



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Authority for the Board of Commissioners to review the request by DustCatchers, Inc., 8801 South Chicago Avenue, Chicago, IL 60617, for review of the 2015 User Charge Liability Determination made by the Director of the Monitoring and Research Department - Appeal No. 16B-001

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Attachments: 1. DustCatchersAttachment1.pdf, 2. Dustcatchers Inc U26606 UC45 6-6-16 Attachment2.pdf, 3. Dustcatchers Inc. U26606 UC46 UC Appeal Rescheduling Request 7-1-16 Attachment3.pdf, 4. DustCatchers, Inc. Appeal No. 16D-004 Revision of NUC 7-29-16 Attachment4.pdf

Date	Ver.	Action By	Action	Result
9/15/2016	1	Board of Commissioners	Approved	Pass
9/15/2016	1	Committee of the Whole	Recommended	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 15, 2016

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. David St. Pierre, Executive Director

Authority for the Board of Commissioners to review the request by DustCatchers, Inc., 8801 South Chicago Avenue, Chicago, IL 60617, for review of the 2015 User Charge Liability Determination made by the Director of the Monitoring and Research Department - Appeal No. 16B-001

Dear Sir:

DustCatchers, Inc. (DustCatchers), submitted their 2015 User Charge Annual Certified Statement on April 1, 2016, and reported a Net User Charge (NUC) of \$2,103.85. The Metropolitan Water Reclamation District of Greater Chicago (District) revised DustCatchers' 2015 NUC from the reported \$2,103.85 to \$4,095.55 and advised DustCatchers of this revision in its letter dated April 28, 2016.

DustCatchers appealed the revision of the 2015 User Charge liability to the Director of the Monitoring and Research (M&R) Department by a letter dated May 19, 2016. A meeting was held on July 21, 2016, with representatives from DustCatchers and the M&R Department, wherein an appeal of DustCatchers' 2015 User Charges was presented. The Director, by a letter dated July 29, 2016, which was received by DustCatchers on August 1, 2016, advised that the NUC in the amount of \$4,095.55 as recomputed by the District would stand.

Mr. Ankur Shah, Attorney for DustCatchers, sent a letter dated August 29, 2016, to the President of the Board of Commissioners (Board) on behalf of his client, Mr. Grant DeNormandie of DustCatchers, advising that DustCatchers did not concur with the determinations 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 to Section 9.b.(1) of the Ordinance. However, as of the date of this letter, DustCatchers has not paid any amount toward its 2015 User Charge liabilities as required by Section 9 .b.1(a) of the Ordinance for Board Appeals. Therefore, the request for a hearing is not in conformance with provisions of Section 9 of the Ordinance relating to "User Administrative Appeal Process", and it is respectfully submitted that the Executive Director recommend that the Board deny the request for appeal by DustCatchers.

However, should the Board elect to entertain the request for appeal, then pursuant to the provisions of Section 9 of the Ordinance, the Board shall determine whether the Board will conduct the hearing itself or delegate same to another person. In this instance, with respect to the hearing therefore:

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:AK:rg

Recommended, Mr. Ronald M. Hill, General Counsel

Respectfully Submitted, Mr. David J. Walsh, 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 September 15, 2016