

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY, NOVEMBER 20, 2013**

The Board of Trustees met in a regular monthly meeting at 9:30 A.M. in the offices of the District at the Water Pollution Control Plant on Wednesday, November 20, 2013. President James Detzler presided and present with him were, Trustee Judith S. Sotir, Trustee Albert E. Heriaud, Trustee Christopher F. Childress & Trustee Michael C. Funkey. Also present were Attorney Boyd Ingemunson, District Engineer Philippe Moreau, Manager Thomas F. Muth, Jimmie Delgado, Matt Woodin, Joel Ilseman, Patrick Divine and Norma Rodriguez. Also in attendance were John Frerich from Walter E. Deuchler Engineering and Leo Pawlowski Sr. from Northeast Neighbors.

The bills were presented and read. It was moved by Trustee Funkey, that the bills be allowed as read, and that checks be drawn in payment account during the month of October, 2013 in the amount of \$2,828,360.30 be ratified and approved. Motion was seconded by Trustee Heriaud, put to vote and unanimously carried that the bills be paid as presented.

It was moved by Trustee Funkey seconded by Trustee Heriaud, put to vote and unanimously carried that the Treasurer's Report for October, 2013 be approved as submitted.

It was moved by Trustee Funkey, seconded by Trustee Heriaud, put to vote and unanimously carried that the minutes of the October 23, 2013 Regular Board Meeting be approved as written, each of the Trustees having received and read copies of said minutes before the meeting.

With no New Business or Public Comments, It was moved by Trustee Detzler, seconded by Trustee Heriaud, put to vote and unanimously carried that the Regular Board Meeting be temporarily adjourned for the Committee of Local Improvements.

The Regular Board Meeting adjourned at 9:35 A.M.

Manager Muth gave a presentation regarding the Fox River Study Group. In this presentation Manager Muth explained that the Fox River Study Group was created in the early 2000's when the Fox River Water Reclamation District submitted plans and specifications to the IEPA to expand their West Plant and received approval. During that same period of time the IEPA sampled the Fox River for water quality which they are required to do. Based on a few samples it was determined that the Fox River did not meet water quality constraints for several different pollutants. As a result the environmental groups filed a formal complaint so that Fox River Water Reclamation District could not expand their plant. When this happened, the IEPA, Attorney Roy Harsh and environmental attorneys for Sierra Club met and decided to create a study

group and bring stakeholders together, perform analysis and modeling and come to some conclusions based on science. The mission of the Fox River Study Group is to bring a diverse coalition of stakeholders together to work to preserve and enhance water quality in the Fox River watershed. Manager Muth explained that the total watershed is 1720 sq. miles and 11% of Illinois population lives in the watershed. There are several major cities and water reclamation districts that make up the Board of Directors for the Fox River Study Group. There is a four phase approach. Phase I is Critical Review of Data which was completed in March of 2004 and in 2010 Nutrient related impairments were addressed. Phase II – Develop planning tools- the model looks at 31 major tributaries, this was completed in 2009, Phase III – Integrating Monitoring, this has been done since 2002 and Phase IV is implementation.

Manager Muth said there are volunteers that collect samples of the Fox River monthly, and that has been done since 2002. Fox Metro, Fox River, WRD and City of Elgin have been collecting samples & performing analysis since 2002. There are seven sites on the Fox River that are sampled from Johnsburg to Yorkville.

Manager Muth explained that Low Flow Monitoring was used to calibrate and validate the Quality 2K model. Thirteen main stem and 10 tributary sites were sampled three times per day for constituents. In collaboration with City of Aurora and Walter E Deuchler, Fox Metro also did the CSO sampling. Because of our Long Term Control Plan, we had to have this turned in to the IEPA by April 1, 2010 and that data was shared with the Fox River Study Group.

In Phase III, the land use was updated from 1999/2000 to 2009. The final model calibrations were completed and year one data was submitted and the climate and NPDES permit data was updated.

The monitoring that was completed in 2010 and 2011 was evaluated. Alternative management scenarios were also evaluated. Those scenarios were agriculture and urban BMPs, modified point source discharges, and Dam removal. The Phase III report was submitted to the IEPA in September 2013.

Manager Muth stated that the next steps for Fox River Implementation are starting now. Limontech has been hired to develop this implementation plan. Fox River Implementation Plan (FRIP) has been incorporated as a condition in our permits. The FRIP timeline is made up for twelve items and this has to be completed by June 1, 2015.

The FRIP has four key tasks. Review Water Quality Targets and Models, Update and Refine Models, evaluate 60+ scenarios and Workshops, Meetings and Reports. The Goals for the FRIP are to define best use of taxpayer funds based on modeling results. Projects will attempt to solve dissolved oxygen, offensive conditions, & algae problems. The finalized plan will include watershed models, in stream model, and GIS files for use by others.

Manager Muth said that there are several financial supporters which include the USEPA, IEPA, Lt. Governor Pat Quinn, Lt. Governor Corinne Wood and many surrounding cities, Villages and Water Reclamation Districts. He said that there are several In-Kind Contributors such as Fox River Water Reclamation District and Fox Metro Water Reclamation District and many other cities and Villages. There is a website that can provide answers to questions regarding this issue and that website is www.foxriverstudygroup.org.

Manager Muth said that he wanted to bring this to the Board's attention because we are starting to get into the critical path and once this implementation plan is finalized it is not known who is going to be responsible for the costs to bring the river up to water quality standards. Fox Metro will be required to pay for a part of it but at this time it is not known how much. We are also going to have to meet the Phosphorous limit, but we don't know what the Nitrogen limit is going to be in the future and all this means more costs and expenses.

Manager Muth said that one thing we could get credit for would be water re-use. This is something that has been discussed during the past 15 years. We would be able to get a credit because the nutrients would not be going into the Fox River during low flow conditions during this critical time when our discharge goes into the Fox River we have to meet the water quality demand of the low flow and the point sources are the only ones impacting the Fox River during low flow.

Trustee Childress asked what the annual budget was for the Fox River Study Group. Manager Muth said that Limnotech has been hired and they will charge \$300,000.00 for the next 18 months and they will come up with a plan. It is not clear what the cost will be after they have that plan. Approximately \$130,000.00 is received from direct contributions from municipalities. Aurora and Elgin contribute \$0.50 cents per capita and they are the two biggest contributors because they are the biggest users.

Trustee Childress asked how much Fox Metro contributes and Manager Muth said that Fox Metro is an In-Kind contributor which means that we don't contribute financially but we contribute by doing monthly sampling at our Lab and doing fish studies.

Trustee Funkey asked if the Tributaries are responsible for most of the harmful additives such as agricultural fertilizers. Manager Muth said that some of these creeks are urbanized and some are rural ones. It has to be determined what harm does an urbanized creek do to the Fox River and what harm does a rural creek do to the Fox River. The problem with farm fertilizers is that the IEPA and the USEPA do not control them. This means that they can't restrict the farms or regulate the amounts of nutrients that they discharge.

Trustee Funkey said that since this is going to be a very costly project and Fox Metro will have to contribute, maybe this is the time to be proactive with the IEPA and maybe have them regulate the farms. Manager Muth said that the problem is the IEPA says that the worse time is at seven day ten year low flow conditions. There aren't any farm field

discharges or field tile discharges, only point source discharges. Trustee Funkey said that the IEPA is not getting a true reading on these tributaries because they are testing at low flow there is nothing washing into the creeks. Manager Muth said that the most critical time of testing is during low flow when there are no other contributors but the waste water treatment plants along the Fox River. Manager Muth said that our permit has the most stringent regulations of any because we are the largest and they put the most stringent conditions on us. Manager Muth said that part of the problem is that there are thirteen dams and behind the damns act as lakes and the eutrophication takes place behind the dams is the cause of offensive conditions of algae because the DO is so low there. Storm sewer discharges are the cause of a large amount of pollution specifically when it has not rained for an extended period of time. Dam removal would be a partial solution. Some municipalities would have no problem with this but some cities like them for esthetics like St. Charles for example or Aurora.

Trustee Sotir asked what the advantage would be about the water re-use and maybe work with other agencies to work together on the water re-use. Manager Muth said that it would be advantageous to us. A large amount of land would be needed such as a farm or golf course. Trustee Sotir suggested that the Fox River Study Group should put together a separate group that might work together in thinking towards the future and maybe seeing what can be done to solve these issues. Manager Muth said that the Implementation Plan may point out these issues.

Trustee Funkey asked about some industries taking advantage of the water re-use. Manager Muth said that they would have to reroute their piping system to isolate the water because it still contains bacteria and some industries are also concerned about the damage the effluent water can do to their equipment.

Trustee Sotir asked if the link for the Fox River Study group www.foxriverstudygroup.org can be added to our website because if we have something like this on our website we should be publicizing this to the schools and colleges and high schools in the area because the teachers can use this information in creating study guides in helping with curriculum. It contains a large amount of statistical data that would be very helpful to students.

With no other matters to come before the Committee of Local Improvements, it was moved by Trustee Detzler, seconded by Trustee Sotir, put to vote and unanimously carried that the Committee of Local Improvements be adjourned and the Regular Board Meeting reconvene.

The Regular Board Meeting reconvened at 10:15 A.M.

Attorney Boyd Ingemunson addressed the Board with the Attorney's Report. Attorney Ingemunson requested approval of Resolution No. 915, authorizing ordinance No. 849 for the annexation to the DISTRICT of approximately .35 acres of land located in Batavia Township, Kane County, Illinois.

WHEREAS, a written Petition signed by the owners of record **AUDREY** and **JAIMEE MOORE**, was duly filed with the Clerk of the Fox Metro Water Reclamation District, and

WHEREAS, the approval of said annexation is in the best interest of Fox Metro Water Reclamation District,

WHEREAS, said territory described in said Petition is contiguous to Fox Metro Water Reclamation District, and

WHEREAS, it is hereby determined by the Board of Trustees of Fox Metro Water Reclamation District that it will inure to the benefit and welfare of the District if said territory is annexed to Fox Metro Water Reclamation District,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fox Metro Water Reclamation District as follows:

1. That the District hereby approves the Annexation between, **AUDREY** and **JAIMEE MOORE**, owners and Fox Metro Water Reclamation District attached hereto and made a part hereof.
2. That the President and Clerk of the Board of Trustees of Fox Metro Water Reclamation District are hereby authorized and directed to execute the attached Annexation in their capacity as President and Clerk for the Fox Metro Water Reclamation District.
3. That Ordinance No. 849 annexing the territory there in described to the Fox Metro Water Reclamation District be and the same is hereby passed, and
4. That the Clerk and the Attorney for the District are hereby authorized and directed to take such steps to have said Ordinance filed with the County Clerk of Kane County and recorded with the Recorder of said County according to the law in such case made and provided.

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that Resolution No. 915, authorizing Ordinance No 849, be approved as written.

PASSED by the Board of Trustees of Fox Metro Water Reclamation District this 20th day of November, 2013 by a voice vote of 5 to 0.

It was moved by Trusee Sotir and seconded by Trustee Heriaud, put to vote and unanimously carried that the Williams Brother settlement Agreement be signed and that a modification will be made changing the amount that was posted on the Platinum claim from \$200,000.00 to 157,000.00.

Philippe Moreau addressed the Board with the Engineer's Report. Mr. Moreau requested approval of Partial Payment No. 7 to Allan Mach & Sons., in the amount of \$67,182.00 for Ferric Chloride Addition Project. It was moved by Trustee Sotir, seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$67,182.00 to Allan Mach & Sons, for work completed on Ferric Chloride Addition Project.

Mr. Moreau requested approval for Partial Payment No.1 to Frank Marshall Electric in the amount of \$6,702.30 for work completed on the 480V Feeders to Buildings B and O & M Replacement Project. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$6,702.30 to Frank Marshall Electric, for work completed on 480 V Feeders to Buildings B and O & M Replacement Project.

Mr. Moreau also requested approval of Partial Payment No. 5 to Allan Mack & Sons, Inc., in the amount of \$42,427.00 for OCSI-Indian Creek Crossing Replacement project. It was moved by Trustee Sotir, seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$42,427.00 to Allan Mack & Sons, Inc., for Indian Creek Crossing Replacement project.

Mr. Moreau also requested approval of Partial Payment No. 1 to American Demolition Corp., in the amount of \$44,910.00 for Building K & L Modifications - Demolition. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$44,910.00 to American Demolition Corp, for work completed on the Building K & L Modifications – Demolition.

Mr. Moreau also requested approval of Partial Payment No. 4 to Steve Spiess Construction, Inc., in the amount of \$521,785.67 for Montgomery/Sugar Grove Interceptor Phase 2. It was moved by Trustee Sotir, seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$521,785.67 to Steve Spiess Construction, Inc., for Montgomery/Sugar Grove Interceptor phase 2.

Mr. Moreau requested approval for Final Payment No. 16 to Len Cox and Sons in the amount of \$20,003.00 for work completed on the Cedar Glen Sanitary Sewer Project. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$20,003.00 to Len Cox and Sons, for work completed on the Cedar Glen Sanitary Sewer Project.

Mr. Moreau requested approval for Final Payment No.3 to Boller Construction in the amount of \$21,566.18 for work completed on the Clarifiers D4 and D5 Concrete Slab Repair Project. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$21,566.18 to Boller Construction Co, for work completed on the Clarifiers D4 and D5 Concrete Slab Project.

At this time, Manager Muth addressed the Board with the Manager's Report. Manager Muth addressed the board requesting authorization to seek bids for the North Aurora Pump Station MCC Replacement to be opened at the Board of Trustees meeting December 18, 2013 @10:00 A.M. It was moved by Trustee Sotir, seconded by Trustee Heriaud, put to vote and unanimously carried to seek bids for the North Aurora Pump Station MCC Replacement be approved.

Manager Muth wanted to advise the Board that a resident at the Cedar Glen Subdivision has filed a complaint with the IEPA. Manager Muth has addressed the issue by responding via mail to the resident advising her of the steps that Fox Metro is taking to try and resolve the odor issue that they are experiencing. Manager Muth showed the Board a map of the subdivision and pointed out that there are five manholes that have been retrofitted with a vent stack to try and help relieve the system so that there is less air going down the system.

The resident's complaint is that the odor is worse at night when they are sleeping. The odor comes out of their vent stack on their roof and into their bedroom. Manager Muth admits that there is a problem. It has been verified by the Fox Metro Plumber Inspector who checked for odors at the residence at night.

We purchase chemicals from Siemens. We use these chemicals at our pumping stations to control Hydrogen Sulfide which helps alleviate odor problems. They have been putting meters in our pipes to try and figure out where the problems are. Siemens is going to get us a result of their study and from there we can try to determine a solution to the problem.

Trustee Childress asked if the customer who filed the complaint tried to contact us prior to filing the complaint. Manager Muth confirmed that she did and that he has responded by e-mail and regular mail. Our staff has also spoken directly to her on several occasions. Manager Muth said at this point the case is with the IEPA and they will contact her and if we show the IEPA Inspector in good faith that we are identifying the problem and we are going to find a remedy for this problems and the Inspector sees that we are doing what we can, he will be satisfied or if there are other things that he believes we should be doing, he will tell us. Manager Muth is confident that there is going to be a solution to this issue, which is what our goals and intentions are.

Another option is chemical injection but the problem with that solution is that it is going to be difficult to find someone that would allow a big container of chemical sitting in an open area to be able to inject in our interceptor.

Manager Muth advised the Board that we are out of the chlorination season and have found a tank that is leaking. We have time to order two tanks before we have to chlorinate again by May 1, 2014. Manager Muth requesting authorization to seek bids for two Sodium Hypochlorite Storage Tanks to be opened at the Board of Trustees meeting December 18, 2013 @10:00 A.M. It was moved by Trustee Sotir, seconded by

Trustee Heriaud, put to vote and unanimously carried to seek bids for two Sodium Hypochlorite Storage Tanks be approved.

