

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 11-4 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Article VII, as follows:

Article VII.

Hazardous Materials Emergency Preparedness Requirements.

11-4-1200 Tier II Notification -- When Required.

(A) Definitions. As used in this section:

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"Department of business affairs and licensing" means the department of business affairs and licensing of the City of Chicago.

"Department of the environment" means the department of the environment of the City of Chicago.

"Federal Act" means Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq., as amended.

"Hazardous chemical" has the meaning ascribed to the term in Section 3 of the State Act.

"Local emergency planning committee" or "L.E.P.C." means the committee appointed by the State Emergency Response Commission in accordance with Section 301(c) of the Federal Act.

"Local fire department" means the fire department with jurisdiction over the facility.

"Office of emergency management and communications" means the office of emergency management and communications of the City of Chicago.

"Material safety data sheet" means the sheet required to be developed under 29 C.F.R. 1910.1200(g).

"State Act" means the Illinois Emergency Planning and Community Right To Know Act, codified at 430 ILCS 100/1, et al., as amended.

"Subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act" means any owner or operator of a facility who is required under Section 12 of the State Act to prepare and submit an emergency and hazardous chemical inventory form containing either tier I or tier II data with respect to the preceding calendar year.

"Tier II information" means information meeting the requirements of subsections (e) and (f) of Section 12 of the State Act.

(B) Hazardous Chemical Inventory Form And Diagram -- Required. If the owner or operator of a facility located within the corporate limits of the City of Chicago is subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act ("the State Act"), as defined in subsection (A) of this section, such owner or operator shall submit the following documents to the local emergency planning committee ("L.E.P.C.") and local fire department:

(1) an emergency and hazardous chemical inventory form containing tier II information for each hazardous chemical present at the facility during the preceding calendar year, if such chemical was present at the facility in an amount that equals or exceeds the

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threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986 ("the Federal Act"); and

(2) an emergency preparedness diagram of the facility.

(C) Inventory Form -- Contents And Requirements. The emergency and hazardous chemical inventory form required by item (1) of subsection (B) of this section shall be the tier II inventory form promulgated by:

(1) the United States Environmental Protection Agency for use in meeting the requirements of Section 312 of the Federal Act, or

(2) the Illinois Emergency Management Agency for use in meeting the requirements of the State Act.

Such inventory form shall be completed in full, except to the extent that the owner or operator of the facility is authorized under Section 322 of the Federal Act or Section 13 of the State Act to withhold information for trade secret protection, and shall be submitted annually, along with the required diagram, by March 1. Provided, however, that if the Illinois Emergency Management Agency extends the annual tier II filing deadline under the State Act to a later date, the filing date for the inventory form required by this subsection shall also be extended to such later date.

(D) Change Of Information -- Inventory Update Required. If a previously unreported hazardous chemical becomes present at a facility in an amount that equals or exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Federal Act, the owner or operator of such facility shall file with the L.E.P.C. and local fire department, no later than 60 calendar days after the occurrence of such event, a facility inventory update for such hazardous chemical. Such update shall be filed using the tier II inventory form required by subsection (C) of this section.

(E) Diagram -- Contents And Requirements. The emergency preparedness diagram required by item (2) of subsection (B) of this section shall:

(1) be drawn to scale;

(2) identify (i) the location(s) at the facility of all hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970, as amended; (ii) the location(s) where the facility's on-site emergency response equipment is stored; and (iii) the location(s) where the facility's material safety data sheet(s) is stored; and

(3) be submitted annually to the L.E.P.C. and local fire department, along with the required tier II inventory form, by March 1. Provided, however, that if the Illinois Emergency Management Agency extends the annual tier II filing deadline under the State

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Act to a later date, the filing date for the diagram required by this subsection shall also be extended to such later date.

The contents of the emergency preparedness diagram required by subsections (B) and (E) of this section shall be kept current. If there is a change in any information required by item (2) of this subsection, the owner or operator of the facility shall, no later than 60 calendar days after such change, submit to the L.E.P.C. and local fire department a new diagram meeting the requirements of item (2) of this subsection.

(F) Penalty For Violation. In addition to any other penalty provided by law, any person who violates the requirements of this section shall be fined not less than \$200 nor more than \$500 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(G) Enforcement. The commissioner of the environment, the fire commissioner, the executive director of emergency management and communications, the director of business affairs and licensing and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any facility subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act for the purpose of determining compliance with the requirements of this section; and (2) to examine the applicable books and records of any person subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act in order to corroborate the quantities of hazardous chemicals reported or required to be reported under Section 11-4-1200 by the owner or operator of the facility.

SECTION 2. Section 4-115-020 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-115-020 License -- Application.

An application for a hazardous materials license shall be made in conformity with the general requirements of this code relating to applications for licenses; and with the particular requirements for each activity to be performed under the license as set forth in the relevant section of the code governing the particular activity.

