

NATURAL AND ENVIRONMENTAL RESOURCES COMMITTEE
McHenry County Administration Building
667 Ware Road, Woodstock, IL 60098

MINUTES OF WEDNESDAY, APRIL 13, 2011:

Chairman McCann called the committee meeting to order at 8:30 a.m. The following members were present: Mary McCann, Chairman; Donna Kurtz; Pete Merkel; Virginia Peschke and Kathleen Bergan Schmidt. Marc Munaretto and Bob Nowak were absent. Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Dennis Sandquist, Darrell Moore, Alicia Law, Cory Horton, Kim Kolner and Cassandra McKinney, Planning & Development; Patti Nomm, Health Department; Nancy Schietzelt, Environmental Defenders of McHenry County; Lenore Byer-Clow, ACE; Dave Brandt, MCCD; Dr. Joan Brehm, Illinois State University; Pat Dieckhoff, Sustainability Specialist, Lou Marchi Total Recycling Institute at McHenry County College; interested public and press.

Mary McCann, Chairman	
Donna Kurtz	Pete Merkel
Marc Munaretto	Bob Nowak
Virginia Peschke	Kathleen Bergan Schmidt

MINUTES: Committee members reviewed the Natural and Environmental Resources Committee minutes of March 9, 2011. Members discussed whether or not they would like to have future minutes include detailed discussions, or a brief summary of discussions. Ms. Bergan Schmidt mentioned that she likes detailed minutes with people's names attached to what they say. Ms. Kurtz would like to have detailed minutes. Ms. Peschke made a motion, seconded by Ms. Kurtz, to approve the minutes. Chairman McCann mentioned that the minutes were not attached to the agenda because they were not prepared in time to be posted with the agenda. Chairman McCann received a draft version of the minutes and she stated that she amended them and forwarded a copy to committee members prior to the meeting for their review. She stated that the minutes were long, but she left them long because she wanted the comments from members included in the minutes. Mr. Merkel would like to receive the minutes in the packet when it is published so they have time to review them. He mentioned that if there are any changes to be made to the minutes, the changes should be discussed during the meeting, as they have done in the past, and the corrected version should be presented to the members at the next meeting for review and approval. The minutes were approved with four ayes (Kurtz, Peschke, Bergan Schmidt and McCann) and one nay (Merkel). Chairman McCann inquired whether or not members wanted the edited version of the section of the Water Resources Action Plan matrix attached to the approved minutes. Ms. Kurtz feels this is a good idea because it represents what was agreed upon at the meeting. Ms. Peschke and Ms. Bergan Schmidt feel the matrix should be attached to the minutes. Ms. McKinney mentioned that the matrix may be found on the County's website and a copy of it is attached to the agenda. Chairman McCann stated that the approved section of the matrix is to be attached to the approved minutes, until further notice.

Chairman McCann requested that Item No. 5.2 be heard next.

Update on Gypsy Moth Eradication Activities: Mr. Labaj joined members and mentioned that during the budget process, due to severe infestation last year, the County decided not to fund the aerial spraying program for gypsy moths. Some funds were appropriated for them to have consultants available should other units of government need to access Paul Stevens (gypsy moth expert) to assist them with their program. Many other units of government have taken a similar stance as the one the County Board has taken, which is to skip spraying this year because the levels of infestation were in control last year. The only unit of government that he knows who is moving forward with aerial spraying is Crystal Lake. The County has not retained the services of Mr. Stevens. The County GIS Department is available to provide aerial mapping for any entity that may be putting together a gypsy moth program. They monitor the infestation in the spring and in July/August, when the moths hatch, they receive the trap counts from the state. Trap count numbers were down last year. Mr. Merkel requested Mr. Labaj to report to the committee in the fall so members would have an idea whether or not they would consider spraying the following year if the numbers increase. Mr. Labaj mentioned that national studies have been done on gypsy moths which have found that prolonged below zero temperatures kill the moths. The moths stress the trees and prolonged stress kills the trees. The County has developed a program where they work with other units of government and are able to obtain bids for large acreage in order to obtain a reduced rate for themselves and other units of government. They also participate with townships in order to help them reduce the cost for their municipalities. The cost in the past has been approximately \$15,000 to \$20,000. Mr. Merkel mentioned that McHenry County is in a quarantined zone and wood should not be brought in our area from outside areas.

