

DuPage River Salt Creek Workgroup
Meeting Minutes
Lombard Village Hall
April 30th, 2014
9:00 – 11:00 AM

1. Annual Meeting Minutes February 26th (Attachment 1)

Shirley Burger made a motion to approve the February meeting minutes, seconded by Sue Baert; motion carried unanimously.

2. DRSCW White Paper Proposal

- Special Conditions & Implementation Plan (Attachment 2: see hyperlink in e-mail <http://www.drscw.org/DRSCW.SC.ZIP>)
- Special Assessment (Attachment 3)
- Resolution of Support- no longer necessary

Nick Menninga reviewed the draft special language point by point. The assessments would be used to fund local priority projects identified by the IPS tool and to address the chloride and dissolved oxygen TMDLs. The costs represented are averages for chemical removal of phosphorus.

Meetings with Illinois EPA indicate they will be supportive of our proposal for 10 years from date of permit before plants need to start working to meet a numeric standard for phosphorus removal. For the period before the permit limit has to be met, Environmental Advocacy Group (EAG) partners are supporting 12 years, while we have asked for 13 ½. We are still discussing the permit averaging period (we suggested 1 year but that is still under discussion, EAGs are asking for 1 month for both BPR and CR).

We have not yet talked to US EPA. Illinois EPA said that while there has been no response from US EPA they have shown support for up to 9 years (versus 10 years). DRSCW will only agree to increments of 5 years which are exclusive to special assessment or P removal. There is a large difference in our funding between 1 and 2 cycles.

Considerable dollars are necessary to execute projects at an appropriate scale to make an impact. Karen Daulton-Lange asked if the DRSCW's special assessment would be paid for two permit cycles and facility upgrades/construction would begin during the third permit cycle.

Larry Cox clarified that members would either pay the special assessment or do phosphorus removal at their facilities – not do both at the same time.

Table 1 – two parts

- Assessments paid by DRSCW POTW members.
- Match from partners for projects that meet IPS criteria.
- OM costs for chemical phosphorus removal.

- *Amount increases each year. Fifth year is at 50% of O&M cost (assessment amount was originally calculated based on the return of NPDES fees proposed in SB2081).*

Table 2 – For second 5-year cycle

- *Makes special assessment a full 10 year period (2 permit cycles) to invest in local projects.*
- *Percentage in bottom row is 50% of CR costs.*
- *Staffing assessment – all agencies pay.*
- *Only POTWs (25) pay the special assessment fee.*
- *May need 1 additional staff person. Estimated \$75K using same formula used to calculate regular annual dues: 2/3 POTW 1/3 municipality based on acreage.*

Table 3 - Entire cycle

- *\$36M to spend over 10 years.*
- *Assumes 100% participation over 10-year period.*
- *Assessments will not be recalculated regardless of participation.*

Karen Daulton-Lange noted that if everyone does not participate, there will be less funding available for projects, and therefore the DRSCW won't be able to accomplish as much.

Stephen McCracken stated that the proposal is for participating agencies to fund at a certain level, not to complete a list of projects. The proposal did not include a definitive list of projects the DRSCW is committed to fund. The fee amounts are individualized and would not be recalculated based on participation.

Karen Daulton-Lange asked whether projects will be evaluated with Illinois EPA to determine success. Stephen McCracken stated that evaluations will most likely occur at the end of each five-year cycle. Evaluations will most likely be conducted by DRSCW in collaboration with Illinois EPA.

Mike Ott asked if Illinois EPA would rescind their offer because of low participation. Stephen McCracken said there has been no discussion of a threshold for that and we have a high level of confidence in member participation; however, if over 50% of the funding disappears, Illinois EPA would ask for a meeting.

Nick Menninga stated that Illinois EPA is highly motivated to keep the DRSCW together as watershed group. If an agency does not participate, they have to negotiate their own set of requirements with Illinois EPA. Glenbard Wastewater Authority posed this question and Illinois EPA's response was that if an agency wasn't participating in the DRSCW's plan, what would it be doing? A 0.1 limit was mentioned a possible outcome.

Nick Menninga continued that the goal is to improve streams; our model has proven effective. The alternative is to torque permits. Illinois EPA and US EPA appear motivated to work with a watershed model rather than individual permits. Approved TMDL DO limits have been pushed back because of the DRSCW's adaptive management approach. By not participating, your agency would be subject to those requirements.

Lake County is proposing a group using the DRSCW's model. Illinois EPA is invested and wants us to succeed.

Itasca and perhaps Bensenville already has phosphorus removal; participation will be an individual agency decision.

Stephen McCracken noted that the EAGs have mentioned fractions of 1 for future phosphorus permit limits.

Sue Baert asked how the EAGs would determine whether the lower phosphorus limits translate into improved water resource quality. How would they justify moving from 1.0 mg/L to 0.1 mg/L?

Larry Cox replied that annual reports to Illinois EPA would help determine the impact of lower phosphorus limits. Based on the results we have seen, we hope to have that discussion. We would commit to 1.0. The DRSCW asked an attorney with a national perspective how the DRSCW's proposal compares to what others are doing. The attorney stated that he has not seen this model anywhere – it is unheard of. He has seen lower limits and quicker implementation.

Sue Baert asked whether permittees implementing lower phosphorus limits have been successful in eliminating algae. No one was aware of cases where this had proven successful. Larry Cox stated that the DRSCW will evaluate projects utilizing its adaptive management approach with the goal of improving aquatic life; not reducing nuisance algae.

John "Ole" Oldenburg drew attention to the West Branch DuPage River and tributaries, which will have over 10 miles of these enhancement projects. This has given us a lot of experience with project management, design concepts, lends to more robust sampling above and below projects, which will indicate whether we are arresting loadings and whether plant communities are assimilating.

Stephen McCracken mentioned that the DRSCW was asked about activities pertaining to algae beds downstream that are listed for nuisance algae. Background levels of phosphorous in the DRSCW area are above the threshold for algae growth (background being areas with no WWTP).

Rick Federighi asked if analysis was conducted for biological removal O&M costs and added that deferring capital costs was significant.

Larry Cox responded that chemical costs were used in the O&M calculations because they are relatively easy to calculate while BPR is much more variable. 1.0 mg/L was used for the first cut calculations. When agencies start to negotiate their permit, they'll have to decide how to determine participation. Agencies should look at the numbers; the first five-year cycle is the most competitive.

Phosphorus is a different animal than other pollutants of past decades. Others have been based on toxicity; phosphorus is indirect in its relationship and so is more difficult to design a threshold (site specific).

Stephen McCracken pointed out non-cost factors should be considered. What is the level of confidence in P reduction impacting algae and DO? What is the level of confidence for improving aquatic life? He continued that there were advantages to doing it in this order. If we did phosphorus removal first the large O&M costs would be in competition with the restoration projects; projects like dam removals don't have O&M costs so allowing resources for P removal.

Larry Cox continued that there are benefits to observing the process other agencies undergo to implement phosphorus removal, such as how much chemical polishing was needed under BPR. Michael Marchi asked how likely it would be to have the plug pulled at 5-years. Larry Cox responded that the Board thought it unlikely but lots of things can change, including politics. Stephen McCracken added that it was also based on the assumption that the DRSCW will have projects being implemented.

Nick Menninga reminded attendees that the commitment is for the first permit cycle only and that the first five-years seem like the best offer for many agencies. We are proposing an opportunity for a second agreement over the second 5 years. We need to get these projects in the ground. EAGs support us because we have shown results.

Larry Cox stated that if the DRSCW can't spend the money on projects, it will be returned to the paying members. The DRSCW's Board is responsive to its members (members have control). We anticipate having more projects and local sponsors. This is based on the number of 319 applications that do not receive funding. If there is no local match we will not reassess. Chuck Fonte asked for clarification on identified priority projects. Stephen ran through them.

Table 3 includes all details for 5-year totals.

Table 15

- *Concept for local control of water resource decisions.*
- *Estimated O&M costs for phosphorus. Please note the number grows then maintains at the 50% level.*
- *Saved \$43M in phosphorus removal costs for project costs with return on investments.*

Tony Quintanilla asked whether all members have to pay.

Larry Cox stated that after the first few years of the proposal, all participating agencies will pay the special assessment, which will be invoiced separately. Agencies decide whether to maintain membership and at what level: agencies can remain DRSCW members but not participate in the project funding (assessment). Staffing costs are paid for by all members regardless of individual agency decisions to participate in the proposal. An incentive to participate is that enforcement of the DO TMDL for those not participating is unknown.

If your agency has questions regarding the special assessment, please contact Stephen McCracken or Larry Cox.

Nick Menninga discussed the special conditions language. The DRSCW met with Al Keller and Sanjay Sofat, Illinois EPA regarding the permit conditions for members. The DRSCW was instructed to refer to a separate implementation plan for what the workgroup will do. The permit will capture what permittees have to do.

- 1. Not sure how it will be phrased – we commit to spending X amount of money.*
- 2. Identifies DRSCW activities for point-source and nonpoint- source phosphorus reduction. Nonpoint-source: sweeping, riparian habitat, streambank erosion protection – phosphorus removal*
- 3. Progress report will include project progress and spending. DRSCW writes the report and sends it to all participating agencies; agencies attach a letter and submit.*
- 4. Requesting 13 years and 6 months to meet 1 mg/l as an annual average. EAGs want a monthly average. The State Nutrient Strategy may play a role: i.e. BioP annual average; chemical monthly average. We're looking at a trading plan, investigate individual plant information to see if it makes sense to the overall same-load endpoint. Jim Knudsen asked if this applies to point-sources only. The trading does include point-source only but the implementation plan includes nonpoint as well. See second bullet. Shirley Burger inquired whether the trading program would be a Workgroup activity. Each permittee would have to supply their own cost/upgrade/reduction information. Also, if the Agency determines it is no longer necessary, we don't know if/how 4a, 4b, 4c will survive.*

Tom Richardson wanted to know if phosphorus removal does not get us where we want to be, do we have to take these limits. This question was posed and the response was, "Yes we'll give you that."

Michael Marchi asked whether the level could change (4c). Point 4 is the basis but 4c states “such a limit,” not an alternate limit.

Larry Cox stated that a trading program would be strictly voluntary - agencies may want to discuss this individually with their consultant(s). This condition identifies an opportunity for you to talk amongst each other. No one dictates that trading has to happen. The permittee with the lowest overall cost would have to want to do it.

Tony Quintanilla inquired if trading would be set up in each watershed or for the entire program area. This would be subject to the Agency’s approval. We envision trading amongst all participating members program wide.

The issue of what to do about impairments and downstream impacts was raised. Stephen McCracken stated the State nutrient strategy can deal with algae impairments more efficiently. The DRSCW must plan what to do in the interim.

5. *Cindy Skrukud, Sierra Club wrote the Fox River Study Group’s (FRSG’s) Nutrient Implementation Plan (NIP). The DRSCW would agree to prepare a NIP within 15 years of the effective date of the permit (the timeframe may be reduced to 10 years).*

John “Ole” Oldenburg asked for clarification on the definition of “offensive condition impairment.” This is very subjective; results may vary at each visit. It is a term used in the narrative standard

Larry Cox agreed that a definition of “offensive” should be included in the NIP in addition to objective ways to evaluate it.

Scott Trotter mentioned that 10-years is well beyond one permit cycle and asked who would approve the DRSCW’s NIP. Nick Menninga stated there is no approval mechanism; we will include what is appropriate.

Jim Knudsen inquired about results from the DRSCW’s bio-assessments. Currently, we are looking at nitrogen as well as P. The consultant has a real concern with nutrients in our waterways; if you look at closely it doesn’t tease out. We want to look at both and would like to address them on our own schedule. Nutrients will eventually be identified as a quantified stressor in our waterways that we will deal with at some point in the future (after completing other projects).

6. *Mike Ott stated the FRSB included a phosphorus study for 1.0 and 0.5. This is the DRSCW's version of that. Larry Cox continued that the 10-year time period makes sense because that is when we will agree to design constructions. The DRSCW will create one plan for all participating members to submit. Each plant will have to evaluate costs to determine if 1.0 or 0.5 is right for their facility. Get a good idea for what is going on in the stream and use that data to evaluate technology for your plant.*

Stephen McCracken added that we have more and better data. In-stream restoration activities are cheaper than plant upgrades and have more ecological benefits. We would commit to our plan, for which no approval is necessary.

Michael Marchi asked for clarification regarding the mechanics of 10 years versus 5 years. When the proposal reaches the end of the first permit cycle, if all parties agree to continue into the next five years, the exact same language would appear in a new agreement with applicable dates changed by 5 years.

Shirley Burger inquired whether there be other special conditions in first five-year permit. Nick stated that plants need to monitor nitrogen and phosphorus and create a feasibility plan. Monitoring language was weekly phosphorus monitoring for a 24-hr composite.

Sue Baert asked about increased monitoring and the likelihood of having an annual average. Wheaton Sanitary District has been monitoring 1/month for the past three years; rain and hot weather influence results.

General Discussion:

Mike Ott stated the permit indicates 1/month but the implementation plan indicates weekly. More data is better. Lindsay Birt pointed out that monthly sampling meant only 12 data points in a year. Stephen McCracken will examine data to identify empirical trends for different lengths of averaging periods.

Rick Federighi stated that one of their plants is monitoring 1/month.

Nick Menninga added that the monitoring is an added expense.

Jim Knudsen mentioned consistent group data will be beneficial.

The proposed permit will suggest a monthly requirement but members are encouraged to monitor weekly for facilities planning. These are regarding effluent only; it would be helpful to make the monitoring consistent.

Larry Cox reminded members that Ed Kobylinski encouraged members to look at weekly variables in influent so you know your phosphorus load.

First five-year period: (all) Encourage overall load reduction. Some phosphorus reduction can be met by changing operations (but not to hit a standard) and identifying other dischargers. After paying the special assessment, you would move on to implementation. EAGs are fine with the schedule for biological removal but if you're doing only chemical removal, the term changes from 3.5 to 2 years for implementation. Al Keller has to review this and its wording.

