



City of Chicago
Proposed Implosion Rules
Public Comment Responses Pursuant to 2-30-030(c)

Comment 1

Directed to: DOB

Date received: 12/28/2020

Method of Receipt: SurveyMonkey

Comment text: I am not sure if Hilco did anything illegal. The demolition clearly created an environmental hazard for the neighborhood. The property, however, is being developed with correct usage and any jobs brought to the area should be welcomed. I would like to see the Hilco project completed.

Response: This comment is not directed to the proposed implosion rules.

Changes to Rules Required: None required

Comment 2

Directed to: OEMC

Date received: 1/5/2021

Method of Receipt: SurveyMonkey

Comment text: There should be an opportunity for the community to meet with the owner about the implosion prior to getting permits so that community can share all concerns. Communications should be two way with the immediate community not just one way from the owner to the community.

Response: There will be an opportunity for the community to meet with the applicant about the implosion. Please see the following language from Chapter 15-4, Section 311, Subsection (d) of the Municipal Code of Chicago:

(d) Public meeting. The application shall include details of a public meeting, to be hosted by the applicant at the sole expense of the applicant, which shall provide attendees at least two hours to ask questions of the applicant regarding details of the comprehensive plan required by subsection (a). This public meeting shall be held no less than 30 days and no more than 60 days after the date the application is filed with the Commissioner of Business Affairs and Consumer Protection. This public meeting shall be held at a location within two miles of the site where explosives will be used and accommodate in person attendance by at least 50 attendees. Any change in the date or time of the public meeting shall require a new application.

Changes to Rules Required: None required

Comment 3

Directed to: DWM

Date received: 1/5/2021

Method of Receipt: SurveyMonkey

Comment text: I believe that the current rules fail to address residents' concerns about the impact that the implosion had on water quality due to the vibrations. More needs to be added about what the owner must do to reduce vibrations and prevent worse water quality.



Response: Pursuant to DWM Rule 3.3, DWM will require monitoring, including vibration monitoring, of the proposed demolition by implosion. The monitoring of vibration impact on water quality will be determined through the Board of Underground (“OUC”) review process.

Changes to Rules Required: No changes required.

Comment 4

Directed to: CDPH

Date received: 1/5/2021

Method of Receipt: SurveyMonkey

Comment text: Unclear what are the basic standards related to managing air quality. There is an air modeling plan but it's not clear which model plans are acceptable and what is not.

Response: The rules do not specify a particular modelling program that must be used to allow for specialized and often proprietary software to be utilized. However, CDPH will ensure that any proposed model is as accurate as the EPA preferred methods, accounts for the weight of the structure, the amount of debris generated, the impact of the structure with the ground, and the complexity of the downwind terrain.

The air modelling is intended to determine the potential impacts to air quality before, during and after an implosion and to inform the plan for air monitoring. The rules do not impose new enforceable standards for what is deemed acceptable or not acceptable. Instead, through permit conditions, will rely on pertinent federal standards from OSHA and EPA for establishing exclusion zones, all-clear levels, adequacy of post-implosion cleanup, and termination of air sampling activities.

Changes to Rules Required: None required

Comment 5

Directed to: CDPH

Date received: 1/5/2021

Method of Receipt: SurveyMonkey

Comment text: Make sure the implosion doesn't put people's health at risk and/or make people sick.

Response: The rules from CDPH are designed to protect human health by minimizing the offsite migration of dust and contaminants.

Changes to Rules Required: None required

Comment 6

Directed to: DOB

Date received: 1/5/2021

Method of Receipt: SurveyMonkey

Comment text: Based on the PDF's that I quickly reviewed, I have 4 suggestions for you to consider while moving forward with this issue. Mandated dust suppression / control equipment. Water cannons, misting cannons, and other dust control machinery are commonplace on most construction/demolition sites. These dust control devices should be required on all demolition sites moving forward. It has been



