

## Protecting Our Water Environment

### BOARD OF COMMISSIONERS

Terrence J. O'Brien

President

Barbara J. McGowan

Vice President

Cynthia M. Santos

Chairman of Finance

Michael A. Alvarez

Frank Avila

Patricia Horton

Kathleen Therese Meany

Debra Shore

Mariyana T. Spyropoulos

## Metropolitan Water Reclamation District of Greater Chicago

USER CHARGE AND TECHNICAL SERVICES SECTION

PO Box 10689 CHICAGO, ILLINOIS 60610-0689 312.751.3000 f: 312.751.5048

**THOMAS C. GRANATO, Ph.D.**

Director of Monitoring and Research Department

March 12, 2012

Ms. Debra Augle  
Stadium General Manager  
Toyota Park  
7000 South Harlem Avenue  
Bridgeview, IL 60455

Dear Ms. Augle:

Subject: Appeal No. 11D-039 – Revision of the 2007, 2008, 2009 and 2010 Net User Charges

The Metropolitan Water Reclamation District of Greater Chicago (District) makes reference to the December 6, 2011, meeting regarding the subject appeal for the facility at the addressed location. In attendance at the meeting representing Toyota Park were Mr. William Green for the Village of Bridgeview, Mr. Michael Cainkay, Attorney, Village of Bridgeview, and your consultant, Mr. James F. Kahle of Laicon, Inc. Ms. Patricia Kalinowski, Messrs. Edwin Ignacio, Makhan Kachru, Paramasivam Srinivasan, James Bugajski and Franklin Hayes of my staff represented the District.

Toyota Park filed its 2007 through 2010 User Charge Annual Certified Statements (RD-925) on February 18, 2011, based on a sampling program conducted on October 11, 12, 15 and 16, 2010, by Laicon, Inc. at Outlet Nos. 1A and 2A. In the RD-925, Toyota Park applied the flow-weighted average (FWA) wastewater concentrations of 1,812 mg/L for biochemical oxygen demand (BOD) and 635 mg/L for suspended solids (SS) to the event days, and 583 mg/L for BOD and 500 mg/L for SS to the non-event days and reported the flow volumes and Net User Charges (NUC) as shown in the table below:

Year	Volume for Event Days (Gallons)	Volume for Non-Event Days (Gallons)	Net User Charge
2007	2,000,000	2,458,851	\$14,539.00
2008	1,896,725	2,831,387	\$14,997.00
2009	2,279,710	3,792,250	\$18,898.00
2010	1,965,330	6,127,658	\$25,808.00

In accordance with Appendix C, Section II of the User Charge Ordinance (Ordinance), the District revised the NUC based on the application of the highest FWA concentrations for BOD and SS obtained by sampling each outlet to the total metered water intake volume. Therefore, the FWA concentrations of 1,609 mg/L for BOD and 617 mg/L for SS from Outlet No. 2A obtained from Toyota Park's 2010 sampling program were applied to the District-recomputed 2007, 2008, 2009 and 2010 total annual flow vo-

March 12, 2012

Subject: Appeal No. 11D-039 – Revision of the 2007, 2008, 2009 and 2010 Net User Charges

lumes of 7,418,292 gallons, 6,847,012 gallons, 8,445,172 gallons and 10,162,790 gallons, respectively. The District-recomputed annual flow volumes were based on the water bills submitted with Toyota Park's RD-925 statements. The revisions resulted in a revised NUC for 2007, 2008, 2009 and 2010 of \$31,862.84, \$29,718.61, \$36,817.44 and \$51,355.86, respectively. Our Notification of Revisions for the 2007, 2008, 2009 and 2010 RD-925 statements, which stated the above, were issued to Toyota Park on September 28, 2011 (copies enclosed).

In accordance with Section 9a(1)(a) of the Ordinance, Toyota Park appealed the revised NUC for the subject reporting years in its letter dated September 28, 2011. The District scheduled an appeal meeting for December 6, 2011. The Certification of Completeness of User Charge Data form was signed by Mr. Steven M. Landek, Mayor for the Village of Bridgeview, and was notarized on November 14, 2011.

In the letter and during the appeal meeting, Toyota Park contended the following:

1. Water losses due to irrigation of the main and practice fields and surrounding landscape were not taken into account by Toyota Park or in the District's revision of the 2007 through 2010 NUC. Since 2007, Toyota Park has had a municipal intake water meter dedicated exclusively for the irrigation of the practice field. In 2011, submeters were installed for measuring the volume of water used for irrigation of the main field and surrounding landscape.
2. The FWA concentrations during event and non-event days as reported in its RD-925 statements were not taken into account in the District's revision of the 2007 through 2010 NUC.
3. The analytical results of the sampling programs conducted at Outlet No. 3A on August 17, August 18, October 11 and October 12, 2011, should be used instead of the results at Outlet Nos. 1A and 2A obtained in 2010. Toyota Park claimed that Outlet No. 3A, which is downstream of Outlet Nos. 1A and 2A, receives all of the facility's wastewater discharge, and is a more representative sampling point than Outlet Nos. 1A and 2A. In August 2011, Toyota Park submitted a proposal to the District to use Outlet No. 3A instead of Outlet Nos. 1A and 2A for conducting User Charge self-monitoring sampling programs.
4. The irrigation of the practice field is performed on the same schedule as the irrigation of the main field.

The District's responses are as follows:

1. Toyota Park does not have an approved proposal for establishing water losses. Toyota Park's proposal for establishing water losses was submitted after the submittal of the RD-925 statements. In order to claim water losses, Toyota Park's proposal must have been approved by the District prior to claiming any deductions.
2. Toyota Park does not have an approved proposal for reporting its User Charge liabilities based on event and non-event days. Please be advised of Appendix B of the

Subject: Appeal No. 11D-039 – Revision of the 2007, 2008, 2009 and 2010 Net User Charges

Ordinance, which describes the requirements for wastewater sampling to determine representative concentrations. Sampling of a facility's wastewater flow must be performed at a time, or at times, such that the resulting BOD and SS concentrations obtained are representative of typical normal operating conditions, either throughout the calendar year or for that portion of the year for which concentrations are applied. Sampling during periods of reduced operation or any other periods that affect the normal character of the User's effluent is not considered representative of normal operating conditions. Toyota Park's request to report based on event and non-event days was submitted after the submittal of the RD-925 statements.

3. For the reporting years under appeal, the District recognizes only Outlet Nos. 1A and 2A as the final sampling points for the addressed facility. The RD-925 certified by Toyota Park recognized two sampling points for each submittal under appeal.
4. For the settlement of the 2007 through 2010 appeals only, the District will consider the deduction of water used for irrigation of the practice field and the main field, provided that Toyota Park submits weekly water meter readings from 2007 through 2010 for the water meter with Serial No. 70164698 and the internal submeter with Serial No. 05118099, which measure the volume of water used for irrigation of the practice field and the main field, respectively, under billing Account No. 526000500. In addition, Toyota Park must provide the square footage for the practice and main fields to support Toyota Park's claim of similar water volume for irrigation of both fields. Toyota Park was allowed until January 20, 2012, to submit this documentation for consideration. The District received the readings for all the meters and the square footage of the fields on December 16, 2011.
5. The District's response to Toyota Park's proposal for establishing water losses, reporting based on event and non-event days and using Outlet No. 3A instead of Outlet Nos. 1A and 2A was sent to you under separate cover.

Based on a review of Toyota Park's submittals, the District has determined that the volume of water used for irrigating the practice and main fields may be claimed as water losses for the 2007 through 2010 reporting years under appeal only. The District has also determined that its revisions to the NUC for the years under this appeal were calculated using all relevant and acceptable sampling data, applied in accordance with the terms of the Ordinance, and will stand.

The District has recomputed the wastewater discharge volumes for 2007 through 2010. Therefore, it is the determination of this office that Toyota Park's NUC be revised to \$6,614.36, \$15,149.34, \$23,675.12 and \$35,137.90, respectively, for the 2007, 2008, 2009 and 2010 reporting years. The calculations are presented on the enclosed Table 1 through Table 4. This closes the subject appeal. The District's Finance Department will issue revised invoices under separate cover.

Should Toyota Park wish to submit formal proposals for deductible quantities or alternate reporting methodologies for 2011 and subsequent years, such proposal(s) must be submitted for our review in accordance with Appendix A, Section III of the Ordinance. The allowance granted by the determination of Appeal No. 11D-039 as stated herein is not applicable to other reporting years and does not constitute

Ms. Debra L. Augle

-4-

March 12, 2012

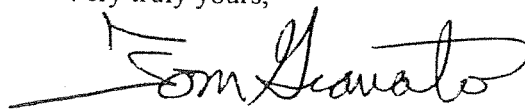
Subject: Appeal No. 11D-039 – Revision of the 2007, 2008, 2009 and 2010 Net User Charges

implied acceptance or approval of any reporting methodology.

In accordance with Section 9b of the Ordinance, if the User does not concur with the determination of this office, it may petition the District's Board of Commissioners (Board) for a hearing. Any such request for a hearing by the Board shall be made within 365 days after receipt of this letter.

If you have any questions regarding this matter, please contact Mr. Kachru, Associate Environmental Engineer, at (312) 751-3055.

