

RESOLUTION NO. 23 - ____

A RESOLUTION APPROVING AN INTERIM INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NAPERVILLE AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO CONTINUE OPERATION OF A LONG TERM HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY

1. **WHEREAS**, the Illinois Environmental Protection Act mandates that the Illinois Environmental Protection Agency (“**ILLINOIS EPA**”) establish household hazardous waste (“**HHW**”) collection centers in appropriate places in the State to ensure that said wastes collected are properly disposed of, and authorizes the IEPA to contract with other parties for that purpose, 415 ILCS 5/22.16b(d).

2. **WHEREAS**, Naperville’s Household Hazardous Waste Facility (“**CITY FACILITY**”) is located on property owned by the City at 156 Fort Hill Drive, Naperville, Illinois 60540 and has been in operation through intergovernmental agreements with the ILLINOIS EPA since 1991. The CITY FACILITY serves more people than any other permanent household hazardous waste facility in the State of Illinois.

3. **WHEREAS**, the most recent intergovernmental agreement between the IEPA and the City regarding operation of the CITY FACILITY (the “**2018 IEPA HHW IGA**”) expired on June 30, 2023.

4. **WHEREAS**, under the terms of its HHW Intergovernmental Agreements, the ILLINOIS EPA is responsible, among other obligations, for the removal and disposal, recycling, and treatment of household hazardous waste collected at collection sites within the state of Illinois, including the CITY FACILITY, which obligations are fulfilled by a contractor (“**Contractor**”) hired by the IEPA.

5. **WHEREAS**, the CITY is responsible for capital costs of the FACILITY, and the CITY, the County of DuPage, the County of Kane, the County of Will, and the City of Aurora

each pay a share of the annual operating costs of the CITY FACILITY.

6. **WHEREAS**, the ILLINOIS EPA is currently in the process of preparing a solicitation for bids for a new Contractor agreement which is anticipated will take effect on January 1, 2024, and the Parties are in the process of negotiating a renewal intergovernmental agreement for operation of the CITY FACILITY also anticipated to take effect on January 1, 2024.

7. **WHEREAS**, the Parties desire to enter into the Interim Intergovernmental Agreement to Continue Operation of a Long Term Household Hazardous Waste Collection Facility, attached hereto as **EXHIBIT A**, extending the Parties' obligations under the 2018 IEPA HHW IGA from July 1, 2023 through December 31, 2023.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, COUNTIES OF DUPAGE AND WILL, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Interim Intergovernmental Agreement to Continue Operation of a Long Term Household Hazardous Waste Collection Facility (the "**Interim Agreement**") attached hereto as **Exhibit A** is hereby approved.

SECTION 2: The Mayor and City Clerk are authorized and directed to execute the Interim Agreement on behalf of the City.

SECTION 3: If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Resolution or any other City ordinance, resolution, or provision of the Naperville Municipal Code. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Resolution and to the Interim Agreement referenced herein prior to execution.

SECTION 4: This Resolution shall be in full force and effect upon its passage and approval.

ADOPTED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk