

RESOLUTION NO. 17 - _____

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

WHEREAS, the Illinois Environmental Protection Act mandates that the Illinois Environmental Protection Agency (“IEPA”) 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); and

WHEREAS, the IEPA provides funding for waste hauling services from four permanent household hazardous waste facilities including: Naperville, Chicago, Rockford, and Lake County/SWALCO (“Permanent Household Hazardous Waste Facilities”); and

WHEREAS, Naperville’s Household Hazardous Waste Facility (“Naperville HHW Facility” or “HHW Facility”) has been in operation for twenty-five (25) years and serves more people in the State of Illinois than any other Permanent Household Hazardous Waste Facility, accepting household hazardous waste from 20,766 cars in 2016; and

WHEREAS, to better serve the public need for recycling household hazardous waste, in 2014 the City constructed a new Household Hazardous Waste Facility located at 156 Fort Hill Drive, Naperville at a cost of \$1,185,020 (of which \$900,000 was paid by a grant awarded by the Illinois Department of Commerce and \$285,020.00 was paid by the City of Naperville); and

WHEREAS, under the intergovernmental agreement Naperville has had with the IEPA since the inception of the City's participation in the State of Illinois HHW facility program, operating costs of the HHW Facility have been paid by the City and its funding partners, the City pays for capital construction costs related to the Facility, and the IEPA provides and pays for a contractor to pick up, transport and dispose of waste from the HHW Facility; and

WHEREAS, DuPage County, Will County, Kane County, and the City of Aurora are Naperville's funding partners ("Funding Partners") for the Naperville HHW Facility, and each pays a share of the approximately \$275,000 annual operating costs of the HHW Facility; and

WHEREAS, in 2016 the IEPA paid \$516,813.00 in waste hauling costs for the Naperville HHW Facility and it is anticipated that waste hauling costs at the Facility for 2017 will meet or exceed that amount; and

WHEREAS, the current intergovernmental agreement between the City of Naperville and the IEPA expires on 12/31/17; and

WHEREAS, on October 4, 2017 the IEPA notified Naperville of its intent, effective January 1, 2018, to cap the annual amount it pays for waste hauling services from the Naperville HHW Facility to \$250,000.00 which represents less than half of the cost of current waste hauling services ("IEPA Cap"); and

WHEREAS, no other Permanent HHW Facility in the State is subject to a cap on payment of waste hauling services despite the fact that the IEPA entered into long term HHW Facility intergovernmental agreements with two of the four Permanent HHW

Facilities (Lake County/SWALCO and the City of Rockford) on June 13, 2017 and November 30, 2016 respectively; and

WHEREAS, City staff have met with Naperville's Funding Partners to discuss the IEPA's proposed IEPA Cap and the ramifications such a Cap would have on the viability of the Naperville HHW Program and the services it provides to the public; and

WHEREAS, it was agreed by the City, the Funding Partners, and the IEPA that a short-term agreement ("Addendum") between the City of Naperville and the IEPA from January 1, 2018 through June 30, 2018 could provide an opportunity for the parties to discuss the proposed IEPA Cap, alternatives to the proposed Cap, and possible service improvements and/or reductions if a cap is required by the IEPA; and

WHEREAS, the proposed Addendum includes revisions to the current intergovernmental agreement between the City of Naperville and the IEPA including a \$250,000 cap for the six-month term of the Addendum, provisions allowing immediate termination of the Addendum/Agreement in the event that the Governor or IEPA determine that adequate funding is no longer available, and provisions allowing the City to take such actions as are necessary, including but not limited to reduction of services, in order to provide services at the Naperville HHW Facility within said cap.

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 Addendum to the Intergovernmental Agreement between the City of Naperville and the Illinois Environmental Protection Agency to Operate a Long-Term Household Hazardous Waste Collection Facility Intergovernmental Agreement between the City of Naperville and the Illinois Environmental Protection Agency to Operate a Long Term Household Hazardous Waste Collection Facility for a six-month

period from January 1, 2018 through June 30, 2018 attached to this Resolution as Exhibit A is hereby approved.

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

SECTION 3: This Resolution shall be in full force and effect upon its passage and approval.

ADOPTED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk