

DuPage River Salt Creek Workgroup
Meeting Agenda
Lombard Village Hall
December 10, 2014
9:00 – 11:00 AM

It was announced that the DRSCW had been awarded a 2.7M IGIG grant. Larry Cox made a motion to authorize the executive board to sign an agreement with Illinois EPA to receive the Illinois Green Infrastructure Grant (IGIG) funding announced by Governor Quinn in October. Motion seconded by Jennifer Hammer; all responded in favor; none opposed. Note: It was discussed that as the DRSCW was acting as guarantor of the match on one of the projects it may be necessary to delay the annual basin bioassessment by one year unless other funding sources are secured.

Larry Cox made a motion to authorize agreements (MOU/resolutions) with DuPage County Stormwater Management and/or the Forest Preserve District of DuPage County (FPDDC) to contract projects and provide local match and manage funds. The projects to be implemented through the IGIG grant include Oak Meadows (FPDDC), Springbrook (Tollway, FPDDCC) and Fawell Dam (DuPage SWM, FPDDPC). The motion was seconded by Dennis Streicher; all responded in favor; none opposed.

Attendees introduced themselves.

1. Approval of October 29, 2014 Meeting Minutes (Attachment 1)

Tom Richardson made a motion to approve the October 29, 2014 meeting minutes without changes; Karen Daulton-Lange seconded the motion; all responded in favor; none opposed.

2. Winnetka Refined Coal Tar Ban- On August 19th 2014 Trustees in the Village of Winnetka voted to make the Village the second municipality in Illinois to ban the use of coal tar-based sealants. This presentation will cover how the subject arose in the Village, arguments presented for and against the ban, contents of the ban, what it covers and how it will be enforced.

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer, Village of Winnetka

Dennis Streicher asked whether the Village had considered banning the sale of coal tar based sealant. Saunders responded that they had, but wanted to ensure their front line staff for enforcement would not be overwhelmed by this change. Winnetka is a small municipality that had one hardware store that has since closed. When considering their residents' purchasing options, while some other hardware stores do have coal tar based sealants, the big box stores do not.

Karen Daulton-Lange asked how much water quality discharge to Lake Michigan played into the ease of getting this ban passed. Saunders responded that this was one of the reasons the council was interested in passing the ban. Their NPDES stormwater permit requires a demonstrated commitment to water quality. Their council signaled an interest in looking at limiting/banning other constituents (chlorides and fertilizers) as well. Daulton-Lange also inquired whether their lack of water quality monitoring prior the ban was an issue. Saunders replied that it was not an issue.

Larry Cox inquired about the Village's one vote against the ban and the fee. Saunders stated that the one voter who opposed the ban did not like process, and wanted to do other studies. The \$150 fee was to cover staff processing.

Rob Swanson asked if the Village's initial discussions with contractors revealed whether they knew about the health/environmental implications for the use coal tar based sealants. Saunders replied that some professional contractors do and a couple others probably don't. The licensing helps educate contractors including the "fly-by-nighters" that supply the material. Winnetka is compiling a list of contractors.

Larry Cox pointed out that none of the ban supporters said alternatives were inferior products.

Stephen McCracken mentioned that in Minnesota, Jet Black, a large sealant franchise operation, stopped using CTS voluntarily. The CT industry was well represented, but not necessarily applicator companies.

Saunders stated that a vast amount of literature was supplied to board including alternatives.

Rob Covey asked whether Winnetka looked at permitting aspects for enforcement. Saunders responded that they stepped away from that as they did not want to set a confrontational mode that would force the need for permits and inspections. Their homeowner focus was on education; demographics suggest their residents do not seal their own driveways.

Dave Gorman added that residents want to do right thing and that promoting companies who supply a letter of intent not to use CTS would be helpful for homeowners to identify who they should use.

Jennifer Hammer stated that sediment sampling would be preferable to water column sampling because PAHs would have to be present on the day and time the samples were taken. Sediment samples would indicate their presence for the last several months or year. The primary driver for water quality sampling is stormwater permits.

While it is not cheap to monitor organics either way, sampling sediment (1 sample per year) in the top inch of sediment would determine the presence of PAHs in storm water. Discharge points may not have much sediment. Hammer suggested sampling detention basins.

Erik Neidy asked if the Village had other discussions regarding public disposal of the material. Saunders replied that their Village is small enough that if large quantities existed, contractors would probably just apply those supplies elsewhere. He has not yet come across that issue and it might be something that comes into play at the State or County level.

Larry Cox stated that the Village's approach is impressive and well thought out. He further inquired whether they are satisfied with the results and knowing what they now know, if they do it again. Saunders replied they are satisfied with the results. There were some lengthy and contentious discussions early on with trustees and EFC members with the more confrontational approach. The Village determined they could do better by taking a different approach.

