



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 Atotonilco #2, Inc. for the Facility Located at 1707 West 47th Street, Chicago, Illinois, for Review by the Board of Commissioners of the 2008 User Charge Liability Determination Made by the Director of Monitoring and Research - Appeal No. 10B-002

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TRANSMITTAL LETTER FOR BOARD MEETING OF APRIL 15, 2010

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. Richard Lanyon, Executive Director

Authority for the Board of Commissioners to review request by Atotonilco #2, Inc. for the Facility Located at 1707 West 47th Street, Chicago, Illinois, for Review by the Board of Commissioners of the 2008 User Charge Liability Determination Made by the Director of Monitoring and Research - Appeal No. 10B-002

Dear Sir:

Atotonilco #2, Inc. (Atotonilco) submitted their 2008 User Charge Annual Certified Statement (RD-925) on February 20, 2009, and reported a Net User Charge (NUC) of \$3,378.89. The District revised Atotonilco's 2008 NUC from the reported \$3,378.89 to \$17,996.75 and advised Atotonilco of this revision in its letter dated May 26, 2009.

Atotonilco appealed the revision of the 2008 User Charge liability as determined by the Director of Monitoring and Research (Director), by letter dated August 28, 2009. A meeting was held on November 20, 2009, with representatives from Eagle Environmental Company and Anspach and Associates and the Monitoring and Research Department wherein Atotonilco presented its appeal of its 2008 User Charges. The Director, by letter dated January 29, 2010, which was received by Atotonilco on January 30, 2010, advised that the NUC in the amount of \$17,996.75 as recomputed by the District would stand. When the in-plant water loss proposal is approved by the District, Atotonilco will be allowed to submit an amended RD-925.

Mr. Arthur J. Sherman, P.E. of Eagle Environmental Company wrote to the Director by letter dated February 18, 2010, which was received by the District on February 23, 2010, advising that Atotonilco 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, Atotonilco has paid \$11,486.58 toward their User Charge liabilities for 2008. Atotonilco has not paid 75% of their User Charge liability as required by Section 9.2(b) 1(a) for Board Appeals. Therefore, the request for a hearing is not 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 if it elects to entertain the request for appeal, 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 Atotonilco 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:JAS:CM:mm

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 April 15, 2010