

**DuPage River Salt Creek Workgroup
Meeting Minutes
Lombard Village Hall
March 11, 2015**

Equivalent of 1 PDH Recognized for Attendance

9:00-9:05 Welcome, Introductory Remarks

Dave Gorman – DRSCW President and Assistant Director of Public Works,
Village of Lombard

Introductions by attendees were made.

9:05-10:00 Annual Business Meeting

• **Approval of the minutes for the December 10, 2014 meeting (Attachment 1)**

Dennis Streicher made a motion to approve the December 10, 2014 meeting minutes without changes; Nick Menninga seconded; all responded in favor; none opposed.

• **Election of Officers and Members-at-Large, New Business**

- President - Dave Gorman, Village of Lombard
- Vice President - Sue Baert, Wheaton Sanitary District
- Secretary-Treasurer – Robert Swanson, DuPage County
- At Large – Nick Menninga, Downers Grove Sanitary District
- At Large – Antonio Quintanilla, MWRD-GC
- At Large – Tom Richardson, Sierra Club – River Prairie Group
- At Large - Steve Zehner, Robinson Engineering, Inc.

Both John “Ole” Oldenburg (April) and Mitch Patterson (June) are retiring this year and the board thanked them for their services and welcome their continued participation. Stephen McCracken noted that both Ole and Mitch pushed both technical and managerial envelopes during their tenures at the Forest Preserve District of DuPage County and the Village of Addison respectively. Their agencies, their peers and the DRSCW have all benefited greatly from their talents.

John “Ole” Oldenburg made a motion to approve the slate of officers as presented; Mitch Patterson seconded; all responded in favor; none opposed.

• **Adoption of FY 2015-16 Budget and Dues Schedule, New Business**

Stephen McCracken apologized for the tardiness of the draft budget to members. The board wanted the budget to reflect priorities in the coming year; however, special conditions permit language, perhaps the first of this kind in the country, are still being negotiated. Thank you to Larry Cox for giving extensively of his time and talent to develop the budget and special assessments.

Larry Cox reviewed the membership dues schedule. Included are both the regular 3% increase to annual membership dues and an additional \$75K for a staffing assessment. POTW members contribute 2/3 and MS4 members (based on acreage) contribute 1/3 of

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the staffing assessment. Both the annual dues increase and assessment were included in last year's budget.

We hope we are close to reaching agreement with Illinois EPA and US EPA Region 5 for special conditions language; we expect more discussion in the coming weeks. The project funding assessment and staffing assessment will not be collected until agreement is reached with Illinois EPA and US EPA Region 5 and a minimum number of DRSCW members approve the permit language and commit to funding the projects.

Three and one half years after agreeing with the Governor's office to alternative funding in lieu of pursuing SB2081 former Governor Quinn awarded \$2.7M to fund DRSCW recommended projects. These grants have since been frozen by Governor Rauner and we remain optimistic the funds will be released. The proposed budget for this fiscal year shows 1/3 of the total grant amount.

Gary Smith asked whether to expect a 26.5% total increase in payments to the DRSCW this year. Larry Cox said yes, and added that we are presenting the special assessments for planning purposes only. No formal action is required regarding the special assessments today.

All POTW members should be aware of 26.5% increase as it has been presented a number of times. The memo referenced in the agenda packet on page 38 shows dues and assessments for each POTW. The DRSCW is proposing to proceed with the increased amounts outlined in the memo at this time. The special assessments have not and will not change so members can budget without dealing with fluctuating amounts.

Larry Cox asked if anyone was not planning for the 26.5% increase and whether further discussion/comments was needed. While no agency has signaled not having planned for the increase, Gary Smith inquired about the timing to get approval for all items. The membership dues invoices will not include the special assessments, which would be sent separately after agreement with the EPAs is reached.

Stephen McCracken added that we are not voting on the special assessment today as it is considered a separate item.

Larry Cox noted a preliminary draft special assessment for each POTW member was distributed that clearly indicated each POTW's assigned share.

Nick Menninga – if the permit special conditions are not successfully negotiated, the agency members' additional 23.5% could be applied to future dues.

The alternative, which seems to be more confusing, is to invoice only the membership dues at the approved 3% annual increase and then send a second invoice if/when approval with EPAs is reached.

The first option requires the inherent trust that if DRSCW does not use the assessments for the intended purpose the DRSCW agrees to refund the monies to the paying agency.

The due date for annual membership dues is flexible, as long as payment is received within the fiscal year.

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Gary Smith noted that it would be difficult to get approval from alderman to pay for the special assessment if there is no agreement signed with US EPA. In essence, this is asking members to pay up front.