my understanding that the EPA provides guidelines for air contaminants, dust, and silica during demolitions, so the precedent should already be in place. Feasibility Study of Demolition Activities During Rainfall Events. As the use of water is a primary source of dust control on construction / demolition sites anyway, demolishing buildings during rain events is a common sense solution that uses enterprise environmental factors as an advantage. Rainfall as a natural occurrence provides a greater horizontal and vertical coverage area than any man made dust suppression methods could ever come close to. Scheduling detonations during times of natural, and perhaps heavy rainfall would have a significant and measurable impact on dust reduction. Furthermore, far fewer people would be outdoors during these events, adding an additional benefit to public safety and public health. Maximum Allowable Daily Wind Speeds During Demolition / Implosions need to be Codified. A study of maximum allowable wind speeds on days surrounding tentative demolition dates must be considered, and scheduling or demolitions must proceed on days that do not exceed the maximum allowable wind speed. This will also have a measureable impact on how far dust plumes will travel. Maximum allowable wind speeds during rain event demolitions may be allowed to exceed the Maximum allowable wind speeds on rain free days, as downward rainfall and precipitation will suppress airborne particulates. Implosions are Meant to Have Structures Fall Within Their Own Footprint. I cannot attest to what happened on the Little Village smokestack demolition, but every implosion I have been made aware of falls within its own footprint. Why this structure fell to its side is unbeknownst to me. Demolition Companies who fail at reducing the overall footprint of their demolitions/implosions should be fined. I hope you find these suggestions useful.

Response:

Comment 1. DOB agrees that a dust mitigation plan is vital to a demolition by implosion. Environmental elements of an implosion, including dust mitigation, is within the jurisdiction and subject matter expertise of the Department of Public Health (CDPH) and DOB defers a technical response to this comment to CDPH.

Comments 2 and 3. DOB agrees that weather conditions can impact dust mitigation during a demolition by implosion. Environmental elements of an implosion, including those relating to weather conditions, is within the jurisdiction and subject matter expertise of the Department of Public Health (CDPH) and DOB defers a technical response to this comment to CDPH. However, due to the unpredictability of weather conditions and the need to schedule the demolition well in advance, DOB does not recommend requiring that demolitions by implosion only could occur during rain events.

Comment 4. A demolition by implosion of a structure with a large internal footprint, such as a building or stadium, are designed fall within its own internal footprint. Conversely, structures with a small internal footprint, such as an industrial smokestack or silo, are designed to fall completely to one designed side.

The internal footprint of an industrial smokestack or silo is too small to support an internal collapse and there is the real danger of the following:

- the debris of structure's bottom portion preventing the full collapse of the structure, leaving a dangerously unstable structure that could fall in any direction; or
- the structure breaking apart after the initial blast at the base, causing the structure to fall in any or several directions.



Changes to Rules Required: None required

Comment 7

Directed to: DOB

Date received: 1/18/2021

Method of Receipt: SurveyMonkey

Comment text: I am not sure a drone is needed so much. Please add/ include diagnosis of harmful chemicals, bi-products and solid waste present in structure to be demolition and how these were mitigated before demolition occurred. Also add recycling requirement of debris / waste to be minimum of 50% beyond hazardous materials.

Response:

Comment 1. Drone or similar technology allows for visual analysis of many areas that cannot be reached without placing humans at risk. For instance, technology can allow for the examination of the external façade of a building or the internal portion of an industrial smokestack without the need to have a human repel on ropes from the roof or top of a building or structure.

Comments 2 and 3. DOB agrees that the analysis and abatement of hazardous materials prior to a demolition by implosion, as well as post-demolition disposal and recycling of materials are vital. Environmental elements of an implosion, including the pre-demolition abatement of hazardous materials and the post-demolition disposal and recycling of materials, are within the jurisdiction and subject matter expertise of the Department of Public Health (CDPH).

Rule 3.2 of CDPH's proposed rules requires a Hazardous Materials Abatement plan to include assessment, mitigation and removal of hazardous materials including asbestos; lead paint; equipment such as underground storage tanks or generators; contamination or toxic mold; and hazardous, flammable, radiological, potentially infectious, PCB-containing, and mercury-containing material. Recycling of demolition debris is already required by [11-4-1905\(2\)](#).

