

DuPage River Salt Creek Workgroup

December 8th, 2010 Meeting Minutes

Elmhurst City Hall, 209 N York St., Elmhurst 60126
Equivalent of 1 PDH Recognized for Attendance

1. Minutes for October 27, 2010 Meeting (Attachment 1)

Motion to approve minutes made by Larry Cox, seconded by Dennis Streicher, unanimously approved.

2. Presentation: Where are we with our Stormwater Practices?

Stormwater management for volume reduction and water quality is a constantly evolving field. Both in-stream and stormwater analysis have greatly improved our understanding of non point source pollution over the last decade and as implementation of stormwater best management practices has increased so has the possibility to evaluate their actual effectiveness and long term viability. This presentation will look at the extensive work of Wisconsin DNR to put in place and monitor a number of stormwater management practices including bio- retention, chloride reduction and proprietary systems and how such experiences may assist DRSCW members meet the objectives of the DRSCW Integrated Priority System.

- Presenter: Roger Bannerman, Water Resources Management Specialist, Wisconsin Department of Natural Resources.

A central theme of Rogers's presentation was the role of water quality professionals in reducing uncertainty around impacts sources and remedies. Jim Knudsen asked about the use of percentage reduction and how would one know that they had targeted the correct reduction goal. Roger answered that there were problems with percentage reduction as a measure and in terms of identifying the correct reduction target to lead to an improvement in surface water quality that was very difficult and the reduction used in Wisconsin represented a move in the right direction. Karen Kabbes asked about the duration of the ion exchange capacity of soils in rain gardens. Roger said he was not sure but this was the kind of item that regional research needed to be carried out on.

Stephen asked about the Dane County ban on coal tar. Roger said he felt very comfortable with the ban, studies showed that parking lots sealed with coal tar showed a much higher PAH loading than those without; questions remained about the reductions that could be expected. He also pointed out that he had not received a satisfactory answer on the utility of coal tar from the suppliers, seemed to be mainly cosmetic. He saw a number of upsides from the ban and no downsides as other safer products were on the market. There were signs that USEPA was considering a nationwide ban. Jim Knudsen asked how much of it was out there and why. There followed a discussion about the sources of Coal Tar (waste product) and the impacts of PAHs on aquatic life. This presentation is available on our website, <http://www.drscw.org/presentations.html>

3. Presentation: Chloride Usage Education and Reduction Program Update

The Chloride Reduction report, released in 2007, identified the magnitude of reductions necessary to meet the water quality goal and detailed the BMPs necessary to realize the reductions. During the last three years, a number of technical workshops, presentations and flyers have recommended the implementation of the selected BMPs. The presentation will look at the trends in ambient levels of chloride and the status of adoption of the selected BMPs within the DRSCW watersheds. The draft findings will form part of a progress and impacts report to IEPA.

Presenter: Scott Banjavcic, CDM.

4. Proposed DRSCW Legislation regarding NPDES Permit Fees (old business)

The Workgroup has prepared a draft of proposed legislation that would establish a pilot grant program to utilize NPDES permit fees currently paid within the three DRSCW watersheds to fund projects to improve the quality of these three streams. This proposed legislation was approved by the Workgroup at the October 27, 2010 meeting. Here is where we are on this draft legislation so far:

- The proposed legislation has been presented to State Senator Kirk Dillard and he is generally supportive. He requested that we obtain the support of the DuPage Mayors & Managers Conference (DMMC) and incoming DuPage County Board Chairman Dan Cronin.
- On November 23, members of the Board (Kevin Buoy, Dennis Streicher and Larry Cox) and staff (Stephen McCracken) appeared before the DMMC Legislative Committee to request support for the proposed DRSCW legislation. The DMMC Legislative Committee voted unanimously to support this legislation.
- On November 18, Larry Cox and Stephen McCracken held a conference call with Cindy Skrukrud (Sierra Club and the Fox River Study group) and Albert Ettinger (Environmental Law and Policy Center) to discuss the item. They support the concept of returning NPDES permit fees to local watersheds but would prefer legislation that establishes a state wide program rather than the pilot program for only the DRSCW which is contained in our proposal. They do understand our reasons for pursuing the pilot program for DRSCW and do not object to this approach.
- MWRDGC has agreed to support this legislation and DRSCW will be coordinating our efforts with their lobbyist.
- Larry Cox will present this proposed legislation to the Technical Committee of the Illinois Association of Wastewater Agencies on January 7 to request their support.
- We presented the draft legislation to Marcia Willhite, Illinois EPA. While she supports the concept she is obviously cautious about any possible negative effects it may have on funding for IEPA.
- We are attempting to schedule a meeting with the member of Governor Quinn's staff responsible for environmental issues. We met last December with Kate Tomford, Senior Policy Adviser, Office of Illinois Governor Pat Quinn, to present a similar concept. It is our understanding that the Governor is considering some type of clean water bond initiative and we are hopeful our proposal could be included in any such initiative.

