

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Public Works **DATE:** March 4, 2003
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION TO COLLECTIVELY PARTICIPATE WITH THE COUNTY OF DUPAGE IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE II COUNTYWIDE STORMWATER PERMIT PROCESS", as presented.

EWA

SUMMARY OF ITEM:

Adoption of the attached resolution shall authorize an intergovernmental agreement to work collectively with other local agencies to meet Clean Water Act Mandates.

RECORD OF ACTION TAKEN:

**RESOLUTION TO COLLECTIVELY PARTICIPATE WITH THE
COUNTY OF DUPAGE IN THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM PHASE II COUNTYWIDE
STORMWATER PERMIT PROCESS**

WHEREAS, the Village of Downers Grove ("Downers Grove") and the County of DuPage ("County") are public agencies within the meaning of the Illinois "Intergovernmental Cooperation Act", as specified at 5 ILCS 220/1, et seq., and are authorized by Article 7 Section 10 of the Constitution of the State of Illinois to cooperate for public purpose; and

WHEREAS, pursuant to authority granted at 55 ILCS 5/5-1062 and 5/5-15001, et seq., the County is authorized to take action to control flooding and to enter into agreements for the purposes of stormwater management and flood control; and

WHEREAS, the County has adopted the DuPage County Stormwater Management Plan which recognizes stream maintenance, erosion control, and water quality as an integral part of the proper management of storm and flood waters; and

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater program is a mandate of the Clean Water Act and requires permit coverage for stormwater discharges from certain regulated small municipal separate storm sewer systems; and

WHEREAS, it has been determined that all of the municipalities in DuPage County along with the County of DuPage will be required to apply for a NPDES Phase II stormwater permit; and

WHEREAS, the NPDES Phase II permit requires that all applicants submit an application or Notice of Intent to the Illinois Environmental Protection Agency (IEPA) along with a stormwater management plan that identifies: the best management practices (BMPs) and measurable goals for the six minimum control measures; a timetable for implementation; and the person(s) responsible for implementation; and

WHEREAS the six minimum control measures that need to be addressed by permit applicants are:

1. Public education and outreach on stormwater impacts,
2. Public involvement/participation,
3. Illicit discharge detection and elimination,
4. Construction site stormwater runoff control,
5. Post-construction stormwater management in new development and redevelopment,
6. Pollution prevention/good housekeeping for municipal operations; and

WHEREAS, the NPDES allows municipalities to identify "local qualifying programs" as a mechanism to meet the Phase II permitting requirements; and

WHEREAS, local qualifying programs are defined as a local, State or Tribal municipal stormwater program that imposes requirements that are equivalent to those of the Phase II minimum measures; and

WHEREAS, the purpose of the Intergovernmental Cooperation Act and Article 7 of the Constitution of the State of Illinois includes fostering cooperation among governmental bodies; and

WHEREAS, Downers Grove has worked through the DuPage Mayors and Managers Conference's Regulatory Issues Committee with DuPage County staff to research different permitting methods and have come to the conclusion that pursuing a countywide general permit and co-permitting with the County is the most prudent approach; and

WHEREAS, a countywide general permit has the benefits of reducing duplication of efforts and costs associated with program development and implementation and creating a partnership between municipalities and the County to prioritize for maximum effectiveness the limited funding available for water quality improvement; and

WHEREAS, DuPage County and the member municipalities of the DuPage Mayors and Managers Conference are prepared to jointly develop local qualifying programs to meet the requirements of the six minimum control measures prior to the application deadline of March 10, 2003, including measurable goals for each best management practice identified and a schedule for implementation.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Downers Grove shall collectively participate with the County of DuPage and other DuPage County municipalities in the National Pollutant Discharge Elimination System Phase II Countywide Stormwater Permit process.
2. Downers Grove is free to withdraw from collective participation in the National Pollutant Discharge Elimination System Phase II Countywide Stormwater Permit process, upon written notice to the following:

Ms. Nancy J. Wolfe
Chief Civil Bureau
Office of the DuPage County States Attorney
505 No. County Farm Rd.
Wheaton, IL 60187

and

Mr. Mark Baloga
Executive Director
DuPage Mayors & Managers
1220 Oak Brook Road
Oak Brook, IL 60523-2203

3. That the Village Manager is here by authorized to execute the permit application, and any related documents, on behalf of the Village.

4. A copy of this resolution shall be sent to the following parties after passage by Downers Grove:

Susan Hilton
Legislative & Policy Analyst
DuPage Mayors & Managers
1220 Oak Brook Road
Oak Brook, IL 60523

and

David Olchawa
Environmental Specialist II
DuPage County
Jack T. Knuepfer Administration Building
421 N. County Farm Road
Wheaton, IL 60187

5. This Resolution shall be in full force and effect from and after its adoption and approval, as provided by law.

ATTEST:

Mayor

Village Clerk