Karen Daulton-Lange asked whether the Village had been contacted by others (Lake County, Cook County, MWRDGC) regarding their ban. Saunders responded that he has not and that many may be waiting for others to take the lead; if the State hasn't banned it yet, how bad can it be? To be effective, a larger entity has to take the lead; however, regulators don't know what that might look like.

Stephen McCracken added that the big box stores seem to see a potential liability issue but in his experience that won't go on record with their decision to stop selling CTS.

Karen Daulton-Lange stated she called to question an applicator, but he didn't know what she was talking about. Saunders stated that a few suppliers charge residents up to 20% more for asphalt based sealants.

Tom Richardson stated that residents can dispose of CTS through SWALCO's household chemical waste facility or mobile collection events. Stephen McCracken mentioned that he called Patriot Paving, advertising non CTS products on a billboard along I55, but didn't get call back.

Karen Daulton-Lange stated their investigation on using non CTS revealed no difference in prices, but there were other considerations.

Stephen McCracken responded that the DRSCW's cost comparison up to application looked the same, but did not consider product life cycle. Saunders added that this has been a little adjustment for the marketers in Winnetka - can I get people to pay more for non CTS and what is the competitive environment? He is not sure what it will be in the long run for how much more contractors will charge.

Erik Neidy asked whether anyone has implemented a positive spin to the CTS issue for driveway sealants: "no coal is my goal," (trademark pending). Advertising helps us talk to neighbors and helps companies sell their services.

Stephen McCracken pointed out that nothing untoward happened to the Village of Winnetka for instituting their CTS ban. McCracken further added that the CTS lobbying machine

appears when a ban is being contemplated. It's a lucrative waste product and they currently have an outlet to sell it.

TMDL Development for the DuPage River/Salt Creek - The Illinois Environmental Protection Agency-Watershed Management Section/Planning (TMDL) Unit will give a short presentation to update the DRSCW the current status of ongoing draft TMDL projects in Illinois, and the upcoming 2014 TMDL Watershed Projects. The Agency has set a high priority to complete the DuPage River/Salt Creek Watershed TMDL project that is currently in Stage 3 in the TMDL development process. In addition, the Agency has taken a new approach to address water quality issues and develop Load Reduction Strategy (LRS) for those pollutants that do not have numeric water quality standards at this time. These are load reductions needed in order for the waterbody to meet Full Use Support for its designated uses, and they are not divided into WLA, LA, or MOS, these are represented by one number. The endpoints used will vary among watersheds and are dependent on the TMDL contractor, the stakeholders and the watershed workgroups.

Presenter: Abel Haile, Manager, Planning (TMDL) Unit, Watershed Management Section, Bureau of Water

Jim Knudsen asked about 3 tributaries, for only 1 of which had a TMDL. Does TMDL apply to the one tributary or does it only apply to those on 303d list. Abel Haile replied that all NPDES permits have to be included. If not included in this round Klein Creek and the WB tributary 4 will be included in the next round. These are prioritized based on the 303(d) list.

Larry Cox inquired about the two lists. They include leftovers from the 2009 RFP process because the contractor didn't complete the work. The DRSCW had looked at the contract for our watersheds and were surprised at how small dollar amount for the contract was. The DRSCW couldn't complete a TMDL for such small amount of money. Has Illinois EPA looked at policies to see if bid funds are sufficient to fund the necessary work or do they have to accept the low bid?

Dennis Streicher added that there are contactors who are familiar with our watersheds and wondered if there are prequalified lists that result from more direct questioning.

Haile replied that this is a Statewide policy and that the TMDL work has to be issued as a new contract; the previous contractor wasn't interested.

Stephen McCracken interjected that the QUAL2K models showed river functions as though dams that have been removed were still in place. The contractors did not have real world knowledge for what was actually happening; there was lack of communication. He added that Jennifer Clarke, who had managed the contract and has since transferred to Illinois DNR, had worked hard to try to fix the TMDL before the previous contractor backed out. The model had multiple shortcomings.

Mark Hoskins asked if any TMDLs for interconnected imperviousness are available in the many different types of TMDL. What type of TMDL is developed for what kind of

waterway? Haile responded that they are linked to integrated report if found on the 303(d) list.

Hoskins further inquired whether a master list of TMDLs exists. Haile answered there is one for nutrient reduction strategy that is currently out for public notice. All pollutants for which water quality standards in place are eligible for TMDL development (fecal, DO, etc.). Regarding nutrients, the load reduction strategy for nonpoint source pollution is also a stakeholder driven approach. The Middle Illinois River TMDL by Peoria is an example in a watershed working on that concept.