Changes to Rules Required: None required

Comment 8

Directed to: DOB

Date received: 1/21/2021

Method of Receipt: SurveyMonkey

Comment text: Hell no to Hilco!

Response: This comment is not directed to the proposed implosion rules.

Changes to Rules Required: None required

Comment 9



Directed to: CDPH

Date received: 1/24/2021

Method of Receipt: SurveyMonkey

Comment text: I oppose demolition by implosion.

Response: This comment does not identify specific concerns with the proposed demolition by implosion rules. Demolition by implosion represents less than 1 percent of all demolitions nationally. There are instances where implosion presents the safest method of demolition for workers. A mechanical or hand demolition of a concrete smokestack presented safety challenges for workers and the public. The proposed rules by CDPH will ensure that proper pre-, during- and post- dust mitigation are taken and executed by the property owner and contractors.

Changes to Rules Required: None required

Comment 10

Directed to: BACP

Date received: 2/10/2021

Method of Receipt: SurveyMonkey

Comment text: In regard to the requirement for public notices to be given to residents nearby the demolition area, I think there need to be requirements about what specific information needs to be provided to the community. Things like how to protect themselves and their property from damage, where they should go if they have issues, what they should expect as far as dust, noise, etc should all be required information the demolition company needs to provide.

Response: There are required elements to both the mailed and posted public notices. These include requiring that the notices provide descriptions on the intended use of explosives, the date, time and location of the public meeting, and an emergency contact. The requisite public meeting is then a forum for more detail from and questions to the applicant for the demolition by implosion license. The public meeting needs to provide at least two hours for questions from the community, and at a location within two miles of the proposed demolition site. This longer meeting is best suited to address the specific issues identified and requested in this comment.

Changes to Rules Required: None

Comment 11

Directed to: CDPH

Date received: 2/16/2021

Method of Receipt: SurveyMonkey

Comment text: if this is not okay for Lincoln Park how come it is okay for a predominantly Black and Latinx, lower-income part of the city? This is the definition of environmental racism. Stand up for people instead of companies. This will be generations of hurt if you don't.

Response: The City is committed to protecting the health and safety of residents across all parts of the City, and the Proposed Rules are intended to further those goals. This comment does not appear to be directed at the proposed Implosion Rules.

Changes to Rules Required: None required



Comments 12-19 (Duplicates)

Directed to: DOB, CDPH, BACP, CFD, CDOT, DWM, OEMC, and to General Comment Inbox

Date received: 2/18/2021

Method of Receipt: SurveyMonkey and general comments inbox

Comment text: I am glad that the city is making more rules but I feel obviously since the implosion happen Hilco and the city didn't care about the impacts it was going to cause the community. Due to the community always asking for answers and we never got those answers. We are living during a pandemic where the 60623 zipcode had the highest number of confirmed cases which is about 9,625 and about 229 deaths. The implosion may have affected residents and put their life at risk. The proposed rules being shown due to the demolition by the implosion should be a complete transparency of all ongoing ordinance efforts to comply to the communities needs. The city should also be held accountable for also jeopardizing the health of our residents. The city should start being committed in protecting our air, water, and land, people and fix the lack of investment in our community. The new rules and ordinance steps are good but I feel that what is missing is more environmental analysis. This is needed an example is when an implosion happens I feel that there should be water testing before and after implosion. All testing to report to be given to the public. Also there needs to be air regulations to make sure not to cause a demolition when there are communities living with the worst air quality.

Response: The City is committed to protecting the health and safety of residents, and the Proposed Rules are intended to further those goals. The comment asks that water testing occur before and after implosion. Pursuant to the DWM's Proposed Rule No. 3.1, DWM requires before and after water facility leak surveys, thereby holding the owner responsible for land and breaks that are associated with demolition by implosion. CDPH's role in monitoring implosion sites before, during, and after implosions is significantly strengthened under the proposed rules. As was previously stated, demolition by implosion is rare and used in instances where it is the safest option for workers and the public. The required plans, documentation, monitoring and community notification take into consideration the potential risks and appropriate controls for the protection of the health and safety of the impacted community.

