



## EXECUTIVE BOARD MINUTES

March 21, 2024 2:00 pm – 3:00 pm

LCDOT Conference Room A, 600 W Winchester Rd, Libertyville, IL 60048

Discussion and possible approval of the following:

### 1. Call the meeting to order

Paul Kendzior, DRWW President, called the meeting to order at 2:05 pm.

### 2. Roll call

Anna Niedzinski, DRWW Coordinator, performed roll call. **Paul Kendzior**, Village of Libertyville (President); **Chuck Bodden**, North Shore Water Reclamation District (NSWRD); **Michael Talbett**, Village of Kildeer; **Gary Glowacki**, Lake County Forest Preserve District; **Steve Waters**, NSWRD (Monitoring Committee Chair); and **Alana Bartolai**, Lake County Health Department (Lakes Committee Chair). A quorum was present.

Others present: Kurt Woolford, Lake County Stormwater Management Commission (SMC), Ashley Strelcheck, Lake County SMC; Anna Niedzinski, Lake County SMC; Rishab Mahajan, Geosyntec; Brian Kuebker, Village of Libertyville; Nick Leach, Village of Gurnee; and Scott Griffith, Kimley-Horn.

### 3. Public comment

There was no public comment.

### 4. Approval of Meeting Minutes

#### a. \*01/18/24 DRWW Executive Board meeting minutes

Talbett motioned to approve the 01/18/24 DRWW Executive Board meeting minutes. The motion was seconded by Waters. Motion passed with unanimous vote.

### 5. DRWW financials

#### a. \*\*Expenditures-revenue invoice(s) ratification

Bodden motioned to ratify the presented revenues-expenditures as presented, seconded by Talbett. There were no questions on this agenda item.

- i. Roll Call: Kendzior, Bodden, Talbett, Glowacki, Waters, Bartolai
- ii. Motion Passed 6-0-0

#### b. DRWW budget

Niedzinski presented the FY2024 DRWW current budget. There were no questions on this agenda item.

#### c. \*\*MBI contract amendment #3

Glowacki motioned to ratify the presented no-cost time extension request with the amended completion date July,1 2024, seconded by Bartolai. There were no questions on this agenda item.

- i. Roll Call: Kendzior, Bodden, Talbett, Glowacki, Waters, Bartolai
- ii. Motion Passed 6-0-0

### 6. Old business

#### a. Monitoring Committee updates

\* = DRWW Action Item; Consensus vote

\*\* = DRWW Action Item; Roll Call



Waters presented an update on Monitoring Committee discussion and activities. From the conversation with the Illinois EPA, the agency has no intention of approving Nutrient Assessment Reduction Plans (NARP), they intend to incorporate NARP recommendations into NPDES permits. Per Geosyntec, specific projects will not be put into permits, but projects specified in the NARP are available for grant funding, however, this is not official policy yet. The Illinois EPA is reviewing the NARPs from 78 Publicly Owned Treatment Works (POTWs) and will be sending out notice of violations to seven (7) POTWs. The DRWW Annual report will be submitted this month to fulfill permit requirements. James Fitzgerald was voted in as the alternate for Bartolai.

It was asked what NARP standards will be incorporated into the NPDES permits. Waters responded that the NARP showed that the POTWs do not have to go below 0.5mg/L of phosphorous, this applies for the POTWs NPDES permits, and not MS4 permits.

## 7. New business

### a. **Natural Resources Conservation Service (NRCS) Upper Des Plaines River Watershed Plan**

Kurt Woolford, Lake County SMC, presented on the NRCS Upper Des Plaines Watershed Plan. SMC reached out to work on this interstate watershed process with the NRCS. This is a long process still in the beginning stages, the estimated date of completion is 2032. SMC is reaching out to landowners in Lake County to look for support for projects like wetland mitigation, flood mitigation, and water quality. They are looking for partner(s) in Wisconsin, which has not been found yet, the goal is to collaborate on projects to reduce flooding. There is a cost match, with the potential for projects to be federally funded. SMC is addressing concerns that overlap with DRWW's mission to increase water quality. It was asked if the DRWW should send NARP projects to SMC and NRCS. Woolford responded that SMC is currently compiling a list of projects and potential sites with willing parties.