How does a fecal TMDL work? Nick Menninga asked about the expectation for when to switch to e-coli – look as a translator (4:1 e-coli) and snap in 4-1. What about viruses? Not sure whether it can be snapped in or not. If you swap out e-coli, you have a different number. Dan Bounds stated that would be a gigantic assumption that they can be snapped.

Larry Cox stated a few frustrations in the way the rules are written. One frustration is the piling-on, if you will. We are still trying to work on the first set of problems, which is years in the making and now here is another one coming along. There seems to be an assumption that stakeholders have unlimited resources – how do you determine if you should go there at all? How or what is the prioritization method? Somewhere along the line, watershed groups trying to do something (some will shelf this issue unless it impacts expansion at a POTW) should receive leniency for trying to accomplish reductions. Otherwise, there is a sense that a better option would be to bid low and do nothing, which would result in another five years of inaction.

Haile responded that through the US EPA's 2020 vision they have been looking at prioritization, what is in the pipeline to come out is still in draft form and cannot yet be shared. We've brought up this issue; take a geographical location with a group and go with it. US EPA's response was that others would be neglected and that balance must be maintained. Ongoing TMDLs are spread throughout the state while there are only 4-5 watershed groups.

Mark Willobee asked if TMDLs result as category 5, why not make them 4b where other pollutant measures are occurring – unless with 303d appearances you have to do a TMDL.

Larry Cox added that addressing one pollutant in isolation won't get us where we want to go, and that doesn't necessarily need to be in the form of a report. He proposed bringing up third party TMDL development (with guidelines to be followed) on the subwatershed level to upper management.

Haile responded that a lot of things have been done over the last 20 years to address point sources (POTW improvements such as DO, nutrients, UV, etc). We need to do something different in the TMDL development too, and the program is evolving: DO, nutrients, UV, etc.

Nick Menninga added that it will be some time with a watershed by watershed approach. Several other watershed groups are working to develop their own TMDLs (Hickory Creek,

Upper Des Plaines) is this the equivalent of TMDLs for nutrients that align with the statewide nutrient strategy? Haile replied that if the DRSCW is interested in developing a TMDL, Illinois EPA would be happy to talk.

Nick Menninga asked about the Load Reduction Strategy for parameters for where we don't have a water quality standard. Started 2012 with the previous RFP and decided to continue. Load Reduction Strategy for future TMDLs is strictly voluntary. TMDLs for the Illinois River have been approved by US EPA; there is flexibility for nutrients. Stakeholders can decide the reduction targets. US Geological Survey and US EPA coordinated literature and prioritized priorities together.

Sue Baert asked about who to contact with permit questions since Jennifer Clarke is no longer with Illinois EPA. Able Haile is the new Project Manager and questions can be directed to him.

3. Projects Committee (new business)

- Fawell Dam Update
- Oak Meadows Update
- PAHs & Coal Tar Sealants (CTS)
- Watershed Plan – Initial feedback from US EPA on the Lower Salt Creek Main Stem Watershed Plan was not favorable. The DRSCW is in the process of reviewing changes that may be necessary for approval.

Stephen outlined the reasons for the 319 grant program administrator's rejection of the Watershed Plan. The original alternative plan was created with the 5 criteria approved by Illinois EPA for an alternate plan. Having a TMDL in place is no longer sufficient. US EPA said the plan must include all 9 elements and is not accepting alternative plans anymore (in contrast to the policy set out in their current literature).

Our approach to the watershed plan was backwards. In that we started with our prioritized projects and then justified them according to the 5 elements. Additionally, our focus is physical habitat improvement and clearly USEPA wants to see green infrastructure in the plan (read storm water practices) and their comments suggest that just because a practice is in a plan does not make it eligible for 319 funding. Activities would need to be "319 eligible" that means explicitly tied to storm water management. Offsetting the negative impacts of storm water (such as assimilating pollutants) or improving flow in the channels by modifying widths or bank and channel form may well no longer be eligible. To what degree this is USEPA policy, or an individual's reading of policy is not known. Other watershed plans have been successfully completed using funds that amount to approximately \$10K per square mile (without benefit of a calibrated/validated model or data collection); that would amount to over \$1M for Salt Creek. On the other hand there is a shrinking pool of grant dollars even as the conditions to get the grants grow more onerous and questionable.

Larry Cox asked what this means for the FPDDC's 319 application. Stephen said in the absence of a 319 watershed plan at this point it could not be approved. In response to Stephen's

Attachment 1

comments about 319 shrinking, Haile stated that there may be approximately \$3M available for 319 grants in 2015.

Stephen McCracken stated the original application was for \$1.4M and we had estimated that a grant in the region of \$800K - \$1M might be realistic.