Jennifer Hammer recommend having 3 line items: regular annual membership dues and additional assessments (POTWs have 2 assessment line items and MS4s have 1 assessment line item).

Dennis Streicher stated that it might be helpful to show the board all figures at one time, and stating only annual membership dues are due immediately and other line items (SA) are shown but not due until a later date. Nick Menninga added that the "later date" could be contingent on permit approval. Larry Cox liked the idea of presenting the different line items at one time so members wouldn't have to go back to their board with another invoice.

Tom Minarik agreed that the 3 part invoice for POTWs showing the 3% and 23.5% increases in addition to the project assessment would be helpful.

Larry Cox noted that we already know not all POTWs will participate.

Jim Knudsen inquired about the due dates for the invoiced amounts. For example regular membership dues (line item #1) are due by June and the 2nd part (line items #2 and #3) would be due three months after approval is received. Would the schedule be the same for everyone?

Larry Cox replied yes, the 23.5% increase is applied to every agency member whether or not they are a POTW community.

Jim Knudsen asked whether a follow-up invoice would be sent after approval from IEPA was received.

Larry Cox responded that before sending a follow-up invoice, the DRSCW would need to know how many POTW agency members were committed to the special conditions. Currently we plan to have the invoice reflect all three line items and items two and three would become due with a follow-up invoice. Cox added that dues can be paid throughout the fiscal year, as late as February. We don't want to lose members over this. If members need extra time, especially if Governor Rauner's cuts for municipal budgets are realized, we are willing to discuss options to roll over the 23.5% increase; just call and ask to talk. There are however, cash flow needs.

Dave Gorman added the 23.5% can be paid later (i.e. January 1). We will make no actions to spend funds until we know everything is a go. It is challenging to keep all these options at a state of readiness while we know it is possible that we may have to reduce or eliminate portions.

Jim Knudsen asked when we anticipate knowing whether it's a go? Larry Cox replied that we think we're close and that it might be as early as a few months. If we had accepted the previous draft, which included some deal breaking points made by US EPA Region 5, things would be in process now. Agreements between IEPA and US EPA include processing permits. All our permits are currently being held, and reaching a point to release them may be an incentive to move negotiations along.

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Nick Menninga asked IEPA how many iterations of the special conditions they anticipate negotiating with US EPA to which they replied it should be around two. Based on this response we anticipate agreement can be reached in a few months – possibly by this June or July.

Jim Knudsen inquired whether agency members who opt out would have a three year compliance schedule (monitor, study, design and build) to meet phosphorus limits of 1mg/L.

We do not know in detail what terms POTWs that opt out of the special conditions will receive.

Larry Cox stated that figures provided to POTW members did not include capital costs because all POTWs will have to meet P limits at a future date. Our proposal delays capital costs so the calculations are based on a median chem P O&M only, costs are too plant specific to individualize. If a POTW decides to move forward with P removal now, plant specific costs should be developed by that entity. When you add these costs to the O&M costs, the efficiencies become clear. The return of NPDES permit fees was around 20% of O&M only.

Stephen McCracken added that the DRSCW had advanced the argument to the IEPA that doing the projects after P removal was already in place broke the proposed model. In such a scenario agencies would be paying both M&O and assessment costs. The instream projects typically have no to very low O&M costs so doing them first insured a smooth cost profile for agencies.

Larry Cox reiterated that if negotiations with US EPA Region 5 are not successful or we do not have the minimum number of POTWs agree to participate then projects don't get done. Everyone gets P removal. There would no plans to get streams off the impaired list and we won't have done anything. P limits won't change IBI scores – 5 years from now, we'll be in the same place even after you've done all the capital upgrades.

Dave Gorman clarified current dues include a 3% annual increase - the 23.5% increase for staffing and the POTW project assessments are contingent upon approval.

William Blecke asked whether these itemized figures can be found online. Stephen McCracken responded that the figures are provided on the DRSCW website.

Chuck Fonte asked whether the figures had changed from previous tables. Stephen McCracken replied that no changes have ever been made to the special assessment totals. There are no plans to do so either. If changes were ever to become necessary, then all members would be asked to discuss that option.

John "Ole" Oldenburg stated that because the Forest Preserve District and other agencies do not participate in the POTW assessment it is not appropriate for them to vote on that item.

Stephen McCracken reiterated that we are not voting on the special assessment. If negotiations are successful, DRSCW would accept conditions as a group, then individual agency POTW members would decide whether to participate. The staffing assessment is

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paid by all agency members (not just POTW agency members) regardless of whether they participate in the special conditions.