In addition, the applicant application shall contain the following information: (1) state the location of the place at which it is desired or intended to store or use the hazardous materials material(s) enumerated for use in the applicant's business; (2) the chemical name or common name of such hazardous material(s); (3) the maximum aggregate quantity of such hazardous material(s) to be so stored for use, at each location identified pursuant to item (1) of this section; and shall (4) give a description of the business engaged in, of the location and capacity of all containers or tanks used to store any hazardous material; and a description of all vehicles used in connection with the applicant's business;

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and (5) such any other information as may be required by that the division marshal in charge of the bureau of deputy fire commissioner of the fire prevention bureau, the commissioner of the environment, the executive director of emergency management and communications or the director of business affairs and licensing may require to implement the requirements of this chapter.

Before a license required under this chapter may be issued, and, thereafter, as often as it deems necessary, the division marshal in charge of the bureau of deputy fire commissioner of the fire prevention bureau shall investigate or cause to be investigated the place of business described in such application; all containers, tanks and buildings wherein hazardous materials are to be stored; all vehicles to be used in connection with the applicant's business; and the methods and equipment intended to be used by such applicant to determine whether they are or will be in compliance with all of the fire prevention provisions of the code. In addition, before a license required under this chapter may be issued, and, thereafter, as often as it deems necessary, the department of environment shall inspect all underground storage tanks to be used in connection with the applicant's business.

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(The remainder of this section is not affected by this ordinance and is not shown here for editorial convenience.)

SECTION 3. Chapter 4-115 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 4-115-025, as follows:

4-115-025 Unlawful Act -- Failure To File Tier II Notification -- Failure To Submit Diagram.

(A) It shall be unlawful for any person licensed or required to be licensed under this chapter to fail to comply with the requirements of Section 11-4-1200 of this code, if applicable. In addition to any other penalty provided by law, a single violation of this subsection may result in suspension or revocation of the hazardous materials license, as well as any other license required in addition to such hazardous materials license, in accordance with the requirements of Section 4-4-280 of this code.

(B) The commissioner of environment, the fire commissioner, the executive director of emergency management and communications, the director of business affairs and licensing and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any facility licensed or required to be licensed under this chapter for the purpose of determining compliance with the requirements of this section; (2) to examine the applicable books and records of any person licensed or required to be licensed under this chapter in order to corroborate the quantities of hazardous chemicals reported

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or required to be reported by the owner or operator of the facility under Section 11-4-1200; and (3) to enforce the requirements of this chapter.

SECTION 4. Chapter 4-115 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 4-115-026, as follows:

4-115-026 Recordkeeping -- Required.

(A) Each person licensed or required to be licensed under this chapter shall keep and maintain on file, for a period of not less than three years, all written materials used to document the quantity of each hazardous chemical present at the facility, if such chemical is present at the facility in an amount that exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq., as amended. In addition to any other penalty provided by law, a single violation of this subsection may result in suspension or revocation of the hazardous materials license, as well as any other license required in addition to such hazardous materials license, in accordance with the requirements of Section 4-4-280 of this code.

(B) Upon request, the records required by subsection (A) of this section shall be made available for inspection, during regular business hours or in case of emergency, by any city official charged with responsibility for enforcing this chapter.

SECTION 5. Chapter 4-115 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 4-115-036, as follows:

4-115-036 License Revocation -- One Year Wait For New License.

No person whose license under this chapter is revoked for any cause shall be granted another hazardous materials license at the same location, under the same or different name, for a period of one year from the date of revocation.

SECTION 6. Section 2-30-030 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

The commissioner of the environment shall have the following powers and duties:

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(Subsections 1 through 24 of this section are not affected by this ordinance and are not shown here for editorial convenience.)


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(25) to enforce the provisions of Section 15-28-755 of this code;


(26) to participate or otherwise engage in the city's emergency preparedness and emergency response activities.

SECTION 7. This ordinance shall take full force and effect upon its passage and approval.

Document No. P02007. 8836

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| REFERRED TO COMMITTEE ON Energy, Environmental Protection & Public Util. DEC 12 2007 |  Myra P. Lee City of Chicago |
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Document No. 02008. 14

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| PASSED by the City Council of the City of Chicago and deposited in the office of the City Clerk of said City. JAN - 9 2008 |  Myra P. Lee City of Chicago |
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STATE OF ILLINOIS)
)SS.
COUNTY OF COOK)

I, MIGUEL DEL VALLE, City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office: Amendment of Titles 2, 4, and 11 of Municipal Code of Chicago concerning Hazardous Materials Emergency Preparedness Requirements.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the ninth (9th) day of January, 2008 and deposited in my office on the ninth (9th) day of January, 2008.

I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit:

Yeas 45 Nay 0

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five (5) days after the passage of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this twenty-ninth (29th) day of February, 2008.

[F.H.]



MIGUEL DEL VALLE, City Clerk