

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT**

**CONSTRUCTION or DEMOLITION SITE WASTE RECYCLING
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 11-4-1905 of the Code, the Commissioner of Environment may promulgate such rules and regulations as necessary to implement the provisions of Section 11-4-1905; 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 11-4-1905 of the Municipal Code of Chicago.

1.0 Description of Rules and Regulations

These rules and regulations are promulgated pursuant to Sections 2-30-030 and 11-4-1905 of the Municipal Code of Chicago (the “Code”) which authorize the Commissioner of the Department of Environment to make rules and regulations as necessary to implement the provisions of Section 11-4-1905 of the Code and any rules and regulations necessary or proper to accomplish the purposes of Chapter 11-4 of the Code.

2.0 Definitions

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

The term “commissioner” means the commissioner of the environment of the City of Chicago.

The term “construction and demolition (‘C&D’) debris” means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the materials listed in Section 11-4-120 of the Code, but *not including* materials that are contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible.

The term “contractor” means a general contractor as defined in Section 4-36-010 of the Code as well as any person engaged in the demolition or wrecking of a structure for which a permit is required under Section 13-32-230 of the Code.

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

The term "DCAP" means the Department of Construction and Permits of the City of Chicago.

The term "recycle" has the meaning ascribed to the term in Section 11-4-120 of the Code.

The term "recycler" means a recycling facility, transfer station, or other waste handling facility permitted pursuant to Section 11-4-250 of the Code which accepts construction and demolition debris for recycling or for further transfer to a recycling facility.

The term "reuse" means i) the on-site use of reprocessed construction and demolition debris if such on-site use is authorized in writing by the Commissioner pursuant to Section 11-4-1935 of the Code; and ii) the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.

3.0 Recyclable Construction and Demolition Debris

3.0.1 Examples of recyclable construction and demolition debris. Any construction or demolition debris that is not contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible may be recycled or reused in accordance with the definitions set forth in Section 2.0 of these regulations. Examples of recyclable construction and demolition debris include, but are not limited to:

- Bricks
- Concrete
- Masonry materials (cinder blocks, mortar etc.)
- Rock, stone, gravel
- Soil, dirt
- Sand
- Reclaimed asphalt pavement
- Wood
- Ferrous metal (iron, steel, etc.)
- Non-ferrous metal (copper wiring etc.)
- Plaster
- Gypsum drywall
- Paint
- Plumbing fixtures and piping
- Carpet and pad
- Non-asbestos insulation
- Roofing shingles and other roof coverings
- Cardboard, paper, packaging
- Plastics
- Glass
- Landscape debris

3.0.2 Sorting Recyclable Construction and Demolition Debris. Recyclable construction and demolition debris may be sorted as follows:

- a) Sorted on site and separated by C&D debris type into designated containers, in compliance with the Construction Site Cleanliness Ordinance found at Section 13-32-125 of the Code, and all other applicable laws, rules and regulations; or
- b) Placed for collection in a designated container for mixed recyclables on site and sorted off site at a properly permitted recycling facility.

4.0 Reporting

4.0.1 Applicability. Each contractor, as defined in Section 2.0 of these regulations, shall report and certify under penalty of perjury the weight of construction and demolition (“C&D”) debris produced on site, the weight of C&D debris disposed of, and the weight of C&D debris that the contractor has caused to be recycled or reused for every project subject to the recycling requirements set forth at Section 11-4-1905 of the Code. Demolition projects and construction projects at the same site, but requiring separate permits, shall be considered separate projects, requiring separate reports.

4.0.2 C&D Debris Recycling Compliance Form. Reports of the percentage of C&D debris recycled or reused for each project shall be submitted at the City of Chicago Department of Construction and Permits (“DCAP”) on a form entitled the “C&D Debris Recycling Compliance Form,” prescribed by the Commissioner. The contractor shall indicate on the form:

- a) the actual weight of C&D debris generated on site, in tons;
- b) the actual weight of C&D debris recycled or reused, in tons; and
- c) such other information as may be required by the Commissioner.

