

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY, FEBRUARY 18, 2015**

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, February 18, 2015. Present were, Trustee James K. Detzler, Trustee Judith S. Sotir, Trustee Michael C. Funkey, Trustee Albert E. Heriaud, & Trustee Christopher F. Childress. Also present were Attorney Dallas Ingemunson, Manager Thomas F. Muth, Engineer Philippe F. Moreau, John Frerich from Walter E. Deuchler, Field Services Manager Matt Woodin, Controller Jimmie Delgado, Human Resources Coordinator Patrick Divine, Maintenance Supervisor Chris Morphey and Norma Rodriguez.

8805

The bills were presented and read. It was moved by Trustee Sotir, that the bills be allowed as read, and that checks be drawn in payment account during the month of January 2015 in the amount of \$1,451,860.41 be ratified and approved. Motion was seconded by Trustee Funkey, put to vote and unanimously carried that the bills be paid as presented.

8806

It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that the Treasurer's Report for January, 2015 be approved as submitted.

8807

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that the minutes of the January 21, 2015 Regular Board Meeting be approved as written, each of the Trustees having received and read copies of said minutes before the meeting.

8808

With no Public Comments, It was moved by Trustee Detzler, seconded by Trustee Sotir, 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 9:35A.M.

Manager Muth addressed the Board with the Committee of Local Improvements and reported to the Board that staff has been working on a possible Development that may be presented to the Board in the next couple of months. This is an industrial Park Development which will be 112 acres in Sugar Grove.

Manager Muth reported to the Board that at the Fox River Study Group Meeting Limno Tech gave a presentation where the model demonstrated that at the seven day ten year low flow conditions the Fox River water quality is not met for dissolved oxygen. Further modeling indicated that with Phosphorous removed from wastewater treatment

plant discharges to as low as 0.10 mg parts per liter it would still not meet water Quality Standards for dissolved oxygen at seven day ten year low flow conditions. The 1.0 mg parts per liter limit for Phosphorous will be part of our NPDES permit and this deals with the USEPA goal of reducing Gulf Hypoxia. Another part of the model focused on dam removal. If some of the dams were removed the model showed that the water quality in the Fox River would not be met.

Trustee Funkey asked what the status was regarding dam removal. Manager Muth said there is money available and it will be first come first serve. Some communities such as North Aurora and Carpentersville have apparently said they do not have an issue in dam removal. It is unknown at this time the total impact of dam removal on water quality but there would be many other benefits. Limno Tech has until the end of the year to complete a Fox River Implementation Plan. Once we receive our permit, it will state that we have to comply with that Implementation Plan.

Manager Muth reported that he met with USEPA last week in Chicago. The meeting involved five representatives of the IAWA along with four representatives of the USEPA and the IEPA was present via conference call. Many of the IAWA members are faced with permit renewals and Long Term Control Plans and other issues and the USEPA is taking a much larger role. In recent meetings with the IEPA when a question is raised the IEPA's response has been whatever the USEPA says. This is a problem because the District receives all approvals through the IEPA and the USEPA interprets the rules differently in some cases. One example is blending. When we built the wet weather facilities, we obviously built it with IEPA approval. The IEPA as you know approved the loan yet until the last couple of months the USEPA was not providing a position regarding blending. This issue was discussed with the USEPA and they communicated Blending has some leeway in Illinois if it is treated to secondary standards. Fortunately Fox Metro is already testing blended flows to secondary standards.

Another issue is Bypass versus Overflow within combined systems. The USEPA says all flows entering the Waste Water Treatment Plant are subject to secondary effluent limits including flows from a wet weather flow facility. Fox Metro is already conforming to this requirement up to peak flows of 139 mg. Above that we will overflow and the USEPA considers that a bypass. A bypass is illegal and prohibited and each time a bypass is reported it could be subject to fines.

In 2009 the USEPA visited the District and there has been a lot of interaction with them since then. Shortly after that the USEPA communicated to the District to construct a second bar screen system and pumping station at a cost of fifty million dollars because they wanted to take all the combined flows to the Wet Weather Flow facility. What has happened recently is that the USEPA has viewed our Long Term Control Plan, realized that the District has a No Feasible Alternative and completed a Financial Capabilities Assessment that the District is meeting some of the constraints that they require. Manager Muth with the help of John Frerich from Deuchler have been in contact with both the IPEA and USEPA and they realized that Fox Metro is going to meet their 1994

CSO Policy of reducing overflows to 4 or less per year. Our plan is designed to a higher standard because once all our phases have been constructed we would theoretically have only one overflow every five years. Based on this it is believed the issue has been resolved and the IEPA and USEPA will call it an Overflow versus a Bypass in the permit. This is very good for the District because an Overflow is allowed and a Bypass is not.

Another issue that was discussed at the meeting was Maximum Practical Flow in new permits. That language has been eliminated and after discussion with the USEPA it is believed they will bring that language back with some constraints. It is important to the District to have that language in the permit because there are some days when an Operator needs to make a decision to overflow if the Plant is in jeopardy.

