DuPage River Salt Creek Workgroup

Meeting Minutes
Lombard Village Hall
June 26, 2013
9:00 – 11:00 AM

Dave Gorman began the meeting with a moment of silence to recognize the passing of Glen Sullivan, Water-Wastewater Superintendent, with the Village of Itasca. Glen was a very active member of the DRSCW and we will miss his contributions. A card for Glen's family is available for your signature. A visitation will be held tomorrow at The Oakes in Itasca from 3:00-8:00 PM.

- **Approval of minutes from the April 24 2013 meeting (Attachment 1)**
  Tom Richardson made a motion to approve the minutes as presented, seconded by Dennis Streicher, motion carried unanimously.

- **Tollway DRSCW discussion.** The discussion will allow members time to discuss and debate the possible MOU between the Tollway and the DRSCW. The MOU would set up a collaborative framework between the two organizations aimed at designing and implementing a chloride offset program for the Elgin O'Hare – Western Access (EOWA) Project. EOWA is currently pursuing both 404 and 401 permitting. The increase in ambient chloride levels that will accompany the project would be a major violation of the 2004 TMDLs on the West Branch DuPage River and Salt Creek. The MOU would set out a framework to identify and fund chloride loading offset opportunities at municipal and county levels, as well as on the project itself. The objective of the MOU is to create conditions where the post project chloride loading to tributaries and main stems in both basins is the same as or lower than current conditions.

  - *Bryan Wagner, the Tollway's Environmental Policy & Program Manager, provided information on the Elgin-O'Hare Western Access Project (EOWA). This $3.4 billion dollar project is funded at $3.1 billion, leaving a funding gap of $300M. There are currently 159 lane miles that would be increased to 264 lane miles with the ICP (Interim Completion Project) which will take approximately 10-years. The full build (293 lane miles) condition is planned over the next 30-years.*

  - *Stephen McCracken provided background information on the proposed chloride offset program. Calculations estimate the Tollway's EOWA project will increase the amount of salt used in winter snow fighting operations by approximate 1495 tons/year. For reference, during a typical winter season, the City of Elmhurst uses approximately 3000 tons of salt. On average, Tollway operations typically use 40 tons per lane mile while arterials typically use 14 tons annually. The purpose of the MOU with the DRSCW, and subsequent IGAs with participating units of local government within the DRSCW program area, is to fund source reduction strategies on the subwatershed level. A*

number of communities in the project corridor have been approached and have expressed interest in participating in such a program. These communities will be referred to as "Tier 1" communities. Should Tier 1 communities not participate in the chloride offset program, government agencies further upstream of the project area will be approached.

- *Steve Zehner asked about the impacts of the project outside the DRSCW program area (East Branch, West Branch, Salt Creek). In some of those areas MWRDGC, who is a DRSCW member, was going to be impacted. Bryan said that the Tollway was investigating implementing similar programs throughout the project envelope, for example the Upper Des Plaines River Ecosystem Partnership (UDPREP) has been approached. The DRSCW's agreement (MOU) with the Tollway will provide a model to be used with others.*
- *Steve Zehner inquired about the source of the 39.7 tons/ lane mile figure. This is a composite average of both IDOT and the Tollway figures. Lindsay Birt stated that the EIS provides the cumulative average of both IDOT and Tollway.*
- *The Tollway has unlimited legal liability for accidents and that may constrain their efforts. The Tollway's expert from Iowa calculates that the Tollway can reduce salt application rates by 20% relatively easily. The Tollway can implement reduction efforts throughout their system, impacting multiple watersheds. All reduction efforts should be documented (including outside the project area, i.e. I90 project) so Tollway gets credit.*
- *Staff training could perhaps be part of matching funds.*
- *The DRSCW hired Steve Kaar to work with municipalities to establish the means of reaching the targeted reduction. What happens if we don't make the reductions? Then the Tollway would look at a further round of reductions. Even with an executed MOU, chloride offset program implementation would not start for a couple/few years, but we should get Tier I communities baseline information this winter season.*
- *Larry Cox inquired about reaching out to the private sector. Wagner stated the Tollway is open and has had some conversation with Stephen McCracken about this population. The Tollway is a governmental organization and contracting with private contractors in this instance would be a challenge. The MOU with DRSCW and IGAs with other government agencies provides some room for reaching private contractors.*
- *Larry Cox asked about local match being used toward the project's funding gap. Wagner stated that figures depend upon what the consultant calculates the project cost to be.*
- *Steve Zehner asked whether the Tollway plans to reach out to IDOT? Jim Huff stated that an IDOT project in the Hickory Creek washed is being held up due to similar circumstances as EOWA. This is a precedent project but the problem is not unique. As IDOT moves to other projects, they will face the same issues. Wagner stated that the Tollway plans to reach out to IDOT.*
- *Jason Elias asked how salt application rates are being calculated. McCracken stated we would probably utilize averages over the last 5-years (maybe removing 2011's blizzard snow season). Elias asked how the MOU will impact decisions municipalities make regarding salt application rates. For example, if politicians have complaints about the level of service or lack thereof. McCracken stated that the village has a responsibility to spend funds as set out in their IGA including reporting calibration and application rates. Wagner stated that the terms of a village's IGA determines obligations and if a village fails to meet the obligations, the funds would have to be returned to the Tollway. Cox*

stated that it makes sense that a municipality not be held to the terms outlined in the IGA indefinitely. Are 15-years of reporting sufficient? McCracken stated that Illinois EPA did not have a definitive term. A longer reporting term is in interest of Tollway. Cox stated that there has to be a mindset shift and for the changes to be permanent. After capital expenditures to improve snow fighting operations and equipment, there is a cost savings for products and staff time.

