that is transported off-site, and accompanied by a manifest. In the case that such liquid special waste is generated in one year and transported in a subsequent year, the liquid waste generator shall pay the \$0.025 per gallon fee in the year of transport.

11-4-140.050 Liquid Waste - Other

A liquid waste generator shall pay a \$0.025 per gallon fee for liquid waste that has the potential to adversely impact the public health, safety or welfare of the citizens of the City, but is not defined as liquid special waste. The fee shall be paid in accordance with the reporting periods as set forth in Section 11-4-140.060 and payment of the fee as set forth in Section 11-4-140.070.

The Commissioner shall establish, define or otherwise provide notice of the type of liquid waste that has the potential to adversely impact the public health, safety or welfare of the citizens of the City by separate rule or regulation, pursuant to the procedures established in Section 2-30-030(12) of the Code. Generators of liquid wastes of the type addressed in this section shall not be required to pay the \$0.025/gallon fee until the rules and regulations requiring payment become effective.

11-4-140.060 Reporting of Liquid Waste Transported Off-site

Each liquid waste generator identified in Sections 11-4-140.040 and 11-140.050 shall report and certify under penalty of perjury the volume of liquid waste that it transports offsite. Such report and certification shall be made on the form prescribed by the Department.

The initial reporting period is less than 12 months. The reports for subsequent periods shall be a 12 month period.

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The reporting schedule for liquid waste generators identified in Sections 11-4-140.040 is as follows:

| <u>Initial Reporting Period</u> | <u>Reporting Periods Thereafter</u> |
|---------------------------------|-------------------------------------|
| October 1 - December 31, 1999 | January 1 - December 31 |

Reports of the volumes of liquid waste transported during any particular period shall be submitted to the Department by the liquid waste generator on a form prescribed by the Commissioner, including information regarding exemptions claimed. The liquid waste generator shall indicate the volume of liquid waste transported and such other information as may be required by the Commissioner.

Liquid waste generators shall submit the reports required by this section within 30 days of the last day of the reporting period.

The initial reporting period for liquid waste generators identified in Section 11-140.050 will be set forth in the rule or regulation that identifies such liquid waste generator.

11-4-140.070 Payment of Fee

Liquid waste generators shall pay fees via check or money order made payable to the "City of Chicago" within 30 days of the last day of the reporting period.

Any entity that illegally or otherwise improperly disposes of liquid waste on which a fee should be paid is required to pay the fee and any penalty and interest properly determined by the Department to be due, and does not avoid its liability for such payment by its improper conduct.

11-4-140.080 Exemptions

- (a) Liquid waste generators who are governmental bodies are exempt from the fees and reporting requirements of these regulations.
- (b) Any facility that conducts business as a liquid waste handling facility and is licensed to engage in such operations by the Department pursuant to Section 11-4-250 of the Code is exempt from the fees and reporting requirements of these regulations.
- (c) Any liquid waste generator that transports ~~less than~~ ^{EXEMPT} 360 gallons of liquid special waste per reporting period is exempt from the fee requirements of these regulations; however, it shall submit a report pursuant to Section 11-4-140.060 above.
- (d) No per-gallon fee shall be imposed on used oil that is subject to Illinois Pollution Control Regulations, 35 Ill. Adm. Code 739.
- (e) No per-gallon fee shall be imposed on liquid special waste or other liquid waste as set forth in Section 11-4-140.050, if such waste is reclaimed and subsequently used by the liquid special waste generator for the originally intended purpose of such liquid. To be eligible for this exemption, the liquid special waste generator is not required to receive the exact same product

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back from the reclamation facility as it sent out for reclamation.

(1) In order to qualify for this exemption, the liquid special waste generator shall provide all information requested on the form prescribed by the Commissioner as described in Section 11-4-140.060 and submit proof that the liquid special waste for which the exemption is sought has been reclaimed and that the reclaimed liquid is used in its originally intended purpose. The completed form and this proof shall be submitted within the time period set forth in Section 11-4-140.060. This proof shall include the following:

- (i) the name, address, phone number and point of contact for the liquid waste generator;
- (ii) a brief description of the process that generates the liquid waste and uses the reclaimed liquid;
- (iii) a waste profile containing information required by the reclaimer;
- (iv) the material safety data sheet for the reclaimed liquid;
- (v) a brief description of the reclamation method; and
- (vi) the name, address, phone number and point of contact of the reclaimer.

(2) If the liquid waste generator fails to submit the above-listed information with its form, the Department will deem the liquid waste generator ineligible for the reclamation exemption for that reporting period. If the above information is submitted, the liquid waste generator may claim the exemption.

(3) If DOE approves the liquid waste generator's reclamation exemption and the submitted proof enumerated in Section 11-4-140.080 (e)(1)(i) through (e)(1)(vi) above, then the liquid waste generator is not required to resubmit the proof for subsequent years, provided that there is no change to the submitted proof and liquid waste generator shall annually certify that all the information it provided in its prior application remains unchanged.

(4) Nothing contained in this section shall prohibit the Department from assessing or collecting additional fees, interest or penalties owed by an owner or operator in the event that the Commissioner determines as a result of an audit or otherwise, that the amounts claimed during a reporting period were incorrect.

11-4-140.090 Books and Records

Liquid waste generators shall maintain copies of their reporting statements submitted to the Department and the original information that supports the volume of liquid waste reported on these reports for at least three years after the date the reporting statements were submitted. The reports and information must be maintained at the facility where the liquid waste is generated. Supporting documents shall take the form of manifests, bills of lading, and invoices.

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11-4-140.100 Severability

If any provision, clause, sentence, paragraph, section or part of this regulation, or application thereof to any person, firm, corporation or circumstance shall, for any reason, be adjusted by a court of competent jurisdiction to be unconstitutional or invalid, said judgement shall not affect, impair or invalidate the remainder of this regulation and the application of such provision to other persons, firms, corporations or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgement shall have been rendered and to the person, firm, corporation or circumstance involved.

11-4-140.110 Freedom of Information Statement

The Department of the Environment shall provide upon written request pursuant to the Freedom of Information Act, 5 Illinois Compiled Statutes Act 140, the amount of fees collected pursuant to Sections 11-4-140 through 11-4-200 of the Municipal Code of Chicago for the requested time period.