There will also be additional monitoring requirements for wet weather discharges. For Plants that have a wet weather flow facility they want monitoring of the flows that go out for a number of parameters. This was discovered at the meeting and this was an IEPA idea not USEPA. It is believed that this issue has been resolved with the IEPA.

8809

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 Regular Board Meeting reconvene.

The Regular Board Meeting reconvened at 9:50 A.M.

Attorney Ingemunson advised the Board that there was no Attorney's Report for this month.

8810

Philippe Moreau addressed the Board with the Engineer's Report. Mr. Moreau requested approval of Partial Payment No. 4 to Frank Marshall Electric, Inc., in the amount of \$12,834.00 for Farnsworth Pump Station MCC Replacement Project. It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that payment be made in the amount of \$12,834.00 to Frank Marshall Electric, Inc., for work completed on Farnsworth Pump Station MCC Replacement Project.

8811

Mr. Moreau requested approval of Partial Payment No. 5 to R. J. O'Neil, Inc., in the amount of \$5,535.00 for P-1 HVAC Renovations Project. It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that payment be made in the amount of \$5,535.00 to R. J. O'Neil, Inc., for work completed on P-1 HVAC Renovations Project.

8812

Mr. Moreau requested approval of Partial Payment No. 2 to Lite Construction, in the amount of \$90,945.00 for Building P-1 Remodel Phase 2 Project. It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that payment be made in the amount of \$90,945.00 to Lite Construction, for work completed on Building P-1 Remodel Phase 2 Project.

8813

Mr. Moreau requested approval of Partial Payment No. 3 to Frank Marshall Electric, Inc., in the amount of \$44,100.00 for Gas and Heat Detector Modification Project. It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that payment be made in the amount of \$44,100.00 to Frank Marshall Electric, Inc., for work completed on Gas and Heat Detector Modification Project.

8814

Mr. Moreau requested approval of Partial Payment No. 4 to LeCuyer Painting & Decorating, Inc., in the amount of \$61,087.50 for Building K Coating System Rehabilitation Project. It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that payment be made in the amount of \$61,087.50 to LeCuyer Painting & Decorating, Inc., for work completed on Building K Coating System Project.

8815

Mr. Moreau requested approval of Partial Payment No. 9 to Mechanical Inc., in the amount of \$15,636.15 for Air Main Heater Replacement Project. It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that payment be made in the amount of \$15,636.15 to Mechanical, Inc., for work completed on Air Main Heater Replacement Project.

Mr. Moreau advised that Mark Halm will give a presentation on the status of the South Plant to the Board in the Committee of Local Improvements in March's Board Meeting.

Trustee Childress asked when the District is going to go out to bid on the South Plant project. Manager Muth advised that it would be approximately the middle of June.

Manager Muth addressed the Board with the Manager's Report, he said Trustee Funkey met with Human Resources Coordinator Pat Divine and Controller Jimmie Delgado to discuss the Policy Manual and there are some issues that need to be resolved before it is approved.

Manager Muth advised the Board that the bid opening for the Clarifier D4 and H3 Mechanism Procurement that were scheduled to be opened at this Board Meeting needed to be tabled to the March 18, 2015 Board Meeting. The notice was submitted to the Newspaper but it was not advertised in time to meet the required deadline.

Manager Muth advised the Board that a member of Fox Metro and members of Deuchlers met with a group from Denmark in Chicago. Chicago has a Memorandum of Understanding with Denmark to trade knowledge and expertise in the field of waste water treatment. Denmark has a grant for a limited number of Illinois employees that work in the waste water treatment industry to Denmark for one week to network and exchange knowledge and ideas. The individuals would visit several facilities in different cities to view their Waste Water Treatment process. They would pay for accommodations and meals, the employee would be responsible for airfare.

Manager Muth, Chris Morphey and Joel Isleman met with a representative from Denmark who visited our Plant and he was impressed that we have been cogenerating

since the late 1970's early 1980's and the fact that Fox Metro has taken the step with solids management to go to thermophile stage. There are not many Districts that do this and with the potential efficiency and more gas production there are many advantages. Manager Muth believes it is a good idea to send a representative from Fox Metro to Denmark to take advantage of the opportunity to gain knowledge of how waste water treatment facilities operate in that country and take a look at the technology that they use. Joel Isleman met with this group in Downers Grove, Illinois and he is the ideal person to go because he will also be able to share his knowledge and expertise that he has here at our facility. An individual who is responsible for making high decisions for funding of Green Initiatives for the State of Illinois will also be going on this trip. This would be a good opportunity to network to see how the District could potentially gain knowledge regarding Green issues. All members of the Board agreed that it would be a great opportunity to for the District and unanimously approved to send Joel Isleman to Denmark.

The next item Manager Muth wanted to advise the Board that Pretreatment is fully staffed and they have a very good group. Jaime Thompson is the new member of the department. She has been working with us at the Lab for approximately one year and comes highly qualified. She will be overseeing our Septic Hauler Program along with being a sample collector and other duties as assigned.

Manager Muth requested an Executive Session be held to discuss personnel and related matters. It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that at the conclusion of New Business of today's meeting, we will temporarily adjourn for an Executive Session.

