

ITEM RES 2015-6023

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
2/3/2015

SUBJECT:	SUBMITTED BY:
Adoption of a Resolution Authorizing the Execution of a Memorandum of Understanding Related to the Use of Coal Tar Based Sealants for Municipal Projects	Nan Newlon Director of Public Works

SYNOPSIS

A Resolution has been prepared to authorize the execution of a Memorandum of Understanding agreeing to refrain from the use of coal tar based sealants for public works projects. A reduction in use of coal tar sealants in municipal projects will enhance water and sediment quality, and help meet stream resource quality goals.

STRATEGIC PLAN ALIGNMENT

The Strategic Plan Goals for 2011-2018 identified *Steward of Financial and Environmental Sustainability*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the February 3, 2015 Consent Agenda.

BACKGROUND

The DuPage River Salt Creek Workgroup (DRSCW), of which the Village is a member, has developed a Memorandum of Understanding and requested that members agree to refrain from the use of coal tar based sealants within their public works operations. The DRSCW is a consortium of upper DuPage River and Salt Creek watershed basin municipalities, counties, and publicly owned treatment works, such as the Downers Grove Sanitary District. These organizations have come together to better identify stressors to the aquatic systems, through a long term water quality monitoring program.

Research has shown that asphalt pavement treated with refined coal tar sealant has high concentrations of Polycyclic Aromatic Hydrocarbons (PAHs) can be a significant threat to aquatic wildlife and are listed as a Group 1 carcinogen, which are materials found to be carcinogenic to humans. PAHs are introduced into area waterways as a result of the use of coal tar sealants based on parking lots. A DRSCW assessment of 42 locations within the Upper DuPage River and Salt Creek watersheds found concentrations higher than a level identified as unsafe for aquatic life at all locations.

The Downers Grove Public Works Department is responsible for maintaining approximately 850,000 square feet of parking surfaces in the Village. For the past two years, Public Works has used asphalt emulsion-

based sealants instead of coal tar based sealants and has found them to be comparable with respect to the resulting product and cost.

Thirteen members have signed the Memorandum of Understanding and two suburban municipalities have banned all use of coal tar based sealants within their borders (see attached list). As an indication of support for this DRSCW initiative, as well as the Village's commitment to the environment, staff recommends approval of this Resolution authorizing the execution of the Memorandum of Understanding.

ATTACHMENTS

Resolution

MOU

List of DRSCW members who have signed MOU

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM
OF UNDERSTANDING BETWEEN THE VILLAGE OF DOWNERS GROVE
AND THE DUPAGE RIVER SALT CREEK WORKGROUP**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Memorandum of Understanding (the "MOU"), among the members of the DuPage River Salt Creek Workgroup, of which the Village of Downers Grove (the "Village") is one, and the DuPage River Salt Creek Workgroup (the "DRSCW"), agreeing to refrain from the use of coal tar sealants for Public Works projects, as set forth in the form of the MOU submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Mayor and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the MOU, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the MOU.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

MEMORANDUM OF UNDERSTANDING

Among

DuPage River Salt Creek Workgroup Agency Member Public Works Departments

The County of DuPage

And

The DuPage River Salt Creek Workgroup

To

Create organizational support to exclude the purchase and use of coal tar based sealants by DRSCW member public works departments and contractors hired by said members.

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to expressly support a commitment to reduce loadings of Polycyclic Aromatic Hydrocarbons (PAHs) to area waterways, thereby improving stream resource quality, by excluding the purchase and use of coal-tar based sealants by DuPage River Salt Creek Workgroup agency member public works departments (collectively, "Participants").

The Participants that hereby enter into an MOU are the following municipal public works departments: Village of Addison, Village of Arlington Heights, Village of Bartlett, Village of Bensenville, Village of Bloomingdale, Village of Bolingbrook, Village of Carol Stream, Village of Downers Grove, City of Elmhurst, Village of Glen Ellyn, Village of Glendale Heights, Village of Hanover Park, Village of Hinsdale, Village of Hoffman Estates, Village of Itasca, Village of Lisle, Village of Lombard, City of Naperville, City of Oakbrook Terrace, Village of Roselle, Village of Schaumburg, Village of Villa Park, City of West Chicago, Village of Westmont, City of Wheaton, City of Wood Dale, Village of Woodridge; the County of DuPage; and the DuPage River Salt Creek Workgroup.

II. History of Relationship

A Total Maximum Daily Load or “TMDL” is a calculation of the maximum amount of a pollutant that a waterbody can receive and still safely meet water quality standards. The DuPage River Salt Creek Workgroup (DRSCW) was formed in response to TMDLs on the East Branch DuPage River, West Branch DuPage River and Salt Creek in 2004. The service area is located in northeastern Illinois and includes areas in DuPage, Cook and Will Counties. Agency Members are defined as any public agency holding an NPDES permit for a discharge from a publicly owned treatment works facility or from a public separate storm sewer system into the East Branch DuPage River, West Branch DuPage River, Salt Creek and their tributaries.

The mission of the DRSCW is to bring together a diverse coalition of stakeholders to work together to preserve and enhance water quality and stream resource quality (the quality of all aspects of a water resource including the quality, pattern, timing, water level and assurance of stream flow, the water quality (including the physical, chemical and biological characteristics of water), the characteristics and condition of the stream and riparian habitat and the characteristics, condition and distribution of aquatic biota) in the East Branch DuPage River, West Branch DuPage River, Salt Creek and their tributaries.