Changes to Rules Required: None required.

Comment 20-21 (Duplicates)

Directed to: DOB, CDPH, and to General Comment Inbox

Date received: 2/18/2021

Method of Receipt: SurveyMonkey and general comments inbox

Comment text: Good afternoon, My name is Edith Tovar, a proud lifelong resident of the Little Village community and for transparency purposes I also work at LVEJO. Though I'm glad the City is taking these extra steps to make sure that residents of Little Village and Chicago as a whole are notified in a timely manner about a demolition by implosion happening in their community...The reality is that these steps, in our case, are too little too late. The lack of oversight regarding the demolition of Crawford, if I'm not mistaken, the first coal plant to be redeveloped within city boundaries, our concerns were dismissed. When we asked for air monitors, we were told that the law did not require Hilco nor City to install, but to close our windows if we saw dust. A resident and construction worker fell to his death at the site, no real answers were given and no investigation was ever shared with the community. We demanded an emergency protocol from Hilco, and nothing again was shared. What we have been receiving from Hilco



is flerys greenwashing the Exchange 55 development and fake promises of hundreds of jobs but no real content about what is happening on the site. They set up a website, but remember, not everyone has the means to have the internet at home. This may be a good opportunity to share notice in languages that residents understand w/ local institutions, the Alderperson, and city led institutions in the targeted communities. I'll end my comment by stating that Little Village residents are traumatized by Hilco's botched implosion. I attended a virtual meeting by the Cook County Dept. of Corrections as they are planning to demolish 2 buildings, and residents on that call kept asking if it was going to be an implosion. Hilco has definitely left a scare in our community and the rest of the state and county are aware of this environmental injustice!

Response: This comment does not identify specific concerns with the proposed demolition by implosion rules but is instead addressed to the demolition of the smokestack at the Crawford Site. However, in the wake of the Crawford Site demolition, via the Proposed Rules, numerous additional policies, procedures, and safeguards are being proposed to prevent a similar situation from reoccurring. These include notice provisions, enhanced requirements for CDPH involvement, required coordination between multiple city departments, the requirement that an on-site coordinator have the authority to shut down the implosion, and many other protections. The City recognizes that what happened at the Crawford site was a traumatic experience, and the City is committed to restoring trust with residents and the community.

Changes to Rules Required: None required.

Comment 22

Directed to: General

Date received: 1/28/2021 (Public Hearing)

Method of Receipt: Orally at public hearing

Comment text: No City commissioner has apologized for the Hilco demolition; the City owes an apology to the community. How can residents trust CDPH that it is actually going to use the correct science and technology in executing these procedures. Soil sampling has not happened in the public way after the implosion at Hilco.

Response: This comment appears to be directed at the demolition of the Crawford Plant, not the proposed Implosion Rules. The City recognizes that what happened at the Crawford site was a traumatic experience, and the City is committed to restoring trust with residents and the community.

Changes to Rules Required: None required

Comment 23:

Directed to: General

Date received: 1/28/2021 (Public Hearing)

Method of Receipt: Orally at public hearing

Comment text: We need to understand what happened at Hilco to formulate the current rules. Aldermen should be obligated to communicate out what is being planned and information should be available at public libraries. The company should have to update their website and should be fined if they don't.

Response: This response is addressed below, in Comment 28.



Changes to Rules Required: See proposed new rule language, in Comment 28.

Comment 24

Directed to: CFD

Date received: 1/28/2021 (Public Hearing)

Method of Receipt: Orally at public hearing

Comment text: What are the wind speed/weather/air quality thresholds that will stop an implosion?
What are the air modeling software that will be used by CDPH?

Response: These items were answered at the hearing, transcripts of which were posted at the City's implosion rules website.

