



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

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TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 18, 2014

COMMITTEE ON STATE LEGISLATION AND RULES

Honorable Acting President Barbara McGowan and Members of the Board of Commissioners

Recommendations for the State of Illinois 2015 Legislative Program

Dear Commissioners:

I respectfully submit the following legislative initiatives and recommendation to the Board of Commissioners for their consideration and guidance.

Legislative Initiative No. 1

Amend Section 11.15 of the District's Act to allow individuals legally authorized to work in the United States to be employed on District contracts.

In 2013 Public Act 98-280 amended Section 11.15 of the District's Act, which identifies the individuals authorized to work on District contracts, to ensure compliance with federal and state prohibitions against discrimination with respect to hiring based on citizenship status. This amendment broadened the individuals allowed to work upon District contracts to include in addition to U.S. citizens, individuals lawfully admitted for permanent residence, those granted asylum, and nationals of the United States. Notwithstanding the amendment's broadened scope, it does not allow the hiring of highly or uniquely skilled individuals, who are legally authorized to work in the United States, but do not meet the express criteria of the amendment. Allowing such highly or uniquely skilled individuals to work on District contracts will be particularly beneficial on District projects involving specialized equipment and systems.

Legislative Initiative No. 2

Amend the Illinois Environmental Protection Act and/or Illinois Administrative Code to add definition of

“Exceptional Quality Biosolids,” and exempt same from definitions of “Sludge” and “Waste,” as well as from related regulations and prohibitions.

Over the last several decades, the District by way of improved treatment, processing and handling has achieved producing a biosolids product which by federal definitions is considered “Exceptional Quality Biosolids.” By definition Exceptional Quality Biosolids meet specified criteria which make it safe and suitable for unrestricted distribution and application.

The Illinois Environmental Protection Act does not recognize the federal definition of Exceptional Quality Biosolids and instead classifies biosolids as a waste and/or sludge and thereby regulates its distribution and application as a waste and/or sludge. This is done in large part by way of the administrative rulemaking process and permitting process of the Illinois Environmental Protection Agency (IEPA).

The Illinois Administrative Code (IAC), among other matters, sets forth regulations applying to the distribution and application of biosolids. The IEPA also controls the distribution and application of biosolids through its permitting process.

Recently the IEPA has indicated a willingness both through its permitting process and through changes to the IAC to provide the District with greater flexibility in its distribution and application of biosolids. While the IEPA has indicated its willingness to consider changes to the IAC, the timing of any such changes is uncertain. Consequently, it is in the District’s best interest to have the flexibility to pursue changes not only to the IAC but also to the IEPA Act with respect to amending the definitions of waste and sludge and adding the new definition of Exceptional Quality Biosolids.

Legislative Initiative No. 3

Amend Sections 4.3, 4.11, 4.12, and 4.14 of the District’s Act to allow voluntary and involuntary demotions.

The District’s civil service structure provides no mechanism for employee demotions, either voluntary or involuntary. Demotions are a common tool in other civil service organizations for use in disciplinary cases, in layoff procedures, or in personal situations that may prompt employees to regret a promotion. In some disciplinary cases, demotion may be a more desirable outcome to all parties instead of discharge. The proposed amendments authorizing voluntary and involuntary demotions will provide additional options when such situations occur.

Recommended, David St. Pierre, Executive Director, DStP:RMH:bh
Respectfully Submitted, Cynthia Santos, Chairman Committee State Legislation and Rules
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for December 18, 2014