Manager Muth wanted to discuss the Septic Hauler Program. He said that this has been a weak link for us. In July we had an ammonia excursion. We tried to identify what transpired the days before and the day of the excursion and it is believed that because there were five septic tankers that come in and the way they were discharged probably contributed to the excursion. An immediate constraint was placed on that septic hauler that he could only bring two loads a day. Before this instance, there was not a problem. As that program was looked at, a number of glitches were discovered. Over the last month Matt Woodin coordinated the Pretreatment, the Lab, Maintenance and Operations and talk about a strategy to improve the Septic Hauler Program. What was discussed was that all the haulers have permits but no one oversees them comply with the procedures such as checking their manifest or taking samples of their loads. There have been some instances where the haulers clog the pipes and don't clean up after they dump. Because of these and other issues, we are revising the rules and regulations. Manager Muth said those rules and regulations are going to have to be enforced. In order to do that Manager Muth requested approval from the Board to hire an employee whose main job is to oversee septic haulers. This employee will enforce the new regulations, oversee that all paperwork is in order, make sure it is documented where load is coming from, that the hook up to discharge is completed correctly and a sample of what is being discharged is performed. Other duties will also be assigned to that individual such as collecting samples for the lab and other lab duties. Other employees would also be cross trained to do this job. Manager Muth said this would be a position with a starting pay of approximately \$16.00 per hour.

Trustee Childress asked what the revenue was from this Septic Hauler Program. Manager Muth said that it was approximately \$200,000.00 per year. Trustee Childress stated that it makes a lot of sense to have someone oversee this program because we have no idea what could be being dumped. Part of the new process will be that the haulers have to provide the addresses or location where the product was being picked up from.

Matt Woodin said that our rates are in line with other locations but he believes that the reason that we have so much more traffic here is because of our weekend rates. Assessments have been made such as hours and after hour fees that the haulers benefit from coming to us. The goal for us in this program is that we don't close out any of our rural haulers that need our services. Mr. Woodin says that this Septic Hauler Program involves many different departments and the collaboration is good and the paperwork is good, we just need someone to oversee the haulers.

Trustee Childress asked if Fox Metro had any obligation to accept the haulers that are not in our district. Manager Muth said that we don't have any obligation however we could still get the product because the haulers can go to an undeveloped area, open up a manhole and dump the product there or they can dump in farm fields that are rural and environmentally speaking, it is not the right thing to do.

Trustee Childress suggested charging a higher fee for out of area haulers or not accept them at all. Mr. Woodin explained because of our annexation boundaries that could be difficult because we service many counties that are in our district.

All Board members were in agreement that hiring a new employee to oversee this program would be a good idea and it would benefit the district and gave their approval to hire a new person for this job.

Manager Muth requested an Executive Session to discuss personnel, pending litigation, and related matters. It was moved by Trustee Detzler, seconded by Trustee Sotir put to vote and unanimously carried that the conclusion of the public comments of today's meeting, we will temporarily adjourn for an Executive Session.

Trustee Detzler asked Joel Ilseman if he had anything to report and Mr. Ilseman said that the plant is running good. The Ferric Chloride project is close to being completed and will be on line in a few weeks. Electrical work in Building K is going according to schedule and the new aqua filter is almost complete.

Trustee Detzler asked Jimmie Delgado if he had anything to report. Mr. Delgado reported we have had the biggest billing month. Five million was billed last month this reflect the rate increase and the high water usage period. A new 800 number has been put in place and based on current calculations it has taken 122.6 hours of calls. The complaint calls regarding the rate increase have decreased somewhat.

Trustee Sotir wanted to add that some very hard work is being done on the new website project. She said that she really likes the new look because it takes a lot of the information that was originally in the website and puts it into links so people can view the information in a particular area that they are interested in. The website is a lot easier to navigate and allows people link to the particular information that they want. The website new image is more attractive, cleaner and up to date.

Trustee Detzler asked Leo Pawlowski if he had any questions or concerns and Mr. Pawlowski said he had none.

At this time Trustee Detzler asked Matt Woodin if there were any questions or concerns, Mr. Woodin stated he had no comments or questions.

Meeting temporarily adjourned at 10:55 A.M.

There being no further business to come before the Board, it was moved by Trustee Sotir, seconded by Trustee Sotir put to vote and unanimously carried that this meeting be adjourned.

Meeting adjourned at 11:00 A.M.