



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 19-0962 **Version:** 1

Type: Agenda Item **Status:** Adopted

File created: 9/25/2019 **In control:** Industrial Waste & Water Pollution Committee

On agenda: 10/3/2019 **Final action:** 10/3/2019

Title: Authority to appoint a hearing officer to conduct an administrative hearing concerning the Noncompliance Enforcement charge in the amount of \$2,486.00 assessed for Cease and Desist Order Number 94571, issued on May 13, 2019 against Heligear Acquisition Co., d/b/a Northstar Aerospace Inc., 6006 West 73rd Street, Bedford Park, Illinois

Sponsors:

Indexes:

Code sections:

Attachments: 1. Heligear NCE

Date	Ver.	Action By	Action	Result
10/3/2019	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF OCTOBER 3, 2019

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. Brian A. Perkovich, Executive Director

Authority to appoint a hearing officer to conduct an administrative hearing concerning the Noncompliance Enforcement charge in the amount of \$2,486.00 assessed for Cease and Desist Order Number 94571, issued on May 13, 2019 against Heligear Acquisition Co., d/b/a Northstar Aerospace Inc., 6006 West 73rd Street, Bedford Park, Illinois

Dear Sir:

Heligear Acquisition Co., d/b/a Northstar Aerospace Inc. (Heligear), operates a facility at the subject address which is located within the boundaries of the Metropolitan Water Reclamation District of Greater Chicago (District). The facility is classified under federal general pretreatment standards for the metal finishing point source category and is subject to the District's Sewage and Waste Control Ordinance (Ordinance) and Discharge Authorization No. 27062-2, effective November 8, 2017. Pursuant to Appendix F of the Ordinance, the District issued Billing Invoice No. 27062-2019-D-006 for a Noncompliance Enforcement (NCE) charge in the amount of \$2,486.00 to recover the administrative and compliance monitoring costs pertaining to Cease and Desist Order Number 94571, issued on May 13, 2019. The Cease and Desist Order was issued because Heligear had exceeded categorical pretreatment levels for cyanide at its facility.

In a letter dated June 21, 2019, Heligear notified the Director of the Monitoring and Research Department (M&R) that it disputed the assessed NCE charge. On July 23, 2019, representatives of M&R's Industrial Waste Division met with a Heligear representative, who maintained that the subject NCE charge should be rescinded because an analysis of a cyanide sample by Heligear's wastewater quality consultant, Scientific Control Labs, Inc., revealed that Heligear was in compliance for cyanide prior to the discharge. Heligear also maintained that a split sample collected during District sampling also verified that Heligear was in compliance.

Following a review of the documentation provided by Heligear during the above-referenced meeting, M&R determined that the NCE charge was properly assessed in accordance with the provisions of the Ordinance. M&R notified Heligear of its determination in a letter dated July 30, 2019. In a subsequent letter dated August 30, 2019, Heligear requested an administrative hearing on this issue before a hearing officer appointed by the Board of Commissioners (Board). The request for a hearing was made in a timely manner.

In accordance with Article V, Section 10 of the Ordinance, if a person requests a conference with the Director of M&R and the matter is not resolved at the conference, the person subject to the NCE charge may request an administrative hearing before a hearing officer appointed by the Board to determine the person's liability for the NCE charge. Accordingly, it is respectfully requested that the Board appoint a hearing officer to conduct an administrative hearing concerning the subject NCE charge in the amount of \$2,486.00 assessed for Cease and Desist Order Number 94571 under Billing Invoice No. 27062-2019-D-006.

Requested, Edward W. Podczerwinski, Director of Monitoring and Research, EWP:GY:AK:BP:dt

Recommended, Susan T. Morakalis, General Counsel

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for October 3, 2019

Attachments