### b. **\*Development in Kenosha County Letter of Support Discussion**

Scott Griffith, Kimley-Horn, presented the Kenosha County Letter of Support, with concerns on the lack of stormwater controls for the development of a casino/hotel in Kenosha County. This item was introduced to the DRWW at the February 15 General Membership meeting. A letter has been drafted that can be distributed by individual communities in support, and a packet containing information that was requested by the membership was produced. Also included is a letter on behalf of DRWW to the Bureau of Indian Affairs (BIA) of the development. If this parcel gets adopted as federal land future development becomes exempt, and the group can self-determine water quality and stormwater management controls. The area is close in proximity to a tributary that feeds into the Upper Des Plaines River. Kimley-Horn requested workgroup support in the use of previously established stormwater management requirements for Kenosha or use the Lake County SMC Watershed Development Ordinance requirements for the future development on this parcel.

The members of the Executive Board discussed the tone of the letter and its recommendations on engineering and stormwater calculations (DRWW was not involved in or paid for). There was discussion on the role of DRWW making recommendations to government authorities. Moreover, should DRWW get involved. There was a concern that this development was being singled out without cause addressed within the letter. There was a suggestion that the letter should highlight that all construction activities impact water quality and encourage best management practices and higher water quality standards. The Executive Board will continue to keep in touch with Wisconsin DNR.

\* = DRWW Action Item; Consensus vote

\*\* = DRWW Action Item; Roll Call



Questions asked:

1. Who generated the initial concern? Kimley-Horn is representing their clients which are a group of local communities, including Pleasant Prairie who are managed and organized by a law group. Kimley-Horn brought it to the Village of Gurnee due to the stormwater concern.
2. Where does the development stand with approval? Griffith responded that it has not entered the Federal Land Trust, once it goes into trust the public comment period is exempt. The goal not to inhibit the development, but to address the concerns about water quantity and quality in both Wisconsin and Illinois.
3. Is the Menomonee Tribal Land Use Ordinance enforceable, and who would enforce it? More feedback is needed to answer the question.
4. Would SMC be a better venue for this concern? Per Woolford, if there is a request, SMC would have to bring this to the SMC Commission for consideration.
5. Has Kimley-Horn talked to USEPA Region 5 since they have a tribal unit for water quality? Not yet, Kimley-Horn would need to reach out to them.
6. Who would be the point of contact for the letter? These logistics will need to be worked on before sending the letter.
7. Why is this development being called out? The other developments in Kenosha County are privately held and are required to follow the local ordinances. This development is in close proximity to a stream and can go into a federal land/BIA agreement and become self-governing, and not be obligated to follow water quality and stormwater standards.
8. Are there BMPs that can be used onsite, or are there ways to mitigate the effects downstream? Due to the small amount of space, there is no feasible way to mitigate it.
9. Is there a date for the transfer? It is working its way through the federal channels.

Glowacki motioned to table the Kenosha County Letter of Support, seconded by Bodden. Motion passed with unanimous vote. Kimley-Horn will come back to the Executive Board with answers to the proposed questions.

**c. \*Plastic Pellet Free Waters Act Support Discussion**

The members agreed that plastic pellet pollution is a concern, and the DRWW is not the best venue for this action. Talbett motioned to decline to take any action on the Plastic Pellet Free Waters Act, seconded by Bodden. Motion passed with a unanimous vote.

**d. \*Executive Board Alternate Member Consideration: James Fitzgerald**

Bartolai recommended Fitzgerald to be her new alternate to replace Mike Adam. Talbett motioned to approve Fitzgerald as the alternate for Bartolai, seconded by Waters. Motion passed with a unanimous vote.

**e. Response to Illinois EPA on Mundelein's NARP Involvement**

Kenzior received several calls from the Illinois EPA requesting clarification on the wording in the NARP, the extent of the Village of Mundelein's involvement in the DRWW and in the creation of the NARP. A response to Illinois EPA was submitted on March 8<sup>th</sup>, 2024. There has been no response from Illinois EPA.

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\*\* = DRWW Action Item; Roll Call



**8. Member remarks**

There were no member remarks.

**9. Next meeting**

DRWW Executive Board meeting: April 18, 2024 at 2:00pm, Lake County Division of Transportation (600 W. Winchester Road, Libertyville, Conference Room A)

**10. Adjournment**

Motion by Bodden, seconded by Waters to adjourn. Motion passed with unanimous vote. Kendzior adjourned the meeting at 2:58pm.