



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Request for Orders Adopting the Hearing Officer's findings of fact, conclusions of law and recommendation to the Board of Commissioners for imposition of sanctions for noncompliance with the District's Sewer Permit Ordinance in the matter of Metropolitan Water Reclamation District of Greater Chicago v. Northfield Woods Sanitary District, and Ma Noo Ben Japanese Restaurant, Respondents, Violation 06-025-VC, Permit #06-0474.

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Date	Ver.	Action By	Action	Result
2/4/2010	1	Committee of the Whole	Recommended	Pass
2/4/2010	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF FEBRUARY 4, 2010

COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Request for Orders Adopting the Hearing Officer's findings of fact, conclusions of law and recommendation to the Board of Commissioners for imposition of sanctions for noncompliance with the District's Sewer Permit Ordinance in the matter of Metropolitan Water Reclamation District of Greater Chicago v. Northfield Woods Sanitary District, and Ma Noo Ben Japanese Restaurant, Respondents, Violation 06-025-VC, Permit #06-0474.

Dear Sir:

A Notice of Violation was issued to Northfield Woods Sanitary District ("NWSD") and Ma Noo Ben Japanese Restaurant ("Ma Noo Ben") on March 7, 2008 and served upon the parties alleging that the respondents were in violation of the District's Sewer Permit Ordinance and the Manual of Procedures for the Administration of the Sewer Permit Ordinance for constructing and placing in service of a sewer without a District Permit; placing of a sewer in service without prior testing or approval by the District, and constructing a sewer without prior advanced notice to the District. Numerous attempts at conciliation failed, and on July 15, 2009 the Engineering Department referred the matter to the Law Department for commencement of Show Cause proceedings.

On August 26, 2009, a preliminary hearing was held before Hearing Officer Byron K. Bradley. At the conclusion of the pre-hearing conference, the Hearing Officer recommended the parties enter into meaningful negotiations to resolve this matter. These violations have been corrected and the District and the respondents have reached resolution of this matter satisfactory to all concerned.

Based upon a determination that the subject property is now in compliance with the terms and conditions of the Permit, the Hearing Officer approved the settlement signed by representatives of the District and the respondents. The Law Department seeks approval and adoption of the Hearing Officer's findings of fact, conclusions of law and recommendation to accept the settlement as agreed, respondents having reimbursed the District in the amount of \$500.00 for the costs of the hearing incurred by the District in prosecuting this matter.

Therefore, the General Counsel recommends that the Board of Commissioners issue an order dismissing the Show Cause Complaint issued pursuant to Violation 06-025-VC, and that he be authorized to execute any such documents and take whatever actions as may be necessary to effectuate same.

Requested, Frederick M. Feldman, General Counsel, FMF:HSW:JMB:crb

Respectfully Submitted, Terrence J. O'Brien, Chairman Committee on Judiciary

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for February 4, 2010