PUBLIC COMMENT: Pat Dieckhoff joined committee members and thanked them for their continued support for the McHenry County Schools Environmental Education Program (McSEEP) and what it has offered McHenry County schools. McSEEP teaches in grades K-8 and provides current information on different topics at each grade level including recycling, energy saving, bio-diversity, water conservation and more. The Institute Advisory Committee requests this committee to encourage the County to increase its financial support of McSEEP. There is need for additional monies for this program to continue in the 2011-2012 school year and this program is needed to help the next generation to understand the environmental problems that will face them in the future. Ms. Dieckhoff provided Chairman McCann with correspondence dated April 12, 2011 and asked her to share it with committee members. She thanked members for their continued support of sustainability efforts.

PRESENTATION: *Illinois State University – Nippersink Creek:* Randy Stowe joined committee members and stated that he is working under a USEPA grant to move the implementation of the Nippersink Creek Watershed Plan forward. The Watershed Plan was completed in 2008 and identified approximately 150 projects throughout the Nippersink Creek Watershed that benefited from the implementation of best management practices for water quality. Those projects had a cumulative value of approximately \$23 million. Because of the size of the Watershed, the IEPA is allowing them to do an update to the Plan and they are looking for new projects. He asked members to contact him if they know of possible projects for the Watershed.

Dr. Joan Brehm, Illinois State University, joined committee members and provided an overview of the first phase of a study involving the Nippersink Creek. They have received funding from the IEPA Section 319 program. The Nippersink Watershed Association and the Nippersink Creek Watershed Planning Committee helped develop this project, along with many other collaborators. She explained that watersheds differ, as well as people's interest and perceptions of them. Human actions that affect the watershed originate in people's values and belief systems. The benefits and values of a watershed can be defined as things that people regard as good or beneficial; values motivate people to do things in a watershed; or have things done in a watershed, and the human values are reflected in past, present and the proposed management policies and activities that the public uses in a watershed. This study is to provide baseline data on the residents of the Watershed. The Nippersink has the benefit of having high water quality and our County has some of the best water quality in the State of Illinois. The Nippersink also has some of the highest-rated streams in the State of Illinois. The goal of their survey is to evaluate the neighboring communities' understanding of watershed issues; document knowledge level and current behaviors; assess support for the recommendations that have been developed as part of the Watershed management plan; and identify outreach opportunities. This EPA 319 funded project is a part of Illinois State's SIPES pilot project (Social Indicators Planning and Evaluation System). It is the SIPE's effort to gather social indicator data within a watershed management framework. They sent out the survey to 2400 randomly-selected property owners within the Watershed and they had a response rate of 25%. 52% of respondents indicated that they have never heard of a rain garden. 60% of respondents indicated that they properly dispose of grass clippings and pet waste and regularly inspect their septic system. 60% of respondents indicated they owned a septic system and 13% replied that they had problems with their septic system. Respondents stated that they value water quality above economic development. 61% responded that they have never heard of the Nippersink Creek Watershed Plan. The most supported recommendations from respondents were for the recommendation of expanding water quality and biological monitoring, along with public education at schools and at community events. The least supported recommendations were to change the way communities within the Nippersink Creek Watershed manage stormwater. This data will help them develop locally relevant tailored actions to help influence behavior and community-based social marketing techniques are one way to do this because they are geared at the local level. Dr. Brehm mentioned that the entire executive summary report is available at the Nippersink Creek Watershed's website. Mr. Stowe mentioned that this presentation will be provided to the MCCD at their meeting next Thursday. Mr. Merkel mentioned that when this is presented to the Conservation District, he would suggest that an illustration be provided to attendees to show them the boundaries of the Watershed Plan. Mr. Stowe stated that the MCCD have been strong supporters of all watershed planning efforts. He mentioned that it may be beneficial to the County to have Dr. Brehm conduct two separate surveys, one for urban areas and one for rural areas. Ms. Peschke suggested that they request the Chairman to have this presentation made to the entire County Board rather than to individual committees.

