



# 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 request by Tampico Beverages for the Facility Located at 2425 West Barry Avenue, Chicago, Illinois, for Review by the Board of Commissioners of the 2007 and 2008 User Charge Liability Determinations Made by the Director of Monitoring and Research-Appeal No. 10B-001

**Sponsors:**

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|-----------|------|------------------------|-------------|--------|
| 1/21/2010 | 1    | Committee of the Whole | Recommended | Pass   |
| 1/21/2010 | 1    | Board of Commissioners | Approved    | Pass   |

### TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 21, 2010

#### COMMITTEE ON INDUSTRIAL WASTE & WATER POLLUTION

Mr. Richard Lanyon, Executive Director

Authority for the Board of Commissioners to review request by Tampico Beverages for the Facility Located at 2425 West Barry Avenue, Chicago, Illinois, for Review by the Board of Commissioners of the 2007 and 2008 User Charge Liability Determinations Made by the Director of Monitoring and Research-Appeal No. 10B-001

Dear Sir:

Tampico Beverages (Tampico) submitted their 2007 User Charge Annual Certified Statement (RD-925) on December 17, 2008, and reported a Net User Charge (NUC) of \$13,647.00. The District revised Tampico's 2007 NUC from the reported \$13,647.00 to \$45,083.67 and advised Tampico of this revision in its letter dated February 11, 2009. Tampico submitted their 2008 RD-925 on July 2, 2009, and reported a NUC of \$15,012.00. The District revised Tampico's 2008 NUC from the reported \$15,012.00 to \$35,254.54 and advised Tampico of this revision in its letter dated July 23, 2009.

Tampico appealed the revisions of the 2007 and 2008 User Charge liabilities as determined by the Director of Monitoring and Research (Director), by letter dated August 6, 2009. A meeting was held on September 24, 2009, with representatives from Tampico and the Monitoring and Research Department wherein Tampico presented its appeal of its 2007 and 2008 User Charges. The Director by letter dated December 1, 2009, which was received by Tampico on December 7, 2009, advised that the NUCs in the amounts of \$45,083.67 and \$35,254.54 for 2007 and 2008, respectively, as recomputed by the District, would stand.

Mr. Andre Dube of Tampico wrote to the Director by letter dated December 16, 2009, which was received by the District on December 21, 2009, advising that Tampico did not concur with the determinations of the Director and, in accordance with Section 9 of the District's User Charge Ordinance (Ordinance), petitioned the

Board of Commissioners (Board) for a hearing regarding the Director's determinations on this matter. This request for a hearing was made in a timely manner. As of the date of this letter, the User Charge liabilities for 2007 and 2008 as determined by the Director have been paid in full. Therefore, the request for a hearing is in conformance with the provisions of Section 9 of the Ordinance relating to "User Appeal Procedure." Pursuant to the provisions of Section 9 of the Ordinance, the Board shall review the petition for appeal and determine whether the Board will conduct the hearing itself or delegate same to another person.

Accordingly, it is respectfully submitted that the Executive Director request the Board to determine if it will entertain the instant request for appeal by Tampico 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, Louis Kollias, Director of Monitoring and Research, LK:TG:PLK:JF:MK:mjb

Recommended, Frederick M. Feldman, General Counsel

Respectfully Submitted, Patricia Horton, Chairman Committee on Industrial Waste & Water Pollution

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for January 21, 2010