Associate and individual membership dues also increase by 3% but do not include the staffing assessment increase of 23.5%.

Dan Bounds summarized that municipalities can budget for all increases now, though some might not need to be paid (assessments), and that there is flexibility for those who may need to push payment into next year's budget.

Larry Cox made a motion to approve the budget; Dave Gorman seconded; all responded in favor; none opposed.

Jennifer Hammer made a motion to approve the dues schedule (3 part invoice); seconded by Gary Smith; all responded in favor; none opposed.

- Approval of the FY 15-16 Annual Dues Schedule and Annual Dues by Agency (Attachment 3). A 3% increase in member annual dues is included in the schedule. The schedule also includes a 23.5% increase in Agency member dues to accommodate the additional workload from our pending projects, as discussed in the five year financials plans over the past two years. Voting will be required on this item.
- Discussion of Agency member project assessments, assessment methods, total Agency member dues and assessments, which are detailed in the DRSCW Memo entitled "Updates to Proposed NPDES Permit Special Condition Language and Recommended Agency Member Dues, Agency Member Assessments and Local Project Matches to Implement DRSCW Project Funding Plan", dated February 16, 2015, which is available at <http://www.drscw.org/financials.html>
- The proposed Agency member project assessments are proposed to begin this year, FY 15-16, if DRSCW members and Illinois EPA/ US EPA approve the NPDES permit special condition.
- Review and approval of the FY 2015-16 Budget (Attachment 2 - one page budget summary). Voting will be required on this item.
- The detailed Five Year Financial Plan for Fiscal Years 2015-2016 to 2019-2020 available at <http://www.drscw.org/financials.html> will also be presented and discussed.
- Accounts Update (Attachment 4)
- **Appointment of Committee Chairpersons by incoming President, New Business**
 - Monitoring Committee Chairperson – Jennifer Hammer, The Conservation Foundation
 - East Branch DuPage River Watershed Committee Chairperson – Larry Cox, Downers Grove Sanitary District
 - West Branch DuPage River Watershed Committee Chairperson – Erik Neidy, Forest Preserve District of DuPage County
 - Salt Creek Watershed Committee Chairperson – Dennis Streicher, Sierra Club – River Prairie Group

Dave Gorman thanked all chairpersons for their continued services. In addition, he referred members to see Nick Menninga if interested in serving on the projects

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committee and/or Jim Knudsen to serve on the chloride committee. Meetings for each committee are limited.

Stephen McCracken added that if the SA goes forward, meetings will only be called if and when necessary – there are no meetings for the sake of meeting.

Dave Gorman stated that adding Nick Menninga as an At Large board members is helpful for his unofficial role as the project committee chair. The DRSCW's official bylaws may need to be revisited to add an official projects committee, dependent on the outcome of the permit negotiations.

- **Other business**

Coal Tar MOU and proposed State ban update.

The Village of Downers Grove executed the MOU to not use CTS in municipal operations. At the state level Sierra Club has again pushed for a ban on CTS and is again running into stiff opposition. The CTS industry has an effective lobbying unit (at this time Illinois EPA is opposing the ban, reason unknown but last year it was because they had concerns about staff time). More groundwork seems necessary to move the issue forward. DRSCW's approach is incremental and some support for a nationwide ban has been found at the federal level.

Jim Knudsen stated the research show they are damaging. One of the reasons groups are interested in the ban is CTS impacts on biodiversity – it is toxic organisms. Additionally some public health groups have become involved.

Chloride Offset Program with Illinois Tollway

Stephen McCracken reported that Elmhurst is pre-wetting salt and Wood Dale, Itasca Bensenville and DuPage county preparing to submit proposals to the Tollway.

East Branch DuPage River Resiliency and Watershed Plan (DuPage County SWM)

Millions of dollars are available for a number of eligible communities to apply through the National Disaster Resiliency Competition, the Department of Storm water Management is actively pursuing it. The DRSCW is fully supporting this application and has contributed time and reports to the effort that is being executed on a very tight time schedule. If DuPage County is selected to receive funding there could be synergies with the DRSCW's proposed assessments.

John "Ole" Oldenburg noted the DRSCW letter of support was included in the public hearing. The board will review the pro forma letter then submit it – the project meets a lot of our goals as well.

Lower Salt Creek Watershed Plan

Last year the DRSCW submitted an alternative plan that was not approved by IEPA. IEPA is offering a substantial amount of grant funding to produce an approvable plan for the Lower Salt Creek watershed, with the stipulation that it must be received by a specific contractor – CMAP (Chicago Metropolitan Agency for Planning). Stephen said that CMAP has a successful track record of getting watershed plans approved.