Chairman McCann requested that Item No. 7.3 be heard next.

Agricultural Conservation Easement Farmland Protection Commission: Ms. Kolner mentioned that at the last committee meeting, they were provided with ideas concerning conditions and circumstances in which ACE could move forward with

starting to conduct a local food system assessment. They discussed these conditions at the last ACE meeting and ACE members were in agreement with the conditions suggested by this committee. ACE is moving forward with this program and they hope to have other agencies become involved in this matter, along with identifying one participating agency in the coming months as the lead agency for the food system assessment. Mr. Brandt mentioned that in the ordinance that created ACE, specifically the fifth "Whereas", it states "The adoption of ACE is necessary in order to maintain and preserve the agricultural resources, water resources, and natural beauty of McHenry County". Working on the food system assessment would promote McHenry County's valuable farmland and water resources by encouraging the growth of food products in McHenry County. Ms. Byer-Clow mentioned that she feels the way the committee is moving, or trying to encourage looking at local food, is really land based. She stated that they need to make sure there is land to grow food on and this is based on farmland preservation. Mr. Brandt mentioned that the committee requested that they have a lead agency named by September 2011. He questioned "what if" they do not have a lead agency named by this date. Ms. Kurtz stated that they will have a better idea of the County's budget situation, both federal, state, and local in the next month or so. In addition, in their discussions concerning the budget that were held last week, the Board heard positive news in terms of the County's financial situation and it may be a little bit better at the McHenry County level. She stated that perhaps there will be some funding available. She also stated that it is important that local people feel a sense of commitment and that they want to participate in this program. She asked the ACE members present why they cannot get people involved in this program. She questioned if it was because there is no leadership, or is it because they just do not care. Mr. Brandt stated that one of the reasons was the time commitment involved. Ms. Byer-Clow mentioned that there is interest in the program, and they need to funnel the interest into something productive moving forward. Ms. Kolner mentioned that they have been in communication with other agencies including MCCD, MCEDC, McHenry County Defenders, Woodstock Farmers Market, and MCC. There is interest, but most of the agencies have also expressed the same concern as this committee as far as staff time and budgets. They are trying to find leadership from the public, or from one of the agencies. Chairman McCann stated that several members previously voiced concern that they may be establishing a new County department to support this program. Mr. Merkel feels this program be successful if driven by the stakeholders, such as farm bureaus and farmers markets, and not by government. Mr. Sandquist mentioned that he recently attended the National Planning Conference in Boston and the EPA has become involved with local food system assessments in the last few years, and that this was a main topic at many sessions at the conference. He mentioned that ACE will continue to provide the committee with status reports concerning this topic.

OLD BUSINESS:

Water Resources Action Plan Sub-Section B2) Land Use and Zoning: Chairman McCann asked committee members to review the edits and changes made to the matrix based upon committee discussion during the last meeting concerning Sub-Section B2) Land Use and Zoning of the Water Resources Action Plan (WRAP). Ms. McKinney stated that the provisions/corrections are in red print on the matrix. Chairman McCann brought attention to the recommended changes in Section 5 in the "Recommendations" section, specifically "To work with a community of real estate professionals to work towards a standardized process for well and septic inspections". She asked members if they would like to add "at real estate transfers" to this section. Ms. Kurtz and Ms. Peschke feel this is a good suggestion. Chairman McCann requested that this language be added to this section temporarily. Ms. McKinney mentioned that it was recommended at the last meeting that she contact real estate professionals and discuss this section with them. She had a meeting yesterday with several real estate representatives and they discussed this item. The real estate representatives stated that at real estate closings they could provide a brochure of well and septic information which they do not currently do. Currently there is no education about wells and septic information that is provided to new homeowners at real estate closings. Ms. Nomm mentioned that their department has information packets readily available for new homeowners. In the past they did provide this information to real estate agencies, but they received comments that the agencies did not want it. Ms. Nomm mentioned that this information is available on the Health Department's web page, and hard copies are available at their office. Their department also provides this information to new homeowners when the Health Department issues new well and septic permits. Ms. Peschke made a motion, seconded by Ms. Kurtz, to approve the Water Resources Action Plan Sub-Section B2) Land Use and Zoning as amended at the last committee meeting; the review and approval of the amendments at today's meeting; the addition of the language stated above to Section 5 in the "Recommendations" section; and that the amended matrix be attached to the approved minutes of the March 9, 2011 meeting. The motion carried on a unanimous voice vote of all members present.