We are working on a strategy for this legislation, which would include the following:

- Obtain assistance from DRSCW members in scheduling meetings to present the proposed legislation to their local legislators. Each legislator meeting would be attended by DRSCW

Executive Board members and the DRSCW member who scheduled the meeting. There are 16 Illinois House districts and 11 Illinois Senate districts within the DRSCW service area, or 27 total legislators.

- Identify House and Senate sponsors for the bill. We hope to attract sponsors from both parties.
- Prepare a model resolution of support for the legislation for circulation to DRSCW members.
- Present the proposed legislation to the Illinois Municipal League and other organizations, as appropriate, to obtain their endorsement and to coordinate lobbying efforts.
- Decide whether the Workgroup needs to retain a lobbyist.

Given the current financial condition of Illinois, we realize that this initiative faces an extremely difficult environment and it may take several years to achieve success. It is extremely important, however, to present this proposal to legislators now so that the concept the Workgroup is proposing can be taken into consideration as the General Assembly addresses the state's financial situation and to not allow the use of NPDES permit fees to fund general state expenditures to become any more entrenched than it already has over the past eight years. We believe that this type of grant program was what was originally envisioned when NPDES permit fees were first authorized in 2003, as the current law already requires that NPDES permit fees "be used by the Agency to carry out the Agency's clean water activities." Unfortunately, these fees were "swept" into general state revenues by the Governor very shortly after the fees were assessed.

Larry Cox worked through the items. On the subject of the lobbyist Larry explained that no one on the Board had sufficient experience to pursue this item at a state level and the Board wishes to have the authority to hire a lobbyist up the \$10,000 limit set by the by-laws. No opposition was raised to this proposal. Kevin noted that if anyone could help to schedule with their agencies legislator they should contact Larry Cox.

5. Monitoring Committee - 2010 Salt Creek Bioassessment (old business)

- The West Branch report review has been completed and the report is available on the DRSCW website.
- Data from the 2010 Salt Creek survey is being formatted for the report. Requests for discharge monitoring reports (DMR) data will be going out to basin POTWs in January.
- Conductivity monitoring will commence at 4 locations (two on West Branch, two on East Branch), MWRDGC maintains 2 sites on Salt Creek.

The Daily Herald published, "Aurora readies for second winter of 'sensible salting'; and DuPage group studies salt's effects on waterways." Both articles referenced work done by the Workgroup and quoted members of the DRSCW's chloride committee.

6. Projects Committee (old business)

- The Bid for the Churchill Woods Dam Removal and Wetland Restoration was released on December 1st, 2010 with a scheduled Bid Opening Date of December 22, 2010. The bid does not include the actual removal of the Dam Structure which is anticipated to be completed in February 2011 by DuPage County Stormwater Management, pending the approval of all permits. The bid contract includes the riffle installation, which must occur before April 1, 2011. Weed control must begin approximately 4-6 week prior to planting. Planting is

schedule to occur between May 15 and July 1 for optimal conditions.

Sarah Ruthko is not present today as she is attending a meeting with potential contractors for the project. 30 bid packets have been received for project

- Integrated Priority System tool update - A draft final report is being reviewed by the Projects Committee. A workshop to start converting the findings into executable projects will be scheduled in January.

A Projects Committee meeting to review the IPS tool is tentatively scheduled for January 20, 2011 at 9:00 or 10:00AM and is expected to run for 4-6 hours. The consultant (MBI) will attend.

7. Fecal Coliform TMDL (old business) Update

Jennifer Clark, IEPA - this project was reduced to one watershed in the West Branch and is out for bid. The bid will develop a key is for methodology for coding under different record keeping regimes.

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

No reports

9. Business Items

- **Membership 2010 -2011**(old business) (Attachment 2)
Motion made to approve Membership made by Dave Gorman, seconded by Fred Maier, unanimously approved.
- **Investment update** (old business) (Attachment 3)
- **QuickBooks Update** (old business)
- **Other Business** (new business)
- **PDH update** (old business)
- **Grant Management Update.** (old business) A final report and reimbursement request for Grant FAA 3190707 has been filed with IEPA. The contract for the new agreement (FAA3191008) has been signed.
The final report is on our website; we exceeded our indicators in every category.

10. DRSCW Calendar and Press Coverage (new business)

- Stephen spoke at the “How to Prepare a Third-Party TMDL for the EPA” workshop on November 16 in Bolingbrook.
- Stephen will speak at the Hickory Creek Watershed Group on December 10 on the subject of the DRSCW watershed management approach.
- Stephen will speak at Lake County Stormwater Management on January 12 on the subject of the DRSCW watershed management approach.

11. Outreach, New Newsletter (Attachment 4) Winter Newsletter

12. Workgroup meeting schedule

- February 23, 2011 (annual meeting) *Slate of Officers – all officers will remain for 2011-2012.*
- April 27, 2011
- June 29, 2011
- August 31, 2011

- October 26, 2011
- December 7, 2011
- February 29, 2012 (annual meeting)

Motion to adjourn meeting made by Dave Gorman, seconded by Steve Zehner, unanimously approved.