In New Business Trustee Funkey said that at the last Board Meeting the construction of the South Plant was discussed requiring cashier's checks and bid bonds for bid deposit. He said that the plans for the South Plant are approximately 85% complete and now is the time to begin discussing this issue and he personally believes that local contractors should be used for this project. He understands that the IEPA has their guidelines and probably would not allow the one project to be divided into many. He said we identify local contractors at this time and make them aware of the size and the scope of the project and let them know that we want them involved and perhaps get the Unions involved. Let them work it out with the IEPA and work on having some type of program that will enable local contractors to participate.

Philippe Moreau discussed that the District has a pending loan that is being received from the IEPA which is a Federal loan and the rules are very stringent on what the District can and cannot do regarding bidding. While he is in agreement that the jobs should be given to local contractors however, on a job this size large contractors are going to bid and they may not be local. The District needs to do a good job in making the large contractors aware that there are a lot of local subcontractors that can take little pieces of the large project because the District has no control over who is going to bid on the job. The sub-contractors are going to be the ones responsible of who they are going to hire. The District cannot tell the IEPA that local contractors are preferred.

What Trustee Funkey believes that local contractors and Unions need to be aware of is the project and let them work it out with the IEPA. We want to support the local contractors but it is going to be up to them to resolve this issue with the IEPA.

Mr. Moreau said that the local contractors are going to steer away from going to the USEPA or the IEPA with any issues because it is not their job to make suggestions or recommendations. Fox Metro has a list of all the contractors that will be picking up the plans and what the local contractors can do is get that list from us and they can contact those companies.

John Frerich said that most of the local contractors along with the Unions already know about the project.

Trustee Funkey said that Fox Metro is the third largest Waste Water Treatment Plant in Illinois we deserve the inside track with the USEPA the problem is how to we get to that point. Trustee Childress agrees with Trustee Funkey but stated that it is difficult for the District to get a permit approved. He believes it would be more difficult for the contractors to change the IEPA's policies. He also asked what would preclude us from posting on our website the companies that picked up the plans for the project. Trustee Sotir said perhaps have a list of local contractors that shows their specific trade available for the large contractors that pick up the plans. Philippe Moreau said the danger with that is that it would be considered selecting.

John Frerich said that they have always provided a plan holder list to anyone who has called their office and asked for it. Trustee Childress said to put that plan holder list on Fox Metro's website, Mr. Moreau said it would be a good idea.

Trustee Childress inquired if there is written language which states that Construction Management is not an allowable form of Project Management. He asked if that language can be forwarded to him. John Frerich said there is no specific law that specifically states that language but he received an email from the IEPA that outlined their requirements and he would forward that email to him regarding how the process works.

Manager Muth said that the District has projects that don't need to go for bid and local contractors are hired for these jobs. Trustee Detzler added that he is doubtful that there is a local contractor that would be able to handle a project the size that is being discussed because of the equipment and expertise that will be needed.

Trustee Childress said his other concern was the bid requirement of 10% with a cashier's check. He asked if this policy can be reviewed and perhaps amend the policy to accept a bid bond or lower the 10% requirement. He also asked if it was possible on that bid bond to allow the General Contractor to bond through the companies that he is hiring to do the project. John Frerich said that would be on the Performance and Payment Bond and those forms are provided to us by the EPA and we have to meet

their requirements which is 100% Bond. He said this would be a legal question and referred that question to Attorney Dallas Ingemunson on how they would justify that 100% level is met.

Manager Muth summarized that Mr. Frerich will provide Trustee Childress the email that outlines the IEPA's process that Construction Management is not an acceptable method. He also said that local contractors and unions will be notified of the upcoming projects and with regard to the 10% deposit requirement for bid, he said in the past projects the bid deposit has been lowered to 5%. A list will also be posted on our website of all the companies that pick up construction plans.

Trustee Funkey asked when the District will be going out for bid on the South Plant construction. Manager Muth said middle of June, 2015.

Trustee Childress also asked for copies of the gas bills and contract for the District. He also inquired if the District received any DCO funds. John Frerich said that an application was submitted and received notification from DCO that they ran out of funds for this calendar year but that the District is eligible to reapply June 1, 2015.

Manager Muth advised the Board of the Indian Creek Clean Up Service Project. This will take place on April 11, 2015 at 8:00 a.m. The objective is to unite volunteers to participate on the same day in a hands-on service project to better our community.

Maintenance Supervisor Chris Morphey reported that the plant is running well and the pilot study with the mixers has been running into its second month and there have been no adverse effects with the Nitrogen removal. Will also be doing a full scale pilot study with the separation of the waste streams in the months of July and August and will plan to get sixty days of data as long as there is no rain during this time period.

Controller Jimmie Delgado reported that things are well in finances and currently is working on budgeting.

With no other business to come before the Board, it was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that this meeting be adjourned for Executive Session.

Meeting adjourned at 10:50 A.M.

The Regular Board Meeting reconvened at 11:20 A.M.

There were no further decisions made in Executive Session.

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

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Meeting adjourned at 11:20 A.M.