NEW BUSINESS:

Water Resources Action Plan, Section II: Subsection B3) Stormwater Management: Mr. Horton and Ms. McKinney joined committee members to review this subsection of the WRAP. Under "Recommendations" "Protection of Groundwater Quantity", section No.1 is to limit post-development runoff to predevelopment volumes and rates to the maximum extent practicable. This is to try and reduce the amount of runoff volume so there is more groundwater recharge. Mr. Horton said that this is being actively worked on with the TAC and how they will implement this into the Stormwater Ordinance.

Ms. McKinney stated that section No. 2 supports section No. 1 and is to "Utilize WI NR 151 Subchapter III as a guideline for stormwater management in McHenry County. For residential development, 90% of the pre-development infiltration volume should be maintained. For commercial/industrial development, 60% of the pre-development infiltration volume should be maintained". She mentioned that these are the Wisconsin runoff rules and it is a basis they are using. Wisconsin is already doing it statewide and it is a model we can learn from. Mr. Horton mentioned that the requirements being reviewed are annual yield base and limit the runoff to what pre-development runoff is. Ms. Peschke mentioned that there was previous resistance to using any mention when using Wisconsin references or guidelines. She inquired if they could have this section state what they will propose without any reference to Wisconsin's guidelines. Chairman McCann requested that the first sentence in this section be deleted. Mr. Merkel stated that if the Wisconsin reference is deleted, he suggests that a list of the Tier 1, 2 and 3 industries be mentioned somewhere. Chairman McCann stated that WI NR 151 Subchapter III is a Wisconsin law. Ms. Schmidt does not see a problem with referring to another state's law as a possible guideline. Chairman McCann asked committee members whether or not the word "guideline" should be used, or if they wanted to replace it with the word "reference". Mr. Sandquist suggested that the word "Utilize" be replaced with "Reference". It was the consensus of the committee to replace "Utilize" with "Reference". Mr. Horton stated that there are more components of WI NR 151 and they are using it as a guideline to decide various factors of what is being designed for McHenry County.

Section No. 3 is to encourage the use of natural drainage best management practices, distributed small scale controls and natural landscaping to reduce runoff volumes and encourage recharge, wherever practical.

Section No. 5 is to limit impervious surfaces, as well as grading and compaction of surface soils and underlying materials, which adversely affect natural water recharge capabilities. Chairman McCann stated that this is part of their conservation design ordinance.

Section No. 4 encourages retrofitting of existing stormwater management systems to ensure the use of best management practices that maximize groundwater recharge. Chairman McCann mentioned that this is part of the Stormwater Ordinance. Ms. McKinney said that this would be an ongoing matter and they do not propose to regulate it, but to encourage it with best management practices.

Section No. 6 is to prioritize restoration of areas with diminished recharge. This will be a part of their educational outreach program.

Section No. 7 is to protect groundwater quality, and infiltration is discouraged in areas associated with Tier 1 industries as defined in WI NR 151 Subchapter III. Ms. McKinney stated that there was a discussion concerning this subject in 2010 questioning if Illinois has a list similar to Wisconsin's list of Tier 1 and 2 manufacturing. She contacted the IEPA and asked them if there is a list for Illinois similar to Wisconsin's list and she was informed that Illinois does not have one. Ms. McKinney proposed the rewording of Section No. 7 (a) and (b) as follows: "The stormwater TAC should develop a list of industries that would be discouraged or prohibited in areas associated with..." along with a list developed from using references to Wisconsin's Tier 1 and 2 industries. They would remove references to the Wisconsin's Tier 1 and 2 industry list and make it their own list. Chairman McCann asked members if they would like to include the information, but exclude the reference to Wisconsin. Ms. Schmidt has no problem with referencing Wisconsin because it shows the source they started with. Chairman McCann suggested referencing SIC codes. Ms. McKinney suggested "The stormwater TAC should develop a list of industries where infiltration should be discouraged or prohibited using Wisconsin NR 216 of Chapter 2 as a guideline". They would start with these codes, use them as a guideline, and develop their own codes for the County. Ms. Kurtz supports the language suggested by Ms. McKinney. Mr. Merkel, Ms. Peschke and Chairman McCann feel there may be a problem with referencing Wisconsin's law. Chairman McCann requested that the Wisconsin reference be removed and possibly reference SIC codes. Ms. McKinney asked if the following wording meets with the