Changes to Rules Required: None required

****The following comments pertain to a 21-page written submission by LVEJO****



LVEJO comments



LVEJO



LVEJO Solis v. Hilco Hilco-Joint Motion
on Implosion Rules HILCO-Complaint_FIRedevlopment (2).pdf for Entry of Consent



Comment 25 (LVEJO Comment 1)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: See attached. In summary, "because of the mismanagement of the April 2020 implosion, Chicago's population density, severe consequences of dust from implosion, and regulatory complexities, LVEJO urges the City to ***prohibit the use of implosion as a demolition practice altogether within Chicago limits.***"

Response: Demolition by implosion represents less than 1 percent of all demolitions nationally and an extremely small share of demolitions in Chicago. However, banning implosions outright is not practical as there are instances where implosion presents the safest method of demolition for workers and the public. For example, a mechanical or hand demolition of a concrete smokestack presented safety challenges for workers and the public. The proposed rules by CDPH will ensure that proper pre-, during- and post- dust mitigation are taken and executed by the property owner and contractors. The required plans, documentation, monitoring and community notification take into consideration the potential risks and appropriate controls for the protection of the health and safety of the impacted community.

Changes to Rules Required: None required.

Comment 26 (LVEJO Comment 2)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: "Considering the characteristics of Little Village, Pilsen, West Garfield Park, and many other similarly situated neighborhoods in the industrial corridors of Chicago where implosion is most



likely to occur, LVEJO is formally requesting the City conduct environmental justice analyses as part of the implosion permitting process. This analysis should address whether the environmental consequences of the applicant's implosion, viewed comprehensively and in the context of where it will occur, will cause or contribute to significant, adverse, and disproportionate risks for local communities. LVEJO asserts the City's history of ignoring the risks of significant, adverse, and disproportionate harm in already susceptible, overburdened Chicago communities must be remedied beginning with additional requirements to CDPH's review of implosion permit applications including an environmental justice assessment in areas of predominately low income or minority residents."

Response: As was previously stated, demolition by implosion is rare and used in instances where it is the safest option for workers and the public. The required plans, documentation, monitoring and community notification take into consideration the potential risks and appropriate controls for the protection of the health and safety of the impacted community. Before any demolition by implosion is permitted to occur, the relevant City agencies must approve the comprehensive demolition plan. In particular, CDPH must approve a plan that includes a Hazardous Material Abatement Plan, an Air Quality Monitoring Plan, a Dust Mitigation Plan, and a Site Cleanup Plan. The Comprehensive Plan must contain "sufficient evidence to Demonstrate that the Implosion is designed and will be conducted in a manner that is protective of public health and the environment." (CDPH Proposed Rule 3.0). These requirements, plus others in the CDPH rules, are intended to protect the health of communities and citizens living in proximity to the demolition site.

Changes to Rules Required: None required

Comment 27 (LVEJO Comment 3)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: "LVEJO encourages the City to require implosion permit applicants to conduct initial site assessments, findings of which must be included within the permit application. This is especially encouraged on sites of historic environmental contamination. The findings of this initial site assessment must be made public to allow for adequate transparency. LVEJO further encourages a requirement of community engagement regarding the site assessment to increase transparency and public involvement."

Response: The proposed rules include a requirement for the applicant to conduct an Environmental Site Assessment to document existing environmental conditions on the site and inform development of plans required as part of the implosion permitting process. (CDPH Proposed Rule 3.2.3).

Changes to Rules Required:

Comment 28 (LVEJO Comment 4)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: "LVEJO proposes the city require written notice both when the permit is submitted and at least 72 hours before the implosion is set to occur. This notice should be mailed to all residences within at least a 5-mile radius of the implosion site and posted online on Hilco and the Mayor's website. Physical postings with information regarding the implosion and any opportunities for community



engagement should also be placed at the site, at any governmental buildings in the area, and at local libraries. All notices must be written in Spanish and English to be accessible to as many residents as possible.” [Specific changes to the notice requirement are included in the comment]

Response: The OEMC thanks LVEJO for their thoughtful recommendations. We can be most clear by responding to their comment one point at a time:

