

October 19, 2022

Minutes of the Regular Meeting of the Board of Trustees of the North Shore Water Reclamation District held Wednesday, October 19, 2022 at 9:30 A.M. at the District Office of the Raymond E. Anderson Complex located in Gurnee, Illinois.

The meeting was opened with the Pledge of Allegiance.

On roll call, the following Trustees were present.

Stephen J. Drew, President
Rhoda Pierce, Vice President
B. Sugar Young, Treasurer
Preston Carter
Thomas Swarthout

Staff members present were Executive Director Dave Miller, Attorney Greg Jackson, Director of Engineering and Special Projects Steve Waters, Director of Laboratory and Environmental Compliance Chuck Bodden, Director of Operations Igor Filipovich and Director of Technology Services Bill Jackewicz. Also present was John Norris, Government Affairs Representative.

There was no Public Comment.

President Drew presented the Consent Agenda as follows:

- A. Approval of the Minutes of the Meeting held on September 14, 2022.
- B. Consideration of Bills.
Wastewater Treatment Fund \$2,182,266.30
Check No. 193647 through 193648. Check No. 193650 through 193795.
Check No. 193796 to be included in November packet.
Check No. 193797 through 193861.
Void Check No. 193649.
- C. Financial Report, August, 2022.
 1. IEPA State Revolving Fund Loan Summary.
- D. Holiday Schedule 2023.
- E. Orders to Terminate Service.
- F. Connection Permit Refund.
 1. 28808-S, 306 Witchwood Avenue, Lake Bluff.
- G. Change Orders.
 1. C.O. No. 3, Administration Building Chiller Replacement at the Gurnee WRF, Cahill Heating and Air Conditioning Service, Inc.
 2. C.O. No. 5, Installation of Wear Plates and Coating of Receiving Bins at BRF, Bee Liner Lean Services.
 3. C.O. No. 6, Building 310 Exhaust Fan Project – Clavey Road WRF, Lee Mechanical Contractors, Inc.
- H. Authorize Payroll and Finance Department to issue District checks to meet expenses where necessary for payroll and to avoid interest and/or penalties before the next Board Meeting.

It was moved by Trustee Carter and seconded by Trustee Young that the Consent Agenda be approved as presented.

On roll call, the vote was 5-0 with all Trustees present voting “Aye”. Motion declared carried.

There was no President Report.

President Drew asked if there was any Trustee Report.

Trustee Pierce stated she would like to report that she has been working with Jane Kaplan, Public Relations reporting all the good work that the NSWRD does and working to get it published in the Lake County Board’s Newsletter.

Executive Director Miller presented the Management Report as follows:

Executive Director Miller stated that he attended WEFTEC 22 which is a gathering of water professionals, managers, technical groups, consultants and environmental people from around the world. Executive Director Miller stated that PFAS is on everyone's mind. He stated that there were widespread sessions on PFAS including regulations, university research, evaluating impacts, testing methods, destruction trials, etc. all attempting to try and figure out what will be the next steps regarding PFAS and it is a worldwide discussion.

Director of Engineering and Special Projects Waters added that he also attended WEFTEC and participated in a round table discussion affecting everyone in the industry which is the work force issue. It was noted that everyone is struggling to get any new talent and that one problem regarding smaller utilities is that the individual will hire on and get trained to have the experience and then move on to larger companies. Many entities are facing these same challenges and it is a worldwide problem.

A. Access Agreement with Lake County Division of Transportation for Restoration of Stormwater Ditches to Original Elevations.

Executive Director Miller stated the LCDOT contacted the District and requested access to the Gurnee WRF site to allow the LCDOT to remove silt and other debris from the storm water ditches along the west side of O'Plaine and on the east side of the Gurnee site. Silt and debris have built up in the ditches over the past several years and restricted stormwater flow through the area. There have been flooding complaints from homeowners in the neighborhood east of O'Plaine Road after extreme storm events. LCDOT proposed that the District sign their standard right-of-entry form to allow the work to commence, however, the District Attorney advised that a more robust access agreement should be entered into to protect the District's interests. The agreement outlines the scope of work to return the ditches to their original elevations including topographical information from 1991 when the ditches were established during the Gurnee WRF expansion. The LCDOT has agreed to the terms of the agreement. The District's attorney has expressed reservations that the agreement provides no protection in the event the County's determination as to what is or is not needed or appropriate for the drainage disappoints the District's expectations. Attorney Jackson discussed why he is hesitant with this agreement stating the work does not address where the real problem is. A discussion ensued. The Trustees were all in agreement that the work should be completed.

