



## Legislation Text

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File #: 18-139, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Adopt Resolutions authorizing the City Manager to execute the intergovernmental agreements between the City of Naperville and Will and DuPage Counties for the operation of the regional Household Hazardous Waste Facility.

**DEPARTMENT:** Department of Public Works

**SUBMITTED BY:** Dick Dublinski, Director of Public Works

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

The city currently has funding agreements in place with the Illinois Environmental Protection Agency (IEPA), DuPage County, Will County, Kane County and the City of Aurora for the Regional Household Hazardous Waste (HHW) Program operated at the Environmental Campus on Fort Hill Drive in Naperville. The facility was originally permitted in 1992 in cooperation with the IEPA as the first permanent Household Hazardous Waste Drop-off in the State of Illinois. The city and its funding partners (DuPage County, Will County, Kane County, and the City of Aurora) are responsible for operational costs of the HHW Facility, the City is responsible for capital costs of the Facility, and the IEPA is responsible for hiring a contractor to pick up, transport, and dispose of the household hazardous waste collected at the Facility.

**IEPA:** In September of 2017, the IEPA verbally notified the City that for the first time in the history of the Naperville HHW Facility, it intended to impose a cap on the IEPA's responsibility to pay for waste hauling costs from the Facility that would eliminate more than half of the annual funding provided by the IEPA for waste hauling services. Such a cap had not been imposed by the IEPA on any other permanent HHW facility in the state. In light of the significance of this proposed change, a new long term agreement between the IEPA and the City could not be accomplished by December 31<sup>st</sup> when the current agreement expired. Therefore, the City and the IEPA agreed to a six-month extension of the current IGA modified by provisions in the form of an Addendum: (i) creating a \$250,000 cap on the IEPA's responsibility for waste hauling costs during the six-month extension; (ii) granting the IEPA the absolute right to terminate the Addendum/Agreement at any time, without advance notice, if a determination was made by either the Governor or the IEPA that there was a lack of available funding; and (iii) allowing the City to take such actions at the HHW Facility as may be needed, including but not limited to reduction of services, in order to stay under the cap. The Addendum to the IEPA Intergovernmental Agreement was approved by the City Council on December 19, 2017, and expires on June 30, 2018.

During the extension of the IEPA Agreement to June 30<sup>th</sup>, the City is working collaboratively with the IEPA, our funding partners, and the other permanent HHW regional facilities to try to identify solutions that maximize services while providing IEPA funding in an equitable manner. Further, while funding amounts available going forward may be limited depending on funding approved by the Illinois General Assembly, on February 6<sup>th</sup> the IEPA indicated its agreement not to include a cap in the longer-term agreement that will need to be negotiated between the IEPA and the City between now and June 30<sup>th</sup>.

### **Funding Partners:**

**DuPage County** - The existing one-year agreement with DuPage County expired on November 30, 2017. The agreement provides \$100,000 of funding for the facility.

**Will County** - The existing one-year agreement with Will County expires on December 31, 2017. The agreement provides \$25,000 of funding for the facility.

**Kane County** - The intergovernmental agreement with Kane County contains an automatic renewal provision and therefore does not need to be renewed at this time. Kane County contributes \$10,000 of funding for the facility.

**City of Aurora** - The intergovernmental agreement with the City of Aurora contains an automatic renewal provision and therefore does not need to be renewed at this time. Aurora contributes \$20,000 of funding for the facility.

### **DISCUSSION:**

The Intergovernmental Agreement between the City of Naperville and DuPage County (Attachment 1), and the Intergovernmental Agreement between the City of Naperville and Will County (Attachment 2), are similar to the agreements that they replace except that they include language giving the City flexibility to meet the IEPA's disposal funding cap if necessary. (Sections 4.1 and 6.1) to provide opportunities for the city to meet the IEPA's disposal funding cap if necessary.

Approximately 80% of the more than 21,000 visits to the facility in 2017 originated from DuPage and Will counties. Per the agreements, both counties will reimburse the City for a portion of the expenses related to the operation of the HHW facility. From DuPage County, the City will receive four quarterly payments of \$25,000 for a total of \$100,000. Will County will submit three payments of \$8,333 for a total of \$25,000.

### **FISCAL IMPACT:**

The City will receive \$100,000 from DuPage County and \$25,000 from Will County for the operation of the regional Household Hazardous Waste Facility.