

CHRONOLOGY OF EVENTS
DIRECTOR APPEAL 11D-030
RE: WATER-TO-PRODUCT METER

FOR

MARIGOLD, INC.
8815 SOUTH DOBSON AVENUE
CHICAGO, ILLINOIS

02/25/2005	District received a proposal (dated 02/22/2005) from Marigold's consultant, Admiral Environmental Services Inc. (Admiral), requesting approval for the use of a submeter to measure the water-to-product (WTP) loss for Marigold's liquid sucrose production. Meter was a Neptune Turbine model with serial number 0355-01.
03/01/2005	District's User Charge Technical Services personnel (UCTS) conducted an inspection at Marigold to verify installation of WTP meter. UCTS confirmed serial number and location on the "Melt Tank". UCTS sealed meter and sealed a second meter Marigold planned to use as a WTP meter. That meter was a Neptune model with serial number 8099-JB. UCTS requested Admiral to submit an addendum to original proposal to confirm second meter.
03/04/2005	District received a proposal addendum (dated 03/03/2005) from Admiral for the second meter.
03/16/2005	District issued a letter accepting both of Marigold's WTP meters and approved the methodology to be used for reporting purposes beginning with the 2005 reporting. District also approved Marigold to use a 60-day flow study to determine water losses for 2003 and 2004 RD-925s.
09/26/2005	During a District inspection, Field Services Section personnel (FSS) were informed by Mr. Rob Szidik, Plant Manager for Marigold, that WTP meter 0355-CL was repaired and the District seal was broken. FSS advised Mr. Szidik to notify UCTS to have the meter resealed.
01/17/2006	During a District inspection, FSS verified that WTP meter 0355-CL remained unsealed. FSS reported that Mr. Szidik notified the District's Enforcement Section of the situation.
04/05/2006	Based on a District inspection, FSS updated the District's database to indicate that WTP meter 0355-CL was replaced by another WTP meter, serial number S051341.
05/10/2006	District received a letter (05/10/2006) from Admiral notifying UCTS that WTP meter S051341 replaced WTP meter 0355-CL.
05/23/2006	2005 UC Reporting - District cleared Marigold as "Delinquent" due to Marigold's failure to submit an RD-925 for 2005.
06/09/2006	UCTS inspected Marigold to verify installation of new meter. UCTS identified meter as a magnetic flowmeter. UCTS notified Mr. Jeremy

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Warner, Shift Supervisor for Marigold, that because the meter was a magnetic flowmeter, it did not currently meet the District's requirements of having a chart reorder and a battery back-up system.

06/27/2006	District issued a letter to Marigold informing the User that the new WTP meter S051341 did not conform to the District's <u>Criteria Applicable to the Utilization of Privately-Owned Magnetic Flowmeters for User Charge Reporting Purposes</u> . Marigold was instructed to resubmit a proposal that met the District's requirements before the meter can be accepted for reporting WTP losses.
11/22/2006	UCTS inspected Marigold to seal WTP meter S051341, but could not as the meter still did not meet the District's requirements indicated in the District's letter dated 06/27/2006. UCTS notified Mr. Szidik of the District's letter. Mr. Szidik informed UCTS he would have the meter company provide the additional information about the meter.
02/15/2007	During a District inspection, FSS was informed by Mr. Szidik that the second WTP meter 8099-JB was no longer being used by Marigold. FSS updated the District's database to indicate removal of the meter.
06/08/2007	2006 UC Reporting - District recomputed Marigold's 2006 RD-925 (received 02/21/2007) based on merged BOD/SS concentrations, but allowed the WTP loss for 2006. (Note: Actual clearing documents are not available for 2006. Information is speculated based on Clearing Record in PIMS database and documents regarding District litigation procedures held against Marigold for UC charges from 2004 thru 2007. Litigation documents are available for review if needed.)
04/21/2008	2007 UC Reporting - District recomputed Marigold's 2007 RD-925 (received 04/11/2008) based on merged BOD/SS concentrations. Marigold's WTP loss from meter S051341 was accepted by District for 2007.
05/22/2008	District issued Marigold a Notification of Revision (NOR) letter for the 2007 RD-925.
05/26/2009	2008 UC Reporting - District recomputed Marigold's 2008 RD-925 (received 02/18/2009) based on merged BOD/SS concentrations. Marigold's WTP loss from meter S051341 was accepted by District for 2008.
06/04/2009	District issued Marigold a Notification of Revision (NOR) letter for the 2008 RD-925.

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02/23/2010	District recomputed Marigold's 2009 RD-925 (received 02/08/2010) based on merged BOD/SS concentrations and recalculated main incoming volume. Marigold's WTP loss from meter S051341 was accepted by District for 2009.
04/02/2010	District issued Marigold a Notification of Revision (NOR) letter for the 2009 RD-925.
04/21/2011	2010 UC Reporting - District recomputed Marigold's 2010 RD-925 (received 01/28/2011) based on merged BOD/SS concentrations, tax credit, and recalculated total annual volume. Marigold's WTP loss from meter S051341 was not accepted by District for 2010 based on District's letter 06/27/2006.
05/09/2011	District issued Marigold a Notification of Revision (NOR) letter for the 2010 RD-925.
08/03/2011	District received letter (dated 08/01/2011) from Marigold's consultant, Eagle Environmental Co. (Eagle), requesting an appeal of the District's recomputation of Marigold's 2010 RD-925 based on the denial of Marigold's WTP loss for 2010, District data, and tax credit. Eagle also requested the District's recomputation of Marigold's 2010 RD-925. Additionally, Eagle requested the approval for Marigold to report water losses from Marigold's cooling tower.
08/18/2011	District issued letter to Marigold scheduling appeal date of 09/22/2011. The District data requested by Eagle was also included.
09/22/2011	District holds Director Appeal meeting 11D-030. Only Mr. Art Sherman, President of Eagle, is in attendance for Marigold. District allowed Marigold until 09/30/2011 to fulfill the missing requirements for Marigold's WTP meter S051341.
10/03/11	District received letter (dated 09/29/11) from Eagle addressing requirements for WTP meter S051341. Included was documentation from meter manufacturer that current location of WTP meter S051341 does not meet specifications.
10/28/2011	After reviewing Eagle's submittal for Marigold's meter, District issued Director Appeal Determination letter to Marigold citing deficiencies in Eagle's submittal and that the District's recomputation of Marigold's 2010 User Charge liability stands.

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11/07/2011	District received letter (dated 11/04/2011) from Eagle addressing proposal deficiencies cited by District.
11/08/2011	UCTS inspected Marigold to determine status of WTP meter S051341. UCTS finds meter installation deficient. Mr. Szidik was present during the inspection.
12/16/2011	District issued letter to Marigold citing all past and current deficiencies of WTP meter S051341. Marigold is required to submit a new proposal.
03/19/2012	District received letter (dated 03/10/2012) from Eagle addressing all deficiencies noted by the District regarding WTP meter S051341. Eagle includes proposal for meters to measure cooling tower evaporative losses.
04/04/2012	UCTS inspected Marigold to verify status and acceptability of WTP meter S051341 and cooling tower meters. All meters were found acceptable and sealed by UCTS.
04/24/2012	District issued letter to Marigold accepting proposal for Establishing Deductive Water Losses and approves methodology for UC reporting for 2012 and subsequent years.
04/24/2012	2011 UC Reporting - District recomputed Marigold's 2011 RD-925 (received 02/17/2012) based on merged BOD/SS concentrations, tax credit, and recalculated total annual volume. Marigold's WTP loss from meter S051341 was not accepted by District for 2011 based on District's letter 12/11/2011.
05/07/2012	District issued Marigold a Notification of Revision (NOR) letter for the 2011 RD-925.
10/12/2012	District received letter (dated 10/10/2012) from Mr. Kenneth Anspach of Anspach Law Office on Marigold's behalf requesting a Board Appeal of Marigold's 2010 NUC.