It was moved by Trustee Swarthout and seconded by Trustee Young to approve the Access Agreement with Lake County Division of Transportation for Restoration of Stormwater Ditches to Original Elevations.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

B. IAWA Dues September 2022 – August 2023.

Executive Director Miller stated that the Illinois Association of Wastewater Agencies is an organization that maintains an excellent working relationship with IEPA on regulatory issues and that the District is an active member of the organization. The dues amount of \$8,825.00 has remained the same for a number of years and he requested approval of the FY 2023 IAWA Dues.

It was moved by Trustee Carter and seconded by Trustee Swarthout to approve the IAWA Dues September 2022 – August 2023 in the amount of \$8,825.00.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

Executive Director Miller presented the Administration Report as follows:

A. Reclassification of Temporary Laborer Position.

Executive Director Miller stated that the District recently created a CMOM crew to comply with new regulatory requirements for sewer inspection and maintenance. The District was able to fill all 3 CMOM Crew openings with qualified employees from within the Bargaining Unit and is currently filling the resulting openings pursuant to the job posting process established by the CBA. Once that posting process is complete, the District expects to have three Laborer openings to be filled from outside the bargaining unit. Executive Director Miller noted that on November 1, 2021 a Waukegan WRF Operator was injured and has been on restricted duty or missed work since last November. As a result of all this the District has not been able to fill a resulting Temporary Laborer position for more than 6 months and the District has only carried 8 total Laborers instead of the typical 9. Candidates have expressed unwillingness to take a Temp job that will be eliminated upon the injured employee's return.

Due to this difficulty in filling the Temporary position and the upcoming need to fill three Laborer positions, the District is recommending that the Temporary Laborer position opening be converted to an additional 'regular' Laborer position. This additional 'regular' Laborer position could potentially result in the District carrying 10 Laborers for a period of time but that additional position would later be eliminated through attrition. A discussion ensued regarding possibly having a floater Laborer position which can be considered at a future time. Executive Director recommended the reclassification of the temporary laborer position to a regular laborer position and asked for Board approval.

It was moved by Trustee Carter and seconded by Trustee Pierce to approve the Reclassification of Temporary Laborer Position.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

B. Bid.

1. Waste, Recycling, Grit, Screenings and Scum Removal and Disposal Services.

Executive Director Miller stated that two bids were received for the Waste, Recycling, Grit, Screenings and Scum Removal and Disposal Services which were both deemed non-responsive due to not complying with the specifications of the bid documents. After discussions with both vendors regarding not complying with the specifications of the bid documents it was decided in the best interest of the District to update the bid specifications and re-bid these services. In the meantime, the Purchasing Department has requested current short-term pricing so the District could maintain Waste Management's service (our current provider) through December 31, 2022. It was recommended by Staff to Reject the Bids and re-bid these services and asked for Board approval.

It was moved by Trustee Carter and seconded by Trustee Swarhout to Reject the Bids for the Waste, Recycling, Grit, Screenings and Scum Removal and Disposal Services and Re-bid these Services.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

C. Family Bereavement Leave Act Policy Revisions.

1. Policy 151.1 – Funeral Leave.
2. Policy 160.0 – Paid Time Off (PTO).

Executive Director Miller stated that on June 9, 2022, Governor Pritzker signed the Family Bereavement Leave Act into law which becomes effective on January 1, 2023. In order for the District to comply with this Act, some revisions to the District's Personnel Policies are required. For the Funeral Leave Policy 151.1 additional persons may qualify the employee for leave. The Paid Time Off (PTO) policy requires some language changes from the Child Family Bereavement Leave Act to Family Bereavement Leave Act Policy. Executive Director Miller recommended Board approval of these revisions.

