



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Recommendation for the Board of Commissioners to grant the request by Beaver Oil Company, Inc., 6037 Lenzi Avenue, Hodgkins, Illinois 60525, for review of the 2015 User Charge Liability Determination made by the Director of the Monitoring and Research Department - Appeal No. 16D-010 (As Revised)

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Date	Ver.	Action By	Action	Result
4/6/2017	1	Board of Commissioners	Approved	Pass
4/6/2017	1	Committee of the Whole	Recommended	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 6, 2017

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. David St. Pierre, Executive Director

Recommendation for the Board of Commissioners to grant the request by Beaver Oil Company, Inc., 6037 Lenzi Avenue, Hodgkins, Illinois 60525, for review of the 2015 User Charge Liability Determination made by the Director of the Monitoring and Research Department - Appeal No. 16D-010 *(As Revised)*

Dear Sir:

Beaver Oil Company, Inc. (Beaver), submitted its 2015 User Charge Annual Certified Statement on February 19, 2016, and reported a Net User Charge (NUC) of \$453,921.93. The Metropolitan Water Reclamation District of Greater Chicago (District) revised Beaver's 2015 NUC from the reported \$453,921.93 to \$1,317,731.28 and advised Beaver of this revision in a Notification of Revision by electronic mail correspondence dated June 1, 2016.

Beaver appealed the revision of the 2015 User Charge liability to the Director of the Monitoring and Research (M&R) Department by a letter dated August 22, 2016. A meeting was held on November 10, 2016, with representatives from Beaver and the M&R Department, wherein an appeal of Beaver's 2015 User Charges was presented. The Director, by letter dated January 31, 2017, which was received by Beaver on February 2, 2017, advised that a final NUC for 2015 in the amount of \$904,609.05 as recomputed by the District would stand.

Mr. Roger Vintika, President of Beaver, sent a letter dated February 24, 2017, to the President of the Board of Commissioners (Board) advising that Beaver did not concur with the determination of the Director and, in accordance with Section 9 of the District's User Charge Ordinance (Ordinance), appealed to the Board for a hearing regarding the Director's determination on this matter. This request for the hearing was made within 30

days of the receipt of the Director's determination and therefore, considered as filed in a timely manner in accordance with Section 9.b.(1) of the Ordinance. However, as of the date of this letter, Beaver has paid only \$474,022.56 toward its 2015 User Charge liability of \$904,609.05. The amount paid is not equivalent to 75 percent of the NUC calculated by the District as a result of the Director's determination as required under Section 9.b.(1)(a) of the Ordinance for Board Appeals. This appeal is based on complex technical issues that have resulted in a substantial monetary difference between what Beaver reported and the District's computation.

Accordingly, the Executive Director respectfully recommends that the Board grant the request for appeal by Beaver and if it elects to do so, then with respect to the hearing thereof:

1. Set a date certain upon which the Board would hear the appeal, while sitting en banc; or
2. Designate a person to conduct such a hearing on behalf of the Board in accordance with Section 9 of the Ordinance.

Requested, Thomas C. Granato, Director of Monitoring and Research, TCG:EWP:MJ:GY:rg

Recommended, Ronald M. Hill, General Counsel

Respectfully Submitted, Josina Morita, Chairman Committee on Industrial Waste and Water Pollution

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for April 6, 2017