1. Regarding LVEJO’s recommendation that “the City require written notice both when the permit is submitted and at least 72 hours before the implosion is set to occur,” the ordinance as written requires the notification to take place “no less than 7 and no more than 30 days” prior to the date the demolition is to occur. The OEMC’s rules must conform to the ordinance as it pertains to the timeframe, but we appreciate that LVEJO’s recommendation to require at least two notifications and will make such a requirement in our rules.
2. Regarding LVEJO’s recommendation that written notice “be mailed to all residences within at least a 5-mile radius of the implosion site and posted on Hilco and the Mayor’s website,” the OEMC feels that 5-mile radius, as well as the requirement that both notifications be mailed, are unduly burdensome. However, we appreciate that some minimum boundary be stipulated, and will update our rules to reflect that notices must be provided to residences within a minimum of 1,000 feet radius of the implosion site, while clarifying that notices may be required for larger geographic areas on a case by case basis, as determined by the Executive Director in consultation with other City departments. Regarding requiring a mailing, we feel that requiring one notification to be a mailing or door hanger is a reasonable cost burden, and will update our rules to reflect such a requirement, but will stipulate that the second notification be the posting of notices in all government facilities open to the general public, including libraries and park facilities. We do not feel the Mayor’s website is an appropriate venue for such a notification, and do not agree that we should require posting to a private, commercial website such as that of Hilco, though we encourage the applicant to provide community notification beyond that expressly required in the ordinance and our rules. We also agree that physical postings of details of the implosion should be placed at the site where explosives will be used.
3. Regarding LVEJO’s recommendation that all notices be written in Spanish and English, the OEMC has already incorporated language in our current rules for translation into languages that may be spoken by a significant population in a given area of the City.

Although in some instances very fine particles from large implosions may travel long distances, we would generally expect impacts to air quality from an implosion to be short term, downwind and in the immediate vicinity of the site. Mailed notifications within a 5-mile radius are not necessarily warranted or feasible. Air modeling prior to project approval will determine the expected extent of dust dispersion and inform the notification plan. If notifications beyond a 1,000-foot radius of the implosion site are warranted, the City may use other means of notification such as posting in government facilities and libraries.



Changes to Rules Required: Revised language below

ARTICLE IV – COMMUNITY NOTIFICATION OF USE OF EXPLOSIVES

Rule No. 11. The applicant shall provide two additional community notifications, no less than 7 and no more than 30 days prior to the date explosives will be used. One notification shall be sent by mail or by door hanger to all addresses within a 1,000-mile radius of the site where explosions are to be used, and the other shall be the physical posting of notification at the implosion site, all libraries, park district buildings, any other government facilities open to the general public, and the ward service office of any alderman of any ward that is in whole or in part within a 1-mile radius of the site where explosions are to be used. The geographic boundary of notification may be expanded by the Executive Director as needed on a case by case basis, in consultation with other City departments and sister agencies.

All notifications shall be provided in English and the Executive Director may, at their discretion, require translation into additional languages that may be spoken by a significant number of individuals residing within the notification area. All written notifications must include the date, time, and location that explosives are to be used, as well as safety precautions residents and visitors to the area should consider.

Comment 29 (LVEJO Comment 6)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: “Considering the many health impacts of constituents associated with implosion dust as detailed in Comment One, the City should require companies to conduct health studies on residents in the event of excessive dust exposure or emergency.”

Response: Applicants must include a description of the contingency measures to be implemented if the above control measures fail to adequately control dust emissions. In addition, the plan must describe the steps that will be taken to verify that a dust control measure is working and, upon discovery of an inadequacy, the steps that will be taken to initiate a contingency measure. Although there may be short term impacts downwind from the site, even in such instances air quality returns to background levels quickly. Conducting a health study in the community following an implosion that attempts to separate out existing conditions from a potential short term exposure is not recommended and is not feasible. CDPH does support considerations of existing environmental and health conditions in the community on the front end when reviewing a plan for implosion. This information would help to inform what we would want to see in the contingency plan and other controls we would require the applicant to put in place prior to approval. Indeed, CDPH Proposed Rule 3.0 specifies that the Comprehensive Plan submitted to CDPH must contain “sufficient evidence to Demonstrate that the Implosion is designed and will be conducted in a manner that is protective of public health and the environment.”