It was moved by Trustee Carter and seconded by Trustee Swarhout to approve the Family Bereavement Leave Act Policy Revisions to Policy 151.1 – Funeral Leave and Policy 160.0 – Paid Time Off (PTO).

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

Director of Engineering and Special Projects Waters presented the Engineering Division Report as follows:

A. Lake Bluff Basin Project.

1. Unconditional Agreement and Consent.

Director of Engineering and Special Projects Waters stated that he would like to table this item to the November Board meeting due to the nature of this Unconditional Agreement and Consent which is basically a memorandum of Understanding (MOU) with the Village of Lake Bluff and the Lake Bluff Park District setting forth each party's rights and responsibilities concerning the use and maintenance of the improvements made to the Pump Station. Director of Engineering and Special Projects Waters stated that the bid for the project had been extended until Friday, October 21, 2022 and would be able to summarize the results of the bid opening at the November meeting. A discussion ensued regarding the above referenced agreement and the various events and discussions that have taken place regarding this project. Attorney Jackson stated the memorandum of understanding is not a typical part of the Zoning Ordinance and felt that this will need review before commitment to anything. Director of Engineering and Special Projects Waters asked for Board approval to table this item until the November meeting.

It was moved by Trustee Carter and seconded by Trustee Young to table the Lake Bluff Basin Project Unconditional Agreement and Consent until the November meeting.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

B. Engineering Services Agreement.

1. UV Disinfection Phase 2 – Final Design and Bidding Services.

Director of Engineering and Special Projects Waters stated this Engineering Services Agreement is for the District to replace their existing Trojan ultraviolet disinfection systems at all three of their Water Reclamation Facilities due to aging infrastructure and Trojan's retirement of this model of its UV product line. Director of Engineering and Special Projects Waters stated that Carollo Engineers has prepared a conceptual level evaluation that will be used as the basis for this project. This Agreement is to move forward with the Final Design and Bidding Services and preparation of the documents for the IEPA Loan. Director of Engineering and Special Projects Waters stated the total cost of this UV Disinfection Phase 2 is not to exceed \$1,368,357.00 and asked for Board approval. Trustee Drew mentioned that the agreement should contain language which stipulates that the Contractor removing the old equipment does not damage that equipment and saves the parts for future spare parts. Lindsey Busch from Carollo Engineers was present and stated that this language would be incorporated into the Agreement. Executive Director Miller also commented that the District can also apply for grants from Com Ed and other energy efficiency programs that may be available at the time this project is constructed.

It was moved by Trustee Carter and seconded by Trustee Swarthout to approve the Engineering Services Agreement for the UV Disinfection Phase 2 – Final Design and Bidding Services with Carollo Engineers in the amount of \$1,368,357.00.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

C. Amendments to Engineering Services Agreements.

1. Amendment No. 1 to North Chicago Pump Station Shoreline and Bluff Evaluation, AECOM Technical Services, Inc.

Director of Engineering and Special Projects Waters stated that Amendment No. 1 to North Chicago Pump Station Shoreline and Bluff Evaluation was completed by AECOM Technical Services who prepared a revised slope restoration evaluation and prepared a revised design concept and report. Director of Engineering and Special Projects Waters stated the total cost of Amendment No. 1 is \$8,950.00 and asked for Board approval.

It was moved by Trustee Carter and seconded by Trustee Swarthout to approve Amendment No. 1 to North Chicago Pump Station Shoreline and Bluff Evaluation, AECOM Technical Services, Inc. in the amount of \$8,950.00.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

D. Bids.

1. Administration Building Hot Water Pipe and Shutoff Valve.

Director of Engineering and Special Projects Waters stated this project is a straight forward project and the lowest responsive responsible bidder is Brimmer Industries in the amount of \$13,580.00 and recommended Board approval.