Jim Knudsen asked for clarification that the 319 program is not favorable to habitat restoration. Stephen McCracken stated that in response to the plan a staff person at USEPA had said that buffer vegetation and pool/riffle sequences are not solutions to reduce pollutants and are therefore not eligible for 319 funding. However, one could make the circuitous argument for DO/aeration.

Jim Knudsen further inquired how stream bank restoration (bank full, oxygen demand, storm water, 319) could be incorporated with other elements. Stephen McCracken stated that the FPDDC insists on stream bank restoration with their projects. Inter-Fluve finds that riffles can be incorporated into projects to help protect other physical investments. These would have to apply at the watershed scale and can't be applied to individual projects.

Larry Cox observed with the decreased funding, \$3M for the entire State of Illinois, and tightening restrictions, we definitely need our own funding mechanism to build these projects. The amount of funding available is even less than we first started. US EPA may not view meanders/ pools/riffles as a way to mitigate stormwater driven pollution, but they would be short-sighted if they did not view them as valid remediation projects. There is no equivalent funding source, no Phase I revolving funds. There is no alternative pot of money for habitat and stream geometry projects. Our funding was built to address this.

Ron Hursch asked for clarification on the projects that were included in the watershed plan. Stephen McCracken responded that the priority dam removals at Oak Meadows and Fullersburg Woods included regrading and revegetating banks, replacing muck substrates with gravel, pool and riffle sequences and buffer strips for habitat (not for filtering stormwater). Lower Salt Creek Main Stem starts south of the Busse Woods dam.

4. Monitoring Committee (old business)

- The East Branch POTW chloride monitoring will probably begin this spring.
- DO winter deployment will begin in early December

Conductivity monitoring – Thank you to Mary Dressel for all her hard work on this. Mary and her team manage all sonde deployment and data collection.

5. Chloride Reduction Committee (new business)

- 2014 Public Roadway Deicing Questionnaire – Initial results have been reported by CDM Smith and will be reviewed by the Chloride Committee.
- Chloride Offset Program with the Illinois Tollway - program update

Dan Bounds summarized the survey results and first ever stand-alone calibration workshop. Lack of questionnaire responses affects trend data, etc. We've seen a plateau.

Larry Cox added that pre-paid gift cards were mentioned in jest, but inquired if there is a way to incorporate the questionnaire into the Tollway Chloride Offset program. This could be used for reporting purposes and could help subsidize results from our own members. Additionally, maybe we should explore options to have the questionnaire incorporated at the deicing workshops. We need to know soon as we finalize next year's draft budget. Could offer free breakfast for those who supply a completed questionnaire. Merged into a parking lots and sidewalks workshop.

Another great public outreach ditty, "Be nice – De-ice."

6. DRSCW White Paper Proposal (Update)

Nick Menninga reported that Illinois and US EPA will have some kind of draft language available soon; they are hammering out some of the finer points. We haven't seen the draft so we don't know if it matches our proposal. There is concern regarding mandating spending levels on watershed group activities and other ways to create accountability to participate in watershed groups. We will probably not have a draft for member review this year. US EPA said they had a conference call but we have no information on this and no news yet from Sanjay Sofat. We need to get into the discussion circulation. Amy Walkenbach is anticipating early spring 2015.

7. Funding update (SB2081) (New Business)

An outline of projects slated to receive these funds via the IGIG grant program has been submitted to Illinois EPA. We expect the contract will be signed before the end of the year.

8. Watershed Permitting Update (Old Business)

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

10. Business Items (new business)

- Membership Dues – (Attachment 2)
- Accounts Update – (Attachment 3)
- Other Business

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

- The DRSCW and DuPage County DOT presented information on chloride management for a national webinar co-hosted by US EPA and FHWA on November 6, 2014.
- The "Resource Managers Guide to Bioassessment" is complete and can be found at: <http://www.drscw.org/bioassessment/DRSCW%20Resource%20Managers%20Guide%20December%202014.pdf>
- The DRSCW has been invited to present information on "current river conditions and the challenges we face" at the DuPage County Environmental Summit on February 19th. The summit will be held at the NIU Naperville campus and the theme is healthy streams and what can be done to improve them.

Attachment 1

- The DRSCW has been invited to talk on watershed management at the Illinois Lakes Management Association's annual conference (February 19-21), in DeKalb Illinois.
- The DRSCW has been invited to present at the Illinois Water Environment Association's (IWEA) annual conference for the watershed track on February 24th in Champaign Illinois.

12. Workgroup Meeting Schedule

- February 25, 2015 (Annual Meeting)
- April 29, 2015
- June 24, 2015
- August 26, 2015
- October 28, 2015
- December 9, 2015