Very truly yours,



Thomas C. Granato, Ph.D.  
Director  
Monitoring and Research

TCG:MK:op/ad

Enclosures: (NORs dated September 28, 2011, and Table 1 through Table 4)

Certified No. 7011 2000 0002 0652 0240

cc: Mr. Green

Mr. Cainkay

Mr. Kahle

Ms. Kalinowski

Mr. Ignacio

Mr. Kachru

Mr. Srinivasan

Mr. Bugajski

Mr. Hayes

bcc: Dr. Granato

General Counsel

Finance Department

U26365/#0094

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

TABLE 1

DISTRICT RECOMPUTATION OF 2007 USER CHARGE

FOR

TOYOTA PARK  
7000 SOUTH HARLEM AVENUE  
BRIDGEVIEW, IL 60455

PARAMETERS	TOTALS
Volume (gal)	1,539,967 <sup>1</sup>
5-Day BOD (mg/L)	1,609 <sup>2</sup>
5-Day BOD (lbs)	20,665
SS (mg/L)	617 <sup>2</sup>
SS (lbs)	7,924
Total Annual Volume Charge	\$ 355.84
Total Annual BOD Charge	\$ 4,849.87
Total Annual SS Charge	\$ 1,408.65
Total Administrative Cost Recovery Charge	\$ 0.00
Total Annual Gross User Charge	\$ 6,614.36
Less Total Ad Valorem Tax Credit	\$ 0.00
Total Net User Charge	\$ 6,614.36

<sup>1</sup>District-recomputed annual volume after deduction of volume for irrigation of practice field and main field.

<sup>2</sup>The highest flow-weighted average concentrations for BOD and SS from User samples collected from Outlet Nos. 1A and 2A during October 2010.

U26365/#0094

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

TABLE 2

DISTRICT RECOMPUTATION OF 2008 USER CHARGE

FOR

TOYOTA PARK  
7000 SOUTH HARLEM AVENUE  
BRIDGEVIEW, IL 60455

PARAMETERS	TOTALS
Volume (gal)	3,490,311 <sup>1</sup>
5-Day BOD (mg/L)	1,609 <sup>2</sup>
5-Day BOD (lbs)	46,837
SS (mg/L)	617 <sup>2</sup>
SS (lbs)	17,960
Total Annual Volume Charge	\$ 803.78
Total Annual BOD Charge	\$ 11,052.60
Total Annual SS Charge	\$ 3,292.97
Total Administrative Cost Recovery Charge	\$ 0.00
Total Annual Gross User Charge	\$ 15,149.34
Less Total Ad Valorem Tax Credit	\$ 0.00
Total Net User Charge	\$ 15,149.34

<sup>1</sup>District-recomputed annual volume after deduction of volume for irrigation of practice field and main field.

<sup>2</sup>The highest flow-weighted average concentrations for BOD and SS from User samples collected from Outlet Nos. 1A and 2A during October 2010.

U26365/#0094

TCG:MJ:PK:EPI:MK:op

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

TABLE 3

DISTRICT RECOMPUTATION OF 2009 USER CHARGE

FOR

TOYOTA PARK  
7000 SOUTH HARLEM AVENUE  
BRIDGEVIEW, IL 60455

PARAMETERS	TOTALS
Volume (gal)	5,430,569 <sup>1</sup>
5-Day BOD (mg/L)	1,609 <sup>2</sup>
5-Day BOD (lbs)	72,873
SS (mg/L)	617 <sup>2</sup>
SS (lbs)	27,945
Total Annual Volume Charge	\$ 1,281.40
Total Annual BOD Charge	\$ 17,384.58
Total Annual SS Charge	\$ 5,009.14
Total Administrative Cost Recovery Charge	\$ 0.00
Total Annual Gross User Charge	\$ 23,675.12
Less Total Ad Valorem Tax Credit	\$ 0.00
Total Net User Charge	\$ 23,675.12

<sup>1</sup>District-recomputed annual volume after deduction of volume for irrigation of practice field and main field.

<sup>2</sup>The highest flow-weighted average concentrations for BOD and SS from User samples collected from Outlet Nos. 1A and 2A during October 2010.

U26365/#0094

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

TABLE 4

DISTRICT RECOMPUTATION OF 2010 USER CHARGE

FOR

TOYOTA PARK  
7000 SOUTH HARLEM AVENUE  
BRIDGEVIEW, IL 60455

PARAMETERS	TOTALS
Volume (gal)	6,953,384 <sup>1</sup>
5-Day BOD (mg/L)	1,609 <sup>2</sup>
5-Day BOD (lbs)	93,308
SS (mg/L)	617 <sup>2</sup>
SS (lbs)	35,781
Total Annual Volume Charge	\$ 1,872.20
Total Annual BOD Charge	\$ 25,911.63
Total Annual SS Charge	\$ 7,354.07
Total Administrative Cost Recovery Charge	\$ 0.00
Total Annual Gross User Charge	\$ 35,137.90
Less Total Ad Valorem Tax Credit	\$ 0.00
Total Net User Charge	\$ 35,137.90

<sup>1</sup>District-recomputed annual volume after deduction of volume for irrigation of practice field and main field.

<sup>2</sup>The highest flow-weighted average concentrations for BOD and SS from User samples collected from Outlet Nos. 1A and 2A during October 2010.

U26365/#0094