



Chicago Metropolitan Agency for Planning

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DRAFT **Wastewater Meeting Minutes** March 9, 2011

Offices of the Chicago Metropolitan Agency for Planning (CMAP)
DuPage County Conference Room
Suite 800, 233 S. Wacker Drive, Chicago, Illinois

Members Present: Debra Shore; Frank Beal; Hon Richard Reinbold; Wallace D. Van Buren, Hon. Roger Claar

Staff Present: Don Kopec; Tim Loftus; Dawn Thompson; Megan Elberts; Jamie Krell

Others Present: Stacy Meyers-Glen, Openlands

1.0 Call to Order

The meeting was called to order at 10:30 a.m. by Chairwoman Debra Shore.

2.0 Agenda Announcements

There were no agenda changes or announcement.

3.0 Approval of Minutes – August 11, 2010

A motion to approve the minutes of the August 11, 2010, meeting, as presented, was made by Mr. Van Buren and seconded by Mr. Beal. All in favor, the motion carried.

4.0 Water Quality Plan Amendment Requests

ACTION REQUESTED: Approval, Denial or Deferral

4.1 Village of Wadsworth (11-WQ-005): submitted a request to transfer 70.78 acres of land from the Northeast Lake Facility Planning Area (FPA) to the North Shore Sanitary District FPA. The amendment will provide wastewater service for Gurnee School District's new grade school.

MOTION: A motion to support Staff's recommendation of support for the amendment request was made by Hon. Claar and seconded by Mr. Van Buren. All in favor, the motion carried.

5.0 Level III Review Activity Summary

Staff presented the Level III Review Activity Summary. The summary did not require any action by the Wastewater Committee.

6.0 Illinois Environmental Protection Agency (IEPA) and the FPA Review Process

The Illinois Environmental Protection Agency (IEPA) plans to make significant changes to the existing FPA process. The agency believes that it can no longer legally deny permit requests based solely on a projects inconsistency with a Facility Planning Area boundary.

Dr. Tim Loftus of CMAP presented material detailing the exchange of information between Illinois EPA and CMAP, along with CMAP's position that the consideration of FPA boundaries is legally required when issuing a State construction permit.

CMAP's legal advisors reviewed sections of the Illinois WQM Plan and Illinois Regulations and have convinced CMAP that Illinois EPA is required to consider FPA boundaries when issuing a State construction permit and that CMAP, as an Areawide WQM agency must review proposed amendments to the Plan. In particular, the Wastewater Committee, created by Illinois statute (70 ILCS 1707(e)(1)), and given "the responsibility of recommending directly to the Illinois Environmental Protection Agency (IEPA) the appropriateness of proposed requests for modifications and amendments to the established boundaries of wastewater facility planning areas" agrees with CMAP staff.

The Committee members expressed concern that the IEPA based its newly formed public policy, solely on an isolated case. In this instance, the IEPA believed that it could not deny a request to allow a newly formed sanitary district to establish an FPA and provide wastewater treatment service within an existing FPA.

Additionally, the FPA process was designed to prevent the overextension of wastewater service beyond a 20-year planning period. As such, the Committee voiced concern that IEPA's position would jeopardize planning undertaken by designated management agencies within this planning period.

Mr. Loftus noted that the IEPA indicated that a watershed based planning approach might be the next step to replace the FPA process. CMAP concluded however, after developing three watershed plans in 2008 and reviewing conclusions derived from the Basin-wide Management Advisory Group (BMAG) Framework, that watershed plans were not an appropriate substitute for the FPA process. In addition, approximately 100 watersheds existing within the region but only a dozen watershed plans exist. As such, more plans would need to be developed to replace the FPA process.

Ms. Stacy Meyers from Openlands Project noted that the agency voiced strong support for CMAP position that the FPA process should be maintained. Openlands believes that the FPA process is required for the stability of wastewater infrastructure investments throughout the region. Removal of this process would impact bond rating because of a lack of surety among designation management agencies of their FPA boundaries.

The Wastewater Committee voiced that a position statement that the IEPA reconsider and support the regional FPA-review process as it has in the past. This includes informing FPA-amendment applicants in northeastern Illinois of their approval/no approval of Wastewater Committee recommendations concerning FPA-boundary changes. The Committee also asked that the IEPA not notify agencies within northeastern Illinois that an FPA-amendment application is no longer necessary for proposed FPA-boundary changes. This will enable IEPA to recognize and accept CMAP's Areawide Water Quality Planning obligations under both the Clean Water Act and Illinois Water Quality Management Plan.

7.0 Legislative Bill Report

Staff presented the Legislative Bill Report. The report did not require any action by the Wastewater Committee.

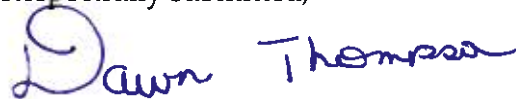
8.0 Public Comment

There were no comments from the public.

9.0 Adjournment

A motion was made by Hon. Reinbold and seconded by Mr. Beal to adjourn the meeting. All in favor, the motion carried.

Respectfully submitted,



Dawn Thompson, Wastewater Committee Liaison

3/09/2011