DuPage County is creating a watershed plan for Spring Brook #3 on Salt Creek and that will have to be coordinated with this possible plan. Under current policy, 319 funding is

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only available for nonpoint-source pollution projects in communities with approved watershed plans. The plan is not yet signed off on, but looks promising.

If the agreement with CMAP and IEPA is approved we encourage Bensenville, Northlake and Villa Park all have to submit projects to integrate into the watershed plan. Dennis Streicher clarified the watershed plan areas is from Busse Woods to the confluence.

Larry Cox inquired whether the projects included in the plan have to meet the DRSCW's prioritized project criteria. Stephen McCracken stated that the projects proposed by certain municipalities may be tweaked to meet the DRSCW's overall watershed goals, but will be included principally so as to not prohibit a municipality from applying for 319 funding. However most of the projects recommended by the plan will not be the on DRSCWs list of priority projects and many of these activities will not be considered 319 eligible. The DRSCW should consider the watershed plan to be value added in the sense that it may help parallel water quality projects to be executed.

Abel Haile provided a TMDL update. Within the next two weeks, selected contractors will sign their agreements. Phase III (2008 TMDL): DO, Chloride, fecal coliform, copper, nickel and Phosphorus load reduction strategies.

IGIG Funding Update

\$2.7 M grant was awarded then frozen for review. There may be some reason for optimism based on comments by the Governor's staff. Our strategy includes getting special conditions approved in addition to the IGIG grant which means we can accomplish more. DRSCW can cover if 65% of money is available (if most POTWs participate).

• **DRSCW Calendar**

WEFTEC 2015– Submitted a proposal for track on “Stream Geomorphology and Restoration 101” in collaboration with Seth Brown, WEFTEC, Bob Hawley, Sustainable Streams and Jonathan Koepke, ENCAP.

Last year DRSCW presented at the conference along with FPDDC (Ole) and Inter-Fluve Beth Wentzel). This was the first of its kind and was well received. If it is accepted, we will look for speakers in the coming months.

• **Workgroup meeting schedule (9:00 AM start time)**

All meetings are scheduled to occur at Lombard Village Hall beginning at 9:00 AM.

- March 11, 2015 (Annual Meeting)
- April 29, 2015
- June 24, 2015
- August 26, 2015
- October 28, 2015
- December 9, 2015

Meeting Presentations

1. **DRSCW NPDES Special Conditions.** Illinois EPA and US EPA proposed special conditions for POTW NPDES permits in the DRSCW program area. While the permits place a numeric limit of 1 mg/l total phosphorous, it also grants an 11 year implementation period. The DRSCW responded with reworded conditions. Under the

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proposed conditions DRSCW member POTWs would finance implementation of priority projects identified by the Identification and Prioritization System, the DO Improvement study and partner priorities. All projects have been selected to maximize positive responses in target basins ecology. Under the plan a review of nutrients from non-point sources, nutrient trading and updated QUAL 2K models for Salt Creek and the East Branch would be produced, along with some limited optimization of area POTWs.

**Presenters: Stephen McCracken, TCF/DRSCW
Nick Menninga, Downers Grove Sanitary District**

Mike Ott asked how receptive Illinois EPA was to the concept of trading. Nick Menninga responded that we left trading language in each iteration we've had. We need to know the end point and how to define that. POTWs will be required to look at what it will take at each plant and hire an engineer to study and cost it out. At this point construct improvements to meet P limits. Put off for awhile to do more cost effective projects in streams.

Optimize operations to remove P – every plant is different. Identify what can be done with existing tanks to reduce (modify operations)

Chuck Fonte – we are already taking measures to reduce P. We installed six filters 6 years ago. Can we use the filters or do we need to do something new? Reduced P to about 1mg/L. Nick Menninga responded that the filters count. While they're already built it depends on whether you use them or not.

Mike Ott asked if it has to be documented. Nick Menninga stated that POTWs can use the feasibility study to get to specific P levels; then plan for optimization measures, and extract language to create a scope for use in RFP to select consultant(s).

Jim Knudsen asked about the cost to conduct a study and create an optimization plan. Nick Menninga replied DGSD did a study and generated a report (which doesn't have all the components). The plant is 11 MGD and the cost was \$30-40K, for another \$10K all the components would be complete.

Sue Baert stated the WSD cost for all the components was quoted at \$40-50K.

No other questions.

Other news: The Conservation Foundation recognized Larry Cox as their volunteer of year.