



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

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Title: Authority to settle MWRDGC v. Atotonilco Tortilleria #2, Inc. d/b/a Atotonilco Tortilleria, EA # 82340. Account 901-30000-667220

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Date	Ver.	Action By	Action	Result
3/4/2010	1	Committee of the Whole	Recommended	Pass
3/4/2010	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF MARCH 4, 2010

COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Authority to settle *MWRDGC v. Atotonilco Tortilleria #2, Inc. d/b/a Atotonilco Tortilleria*, EA # 82340. Account 901-30000-667220

Dear Sir:

Atotonilco Tortilleria #2, Inc. ("Atotonilco") operates a tortilleria manufacturing facility located at 1707 W. 47th Street, Chicago, Illinois, which is classified as a Large Industrial User ("LCIU") by the District and is subject to the District's Sewage & Waste Control Ordinance.

On February 25, 2008, the District filed a Verified Show Cause Complaint against Atotonilco arising out of its failure to comply with Cease & Desist Order #82340 ("C&D #82340"), which required that Atotonilco provide the District with an acceptable Technical Proposal outlining its plans for installation of an outside manhole for purposes of allowing the District to sample the facility's process discharge.

A Pre-Hearing Conference was conducted on March 19, 2008, before Hearing Officer Robert F. Hogan and continued from time to time until October 9, 2009. In response to the District's requirement that Atotonilco install an outside sampling manhole, Atotonilco provided evidence that the City of Chicago would not allow installation of an outside manhole in the public way, which is where the sampling manhole would need to be located. Thereafter, Atotonilco provided the District with an acceptable Technical Proposal for installation of a sampling chamber inside the Atotonilco facility.

At the October 9, 2009 status hearing, the parties agreed that Atotonilco would commence installation of the sampling chamber in accordance with its Technical Proposal, subject to the approval of the Board of Commissioners of the terms of settlement. As agreed, the sampling chamber was completed by January 11,

2010.

In accordance with Article V. Section 10.c. of the Sewage and Waste Control Ordinance, Atotonilco paid a \$1,000.00 Late Filing Fee for having failed to timely submit its Technical Proposal.

Subject to the approval of the Board of Commissioners, the parties will execute a Settlement Agreement indicating there has been a resolution of this matter on the above-stated terms as further set forth therein. The Hearing Officer retained by the Board of Commissioners to adjudicate this matter has approved the settlement on these terms and the Monitoring and Research Department has no objection to same. Therefore, the General Counsel requests that the Board of Commissioners approve the settlement of this case. Further, the General Counsel requests authority to execute such documents as may be necessary to effectuate settlement.

Requested, Frederick M. Feldman, General Counsel, FMF:RMH:MTC:jvs

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 March 4, 2010