

City of Chicago
Department of Streets and Sanitation
Department of Environment
Department of Buildings

**Section 13-32-125 Construction Site Cleanliness Rules and Regulations for the
Maintenance of Construction Site Stockpiles and Prevention of the Off-Site
Dispersion of Dust and Debris from Construction Sites**

Whereas, pursuant to authority granted in sections 13-32-125(3), 2-22-040, and 2-30-030 of the Municipal Code of Chicago (“Code”), Chicago Department of Streets and Sanitation, Chicago Department of Environment and Chicago Department of Buildings are given the authority to adopt regulations necessary or proper to accomplish the purposes of section 13-32-125 of the Code;

Now, therefore, Michael J. Picardi, Commissioner, Chicago Department of Streets and Sanitation, Suzanne Malec-McKenna, Commissioner, Chicago Department of Environment and Richard J Monocchio, Commissioner, Chicago Department of Buildings issue the following rules and regulations.

SUBPART A: GENERAL PROVISIONS

1.0 Purpose and Applicability.

- 1.1** These rules and regulations establish requirements for the following:
 - 1.1.01** maintaining construction site stockpiles in a neat and orderly manner; and
 - 1.1.02** preventing the off-site dispersion of dust and debris from construction site stockpiles.
 - 1.1.03** Except as otherwise provided, the requirements set forth in these rules and regulations apply to all stockpiles located on construction sites as defined in Section 2.3 of these rules and regulations.
 - 1.1.04** Subpart A of these rules and regulations includes general information such as definitions and the fines and stop work order provision.
 - 1.1.05** Subpart B of these rules and regulations generally establishes setbacks and sets forth requirements depending on whether the stockpile meets or does not meet the setbacks.
 - 1.1.06** Subpart C of these rules and regulations generally applies to all construction site stockpiles.
 - 1.1.07** Subpart D of these rules and regulations generally establishes exemptions and an exemption process.
- 1.2** Non-conforming piles are regulated by Chapters 7-28 and 11-4 of the Code.

2.0 Definitions.

- 2.1** “Building permit” means a permit issued pursuant to Chapter 13-32 of the Code.
- 2.2** “Code” means the Municipal Code of Chicago.

- 2.3 “Construction site” means any or all portion of the real property that is identified as the location of any excavation or of the erection, enlargement, alteration, repair, removal or demolition of any building, structure or structural part thereof within the city and that requires a permit under Chapter 13-32 of this Code.
- 2.4 “Department” means the Department of Streets and Sanitation, Department of Environment, and Department of Buildings of the City of Chicago.
- 2.5 “Non-conforming pile” means an accumulation of materials generated by a construction site or used in construction that are not segregated by type or not intended for a particular on-site use.
- 2.6 “Planned development” is a planned development as defined by Chapter 17-17 of the Chicago Zoning Ordinance, Title 17 of the Code, as amended.
- 2.7 “Outdoor recreational area” means any open area used for recreation, including, but not limited to parks, playgrounds, sports fields and beaches.
- 2.8 “Public way” means any sidewalk, street, alley, highway, waterway or other public thoroughfare.
- 2.9 “Residential building” means a building containing an occupied residence located in a zoning district that allows such use.
- 2.10 “Stockpile” or “Construction site stockpile” means an accumulation of maintained usable materials on a construction site that are: (1) segregated by type, and (2) specifically intended for particular on-site uses as part of the permitted construction activities taking place thereon.

3.0 Fines and Stop Work Order. Any owner, developer or general contractor who is responsible for any construction site on which operations are conducted in violation of these rules and regulations shall be subject to the fine and ten day stop work order provisions set forth in Section 13-32-125 of the Code.

SUBPART B: REQUIREMENTS FOR STOCKPILES THAT MEET SETBACKS AND FOR STOCKPILES THAT DO NOT MEET SETBACKS

4.0 Setbacks. Except as provided in Sections 7.0, 13.0, 14.0 and 15.0, setbacks from a stockpile shall be equal to the following distances:

- 4.1 200 feet from residential buildings, child care facilities, preschools, primary and secondary schools and hospitals;
- 4.2 100 feet from buildings located off the construction site;
- 4.3 100 feet from outdoor recreational areas; and
- 4.4 100 feet from public ways.

5.0 Setback Measurement.

5.1.01 Buildings. The distance between the stockpile and a building is measured as the closest distance between the base of the stockpile to the closest exterior wall of the building.

5.1.02 Outdoor Recreational Areas. The distance between the stockpile and an outdoor recreational area is measured as the closest distance between the base of the stockpile to the following:

- 5.1.02.1 The property line of the lot on which the outdoor recreational area is located; or
 - 5.1.02.2 In the case where the closest point to the outdoor recreational area is not a property line, then the perimeter of the outdoor recreational area.
 - 5.1.03 **Public Ways.** The distance between the stockpile and a public way is the closest distance between the base of the stockpile to the boundary of the public way.
- 6.0 Requirements When Section 4.0 Setbacks Are Met.** Except as otherwise provided in Sections 7.0, 13.0, 14.0 and 15.0, stockpiles meeting setbacks established in Section 4.0 shall comply with the following:
- 6.1 **Height Limit.** The vertical distance from grade to the highest point of the stockpile shall be no greater than 20 feet.
 - 6.2 **Time Limit.** No stockpile shall be allowed to remain on a construction site for a time limit of more than 6 months.
 - 6.2.01 The time limit begins when the first load of material is accumulated on the ground.
 - 6.2.02 Records shall be maintained to establish how long a stockpile has remained on the construction site. Recordkeeping requirements are found in Section 12.0.
 - 6.3 **Setbacks Reduced.** If the stockpile no longer meets the setbacks established in Section 4.0 because conditions change, then the stockpile becomes subject to the requirements set forth in Section 7.0. For assessing compliance with Section 7.2, the time limit begins the first day the stockpile no longer meets Section 4.0 setbacks.
 - 6.4 **Removal.** All stockpiles must be removed from the construction site (1) upon expiration of the Section 6.2 time limit, or (2) within 30 days of completion of the activities permitted by Chapter 13-32 of the Code or (3) within 30 days of expiration of the permit issued pursuant to Chapter 13-32 of the Code, whichever is earlier.
- 7.0 Requirements When Section 4.0 Setbacks Are Not Met.** Except as otherwise provided in Sections 6.0, 13.0, 14.0 and 15.0, stockpiles that do not meet the setbacks established in Section 4.0 shall comply with the following:
- 7.1 **Stockpile height.** The vertical distance from grade to the highest point of the stockpile shall be no greater than 10 feet.
 - 7.2 **Time Limit.** A stockpile shall be allowed to remain on the construction site for a time limit of not more than 30 days.
 - 7.2.01 The time limit begins when the first load is accumulated on the ground.
 - 7.2.02 Records shall be maintained to establish how long a stockpile has remained on the construction site. Recordkeeping requirements are found in Section 12.0.
 - 7.3 **Removal.** All stockpiles must be removed from the construction site, (1) upon expiration of the Section 7.2 time limit, or (2) within 30 days of completion of the activities permitted by Chapter 13-32 of the Code or (3) within 30 days of expiration of the permit issued pursuant to Chapter 13-32 of the Code, whichever is earlier.

SUBPART C: GENERAL REQUIREMENTS FOR CONSTRUCTION SITES WITH STOCKPILES

- 8.0 Fence.** The fence required by Section 13-32-125 of the Code shall meet the following:
- 8.1 Timing.** A fence shall be erected prior to the creation of a stockpile.
 - 8.2 Stockpiles.** Stockpiles shall not come into contact with the fence required by Section 13-32-125 of the Code.
- 9.0 Stockpile Use.** Except as otherwise provided in the Code, a stockpile shall only be accumulated and maintained at a construction site where the stockpile will be used for permitted construction activities. Stockpiles must be used in compliance with City and State law.
- 10.0 Runoff Management.** Storm water management controls, erosion and sediment controls shall be installed and maintained to prevent runoff from stockpiles onto neighboring parcels, the right of way, or into the public sewers. Such controls and best management practices may include, but are not limited to, the following:
- 10.1** Storm water retention structures;
 - 10.2** Flow attenuation by use of vegetated swales and natural depressions;
 - 10.3** Infiltration practices;
 - 10.4** Placement of haybales and installation of silt fences;
 - 10.5** Managed use of water for dust control to prevent runoff; and
 - 10.6** Any combination of the above.
- 11.0 Fugitive Dust Controls.** Controls shall be installed and maintained and best management practices implemented to prevent the off-site dispersion of dust and debris from stockpiles. Those controls and best management practices may include, but are not limited to, watering, tarping, and operational changes such as limiting or modifying operations on days with high winds.
- 12.0 Recordkeeping.** The owner, developer and general contractor must maintain documentation identifying the following:
- 12.1** Hauler of material composing the stockpile;
 - 12.2** Generator of material composing the stockpile;
 - 12.3** Place of origin of material composing the stockpile;
 - 12.4** Weight or volume of each load added to the stockpile;
 - 12.5** Owner, developer, and general contractor of the construction site where the stockpile is located; and
 - 12.6** Date the first load of the stockpile was accumulated on the ground.
- The documentation must be maintained for three (3) years from the date construction is complete. At the request of the departments, the documentation must be made available for review. The Department of Environment may supply a sample form for such recordkeeping.

