

850 Forest Edge Drive, Vernon Hills, IL 60061

TEL 847.478.9700 ■ FAX 847.478.9701

820 Lakeside Drive, Suite 5, Gurnee, IL 60031

TEL 847.855.1100 ■ FAX 847.855.1115

www.gha-engineers.com

MEMORANDUM

To: Robert Kosin, Village of Barrington Hills

From: Daniel J. Strahan, P.E., CFM
Gewalt Hamilton Associates

Date: February 18, 2011

Re: Village Board of Trustees
Proposed Illicit Discharge Ordinance Review- *February Update*

At the request of the Village Board, during the month of January review of the proposed Illicit Discharge Ordinance (IDO) was placed on the agenda for the Equestrian Commission, the Plan Commission, and the Board of Health. Discussion of the item resumed in February; comments from the January meetings remain below, while updates from February meeting dates are italicized.

Equestrian Commission

The Equestrian Commission met on Monday, January 3, 2011. After an overview of the NPDES program and the IDO by Todd Gordon of GHA, Chairman Lundmark pointed out that he felt the Equestrian Commission's main point of concern was the definition of "animal wastes" (under the definitions of pollutants on page 2 of the IDO). It was suggested by the Commission members that the IDO should provide a numerical parameter of what constitutes "animal waste" as a pollutant, consistent with EPA regulations.

Commissioner Pappas motioned a request that the definition of animal waste be consistent with the definition of EPA animal waste nitrogen load parameters in accordance with EPA regulations.

The Equestrian Commission meeting scheduled for February 2, 2011 was cancelled.

Plan Commission

The Plan Commission undertook a review of the IDO at their regularly scheduled meeting on January 10, 2011. As the Plan Commission had previously reviewed the Stormwater Management Program they were familiar with the background that led to the recommendation by the IEPA that the Village pass an IDO. Chairman Stieper requested a few sample ordinances adopted by other communities similar to Barrington Hills (results of research into that question are included below for reference). Chairman Stieper noted that this ordinance was unique and invasive in nature. Chairman Stieper also noted that sufficient laws were already in place for enforcement of any serious violations. Member Bosworth noted that due to the vital nature of groundwater and surface water quality in Barrington Hills, he was more prone to consider granting more extensive police powers to protect water quality that he would be in other areas.

After review, no formal recommendations or comments were given by the Plan Commission. It was requested that each member received a word document of the IDO for review and editing.

The Plan Commission met on February 7, 2011 and resumed their discussion of the item. Our office presented findings from research regarding other communities that had adopted Illicit Discharge Ordinances, including a simplified version of the requirements that had been adopted by the Village of Algonquin. Much of the discussion centered around the role of the ordinance and the appropriate size and reach of government in Barrington Hills. Upon review the Plan Commission passed a motion requesting specific written direction from the Board of Trustees as to the nature of the feedback and/or recommendations that the Plan Commission is expected to provide on this topic.

Board of Health

The scheduled (January 12, 2011) meeting of the Board was cancelled for lack of a quorum. Nonetheless, Chairman Johnston and member Conibear met with Robert Kosin and Patrick Glenn of GHA to review the proposed IDO. Mr. Glenn and Mr. Kosin explained the background of the NPDES and the IDO and reviewed the particulars of the Ordinance.

Discussion ensued regarding various Village programs such as contract snow and ice control operations. Member Conibear suggested that any contract for services which could result in Village liability for NPDES violations include indemnification of the Village by the contractor/provider.

Chair Johnston and member Conibear both asked to be provided with available information regarding EPA regulation of agricultural/animal husbandry operations and numerical standards for water quality. Both also indicated a desire to see domestic well water quality sampling and testing incorporated into any program of testing and monitoring surface waters.

Chairman Johnston requested that the proposed IDO be distributed to the Board of Health via email for review ahead of consideration at the next scheduled meeting.

A meeting of the Board of Health was held on Wednesday, February 9th, 2011. As requested at the January meeting, GHA provided information relating to EPA regulation of animal husbandry operations, specifically medium and large size Concentrated Animal Feeding Operations (CAFO), which require a site specific IEPA permit. Discussion then focused on the proposed IDO. Chairman Johnston noted that he felt the ordinance would be too burdensome in its monitoring and enforcement requirements, setting the Village as the final and only authority on water quality. Dr. Conibear agreed, noting that she would favor a more simplified approach. The Board also recommended that if the ordinance moved forward any further some form of public notification or communication be made.

Review of Adopted Ordinances in Other Communities

Pursuant to the request from the Plan Commission, our office conducted a review of other municipal ordinances in the area. A number of communities have illicit discharge ordinances (or equivalent regulations with differing titles) that clearly follow the template provided by IEPA; these include North Barrington, Port Barrington, Kildeer, Lake-in-the-Hills, Vernon Hills, Lincolnshire, Huntley, Spring Grove, McHenry, Palatine, and Streamwood.

Other communities have ordinances which include similar elements as the IDO, but are structured differently. These include Algonquin, Barrington, Buffalo Grove, Elgin, and Bartlett.