

**City of Chicago
Department of Streets and Sanitation**

**Compost Standards for Chapter 11-4 Permit Exempt Compost Facilities
Rules and Regulations**

Whereas, pursuant to Chapter 7-28 of the Municipal Code of Chicago (the "Code"), the Department of Streets and Sanitation is charged with enforcement of code sections related to health nuisances, within the City of Chicago; and

Whereas, pursuant to the authority granted in Section 7-28-715 of the Code, the Commissioner of Streets and Sanitation may promulgate such rules and regulations as necessary to implement the provisions of Section 7-28-715;

Now, therefore:

I, Michael J. Picardi, Commissioner, Department of Streets and Sanitation, City of Chicago, issue the following rules and regulations pursuant to Section 7-28-715 of the Code.

1.0 Description of Rules and Regulations

These rules and regulations are promulgated pursuant to Sections 7-28-715 of the Chicago Municipal Code ("Code") which authorize the Commissioner of Department of Streets and Sanitation to make rules and regulations as necessary to implement the provisions of Section 7-28-715 of the Code.

2.0 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms for these regulations shall be the same as that applied to the same words or terms in Section 7-28-710 of the Code.

"Windrow" means an elongated pile of composting material constructed to promote composting.

3.0 Prohibited Ingredients

In addition to materials prohibited pursuant to Sections 7-28-710 and 7-28-715 of the Code, the following materials shall not be included in any composting operation without a permit issued pursuant to Section 11-4 of the Code: Meat, bones or fish; dairy products; grease; grains, bread or legumes except those generated in the care of a garden; animal feces, including dog, cat or bird; plywood or other wood that does not meet the definition of "wood waste" found in Section 7-27-710 of the Code; or diseased plants.

4.0 Monitoring Moisture in Composting Material

Any person investigating an alleged violation of the moisture level established in the Compost Standards, Section 7-28-715 of the Code (“compost standards ordinance”), shall be guided by the procedures set forth below. Any deviation from these procedures shall affect the weight but not the admissibility of the moisture level determination.

4.0.1 Moisture level determinations. In order to establish compliance or noncompliance with the established 40 to 60% limits for moisture level found in the composting standards ordinance, the following guidelines shall apply. Analysis shall be conducted by using either the squeeze test set forth in subparagraph B, or the laboratory analysis set forth in subparagraph C.

A. Sampling. An inspector will obtain a representative sample that reflects the overall moisture of the material. Samples shall be obtained from a depth not less than half the distance between the surface and the bottom of the pile. Samples shall not be taken from the surface or the sides of the pile.

B. Squeeze test. When determining if composting material has a moisture level of 40% to 60% by the squeeze test, the determination shall be made as follows:

- (1) A representative sample of compost shall be collected from each composting pile, windrow, or enclosed container. Each sample shall be analyzed individually.
- (2) The sample shall be hand squeezed.
 - i. If water drips or trickles from the squeezed sample, but does not drip from the sample without squeezing, and the sample maintains its shape upon release, the moisture level is within the 40 to 60% limits.
 - ii. If no water drips out of the squeezed sample, the moisture level is less than the 40% lower limit.
 - iii. If water drips from the sample without squeezing it, the moisture level is greater than the 60% upper limit.

C. Laboratory analysis. When determining if composting material has a moisture level of 40 to 60% in a laboratory setting, the determination shall be made as follows:

- 1) Representative samples shall be collected using the protocol found in 4.0.1 A.
- 2) The sample shall be analyzed using the procedure known as ASTM D-2974 Method A.

5.0 Composting Operation Size Limit Increase Authorization

Any person requesting an increase in the volume size limitations found in Sections 7-28-715(3)(c) or 7-28-715(4)(c) of the Code shall provide the information on the form found in Attachment A of this regulation.

- 5.0.1 The application shall not be deemed complete until and unless the applicant completely answers each question and responds to each request for information in Attachment A.
- 5.0.2 The Commissioner of the Department of Streets and Sanitation may request additional information relating to the operations and design, to ensure that the compost operation can operate as proposed in the request and in compliance with the provisions of Chapter 7-28 and all other applicable local, state and federal laws and regulations.
- 5.0.3 The Commissioner of the Department of Streets and Sanitation shall not authorize an increase in the size limitations found in Sections 7-28-715(3)(c) or 7-28-715(4)(c) of the Code unless the application for such an increase meets the following conditions:
 - (1) The application meets all applicable requirements of the Code;
 - (2) The application demonstrates that the facility is sufficiently sized and properly situated to handle the intended quantity of material, taking into account the uses of the surrounding property; and that the material will not be located or stored in such a way as to cause a nuisance or violate any section of the Code; and
 - (3) The application demonstrates that the facility will be in compliance with all applicable local, state and federal laws.
- 5.0.4 Before granting permission for an increase in the size limitation, the Commissioner of the Department of Streets and Sanitation will conduct an evaluation of the prospective permittee's prior experience in composting or other waste handling operations. The Commissioner may deny permission for an increase in the size limitation if the evaluation shows that the applicant, or any owner or officer of the applicant, or any person having control of the applicant or any of its operations, has violated any federal, state, or local laws, regulations, standards, or ordinances in the operation of any composting facility, or any other type of waste or recyclable materials handling facility or site.

For purposes of these regulations, violations committed by an entity may be attributed to any person having ownership or control of the entity or any of its operations.

6.0 Grounds for Revocation of Permission for Size Limit Increase Authorization

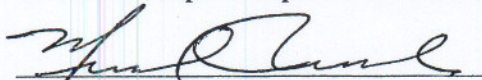
The Commissioner of the Department of Streets and Sanitation may revoke permission previously granted for an increase in the size limitations found in Sections 7-28-715(3)(c) or 7-28-715(4)(c) of the Code pursuant to Section 5.0 of these regulations, if the person or entity, any owner or officer of the entity, or any person having control of the entity or any of its operations, has:

- (1) Violated any provision of Sections 7-28-710 or 7-28-715 of the Code;
- (2) Violated any provision of these Regulations;
- (3) Violated any provision of federal, state or local laws, regulations, standards or ordinances in the operation of any composting facility; or
- (4) Submitted a materially false or inaccurate statement or statements in its application for a size increase or any other document submitted to the Commissioner with or in support of its application for a size increase.

7.0 Appeal of Denial of Size Limit Increase

Any person who has been denied permission for an increase in the size limitations found in Sections 7-28-715(3)(c) or 7-28-715(4)(c) of the Code pursuant to Section 5.0 of these Regulations, or whose permission has been revoked pursuant to Section 6.0 of these Regulations, may appeal to the Commissioner of the Department of Streets and Sanitation for a hearing on the denial. The appeal must be received by the Department of Streets and Sanitation within 15 days of the date of the notice of denial.

I, Michael J. Picardi, hereby promulgate the forgoing Compost Standards for Chapter 11-4 Permit Exempt Compost Facilities Rules and Regulations on this 7th day of June 2007.



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