SUBPART D. EXEMPTIONS

13.0 Exemptions.

- 13.1 State and Federal Remediation Programs.** The requirements set forth in Sections 6.0 and 7.0 do not apply to stockpiles located on construction sites enrolled and accepted into a remediation program administered by the state or federal government.
- 13.2 Facilities Permitted or Activities Authorized by Chapter 11-4 of the Code.** The requirements set forth in Sections 6.0 and 7.0 do not apply to stockpiles that are specifically authorized or permitted by Department of Environment pursuant to authority granted in Chapter 11-4 of the Code.
- 13.3 Planned Development.** Requirements set forth in Sections 6.0 and 7.0 do not apply to stockpiles on construction sites located within a planned development if the following requirements have been met:
- 13.3.01** The commissioner of environment has approved in writing the construction site's Stockpile Maintenance Plan;
 - 13.3.02** Construction roads and locations where vehicles enter and leave the construction site have been stabilized with materials such as rock or stone; and
 - 13.3.03** The construction site is in compliance with the terms of the approved Stockpile Maintenance Plan and with the written approval of the commissioner of environment.

14.0 Planned Development Exemption Process. The owner, developer or general contractor of a construction site in a planned development may seek an exemption from some or all of the requirements set forth in Sections 6.0 and 7.0 by submitting a Stockpile Maintenance Plan to the commissioner of environment.

- 14.1 Stockpile Maintenance Plan.** A Stockpile Maintenance Plan must demonstrate that construction activities have been planned to avoid nuisances; and must identify all maintenance activities and controls for stockpiled materials and the construction site. The commissioner of environment may grant an exemption to the requirements set forth in Sections 6.0 and 7.0 only if the Stockpile Maintenance Plan demonstrates an exemption is needed to complete the project.

14.1.01 Contents. The Stockpile Maintenance Plan must include the information requested in Attachment A of these regulations and any other information required by the commissioner of environment.

- 14.2 Section 13.3 Requirements.** A construction site shall comply with the requirements set forth in Sections 6.0 and 7.0 unless a Stockpile Maintenance Plan has been reviewed and approved in writing by the commissioner of environment and all Section 13.3 requirements are met.
- 14.3 Written Approval.** The commissioner of environment may include conditions in the written approval and require controls that the commissioner determines are needed to prevent the off-site dispersion of dust and debris. The commissioner of environment's written approval must be retained on the construction site throughout the duration of construction project.

14.4 Notice. Written notice shall be received by the Department of Environment two (2) business days prior to creating a stockpile on a construction site where the commissioner of environment has approved in writing a construction site's Stockpile Maintenance Plan. The written notice shall be directed to the attention of the "Permitting and Enforcement Division – Construction Site Stockpile Notice." Department of Environment may provide a sample notice form. Notice shall include at a minimum the site address; the date of the notice; the date stockpiles will be created; the date of the commissioner's written approval; and name and contact information for the owner, developer and general contractor.


15.0 Planned Development - Construction Underway Prior to Effective Date of Regulations.

15.1 If a construction site in a planned development contains stockpiles prior to the effective date of these regulations, an owner, developer or general contractor of the construction site may apply for a Planned Development Exemption set forth in Sections 13.3 and 14.0 within 90 days from the effective date of these regulations.