It was moved by Trustee Carter and seconded by Trustee Young to Award the Administration Building Hot Water Pipe and Shutoff Valve to Brimmer Industries in the amount of \$13,580.00.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

2. RO Membranes and Accessories.

Director of Engineering and Special Projects Waters stated the Purchasing Department recommends awarding the RO Membranes and Accessories Supply Services to WaterSurplus, being the lowest responsive, responsible bidder meeting bid specifications. It was noted that WaterSurplus is a current vendor of the District and has provided good customer service in the past.

It was moved by Trustee Carter and seconded by Trustee Swarthout to award the RO Membranes and Accessories to WaterSurplus in the amount of \$78,602.88.

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

3. Annual Cleanout and Semi-Annual Air Release Inspection and Maintenance.

Director of Engineering and Special Projects Waters stated that the Engineering Department is in the process of implementing the District's Capacity, Management, Operation and Maintenance (CMOM) program for its collection system. This program is a permit requirement included in all of the Water Reclamation Facilities recently issued NPDES permits. The program requires the District to inspect all of the cleanouts in the collection system annually, and all of the air release valves semi-annually. Director of Engineering and Special Projects Waters explained that the District was aware that it would take some time to hire, train and acquire the tools and equipment necessary for the new CMOM staff to start performing the required inspection work and had advertised a bid request for services to perform the cleanout and air release inspections for FY23. The low bidder was Campanella and Sons, Inc., and their bid is below the budgeted amount. The recommendation of the Engineering Staff to award the contract to Campanella and Sons so they can get started on the inspections. Once the CMOM staff has been fully trained and have the necessary equipment they will conduct the inspections. The District will then execute a deductive change order with the contractor for the remaining work on their contract. This has been discussed with Campanella and Sons and they are not opposed to this. Attorney Jackson discussed that without specific unit pricing on the items to be completed it may be hard to determine what the costs will be if the contract is terminated. A discussion ensued. It was recommended to move forward and award the bid to Campanella and Sons in the amount of \$372,850.00 and asked for Board approval.

It was moved by Trustee Carter and seconded by Trustee Swarhout to award the Annual Cleanout and Semi-Annual Air Release Inspection and Maintenance to Campanella and Sons in the amount of \$372,850.00

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

E. Change Orders.

1. C.O. No. 3, Chemical Phosphorus Removal Improvements at the Clavey Road and Gurnee WRF's, Joseph J. Henderson and Son, Inc.

Director of Engineering and Special Projects Waters stated C.O. No. 3 is to upgrade the ventilation system exhaust fan to variable speed in order to regulate the air in and out with variable speeds. This is for both the normal operation and in the case of an emergency. Director of Engineering and Special Projects Waters stated the total cost to upgrade to a variable speed drive is \$23,757.00 and recommended Board approval of C.O. No. 3.

It was moved by Trustee Swarhout and seconded by Trustee Young to approve C.O. No. 3, Chemical Phosphorus Removal Improvements at the Clavey Road and Gurnee WRF's with Joseph J. Henderson and Son, Inc. in the amount of \$23,757.00

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

2. C.O. No. 10, Biosolids Recycling Facility (BRF) Redundant Thermal Oil Heater, Keno & Sons Construction Company.

Director of Engineering and Special Projects Waters stated C.O. No. 10 is reprogram the control system due to a recent power failure resulting in the CO2 fire protection system to discharge. Troubleshooting this incident revealed that a relay in the control panel caused the discharge. This was determined to be a fire hazard. This can be corrected by reprogramming the control system and then testing it and refilling the CO2 system. Director of Engineering and Special Projects Waters stated the total cost to perform this work is \$15,177.00 and asked for Board approval.

It was moved by Trustee Swarhout and seconded by Trustee Carter to approve C.O. No. 10, Biosolids Recycling Facility (BRF) Redundant Thermal Oil Heater, Keno & Sons Construction Company in the amount of \$15,177.00

On roll call, the vote was 5-0 with all Trustees present voting "Aye". Motion declared carried.

Director of Laboratory and Environmental Compliance Bodden presented the Laboratory and Environmental Compliance Division Report.

- A. Current Status of Significant Industrial Wastewater Violation(s) in the Service Area of the NSWRD.

