

**VILLAGE OF BARTLETT**

**COMMITTEE AGENDA**

**JULY 16, 2019**

**BUILDING & ZONING, CHAIRMAN HOPKINS**

Illinois Cannabis Regulations and Tax Act

**PUBLIC WORKS, CHAIRMAN CAMERER**

MWRD/Devon Excess Flow Facility Update

**EXECUTIVE SESSION**

To Discuss Collective Negotiation Matters  
Pursuant to Section 2(c)2 of the Open Meetings Act

To Discuss Pending or Imminent Litigation Pursuant to  
Section 2(c)11 of the Open Meetings Act



# Agenda Item Executive Summary

Item Name Illinois Cannabis Regulation and Tax Act Committee or Board Committee

BUDGET IMPACT			
Amount:	N/A	Budgeted	N/A
List what fund	N/A		
EXECUTIVE SUMMARY			
<p>Attached is Community Development Memorandum Number 19-102 which provides a discussion of the municipal implications of the Illinois Cannabis Regulation and Tax Act which was signed into law on June 25, 2019. <b>This law legalizes the consumption of cannabis by anyone over the age of twenty one (21) years beginning January 1, 2020.</b></p> <p>The law recognizes municipal zoning authority to regulate the time, place, and manner of newly established recreational cannabis operations. The law allows municipal corporation authorities to prohibit recreational cannabis business operations within their jurisdiction. The law does <u>not</u> permit a municipal government to prohibit the <u>use</u> of cannabis by anyone over the age of twenty one (21) years within their jurisdiction.</p> <p>Along with Zoning authority, the new law provides that a municipality may establish an occupational tax on recreational cannabis sales. This tax is capped at three percent (3%) and is collected in addition to local sales tax.</p> <p>The expansion of cannabis usage beyond medical necessity will bring new categories of cannabis businesses. Along with <b>cannabis cultivation</b> and <b>cannabis dispensing operations</b> similar to medical cannabis operations, the new law provides licensing requirements for the following new enterprises:</p> <ul style="list-style-type: none"><li>• <b>Craft growers</b> (small, specialized cultivation operations)</li><li>• <b>Infuser operations</b> (manufacture of cannabis infused products such as; edibles or topical creams)</li><li>• <b>Transport operations</b> (delivery operations that move cannabis between cultivators, processors, and dispensaries)</li></ul> <p>The current Village of Bartlett Zoning Ordinance permits the cultivation and dispensing of medical cannabis by Special Use Permit on property zoned either I-1 Light Industrial or I-2EDA General Industry Economic Development Area. The Zoning Ordinance further requires a distance requirement of one thousand five hundred feet (1,500'), in the case of medical cannabis dispensaries, and two thousand five hundred feet (2,500'), in the case of medical cannabis cultivation operations, from any daycare center, school, or area zoned for residential use.</p> <p>The purpose of the attached memorandum is to provide the Village Board Committee with background information to begin a conversation about recreational cannabis in the Village of Bartlett.</p>			
ATTACHMENTS (PLEASE LIST)			
Memorandum, Existing Medical Cannabis Location Map, IML Fact Sheet			

## ACTION REQUESTED


- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Roberta Grill, Director Date: July 8, 2019

**COMMUNITY DEVELOPMENT MEMORANDUM**  
**19-102**

DATE: July 8, 2019

TO: Paula Schumacher, Village Administrator

FROM: Roberta B. Grill, Planning & Dev Services Director 

RE: **IL PA 101-0027 Cannabis Regulation and Tax Act**

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**ILLINOIS CANNABIS REGULATION AND TAX ACT**

On June 25, 2019 Governor Pritzker signed House Bill 1438 *Cannabis Regulation and Tax Act* into law as PA 101-0027. The purpose of this law is to legalize, beginning January 1, 2020, the consumption of cannabis by anyone over the age of 21. This law provides for the expansion of cannabis dispensing, growing, and processing beyond the medical cannabis industry. The law recognizes the need for municipalities to regulate the time, place, and manner of these new business enterprises. The law establishes state licensing requirements for the following cannabis businesses:

- **Dispensing of cannabis**
- **Cultivation of cannabis**
- **Craft growers of cannabis**
- **Transportation of cannabis products**
- **Cannabis infuser operations**

The law provides municipalities the authority to impose an occupational tax on cannabis dispensaries within their jurisdiction. This tax is capped at three percent (3%) and will be levied in addition to the retail sales tax. The occupation tax will be collected and distributed in the same manner as sales tax.

The law allows a municipality to prohibit cannabis businesses within their jurisdiction. **The law makes clear that a municipality may not prohibit the use of cannabis within their jurisdiction even if the corporate authorities prohibit all cannabis related businesses.**

*A fact sheet prepared by the Illinois Municipal League is attached to this memorandum for your reference.*

**VILLAGE ZONING HISTORY OF MEDICAL CANNABIS**

On November 5, 2013, the Village Board approved Ordinance Number 2013-81 which provides for the cultivation and dispensing of medical cannabis as a Special Use within the I-1 Light Industrial and I-2 EDA General Industry Economic Development Area Zoning Districts. The Ordinance further stipulates that a medical cannabis cultivation operation must be located at least 2,500 feet from any daycare center, school, or area zoned for residential use and a medical cannabis dispensing operation must be located at least 1,500 feet from any daycare center, school, or area zoned for residential use. *Please see*

*the attached maps which illustrate the properties within the Village of Bartlett that meet these requirements.*

The Village has processed two (2) Special Use Permit applications for cannabis related businesses. The Village Board approved Ordinance Number 2014-074 granting a Special Use Permit for a medical cannabis cultivation operation for I-2 EDA zoned property located in Brewster Creek Business Park. This business was never established. The Village Board Committee reviewed Zoning Petition Number 2014-025 requesting a Special Use Permit for medical cannabis dispensing on I-2 EDA zoned property located in Brewster Creek Business Park. This petition was subsequently withdrawn because the petitioner did not receive a state license.

