



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 the petition of Clean Harbors Recycling Services of Chicago, LLC, 1445 West 42nd Street, Chicago, Illinois, to appeal the 2019 User Charge Liability Determination of the Director of the Monitoring and Research Department - Appeal No. 20B-001

Sponsors:

Indexes:

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Attachments: 1. Att. 09-17-20 Clean Harbors.pdf

Date	Ver.	Action By	Action	Result
9/17/2020	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 17, 2020

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. Brian A. Perkovich, Executive Director

Authority for the Board of Commissioners to review the petition of Clean Harbors Recycling Services of Chicago, LLC, 1445 West 42nd Street, Chicago, Illinois, to appeal the 2019 User Charge Liability Determination of the Director of the Monitoring and Research Department - Appeal No. 20B-001

Dear Sir:

Clean Harbors Recycling Services of Chicago, LLC (Clean Harbors) submitted its 2019 User Charge Annual Certified Statement (RD-925) on January 30, 2020, and reported a Net User Charge (NUC) of \$37,608.19. The District revised Clean Harbors' 2019 NUC from the reported \$37,608.19 to \$49,404.67 and advised Clean Harbors of this revision in an email sent on February 11, 2020.

Clean Harbors appealed the revision of its 2019 User Charge liability as determined by the Director of the Monitoring and Research Department (Director), by letter dated May 5, 2020. A meeting was held on June 24, 2020, with representatives from Clean Harbors, its consultant, Environmental Monitoring and Technologies, Inc., and the Monitoring and Research Department, wherein the appeal of Clean Harbors' 2019 User Charges was presented. By letter dated July 29, 2020, which was received by Clean Harbors on July 29, 2020, the Director advised that the NUC was properly calculated and would remain at \$49,404.67.

Clean Harbors wrote to the Director by letter dated August 4, 2020, which was received by the District on August 4, 2020, advising that Clean Harbors did not concur with the determination 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 on its appeal of the Director's determination of this matter. This petition for a hearing was made in a timely manner. As of August 18, 2020, Clean Harbors has met its obligation under the Ordinance to pay at least 85 percent of its 2019 User Charge liabilities. Therefore, the petition for a hearing is in conformance with the provisions of Section 9 of the Ordinance relating to "Appeals to the Board

of Commissioners.” Pursuant to the provisions of Section 9b(2) of the Ordinance, the Board shall review the petition for appeal and determine whether it will conduct the hearing itself or delegate same to an assigned hearing officer.

Accordingly, it is respectfully submitted that the Executive Director request that the Board:

1. Set a date certain upon which the Board would hear the appeal of Clean Harbors while sitting en banc; or
2. Designate that an assigned hearing officer conduct such a hearing on behalf of the Board in accordance with Section 9 of the Ordinance.

Requested, Edward W. Podczerwinski, Director of Monitoring and Research, EWP:JW:GY:PK:MC:dt

Recommended, Susan T. Morakalis, General Counsel

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for September 17, 2020

Attachments