Blank forms may be obtained at DCAP, Room 900, City Hall, 121 N. LaSalle Street, or at the Department’s website at www.cityofchicago.org/environment.

In the event that the contractor deems any part of the C&D Debris Recycling Compliance Form to be inapplicable to a particular project, the contractor shall submit a letter with the form, together with any supporting documentation, explaining why such part is inapplicable. The supporting documentation shall be adequate to prove the amount of C&D debris recycled.

4.0.3 Computation of C&D Debris. When reporting C&D debris weights, the contractor shall calculate the weight in tons and round to the nearest hundredth (example: 49.537 tons shall be rounded up to 49.54 tons, and 49.533 tons shall be rounded down to 49.53 tons). When converting pounds to tons, the contractor shall use the conversion factor of one ton = 2000 pounds (example: 500 pounds divided by 2000 equals .25 tons). If a waste hauler or recycler reports C&D debris accepted or received as a volume measurement, the contractor shall be responsible for converting the volume measurement into a weight measurement. Upon request by the Department, the contractor shall provide information to justify the accuracy of the conversion.

4.0.4 C&D Debris Log and Waste Hauler/Recycler Affidavit. For each project for which the contractor uses a waste hauler or recycler as defined in Section 2.0 of these regulations, the contractor shall submit one or more forms entitled "Construction and Demolition Debris Log and Waste Hauler/Recycler Affidavit" ("Hauler/Recycler Affidavit") to the Department of Environment at DCAP (City Hall, Room 900) together with the C&D Debris Recycling Compliance Form. The Hauler/Recycler Affidavit shall be on a form prescribed by the Commissioner, and shall include a C&D debris log which accounts for the weight or volume of all C&D debris collected or accepted from the contractor by the waste hauler or recycler. The Hauler/Recycler Affidavit shall be signed before a Notary Public by an individual with the knowledge to certify the weight or volume of C&D debris that was accepted or collected.

4.0.5 Payment of Penalty. When the required recycling percentages are not met, the contractor shall calculate the amount of penalty owed pursuant to Section 11-4-1905(6) of the Code, by following the instructions on the C&D Debris Recycling Compliance Form. When a penalty is due, the contractor shall remit payment, via check or money order, to the "City of Chicago Department of Revenue" located at City Hall, 121 N. LaSalle Street, Room 107A. The original receipt from the Department of Revenue shall then be attached to the C&D Debris Recycling Compliance Form and submitted at DCAP.

4.0.6 Election Form and Contractor Affidavit. Upon completion of all information requested in the C&D Debris Recycling Compliance Form, the contractor shall select one of three options on the election form, which is included with the C&D Debris Recycling Compliance Form, to indicate:

- c) that the contractor has complied with the recycling requirements set forth in Section 11-4-1905 of the Code, and that all the information provided on the C&D Debris Recycling Form, and attached thereto, is correct;
- d) that the contractor paid the penalty calculated on the C&D Debris Recycling Compliance Form; that all the information provided therein and attached thereto is correct; and that the contractor will not contest the penalty; or
- e) that the contractor completed the C&D Debris Recycling Compliance Form in full; that all the information provided therein and attached thereto is correct; and that the contractor requests a hearing on the applicability of Section 11-4-1905 of the Code and/or the amount of penalty due.

The contractor shall then sign the Contractor Affidavit before a Notary Public and submit it in accordance with Section 4.0.8 of these regulations,

4.0.7 Opportunity for Hearing. If the contractor wishes to contest the amount of the penalty due and/or the applicability of Section 11-4-1905 of the Code, the contractor shall request a hearing by checking the appropriate box on the C&D Debris Recycling Compliance Form. In such case, the Department of Environment will issue a Notice of Hearing to the contractor in accordance with Section 2-14-074 of the Code.

4.0.8 Submission of Forms. Within thirty (30) days of completion of a project subject to Section 11-4-1905 of the Code, the contractor shall submit the completed, signed, and notarized C&D Debris Recycling Compliance Form, together with the Waste Hauler/Recycler Affidavit and any other documents required by the Commissioner, by delivering the forms in person or by mail to the Department of Environment at DCAP, City Hall, Room 900, 121 N. LaSalle Street, Chicago, IL 60602.