committee's approval: "The stormwater TAC should develop a list of industries where infiltration should be discouraged or prohibited using SIC codes." Mr. Horton mentioned that TAC can develop a list of SIC codes that best fit McHenry County to use as a guideline. Chairman McCann requested Ms. McKinney and Mr. Horton to work on the language for this section and bring their suggestions back to the committee at a later date.

Ms. McKinney proposed that Section 7(c), (d), (e) and (f) have the same wording as noted on the matrix, those being fueling and maintenance areas; areas in close proximity to wells; areas with inadequate separation distance to groundwater or bedrock; and areas where the soil is contaminated.

Section 8 states that one possible exception to this guideline is if adequate treatment is provided to ensure that there will be no degradation of groundwater quality.

Class V Injection Wells", Section 9 states that injection wells should be restricted within sensitive aquifer recharge areas.

Section 10 states that it should be a priority to implement best management practices for all existing and proposed stormwater drywells in McHenry County utilizing a treatment train approach.

Section 11 is to promote the infiltration of clean runoff in developing areas, developed areas, and during redevelopment utilizing techniques such as bio-swales, filter strips, permeable paving, and natural landscaping.

McHenry County Conservation District Interview Process: Chairman McCann reported that there will be a committee meeting on Wednesday, April 27, 2011 at 8:30 a.m. in order to conduct interviews for applications for the McHenry County Conservation District Board of Trustees. Mr. Merkel mentioned that if there are any questions, please contact the Conservation District or himself. As of yesterday there were six applications received and the deadline for the receipt of applications is 3:00 p.m. on April 15, 2011. The term for this position expires during the MCCD's June, 2011 meeting and they plan to make a recommendation for appointment at the May 17, 2011 County Board meeting.

REPORTS TO COMMITTEE:

McHenry County Conservation District: Mr. Merkel reported that committee members will receive a copy of the applications received for the open position on the MCCD Board of Trustees.

He stated that as the liaison for the Conservation District, the County's Health Department, along with Health Partnerships, conducted a study on healthy communities. The initial study was done in 2006 and an update has been completed. Several questions concerned access to healthcare, mental health organizations, and social service agencies. Respondents were asked to choose 5 of 17 listed ways they would like to see the community improved and to make it a better and healthier place to live. Job availability was #1, traffic flow improvements was #2, biking and walking paths was #3, #4 was roads, #5 was protection of natural resources, and #6 was public transportation. He mentioned that the presentation of the final study is being made today at the McHenry County College from 9:00 a.m. to noon.

He mentioned that the MCCD's ribbon cutting and groundbreaking ceremony for the Lake in the Hills Fen will be on Saturday, April 16, 2011 at 10:00 a.m.

Natural Hazard Mitigation Plan: None.

Agricultural Conservation Easement Farmland Protection Commission: See above.

Regional Water Planning Group: None.

NPDES: National Pollution Discharge Elimination Systems: None.

Watershed Updates: None.

Stormwater Updates: None.

Solid Waste: None.

Green Team: None.

Other:

Coal Tar: Mr. Sandquist mentioned that at the recent coal tar sealant presentation and high levels of PAHs (polycyclic aromatic hydrocarbons), they heard comments from participants regarding a timeframe for moving forward. If there is a critical topic that needs to be addressed, they will want direction from this committee to move it forward. Lake in the Hills requested that it be done on a more expedited schedule. He feels their first step is to discuss this with the State's Attorney's Office, review the statutory authorities including stormwater, zoning and environmental health and determine whether or not any of the authorities give the County the right to regulate PAHs. Ms. Kurtz heard from representatives for Crystal Lake and Lake in the Hills asking the County to be a leader in order to have this pass. They are worried about the safety of their children playing on blacktop surfaces. She encouraged the committee to make this a priority and address this issue. Chairman McCann suggested that the first step is to analyze the County's authority. Mr. Merkel would like the County's authority analyzed, but also review the authority of the municipalities. Mr. Sandquist mentioned that depending on which statutory authority is used, we may only be able to regulate the use of coal tar in the unincorporated areas. It was the consensus of the committee to have this issue reviewed by the State's Attorney's Office and analyze the County's authority concerning this matter. Mr. Sandquist will request an opinion from the State's Attorney's Office.

