



Chicago Metropolitan Agency for Planning

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September 1, 2009

Wastewater Committee
Chicago Metropolitan Agency for Planning
233 S. Wacker Drive, Suite 800
Chicago, IL 60606

RE: Grand Prairie Sanitary District Water Quality Review # 09-WQ-005

Dear Wastewater Committee:

This letter is being written in response to the allegations by the Grand Prairie Sanitary District in a letter dated August 12, 2009 regarding its claim of "Anomalies in the Application Process." The situation behind the Committee not receiving Staff's analysis of the District's request until August 10, 2009 will also be addressed.

A supplemental letter will be forwarded to your attention following attorney review of the following issues/concerns raised by the District: the purpose and role of a Facilities Planning Area and a Designated Management Agency; regionalization and its role in the land application process; Illinois' law regarding jurisdiction of a sanitary district; and, the underlying statutory framework surrounding the provision of sanitary service through sanitary districts. Results from the attorney's findings will also be presented to the Wastewater Committee at its September 9, 2009 meeting.

The District's August 12, 2009 letter asserts that it faced a number of procedural anomalies surrounding the processing of its amendment application. These anomalies include the following: staff changed deadlines artificially; did not place everything on the website; and, had inaccuracies in staff's analysis.

Procedural Anomalies

The District's claim that deadlines were artificially changed is simply not true. A number of issues needed to be resolved in order to process the Grand Prairie application. This also resulted in a delay in the anticipated processing schedule. The District's application was initially deferred for two meeting cycles to address concerns raised by Kane County regarding the validity of the District and its authority to file an amendment application. Applicants are asked to submit documentation supporting an FPA amendment application at least three weeks prior to the scheduled Wastewater Committee meeting. This deadline allows Staff ample time to complete its review of the request and post its opinion and supporting documentation on CMAP's website at least one week prior to the Wastewater Committee

meeting. In the Grand Prairie case, staff did not receive supporting documentation prior to the three week review period. Therefore, a third deferral of the amendment request was necessary.

Grand Prairie, however, urged staff to conduct its review and hold an August Wastewater Committee meeting to avoid jeopardizing its ability to secure Stimulus Funding for Wastewater Treatment Systems. Though necessitated an accelerated timeline to review any supplemental information submitted by the District and interested parties. Under normal review procedure schedules, Grand Prairie's amendment request would not have been heard until the September meeting.

Website Inaccuracies

Staff acknowledges that an oversight occurred while scanning the District's submission in support of its Application to CMAP's website. It should be noted, however, that Committee members were forwarded that information prior to the August Wastewater Committee meeting.

Inaccuracies in Staff's Analysis

Grand Prairie's letter claims that a series of inaccuracies were contained in staff's report including a misunderstanding of the regionalization policy, misinformation provided by the Mill Creek Sanitary District regarding its costs to provide service, the absolute right of sanitary districts to provide service within its boundaries, and a misunderstanding of the role and purpose of an FPA and DMA.

Several of the claims raised by the District are currently under review by CMAP's legal team. These issues will be addressed in a supplemental letter addressed to the Committee.

Staff however would like to clarify the following: 1) the District claims that the staff report misrepresents Criteria # 1 by including a discussion of issues related to regionalization. It should be noted that staff found Grand Prairie's request consistent with Criteria #1. Even so, staff believes that the number and size of facilities in the region (regionalization) is a concern. Future reviews will address this issue under Criteria #5 which deals with cost effectiveness; 2) Grand Prairie also states that the report includes unfounded costs by the Mill Creek Sanitary District. The costs in the report were provided by the Mill Creek Sanitary District in an email dated August 7, 2009; 3) Grand Prairie claims that the report glosses over the fact that the Grand Prairie Sanitary District was in existence in 2006 at the time a Mill Creek FPA amendment application was presented and should have been able to object to their application. As noted previously, the very existence of Grand Prairie as a legal entity was only just resolved and the Wastewater Committee's predecessor, the NIPC Water Resources Committee, was never notified of the referendum creating the Grand Prairie Sanitary District.

Committee and Public Receipt of Staff's Analysis

Due to the complexity of this review, the voluminous amount of supporting documentation submitted by the applicant and objecting parties, Wastewater Committee members and the Illinois EPA needed to be consulted prior to issuance of staff's final report. These discussions were not completed until August 10, 2009, the date the report was issued for public distribution.

On August 10, 2009, staff contacted the Grand Prairie Sanitary District and informed the District of its recommendation of non-support and the rationale for its decision. The report was also placed on CMAP's website for public review and the District's review on that date.

Conclusion

Though staff acknowledges the District's concerns and disagreement with the review, the District's claims fail to properly describe staff's actions and efforts made to accommodate the District's demands for a quick review and decision. Staff remained in contact with the District at all times regarding its application and made every effort to accommodate its request and to pursue an accelerated timeline to consider the application. It is hoped that this letter will clarify the issues raised by the District.

Sincerely,



Dawn Thompson

Staff Liaison to the Wastewater Committee

cc: Mill Creek Sanitary District
Grand Prairie Sanitary District