- *It will take approximately 5-years until the EOWA is operational and so adding to chloride loadings. Kaar stated that it may take 2-3 years to implement program. Post program application rates will be compared to application rates in years with similar weather conditions.*
- *Bill Blecke asked whether townships are included in the Tier 1 communities. They are.*
- *Dave Gorman stated that offering free trainings can help elevate the profile of the program and help get communities (or IDOT) on board.*
- *Kris Bachtell stated that driver and resident education will be key to reducing complaints made to politicians.*
- *Cox asked about IGA backslide commitments, the environmental impact. McCracken stated that residents should be made aware of the benefits their village would receive by participating in the program (i.e. municipality received funds to improve snowfighting operations) and show how other participating villages have been successful.*
- *Dennis Streicher asked about other stormwater BMPs for the EOWA. Wagner stated that $30M will be spent on stormwater BMPs. The Tollway's policy is to treat all water before discharging into a stream. No scuppers will be used. For example, water is piped over a Fox River bridge for treatment prior to entering the Fox. Wagner stated that the Tollway is committed to making the EOWA their "greenest" project ever. He and Reed Panther are working to define "green". Due to FAA requirement a large volume of open water is not an option inside the EOWA area. There was some discussion on detention as a control for chloride concentrations. Huff stated that detention shaves the peak and reduces maximum concentrations. McCracken stated that the State standard is 500mg/L but there was evidence that aquatic communities were effected at concentrations <250mg/L. We can meet the water quality standard, but what does that mean for our goals? He preferred to focus on source reduction.*
- *Zehner asked about US and Illinois EPA and the permit schedule. We don't want political fingers pointing at the DRSCW for delaying the project. Wagner stated that Illinois EPA's 401 anti-degradation requirements will be covered by the MOU. Huff stated that US EPA is conceptually on board. Illinois EPA wants to see documentation on the efficiency of alternative deicing practices and chloride reduction. In terms of duration, initially a 5-year term was suggested; now we are looking more long-term. The Tollway needs their 401 water quality certification. Huff stated that both Illinois and US EPA have been involved in the project as far back as when IDOT was involved with the project. We are not meeting the water quality standard at this time. The TMDL requires a decrease, not just maintenance of chloride loadings/concentrations. Conceptually, US EPA would agree we are looking for no net increase.*
- *Wagner stated there is no transfer of liability for participating communities. Each IGA would be different, based on their individual circumstances, so there is no draft available. The Tollway is looking for partners to assist them.*

- *Cox stated that it would be helpful to set out the sequence of contacts: start with Tier 1 communities, next go to other public agencies (i.e. schools, libraries, etc.), next approach Universities, etc. This would help ensure we are not asking for funds outside the scope.*
- *Derrick Martin asked whether secondary actions to meet the objective if the first round failed to do so would be addressed now or later. McCracken stated that sometimes Illinois EPA wants things decided at a high level of detail before such information could be available (cost estimates and such).*
- *McCracken asked if people comfortable granting authority to have the chloride committee approve and the Executive Board sign the MOU. The DRSCW had retained an attorney to review/tweak/final doc/ post for comments/ at that point in time EB to sign. Do we need to hold a special meeting? What language in individual permit. MOU does not oblige any municipality to participate. IGAs would follow.*
- *Tam Kutzmark asked what the timeline for the MOU. It will only take a couple weeks for the MOU to be reviewed by the attorney and any changes made by the Tollway. This will occur before our regularly scheduled August meeting.*
- *Rob Covey asked about the IAGs. These will not be available at the time the MOU is executed. There will be a template, but each IGA will be different based on attorney reviews.*
- *Karen Laskowski stated that she would like to review the MOU again before giving approval to the Board to sign it.*
- *Cox stated that he is in favor of holding a special meeting. Other options for voting by proxy and via web based polling were discussed. It may be difficult to gather a quorum in person. Cox stated the bylaws will be reviewed.*
- *Process: finish the attorney review, draft agreed with the Tollway, post to website, convene a special meeting, members vote (in person/by proxy) to authorize the board to sign the MOU. Next steps: Set date for special meeting and send most up to date version of MOU out for review.*

- **Project Implementation and Financing Update (old business)**
  Updated materials have been supplied to the Illinois EPA for review. The updated materials covered the updated financing plan and the updated phosphorous reduction activities. *Illinois EPA is still reviewing our request. The letter we received from the environmental advocacy groups (EAGs) did come across as negative, however direct feedback from the letter's principle author was actually more positive. The EAGs wanted to enhance funding and include ammonia. A draft resolution of support for the white paper strategy and funding proposal has been produced and will be circulated to members. The resolution is not a binding commitment – it shows preliminary support to pay dues and assessments and continue supporting/participating in the DRSCW. It would be particularly useful for agency POTWs to sign the resolution. The DRSCW's board members are available to help you follow up with your Board. Dan Lobbes asked about the timeframe. Cox stated it would be good to receive them over next 3-4 months. We don't want to wait until the 11th hour for negotiations.*

- **Monitoring Committee (old business)**

- 2013 Salt Creek basin assessment update. A contract has been signed with SLI for chemical sampling on Salt Creek (budgeted $75,080 contract was for $74,991.69) Approved at April 24th meeting.
- East Branch DuPage River Basin Assessment 2011 – A draft report will be presented at the August meeting.
- DO sonde deployment for 2013 is underway. HACH has agreed to sell us the sondes scheduled for purchase in 2014 (10) and 2015 (4) at a discount and with good terms on the maintenance agreements. The Lower DuPage Group is pooling its purchases with ours as part of the deal.
- Database Development Update A contract extension has been issued to Geosyntec to develop the user interface for the database (approved at April 24th meeting).

- **Projects Committee (old business)**
  - The contract extension has been issued to Inter-Fluve for the Oak Meadows Dam Removal and Stream Restoration Project (approved at April 24th meeting). Under the contract expansion a number of sediment samples were obtained from the sediment deposits upstream of the dam. The samples have been sent to SLI for analysis. Scour chains were also installed at the site.
  - Stephen has reviewed the reviewing the Ammonia Mass Balance Study (lower East Branch DuPage River) and is preparing comments for the contractor (Huff & Huff). The report would then go the projects committee for final review.
  - IPS outreach materials
  - PAHs – Coal Tar Sealant MOU

- **Chloride Reduction update (new business)**.
  - A contract has been signed with Steven Kaar to do a rapid appraisal of Tier 1 communities' current practices and outline interventions and associated costs. The information is to support development and implementation of the MOU.
  - The Board exercised authority under Article V Section 8 of the bylaws (The Executive Board may authorize expenditures less than $10,000 which are an emergency and cannot be delayed for review) to hire legal assistance to advise on language for the MOU with the Tollway. Barnes & Thornburg, LLP was selected by a subgroup of the Chloride committee and the Executive Board. Both groups have reviewed and approved the selection.

- **Watershed Permitting Update (old business)**

- **Watershed Committee Updates – West Branch, East Branch and Salt Creek**

- **Business Items**
  - **2012-2013 Audit-** Audit is complete. The Board is reviewing the report.
  - **2013-2014 Membership Dues.** Attachment 2. All current Agency, Associate and Individual members received their letter and invoice. Solicitation for Agency, Associate and Individuals will be completed in July.

- **New Member-** Welcome to Christopher B. Burke Engineering, Ltd., our newest associate member.
- **Accounts Update –** Attachment 3
- **The Conservation Foundation Agreement -** Attachment 4. The agreement with The Conservation Foundation for the provision of staffing services to the Workgroup will expire on June 30. The attached renewal agreement for the period from 07/01/13 through 06/30/14 has been approved by the Executive Board and is recommended for approval by the Workgroup. The Workgroup is currently paying $10,180.57 to TCF at the beginning of each month. This amount includes personnel costs of $9,275.81 and fixed costs of $904.76. The renewal agreement provides for a 3% increase in salaries and no increase to the fixed costs, resulting in new amounts $9,554.08 for salaries and $904.76 for fixed costs, for a total monthly payment of $10,458.84. These new amounts are within our budget.
  Motion made by Dennis Streicher to approve the contract with The Conservation Foundation, seconded by Sue Baert, motion carried unanimously.
- **Grant Management Update**
- **Other Business**

- **DRSCW Calendar, Presentations and Press Coverage (new business)**
  - 4.25.2013 - The DRSCW presented at the 2013 Clean Rivers, Clean Lake Conference in Wisconsin (hosted by the Sweet Water - the Southeastern Wisconsin Watersheds Trust, Inc.)
  - The National Great Rivers Research and Education Center (NGRREC) published an article on the DRSCW in their Summer 2013 edition of *Illinois RiverWatcher*. (Attachment 6)
  - 7.26.2013 – The DRSCW has been invited to speak as part of MWRDGC's Monitoring and Research Departments Seminar Series. The topic will be "Adaptive Watershed Management to Achieve the Designated Use for Aquatic Life: Salt Creek and the Upper DuPage River."

- **Workgroup Meeting Schedule**
  - August 28, 2013
  - October 30, 2013
  - December 11, 2013
  - February 26, 2014 (Annual Meeting)
  - April 30, 2014