



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 Alpha Baking Company, Inc., 4545 West Lyndale Avenue, Chicago, IL 60636, for review of the 2015 User Charge Liability Determination made by the Director of the Monitoring and Research Department - Appeal No. 16D-012

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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

Authority for the Board of Commissioners to review the request by Alpha Baking Company, Inc., 4545 West Lyndale Avenue, Chicago, IL 60636, for review of the 2015 User Charge Liability Determination made by the Director of the Monitoring and Research Department - Appeal No. 16D-012

Dear Sir:

Alpha Baking Company, Inc. (Alpha), submitted its 2015 User Charge Annual Certified Statement on February 19, 2016, and reported a Net User Charge (NUC) of \$5,133.83. The Metropolitan Water Reclamation District of Greater Chicago (District) revised Alpha's 2015 NUC from the reported \$5,133.83 to \$122,614.86 and advised Alpha of this revision in a Notification of Revision by electronic mail correspondence dated July 21, 2016.

Alpha appealed the revision of the 2015 User Charge liability to the Director of the Monitoring and Research (M&R) Department by a letter dated November 11, 2016. A meeting was held on December 12, 2016, with representatives from Alpha and the M&R Department, wherein an appeal of Alpha's 2015 User Charges was presented. The Director, by letter dated February 15, 2017, which was received by Alpha on February 21, 2017, advised that a final NUC for 2015 in the amount of \$57,280.00 as recomputed by the District would stand.

Mr. Robert Cruice, Executive Vice President of Alpha, sent a letter dated March 14, 2017, to the President of the Board of Commissioners (Board) advising that Alpha 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 to Section 9.b.(1) of the Ordinance. As of the date of this letter, Alpha has paid \$39,109.65 toward its 2015 User Charge liability of \$57,280.00. This amount paid is 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. Therefore, the request for a hearing is in conformance with provisions of Section 9 of the Ordinance relating to "User Administrative Appeal Process."

It is respectfully submitted that the Executive Director requests the Board to determine if it will entertain the request for appeal by Alpha and if it elects to do so, then 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:rg/jvs

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