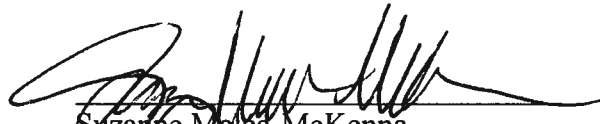
15.2 While Department of Environment reviews the plan, the construction site must be in compliance with the terms of the submitted Stockpile Maintenance Plan and implement the requirement set forth in Section 13.3.02.

15.3 If a Stockpile Maintenance Plan is not submitted, or Department of Environment rejects the Stockpile Maintenance Plan, the owner, developer or general contractor must comply with the requirements set forth in Sections 6.0 and 7.0.

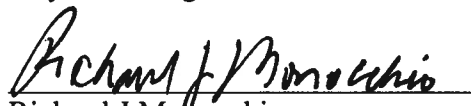
I, Michael J. Picardi, Suzanne Malec-McKenna and Richard J Monocchio, hereby promulgate the forgoing rules and regulations on this 10th day of March 2009 for the maintenance of construction site stockpiles and prevention of the off-site dispersion of dust and debris from construction sites under the Construction Site Cleanliness Ordinance, section 13-32-125 of the Code.



Michael J. Picardi
Commissioner
Department of Streets and Sanitation
City of Chicago



Suzanne Malec-McKenna
Commissioner
Department of Environment
City of Chicago



Richard J Monocchio
Commissioner
Department of Buildings
City of Chicago

Attachment A
Section 13-32-125 Construction Site Cleanliness Ordinance
Rules and Regulations for Maintenance of Construction Site Stockpiles and
Prevention of Off-site Dispersion of Dust and Debris from Construction Sites
(“Regulations”)

Planned Development Exemption – Stockpile Maintenance Plan

An owner, developer or general contractor of a construction site seeking an exemption from the requirements set forth in Sections 6.0 and 7.0 of these Regulations must submit a written Stockpile Maintenance Plan (“Plan”) to the Chicago Department of Environment. The Plan shall provide the following information:

1. **Planned Development.** Provide a copy of the planned development ordinance that incorporates the property containing the construction site.
2. **Description of Construction Activities.** Provide a description of the construction activities including the number of stockpiles that will be created, the volume and dimensions of the stockpile(s), the composition of the stockpile(s), the origin of the material contained within the stockpile, and the estimated storage duration.
3. **Demonstration of Need.** Explain the reason(s) why an exemption from the requirements found in Sections 6.0 and 7.0 of the Regulations is needed to complete the construction project.
4. **Site Map.** Provide a site map that identifies the general layout of the construction site and contains at a minimum the following:
 - a. Location of all site control features and screening devices such as fences, gates and signage;
 - b. Location of all parking and truck staging areas;
 - c. Construction site boundaries and neighboring streets;
 - d. The location where vehicles enter and leave the construction site,
 - e. The truck routes to and from the construction site;
 - f. All pertinent features of the stormwater management system including location of controls and the neighboring storm sewer drains and catch basins;
 - g. The location of wheel washing stations;
 - h. The locations of water source(s) for cleaning and dust control;
 - i. The location where stockpiles will be maintained;
 - j. The location(s) of the following:
 - i. All residential buildings, child care facilities, preschools, primary and secondary schools and hospitals within 200 feet of the stockpile(s);
 - ii. All buildings located off the construction site within 100 feet of the stockpile(s);
 - iii. All outdoor recreational areas within 100 feet of the stockpile(s); and
 - iv. All public ways within 100 feet of the stockpile(s).

- k. The distances between the stockpile(s) and all locations listed in number 4(j). Measurements shall be taken according the Section 5.0 of the Regulations.
5. **Nuisance Controls.** Provide a detailed description of the nuisance controls and abatement measures to be implemented on the construction site including, but not limited to, the following minimum requirements:
- a. Stabilization of the construction site roadways and the locations where vehicles enter and leave the site;
 - b. Sweeping of the neighboring public ways;
 - c. Storage on the construction site only what is required to complete the project. The plan shall include calculations to justify that the proposed stockpile volumes are required to complete the project; and
 - d. Implementation of a dust control plan for stockpile(s) based on best management practices for the operating conditions at the construction site. Such dust control practices may include, but are not limited to, watering, tarping, application of a dust suppressant, and operational modifications due to weather conditions. The plan shall identify which dust controls are to be used and how the plan will be implemented.
6. Any further information deemed necessary by the commissioner of environment.