Changes to Rules Required: None needed

Comment 30 (LVEJO Comment 7)

Directed to: General Comment Inbox



Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: “To protect its citizens from repeat violators or those with past mismanagement of implosion, the City should require information about past implosion activities including, but not necessarily limited to, general implosion practices, demolition companies commissioned, warnings, violations, levied fines, and civil legal and/or enforcement actions related to past implosions. If an applicant has significant past violations or enforcement actions, the City must reserve the right to deny the implosion permit on this basis.”

Response: Rule 4.2 from CDPH’s proposed rules include a requirement to review the prior compliance history, and provide the authority to deny a permit based on a history of violations that endanger the health and safety of communities. The rule provides:

“4.2. The Commissioner shall conduct an evaluation of the applicant’s prior compliance with health and environmental regulations, and may refuse to consent to the issuance of a demolition by implosion permit if the applicant, or any owner or officer of the applicant, or any person having control of applicant or any of its operations, has, within the past three years violated any federal, state or local environmental or other regulations that impact the health, safety or welfare of the community.”

CDPH proposes a further amendment to require the applicants to provide the compliance history information.

Changes to Rules Required:

Rule 3.7 Compliance History Documentation

The applicant must submit documentation of violations of any federal, state or local environmental or other regulations that impact the health, safety or welfare of the community within the past three years by the applicant, or any owner or officer of the applicant, or any person having control of applicant or any of its operations.

Rule 3.87 Additional Information and Other Documentation

Comment 31 (LVEJO Comment 8)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: “LVEJO urges the City to increase the fines for dust and air pollution violations resulting from implosion. LVEJO further urges the City to allocate any fines received to benefit those directly impacted by the violation i.e., air pollution monitoring equipment in the affected area or to enforcement of these rules.”

Response: CDPH introduced and the City Council recently passed an ordinance that significantly increases fines for violations related to air pollution, including for violations associated with demolition activities such as implosions. Funds generated by fines for violations of ordinances enforced by CDPH do not come back to the Department, though at times the conditions of a negotiated settlement may allow for these kinds of benefits to be directed to the impacted community.



Changes to Rules Required: None needed

Comment 32 (LVEJO Comment 9)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: “The Department of Water Management mandated within these proposed rules that the company conduct a pre- and post-implosion assessment of water and sewer lines. Building off this, LVEJO proposes the City require within the implosion rules this same pre- and post-implosion assessment of all public utility lines to ensure little to no disruption of residents’ services.”

Response: Private utility companies (gas and electric) will be notified and will have an opportunity to participate in the review of the proposed demolition by implosion through the OUC process. Please visit the following website for more information:

https://www.chicago.gov/city/en/depts/cdot/provdrs/construction_information/svcs/office_of_undergroundcoordination.html.

Changes to Rules Required: None required.

Comment 33 (LVEJO Comment 10)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: “LVEJO urges the City to require the company to conduct a pre- and post-implosion assessments of adjacent residences’ structural integrity.”

Response: The Commissioner of the Department of Buildings currently has the authority to conduct a pre- and/or post-implosion inspection of adjacent residences, and will consider ordering such an inspection on a case-by-case basis. In addition, should damage to adjacent properties occur, current law allows a resident to file a claim against the developer or demolition company, who is required to carry insurance.

Changes to Rules Required: None required.

Comment 34 (LVEJO Comment 11)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: More detail regarding wind speed needs to be included in CFD’s rules.

Response: In response to this comment, CFD proposes that its rules be amended ended to require the owner to retain an independent consultant with subject matter expertise to determine the maximum wind speed for an implosion to occur safely in the area. A report from the independent consultant will be submitted to and approved by the City prior to the implosion.

Changes to Rules Required: See updated rule.

Comment 35 (LVEJO Comment 12)



Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: “Many of the newly proposed rules, especially those proposed by the Department of Water Management and the Fire Department require the company to bear costs in the event of damage or emergency caused by the implosion. However, nothing within the proposed rules or application requirements instructs the applicant to provide proof of sufficient funding available to cover said costs. With a financial assurance program in place, residents and government alike will have peace of mind that in the event of damage, the company will be fully capable to fund recovery or remedial actions. As such, LVEJO urges the city to write a financial assurance program into the newly proposed rules for demolition by implosion.”