This is what we proposed and this is what we expect our requirements to be.

Stephen McCracken pointed out the Implementation Plan documents are for Phase 1 permits.

Projects: Summarized on map.

Salt Creek - Oak Meadows – DO TMDL Implementation Plan. Mid-ranking IPS project (1-6 (least)) and includes 1.5 miles stream corridor restoration and projected response for aquatic life. This project is shovel-ready and the Forest Preserve District of DuPage County (FPDDC) is moving into the permitting stage (matching dollars).

Salt Creek IPS Priority 1 – Fullersburg Woods Dam/ DO TMDL Implementation Plan. Project improves DO and creates fish passage

East Branch – Naturalization of 2 miles on lower East Branch. Improve low flow, sag in fish and bug scores. Add woody debris and gravel runs.

West Branch IPS Priority 1– Fawell Dam. Not a DO TMDL project; identified to create fish passage. Both DuPage County Stormwater Management and the FPDDC want to include stream restoration with dam removal.

West Branch IPS Mid Level – Spring Brook (downstream from Wheaton Sanitary District). Shovel ready. Illinois Tollway will use mitigation funds; FPDDC will provide matching funds and expertise.

These projects will expend the majority of funds collected during the first five years. As we collect more data, the IPS tool will be run again. We anticipate IBI scores will improve over the next 5-6 years. Projects we have not yet seen may well come to the foreground.

Other watershed activities:

Chloride TMDL, also identified as a proximate stressor. In our efforts to reach private operators we are looking at existing models for licensing. To hit endpoints we need to reduce the amount of salt being used. The DRSCW plans to host a workshop on levels of service (determining the need to maintain bare pavement) for public works supervisors and elected officials. This past winter makes this discussion timely.

Dave Gorman stated making a regional impact is beneficial. Residential language that municipalities frequently combat is, "it's so much better in community xyz."

Mitch Patterson added that the severe weather this past winter meant that levels of service could not be met, which helps set the tone for future expectations. It changed the outlook for residents and the Board. It makes sense to change policies with better operations because it will happen again.

Material for community IPS outputs. These community-specific educational pieces might include information, for example, specifying that culverts being replaced should be at xyz heights for fish and why it is important.

The DRSCW will update East Branch DuPage River model (Churchill Woods is complete, identify what is next) and work with Illinois EPA to build a West Branch model.

Schedule: Nick stated the Downers Grove Sanitary District's permit will be issued first to see how it goes through the public notification process. Depending upon the response, the remaining permits will all be issued at one time. The DRSCW, EAGs and Illinois EPA have an ambitious schedule and hope to have this out this August or September.

DRSCW is a voluntary organization. POTWs decide individually whether to opt in or opt out of the DRSCW's proposal.

3. Projects Committee (old business)

- Oak Meadows Project Update
- Fawell Dam fish passage Project Update
- PAHs & Coal Tar Sealants (CTS) – Update on state ban legislation

4. Monitoring Committee (new business)

- 2014 East Branch DuPage River Assessment update
- 2012 West Branch Report under development
- DO sonde deployment for 2014

5. Chloride Reduction (new business)

- 2014 Questionnaire
- Private Storage Ordinances
- Workshop Dates

6. Funding update (SB2081)

Larry Cox provided an update to the Alternative SB2081 funding, which is completely separate from the proposed project assessment fees. The DRSCW came to a \$1.5M agreement with Governor's staff three-years ago. Marcia Willhite contacted our lobbyist, Charles Vaughn, 2-3 weeks ago and stated that she received authorization to inform us that it is her understanding that a capital bill under development will include the DRSCW. While this may not sound like much, we are very encouraged; it is an election year. They are working through the details. We have more incentive to get the DRSCW's top three priority

projects implemented. The DRSCW prefers all funds be released at one time and if it is determined that funds are to be distributed over multiple years, we will have work that out.

7. Watershed Permitting Update (old business)

8. Watershed Committee Updates – West Branch, East Branch and Salt Creek

9. Business Items (new business)

- Membership Dues Update (Attachment 4)
- Accounts Update (Attachment 5)
- Other Business

10. DRSCW Calendar, Presentations and Press Coverage (new business)

- A spring/ summer newsletter is under development
- During the last two months, Workgroup presentations were made for the Sierra Club (Coal Tar Sealants), US EPA and the Tollway (Chlorides), Lake County Stormwater Management (watershed management and organization), APWA (chlorides and water quality) and WATERCON (White Paper proposal).

11. Workgroup Meeting Schedule

- June 25, 2014
- August 27, 2014
- October 29, 2014
- December 10, 2014
- February 25, 2015 (Annual Meeting)
- April 29, 2015