Director of Laboratory and Environmental Compliance Bodden commented on the PE Audit and noted that Pfanstiehl had submitted their quarterly progress report and noted an expected completion date of November 2023 citing delays due to supply-chain issues and City of Waukegan's approval process. A formal extension request is expected. Purpose Built has committed to permitting for their deficient PE and as of October 7, 2022, Lake County Public Works has completed review, and the NSWRD is awaiting the permit package.

B. Phosphorus Permit Limit Progress Update.

Director of Laboratory and Environmental Compliance Bodden provided the Board with the monthly update on work and progress towards compliance with the phosphorus permit limit of 1.0 mg/L. Director of Laboratory and Environmental Compliance Bodden commented the limit is effective at the Clavey Road and Gurnee facilities and is forthcoming at Waukegan on March 1, 2023. All three facilities remained successfully below 1.0 mg/L since May using the biological removal systems in conjunction with the back-up chemical systems.

C. Illinois Wastewater Monitoring Network SARS-COV-2 Update.

Director of Laboratory and Environmental Compliance Bodden provided an update on the COVID Wastewater sampling being conducted for the Illinois Department of Public Health through the University of Illinois. The District has been doing the sampling which includes subsamples packaged into kits and then sent off to be analyzed. Director of Laboratory and Environmental Compliance Bodden displayed graphs showing all three of the District's Water Reclamation facilities, each showing their levels. Director of Laboratory and Environmental Compliance Bodden also provided a new slide showing what the Public Health Agencies do with the data. Director of Laboratory and Environmental Compliance Bodden discussed that the Discovery Partners Institute has now begun analyzing the District's wastewater samples for Influenza A & B and continue to test for Monkeypox, Polio, Opioid Usage and Antibiotic Resistance. Trustee Pierce commented she appreciates knowing what the agencies are doing with the data. Director of Laboratory and Environmental Compliance Bodden stated he would continue to update the Board monthly.

Director of Laboratory and Environmental Compliance Bodden stated he had attended a Community Forum on PFAS and Forever Chemicals conducted by Senator Julie Morrison on October 11, 2022 in Lake Forest at Elawa Farms. Director of Laboratory and Environmental Compliance Bodden stated that it was attended by many Lake Forest Residents, IEPA, Toxicology Manager, IDPH and the IL Environmental Council. Many of the citizens of Lake Forest were concerned with Deer Path Park which contains artificial turf which mostly likely contains PFAS.

There was no Operations Division Report.

There was no Technology Division Report.

There was no Attorney Report.

President Drew presented Old Business as follows:

It was asked what the status of the Illinois Beach State Park matter was. Attorney Jackson stated that the matter was still in litigation and because of the discovery another court date has been set for October 20, 2022. A discussion ensued. Executive Director Miller stated that the whole matter could be resolved if the State of Illinois was willing to drop the case, sign the application and pay the \$1,900 fee like every other user connecting to the District's system. Attorney Jackson stated he would keep the Board updated on the matter.

President Drew presented Other Business as follows:

A. Legislative Report.

John Norris, the District's Government Affairs Representative provided a legislative update. Mr. Norris stated there are no current pending bills that negatively affect NSWRD, but he'll continue to monitor PFAS. Mr. Norris commented that he is not surprised that the District was not officially notified concerning the Community Forum and stated he would not be overly concerned about it.

Mr. Norris also reported that IAWA is forming a new ad hoc subcommittee to work in partnership with the Legislative subcommittee on addressing sanitary sewer conflicts with IDOT projects and reported that Executive Director Miller will be chairing this newly formed IDOT Conflicts subcommittee. Executive Director Miller is hoping to get changes brought forth with IDOT and their projects. President Drew thanked Mr. Norris for his report.

There being no further business to come before the Board, on motion duly made, seconded and unanimously passed, the meeting was then adjourned until the next regular meeting to be held on Wednesday November 9, 2022 at 9:30 A.M. at the District Office of the Raymond E. Anderson Complex located in Gurnee, Illinois.

PRESIDENT

SECRETARY