4.0.9 Declared Completion Date. For purposes of beginning the 30-day time frame for submission of the C&D Debris Recycling Compliance Form, permit applicants for projects subject to Section 11-4-1905 of the Code will be required to provide a declared completion date at the time of permit application. If the projected completion date changes, the contractor shall provide DCAP with written notification of the amended declared completion date. In case of a conflict between the declared completion date and the actual completion date, the 30-day time frame will begin to run with the actual completion date. For purposes of this section, the completion date shall be defined as follows:

- a) For construction and rehabilitation projects: the completion date shall be the date of completion of work as stated to the Department of Buildings in a request for a final inspection or, if no completion date is given to the Department of Buildings, then the completion date shall be the date the Department of Buildings conducts a final inspection prior to issuance of the Certificate of Occupancy, whether or not the project passes the final inspection.
- b) For demolition projects: the completion date shall be the date on which all demolition work on the building is completed.

5.0 Books and Records

5.0.1 Maintenance of documentation. Contractors shall maintain copies of the C&D Debris Recycling Compliance Forms submitted to the Department, and the original documentation that supports the weight of recycled, reused, and disposed of C&D debris reported on these forms, for at least three (3) years after the date the C&D Debris Recycling Compliance Forms were most recently submitted to the Department pursuant to Section 4.0 of these regulations. The reports and original supporting documents must be maintained at the contractor's address listed on the C&D Debris Recycling Compliance Form, or such other address if the contractor notifies the Department of a change of address, and must be available for inspection upon reasonable request by the commissioner or the commissioner's designee.

5.0.2 Supporting documentation. Upon request by the commissioner or the commissioner's designee pursuant to an audit to verify compliance with the recycling requirements set forth at Section 11-4-1905 of the Code, the contractor shall provide the information specified in the audit request. Supporting documentation shall include, but is not limited to, the following information:

- a) For all C&D debris generated, recycled, reused, and disposed of, documentation setting forth the weight or volume of the C&D debris and the date and place of

disposition of the C&D debris. Such documentation may include, but is not limited to, manifests, bills of lading, invoices, receipts, and weight tickets.

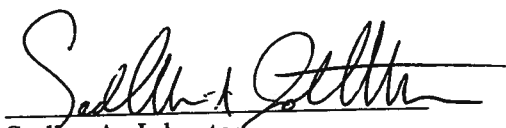
- b) For C&D debris reused off-site, the documentation must include the name, address and telephone number of the facility, business or organization accepting the material for reuse, the date the material was accepted, and the types and amount of material accepted.
- c) For contaminated C&D debris deducted from the total amount produced on site pursuant to Section 11-4-1905(1)(b), the documentation must specify the total weight of the contaminated C&D debris, by tons, the type of contamination, and the date and place of disposition of the contaminated C&D debris.
- d) For C&D debris weights that the contractor has converted from volume measurements in accordance with Section 4.0.3 of these regulations, the documentation must include a statement from the contractor explaining the contractor's method of conversion.

6.0 Certificate of Occupancy

The Certificate of Occupancy for a project subject to the recycling requirements set forth at Section 11-4-1905 of the Code may not be issued by the Department of Buildings to a contractor until the contractor submits a C&D Debris Recycling Compliance Form and thereby certifies compliance with Section 11-4-1905 of the Code or requests a hearing on the applicability of that section or the amount of fines imposed thereunder. If a contractor should fail to submit a C&D Debris Recycling Compliance Form, then a property owner may apply to the Department of Buildings for a certificate of occupancy if:

- a) the property owner is not the same legal entity as the contractor; and
- b) the property owner submits to the Department of Buildings an affidavit, signed before a Notary Public, in which the property owner states that the contractor cannot or will not submit a C&D Debris Recycling Compliance Form and sets out the property owner's basis for this statement.

I, Sadhu A. Johnston, hereby promulgate the foregoing Construction or Demolition Site Waste Recycling Rules and Regulations on this 28th day of February 2006.



Sadhu A. Johnston
Commissioner of Environment
City of Chicago