Response: In addition to existing insurance requirements, the proposed rules, as set forth below, adequately protect the City from the risk of not being made whole by a contractor. Specifically, CDOT Proposed Rule No. 5 provides the following:

Rule No. 5. The applicant shall execute a reimbursement agreement in a form required by the city, that requires the applicant or owner to reimburse the city for all costs associated with the demolition, including but not limited to personnel time, street sweeping costs, and all other costs incurred by the city. The Department, at the discretion of the Commissioner, may require the posting of a letter of credit prior to the implosion.

In addition, the current Municipal Code covers reimbursement of City costs.

1-20-020 Liability designated – Collection.

Any person who causes the city or its agents to incur costs in order to provide services reasonably related to such person's violation of any federal, state or local law, or such person's failure to correct conditions which violate any federal, state or local law when such person was under a legal duty to do so, shall be liable to the city for those costs. This liability shall be collectible in the same manner as any other personal liability.

Changes to Rules Required: None

Comment 36 (LVEJO Comment 13)

Directed to: General Comment Inbox

Date received: 2/18/2021

Method of Receipt: General comments inbox (LVEJO Written Submission)

Comment text: “LVEJO urges the City to write into the rules that ongoing public health events, like COVID-19, will be considered when issuing an implosion permit. A moratorium should be placed for implosion in situations, such as the issuance of a stay-at-home order, where residents have little opportunity to leave their homes to escape dust or any potential emergency created by the implosion. LVEJO further urges the City to reserve the right within the rules to revoke or suspend any already issued permit in any ongoing public health event to preserve the wellbeing and safety of citizens.”



Response: The Municipal Code already grants the Commissioner of Health broad power to exercise the general police power of the City of Chicago during a public health emergency. See 2-112-080. In addition, the Commissioner of Health the power to issue an emergency or non-emergency environmental-related cessation order if certain conditions are met. See 2-112-160(b)(10).

Changes to Rules Required: None required.

Additional Changes to Rules

In addition to the above, CDPH proposed the following changes to Proposed Rules 3.2.2 Lead Survey, and 3.5 Site Cleanup Plan.

Rule 3.2.2 Lead Survey

The Hazardous Material Abatement Plan shall include a comprehensive survey of the proposed building or structure for Lead Containing Paint (LCP). The survey shall be performed by a lead inspector or lead risk assessor duly licensed by the State of Illinois.

If the above survey found surfaces with LCP, the Hazardous Material Abatement Plan should also include a report, prepared by a lead abatement contractor licensed by the State of Illinois, certifying that the building or structure is free of LCP.

If the LCP ~~will~~ cannot be removed, the Applicant shall submit a justification on why LCP cannot be removed, a plan for minimizing lead emission and offsite deposition, and a calculation of the amount of lead-deposition that may occur offsite ~~collect paint chip samples of all LCP covered materials and analyze them for lead content using SW-846 Test Method 1311, toxicity characteristic leaching procedure (TCLP). All surfaces covered in paint that failed TCLP for Hazardous Waste determination (i.e. lead concentration of 5 mg/liter or above) must be removed, mitigated, or otherwise treated prior to Implosion to prevent the dispersion, spread, or generation of Hazardous Waste.~~

Rule 3.5 Site Cleanup Plan

The Comprehensive Plan must include a Site Cleanup Plan to remove dust, debris, and litter from the surrounding impacted area as expeditiously and as safely possible to minimize disruption to the community. The Site Cleanup Plan shall include, but may not necessarily be limited to, the following:

The use of a street sweeper to clean impacted paved areas. Such sweeper shall be equipped with a waterless dust suppression system comprised of vacuum assist and filtration for pickup and mitigation of potential fugitive fine particulates, and PM10-certified by Canada's



Environmental Technology Verification Program or as approved by the Commissioner ~~water spray and vacuum system that can effectively remove fine particulates;~~