



Office of City Clerk

City Council Document Tracking Sheet

City Hall
121 North LaSalle Street
Room 107
Chicago, IL 60602
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Matter ID: O2023-0004939

Meeting Date: 10/4/2023

Sponsor(s): Johnson (Mayor) *

Type: Ordinance

Title: Amendment of Municipal Code Section 11-4-1100 regarding radiation monitoring work to be in compliance with federal and city department regulation of subsurface soil-disturbing work

Committee Assignment: Committee on Environmental Protection and Energy

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OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

October 4, 2023

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Assets, Information and Services, I transmit herewith an ordinance amending the Municipal Code regarding radiation monitoring.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to read "BJ Johnson", with a horizontal line extending to the right.

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

11-4-1100 Radiation monitoring.

(a) *Definitions.* For purposes of this Section, the following definitions shall apply:

~~“Carnotite Moratorium Area” means the area in and around the site of the former Carnotite Reduction Company near 434 E. 26th Street, where the Department of Fleet and Facility Management has determined that radiologically contaminated material is potentially present, a map of which, as amended from time to time, is made publicly available by the Department of Fleet and Facility Management.~~

“DIGGER” means the 24-hour service network system established by the City of Chicago that provides a free, one-call service to persons engaged in excavation and demolition, and notifies persons who own and operate underground facilities of impending excavations and demolitions within the City’s corporate limits, pursuant to Section 10-21-020 of the Code.

“Health and Safety Plan” means a health and safety radiation plan that sets forth requirements and designates protocols to be followed during subsurface soil-disturbing work and environmental monitoring which meets Occupational Health and Safety Administration regulations codified at 29 C.F.R. Part 1910.120(b), or successor regulations. ~~For work outside the Carnotite Moratorium Area, the~~ The Health and Safety Plan shall be consistent with the model Health and Safety Plan made publicly available by the Department; ~~for work within the Carnotite Moratorium Area, the work shall be consistent with the Utility Emergency and Maintenance Plan, Former Carnotite Reduction Company Site, Chicago, Illinois, as amended, made publicly available by the Department of Fleet and Facility Management.~~

“Radiation specialist” means a radiation specialist, health physics contractor or environmental contractor qualified, pursuant to applicable industry standards, to perform the radiation surveillance and other responsibilities set forth in the Health and Safety Plan.

(Omitted text is unaffected by this ordinance)

“Subsurface soil-disturbing work” or “work” means construction, excavation or other activities involving contact with, exposure to, intrusion into, or disturbance of soil, sand, gravel, ~~fill materials~~ Fill Materials, base course, or other materials below the ground surface, roads or sidewalks, or underground.

~~(b) *Non-Emergency Work Outside the Carnotite Moratorium Area.* Except as otherwise provided in subsection (d) of this section regarding work performed in the Carnotite Moratorium Area, any~~ Any person performing non-emergency subsurface soil-disturbing work at a location where the Commissioner has determined that radiologically contaminated material is potentially present shall:

(Omitted text is unaffected by this ordinance)

~~(c) *Emergency Work Outside the Carnotite Moratorium Area.* Except as otherwise provided in subsection (d) of this section regarding work performed in the Carnotite Moratorium Area, this subsection shall apply to emergency work performed to address an imminent threat to public health or the environment or to provide or maintain critical public services or functions as determined by the Commissioner. When performing emergency subsurface soil-disturbing work~~

at a location where the Department has determined that radiologically contaminated material is potentially present, the person undertaking the work shall:

(Omitted text is unaffected by this ordinance)

~~(d) — Work in the Carnotite Moratorium Area. Any person performing emergency or non-emergency subsurface soil-disturbing work in the Carnotite Moratorium Area shall:~~

~~(1) — Prior to the commencement of work, review all environmental and other information regarding the Carnotite Moratorium Area provided by the Department of Fleet and Facility Management;~~

~~(2) — Prior to the commencement of work, complete a Health and Safety Plan for the proposed work, and provide it to the Department of Fleet and Facility Management in electronic format, upon request;~~

~~(3) — Prior to the commencement of work, provide the Department of Fleet and Facility Management with the identity and contact information of the radiation specialist which will perform services required by the Health and Safety Plan for the proposed work;~~

~~(4) — Prior to the commencement of work, provide DIGGER notifications and obtain required permits, as applicable;~~

~~(5) — Follow radiation monitoring and soil handling procedures for both emergency and non-emergency work included in the Utility Emergency and Maintenance Plan and as determined by the Commissioner of the Department of Fleet and Facility Management;~~

~~(6) — Ensure that any radiation monitoring of the work required by the Health and Safety Plan is performed by a radiation specialist;~~

~~(7) — Comply with the Health and Safety Plan for work at the site;~~

~~(8) — Ensure that the radiation specialist is present at the worksite and performs such services as are required by the Health and Safety Plan;~~

~~(9) — Provide the Department of Fleet and Facility Management with copies of radiation monitoring results and reports prepared or undertaken in connection with work at the site in electronic format within two weeks of the completion of work;~~

~~(10) — In the event radiologically contaminated material is encountered at the worksite, immediately notify the Department of Fleet and Facility Management and other regulatory agencies as directed by the Commissioner of Fleet and Facility Management;~~

~~(11) — In the event radiologically contaminated material from the worksite is disposed of, provide disposal documentation must be provided to the Department of Fleet and Facility Management in electronic format within two weeks of transport and acceptance to the final disposal location. Such documentation shall include: (i) sampling methodology and documentation; (ii) laboratory analytical reports of waste characterization; (iii) landfill correspondence and acceptance approval; and (iv) radiation material summary, including amounts disposed (tonnage), trucking and transportation documentation, and landfill tickets and material disposal documentation;~~

~~(12) — Provide the Department of Fleet and Facility Management access to inspect work performed at the site;~~

~~(13) — Provide the notifications, documentation and information required by this subsection (d) to other regulatory agencies as directed by the Commissioner of Fleet and Facility Management; and~~

~~(14) — Undertake such other measures as the Commissioner of Fleet and Facility Management may determine are necessary or advisable to protect human health and the environment.~~

~~(e d) Compliance with health and safety plan. Any person performing the subsurface soil-disturbing work at a location where the Commissioner or Commissioner of Fleet and Facility~~

Management has determined that radiologically contaminated material is potentially present and the radiation specialist for such work shall maintain records demonstrating that work at the site complies with the Health and Safety Plan for the work. Such records shall be made available for inspection upon request, in a format approved by, the Department or ~~Department of Fleet and Facility Management, as applicable,~~ and shall be maintained by the person performing the subsurface soil-disturbing work and the radiation specialist for a minimum of three years from the date the record is created.

(f e) *Penalty, cost recovery and remedies.*

(Omitted text is unaffected by this ordinance)

SECTION 2. This ordinance shall be in full force and effect after its passage and approval.