



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 20-0019, Version: 1

TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 9, 2020

COMMITTEE ON JUDICARY

Mr. Brian A. Perkovich, Executive Director

Authority to approve Agreed Order dismissing the administrative appeal in *Heligear Acquisition Co., d/b/a Northstar Aerospace Inc. v. Metropolitan Water Reclamation District of Greater Chicago*, Appeal No. 19B-002, concerning the Noncompliance Enforcement charge in the amount of \$2,486.00 assessed against Heligear for Cease and Desist Order Number 94571, issued on May 13, 2019, for its facility located at 6006 West 73rd Street, Bedford Park, Illinois

Dear Sir:

On October 3, 2019, the Board of Commissioners ("Board") authorized the appointment of a hearing officer to conduct an administrative hearing regarding Heligear Acquisition Co., d/b/a Northstar Aerospace Inc.'s ("Heligear") appeal of the Noncompliance Enforcement ("NCE") charge in the amount of \$2,486.00 assessed against Heligear for Cease and Desist Order Number 94571, issued on May 13, 2019 ("C&D Order").

By way of background, the District assessed the NCE charge pursuant to the Sewage and Waste Control Ordinance ("Ordinance") to recover the administrative and compliance monitoring costs pertaining to the C&D Order. The C&D Order was issued because Heligear had exceeded the Ordinance's categorical pretreatment levels for cyanide at its facility located at 6006 West 73rd Street, Bedford Park, Illinois. Heligear disputed that it had exceeded these levels and appealed the NCE charge to the Director of the Monitoring and Research Department ("M&R"). Upon reviewing the matter, M&R determined that the NCE charge was properly assessed in accordance with the Ordinance. On August 30, 2019, Heligear requested an administrative hearing before a hearing officer appointed by the Board to appeal M&R's determination ("Board Appeal"). The Board Appeal was filed in a timely manner.

On November 20, 2019, a Pre-Hearing Conference ("Conference") was held in the Board Appeal before the assigned hearing officer. At the Conference, Heligear agreed to pay the NCE charge in full and to dismiss the Board Appeal with prejudice. On December 9, 2019, the assigned hearing officer executed an agreed order ("Agreed Order") approving these terms, subject to the Board's approval. Heligear has paid the NCE charge in the full amount of \$2,486.00 in compliance with the Agreed Order.

Accordingly, it is requested that the Board of Commissioners approve Agreed Order dismissing the administrative appeal in *Heligear Acquisition Co., d/b/a Northstar Aerospace Inc. v. Metropolitan Water Reclamation District of Greater Chicago*, Appeal No. 19B-002, concerning the Noncompliance Enforcement charge in the amount of \$2,486.00 assessed against Heligear for Cease and Desist Order Number 94571, issued on May 13, 2019, for its facility located at 6006 West 73rd Street, Bedford Park, Illinois.

Requested, Susan T. Morakalis, General Counsel, STM:CMM:PS:nm

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for January 9, 2020

Attachment