

Your Committee has considered the following items and upon adoption of this report, the recommendations are as follows:

- 315196 GASOLINE VAPOR COLLECTION AND CONTROL SYSTEM ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, John P. Daley, Jesus Garcia, Gregg Goslin and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

GASOLINE VAPOR COLLECTION AND CONTROL SYSTEM ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Article IV, Sec. 30-425 through 30-425.3 of the Cook County Code is hereby enacted as follows:

Section 30-425. Short title and Definitions.

(a) Short title. This section shall be known and may be cited as "The Cook County Gasoline Vapor Collection and Control System Ordinance.

(b) Definitions. For the purposes of this Section, the following definitions apply:

"Certified" means any vapor collection and control system which has been tested and approved by The California Air Resources Board (CARB) as having a vapor recovery and removal efficiency of at least 95% (by weight). CARB testing and approval is pursuant to the CARB manual incorporated by reference 35 Illinois Administrative Code 218.112.

"Completion of installation" means the successful passing of one or more of the following tests applicable to the installed vapor collection and control system: Dynamic Backpressure Test, Pressure Decay/Leak Test, and Liquid Blockage Test, incorporated by reference at 35 Illinois Administrative Code 218.112.

"Constructed" means fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.

"CARB" means California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

"Employee" means any person who performs work for an Owner or Operator.

"Gasoline Dispensing Operation" or "Gasoline Dispensing Facility" means any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

"Modification" means any change, removal or addition, other than an identical replacement, of any component contained within the Vapor Collection and Control System.

“*Motor vehicle*” means any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles and trucks. Specifically excluded from this definition are watercraft and aircraft.

“*Motor Vehicle Fuel*” means any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles. Reid vapor pressure for gasoline shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 218.112

“*Owner or Operator*” means any Person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a Gasoline Dispensing Operation.

“*Person*” or “*Persons*” means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.

“*Poppet valve*” means a spring-loaded valve that prevents vapor from escaping through the vapor recovery riser pipe opening of a storage tank.

“*Stage II System Type*” mean a Stage II system that consists of special nozzles and coaxial hoses at each gasoline pump that captures vapors from the vehicle's fuel tank and routes them to the station's underground or aboveground storage tank(s) during the refueling process with System parts that are clearly identified to show that they are CARB-certified by a CARB Executive Order number.

“*Vapor Collection and Control System*” means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of Motor Vehicle Fuel into motor vehicle fuel tanks.

Section 30-425.1. Dispensing Motor Fuel and Inspection.

(a) No Owner or Operator of a Gasoline Dispensing Operation shall cause or allow the dispensing of Motor Vehicle Fuel at any time from a motor vehicle fuel dispenser unless the

dispenser is equipped with and utilizes a Vapor Collection and Control System which is properly installed and operated as provided below:

- (1) Any Vapor Collection and Control System installed, used or maintained has been CARB certified;
- (2) Any Vapor Collection and Control System utilized is maintained in accordance with the manufacturer's specifications and the certification;

(3) No elements or components of a Vapor Collection and Control System are modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications;

(4) A Vapor Collection and Control System has no defective, malfunctioning or missing components. Malfunction includes but is not limited to a dry break on a Poppet valve;

(5) The Poppet valve must be in a closed position, so that if depressed it will spring up upon release;

(6) Operators and Employees of the Gasoline Dispensing Operation are trained and instructed in the proper operation and maintenance of a vapor collection and control system by trainers recognized by the Illinois Environmental Protection Agency to be qualified; and

(7) Instructions are posted in a conspicuous and visible place within the motor fuel dispensing area and describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

(b) Gasoline Dispensing Operations shall be subject to an annual inspection by the Department.

(c) The Employee and/or Operator must cooperate with the Department's annual inspection and the Operator shall provide to the Department any records that may be requested pursuant to Section 30-425.2.

Section 30-425.2. Record keeping obligations.

(a) Gasoline Dispensing Facilities shall retain the operation copies of the registration information required in subsection (b) for the current and previous calendar year.

(b) Records and reports required pursuant to this subsection shall be made available to the Department upon request. The owner or operator of the Gasoline Dispensing Operation shall maintain records and reports which clearly demonstrate:

(1) That a Certified Vapor Collection and Control system has been installed and tested to verify its performance according to its specifications;

(2) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements;

(3) The time period and duration of all malfunctions of the Vapor Collection and Control System; and

(4) That Operators and Employees are trained and instructed in the proper operation and maintenance of the Vapor Collection and Control System and informed as to the potential penalties associated with the violation of any provision of this Section.

(c) The following documents shall also be made available upon request:

(1) Illinois EPA Issued Registration Certificate/Proof of Registration;

(2) Current and Consistent Maintenance Logs;

(3) Pressure/Vacuum Relief Valve Test Results;

(4) Training Certificate(s) for operators and Employees;

(5) Malfunction Logs; and

(6) Written verification of the Stage II System Type, dispenser brand name and model. This documentation shall be kept on site at the Gasoline Dispensing Operation. If system types cannot be determined through external visible inspection of the equipment, keys to the pump must be made available to the Cook County Environmental Control inspector to in order to attain that information as well as the compatibility of the Stage I and Stage II equipment.

Section 30-425.3. Penalties and Inspection Fees.

(a) Any Person that violates the Cook County Gasoline Dispensing Facilities Ordinance is subject to the fines set out in Section 30-213.

(b) An annual inspection fee shall be assessed on all Gas Dispensing Operations. The Owner or Operator of the gasoline dispensing operation shall pay these fees. The annual inspection fees are set out in Section 32-1.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1.Fee schedule.

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
Chapter 30, Environment.		
<u>30-425.3</u>	<u>Gasoline Vapor Collection and Control System Annual Inspection Fee</u>	<u>200.00</u>

EFFECTIVE DATE: This Ordinance shall take effect on the 60th day following passage.

***Referred to the Committee on Finance on 11/01/11.**

Commissioner Garcia, seconded by Commissioner Gorman, moved approval of the proposed ordinance (Communication No. 315196). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO APPROVE
COMMUNICATION NO. 315196**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Silvestri, Steele, Suffredin, and Tobolski (14)

Nays: Commissioners Beavers and Schneider (2)

Absent: Commissioner Collins (1)

The motion carried and the Gasoline Vapor Collection and Control System Ordinance (Communication No. 315196) was approved and adopted.

315197 DEMOLITION ORDINANCE AMENDMENT (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, Jesus G. Garcia, Gregg Goslin and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

DEMOLITION AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Article VI, Sec. 30-544 of the Cook County Code is hereby amended as follows:

Sec. 30-544. - Demolition.

(a) Procedure for demolition of structure. Where the risk of public exposure to asbestos fiber from the dislodging of asbestos-containing materials is present, no demolition of a structure shall be initiated unless all safeguards necessary and practicable to reduce the emission of dust are taken. Such procedures shall include, but are not necessarily limited to:

- (1) Boilers and pipes and steel members insulated or fireproofed with asbestos-containing material shall be wetted and stripped before toppling of walls is begun. This procedure shall be followed, where practicable, as to all other asbestos-lined surfaces. Such asbestos waste shall be immediately bagged and disposed of in accordance with Section 30-542(a)(4).