Grants: Mr. Sandquist mentioned that at the May 11, 2011 meeting they will request to move forward with accepting grants for a number of projects including a grant for the Soil and Water Conservation District and the Illinois American Water Association for a rain garden for the administrative building, an IEPA infrastructure grant for retrofitting the existing retention ponds around the administrative building, and a request to allow them to proceed with preparing a hazard prevention mitigation grant for IENMA. The Department has submitted the pre-application proposal for flood structures and assisting with flood-proofing structures. All three projects are in the Nippersink Watershed. They will also bring forward a U.S. Army Corps of Engineer funding for MCCD. Ms. McKinney mentioned that they received notification that they were allotted \$50,000 in cost share funding, \$25,000 of which will come from the U.S. Army Corps of Engineers and the remaining \$25,000 will come from the MCCD. They will be partnering with MCCD to do a restoration project on the Kishwaukee River which will have many benefits including groundwater recharge and stormwater management. The project is located by the Pleasant Valley Conservation Area. The County will be the lead agency on this project.

McCOG: Chairman McCann reminded members of the McCOG luncheon being held on Wednesday, April 20, 2011 beginning from 11:30 a.m. to 1:30 p.m. Ms. McKinney will send invitations to the County Board members.

Groundwater Protection: Ms. McKinney provided members with information concerning a seminar on "Sustainability in the Face of Development" scheduled for Monday, May 2, 2011 from 8:30 a.m. to 2:30 p.m. Peter Annin will be the key note speaker who is the author of *Great Lakes Water Wars*. Registration is required.

Award: Mr. Sandquist mentioned that Ms. McKinney received the following award: "Outstanding Advocate to Cassandra McKinney in appreciation of her continued collaboration, spirited support and advocacy of the Illinois State Geological Survey and Mapping Program for the benefit of the people of Illinois". Committee members congratulated Ms. McKinney on her receipt of this award.

Mosquitoes: Ms. Schmidt mentioned that her neighborhood has been discussing what can be done this year concerning mosquitoes. Typically her neighborhood collectively pays to have weekly spraying done by Clarke. Their neighborhood is located by the river and they have discussed the possibility of putting in barrier treatments. She questioned if they would affect the quality of their groundwater by trying to control the mosquitoes. Ms. Nomm mentioned that the treatments used would need to be USDA and EPA approved for the particular application. She suggested that Ms. Schmidt and her neighbors look at the impact on the environment and the applications would have to be done by licensed applicators. She mentioned that the river is not typically a source of mosquito generation because it is a moving body of water, but backwash and stagnant areas of water are sources of mosquito breeding. Ms. Nomm mentioned that mosquitoes can travel on a breeze for ten miles. She mentioned that spraying for nuisance mosquitoes is not effective for a long-term period of time.

Natural Plantings: Ms. Peschke mentioned that when the addition was made to the Courthouse building, she was a proponent for having the open areas planted with natural plants. She would like to see all of the County buildings have natural plantings so they do not have to water and maintain the lawns. Mr. Merkel stated that they have looked at this at a public building in McHenry and there is a large cost to have it established, along with maintenance. Many people have a perception that there is no maintenance to natural plants, but there is. Chairman McCann stated that she would ask John Hadley, a member of the Green Team, review this matter and report back to the committee.

EXECUTIVE SESSION: None.

FUTURE TOPICS: None.

ADJOURNMENT: Ms. Peschke made a motion, seconded by Ms. Schmidt, to adjourn the meeting at 10:50 a.m. The motion carried with all members present voting aye.

* * * * *

RECOMMENDED FOR BOARD ACTION/APPROVAL:

mh