The objectives of the DRSCW are:

- Develop and implement a dynamic plan that will achieve attainment of water quality standards and designated uses for the East Branch DuPage River, West Branch DuPage River, Salt Creek and their tributaries.
- Develop and implement a comprehensive, long-term monitoring program that will advance stream resource quality, as defined by chemical, physical and biological components, by accurately identifying the quality of the river ecosystems and the stressors associated with non-attainment of water quality standards and designated uses.
- Develop and implement long-term viable management strategies that accurately address water quality and stream resource quality problems identified by the monitoring program.
- Identify point and nonpoint source pollution issues and develop and implement short-term and long-term strategies to address these issues.
- Develop and maintain appropriate computer models of the watersheds to assess attainment of these objectives.

III. Development of Application

Good stream resource quality is a natural asset which enhances the environmental, recreational, cultural and economic resources of an area and contributes to the general health and welfare of the public. Research that shows coal tar based sealcoat is a significant source of polycyclic aromatic hydrocarbons (PAHs) appearing in water resources. Automobile tire friction causes sealcoat to flake off and stormwater runoff carries the particles into ponds, lakes and streams. PAHs are a group of organic chemicals that are present in coal tar and are an environmental concern because some are toxic to aquatic life. Reducing the amount of PAHs from coal tar based sealcoat products that enter area water resources will improve and protect stream resource quality. Environmental impacts can be minimized and pavements can be maintained by utilizing safer alternative products.

IV. Responsibilities of Participants

To ensure successful collaborative implementation of this MOU, Participants agree to the following intentions with regard to the discharge of their public duties:

- Public works personnel shall actively exclude the purchase, use, and engaging in contracts for services that utilize, coal tar based sealer within their municipal planning area.
- Public works personnel will scrutinize product labels to determine if a product has a coal-tar base, Chemical Abstracts Service (CAS) number 65996-93-2 on the product Material Safety Data Sheet (MSDS). Products that contain the words “coal tar,” “refined coal tar,” “high temperature coal tar,” “refined tar,” “refined coal-tar pitch,” “RT-12,” CAS number “65996-93-2” or other similar terms on the MSDS or on the product container will be rejected for purchase and use.
 - No public works personnel shall knowingly purchase any coal tar based sealer for use on any driveway, parking lot, or other surface within their municipal planning area.
 - No public works personnel shall knowingly apply any coal tar based sealer to any driveway, parking lot, or other surface within their municipal planning area.
- Public works personnel will request all contractors hired to apply sealer to any driveway, parking lot, or other surface within their municipal planning area use products that do not contain coal tar based products.
 - No public works personnel shall knowingly contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar based sealer to any driveway, parking lot, or other surface within their municipal planning area.
- The DRSCW will help facilitate communication amongst municipal Participants regarding this MOU.
- The DRSCW will make presenters available to municipal Participants for the purpose of approving the MOU by public works departments.
- The DRSCW will provide literature and/or direct municipal Participants to available resources regarding coal tar based sealants and PAHs.
- The DRSCW will provide updates regarding stream resource quality as it relates to PAHs within the service area, as data becomes available.

V. Administrative Provisions

This MOU is intended only to enhance and strengthen the working relationships of the Participants in connection to the purchase and use of coal tar based sealants and the use of coal tar based sealants by contractors hired within the DRSCW service area and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity.

VI. Effective Date, Modification, and Termination

This MOU is effective as of the date the last Participant executes the MOU and expires five (5) years from that date, at which time the MOU will be subject to renewal or expiration. When effective, the MOU will not be modified except through written agreement executed by all Participants.

Any Participant may terminate participation in this MOU 30 days after providing written notice to the DRSCW.

VII. Contacts

All notices, communications and coordination will involve, at a minimum, the following individuals, their successors and/or designees:

Agency

Representative

Village of Addison J. Mitchell Patterson	DuPage River Salt Creek Workgroup David Gorman	City of Naperville Richard Dublinski
Village of Arlington Heights Michael Nolan	City of Elmhurst Michael Hughes	City of Oakbrook Terrace Craig Ward
Village of Bartlett Paul Kuester	Village of Glen Ellyn Julius Hansen	Village of Roselle Rob Burns
Village of Bensenville Joe Caracci	Village of Glendale Heights Rachel Kaplan	Village of Schaumburg Steven Weinstock
Village of Bloomingdale Michael Marchi	Village of Hanover Park Howard Killian	Village of Villa Park Vydas Juskelis
Village of Bolingbrook Matthew Ames	Village of Hinsdale George Franco	City of West Chicago Robert Flatter
Village of Carol Stream Phil Modaff	Village of Hoffman Estates Joseph Nebel	Village of Westmont Noriel Noriega
Village of Downers Grove Naneil Newlan	Village of Itasca Ross Hitchcock	City of Wheaton Vince Laoang
The County of DuPage Dan Cronin	Village of Lisle Jason Elias	City of Wood Dale John Kramer
	Village of Lombard Carl Goldsmith	Village of Woodridge Chris Bethel

VIII. Signatures

Our agency department understands and voluntarily supports the purpose of this MOU.

Signature

Date

Name, Title

Organization

DRSCW Members who have executed the MOU include:

- Village of Addison
- Village of Carol Stream
- County of DuPage
- Forest Preserve District of DuPage County
- Glenbard Wastewater Authority
- Village of Lombard
- The Conservation Foundation
- Wheaton Sanitary District
- City of Elmhurst
- City of Naperville
- Village of Bloomingdale
- Downers Grove Sanitary District
- Village of Woodridge

The following Illinois municipalities have banned the use of coal tar sealants in their community:

- Village of Winnetka
- Village of South Barrington