In light of the new law, the Village of Bartlett Zoning Ordinance must be amended to address the expansion of cannabis growth, processing, transporting, and sales. The following should be considered with respect to allowing these businesses within the Village.

### **DISPENSING OPERATIONS**

Beginning in October, the State will open the licensing application process to the fifty-five (55) existing medical cannabis dispensaries. These dispensaries may apply to sell cannabis to anyone over the age of 21 and they have the right to establish a secondary location for a new nonmedical cannabis dispensary. The law requires that a secondary location must be at least 1,500 feet from any other cannabis related business and the secondary location must be within the same BLS (Bureau of Labor Statistics) region as their existing medical dispensary. Since there are medical dispensaries within our BLS region, property within the Village may be a prospective secondary location for one of these businesses. The law allows the owner one hundred eighty (180) days after license approval to find a suitable location.

After January 1, 2021, the State will begin accepting applications for cannabis dispensary licenses from new organizations and by January 1, 2022 the State may issue up to five hundred (500) dispensary licenses. These licenses will be granted with consideration to maintaining the geographic dispersion previously established in awarding medical cannabis licenses and will give preference to members of communities disproportionately effected by the "war on drugs". **All cannabis dispensaries must comply with the following state mandated rules of operation. The law prohibits municipalities from imposing conditions of zoning that go beyond these rules:**

- **No alcohol sales on the same property**
- **Deliveries through private, secure entrance, not shared with public**
- **Hours of operation limited to 6am-10pm**
- **No drive through facilities**
- **No vending machines to dispense cannabis**
- **Video surveillance required**
- **At least 2 employees present during hours of operation**
- **State inventory control and monitoring system in place**

The law allows for on-site consumption of cannabis products at dispensaries. Similar to a



hookah lounge, dispensaries may establish an onsite lounge for the consumption of cannabis. The law gives municipalities authority to expressly prohibit onsite consumption of cannabis in otherwise approved dispensaries.

### **CULTIVATION OPERATIONS**

The initial number of cultivator licenses is capped at fifty (50) by the law. After March 1, 2021, the State will assess the cannabis supply to determine if additional cultivation operations are necessary to meet demand. **No changes have been made to the requirements for cultivation under the new law. All cultivation operations are required to be conducted fully within a secured building.**

### **CRAFT GROWERS**

The law provides for a new class of cultivators called "craft growers". The Illinois Department of Agriculture will issue up to forty (40) licenses to craft growers before July 1, 2020. After December 21, 2021 the State intends to issue up to an additional sixty (60) craft grower licenses. Municipal zoning verification is a requirement of this licensing application. The law prohibits craft growers from locating on property within a residential zoning district. All operations must occur within an enclosed, fully secure building at least 1,500 feet from any other cannabis related establishment. No retail sales may occur at such facilities unless the owner holds a retail dispensary license as well as a craft grower license. No person shall hold more than three cannabis related licenses at any given time.

### **CANNABIS INFUSER OPERATIONS**

The law establishes licensing procedures for businesses that manufacture cannabis infused products. The Illinois Department of Agriculture is authorized to issue forty (40) infuser licenses before July 1, 2020. After December 21, 2021, the State may issue an additional sixty (60) infuser licenses. The law prohibits infuser operations on property zoned for residential use. Infuser operations must be conducted within an enclosed, fully secured building.

### **CANNABIS TRANSPORT OPERATIONS**

All cannabis products must be transported between cultivators, infusers, and retail outlets by a licensed delivery service. These businesses must be conducted under strict security measures. This business will not have many implications for municipalities in which they are located since they should appear the same as any other transport business from the exterior. For that reason, these operations may be permitted by right within all industrial zoning districts with no negative impact. The Zoning Ordinance should define this land use and include it as a permitted use in all industrial districts.

### **SURROUNDING MUNICIPALITIES**

Staff has contacted surrounding municipalities to determine their plans for Zoning Ordinance revisions. Only one (1) municipality, the Village of South Elgin, has started to

prepare a Zoning Ordinance text amendment while the remaining municipalities reported that their corporate authorities are in the discussion stage.

The Village of South Elgin Board of Trustees has directed their staff to begin the amendment process. It seems that the Village plans to allow cannabis dispensaries as a Special Use within their commercial zoning districts. The Randall Road corridor will most likely be the targeted area for cannabis dispensaries. The Village will place restrictions on the businesses including restricting signage beyond the Zoning Ordinance provisions.

**ZONING ORDINANCE TEXT AMENDMENT**

Whether the Village Board decides to expressly prohibit cannabis related businesses or not, a zoning text amendment is necessary to specifically address these new business enterprises. Minimally, the Zoning Ordinance must provide a definition for each of the cannabis related businesses. These uses must be added to the Permitted or Special Use list of each zoning district deemed appropriate. The Zoning Ordinance should also set forth conditions of application such as distancing requirements.

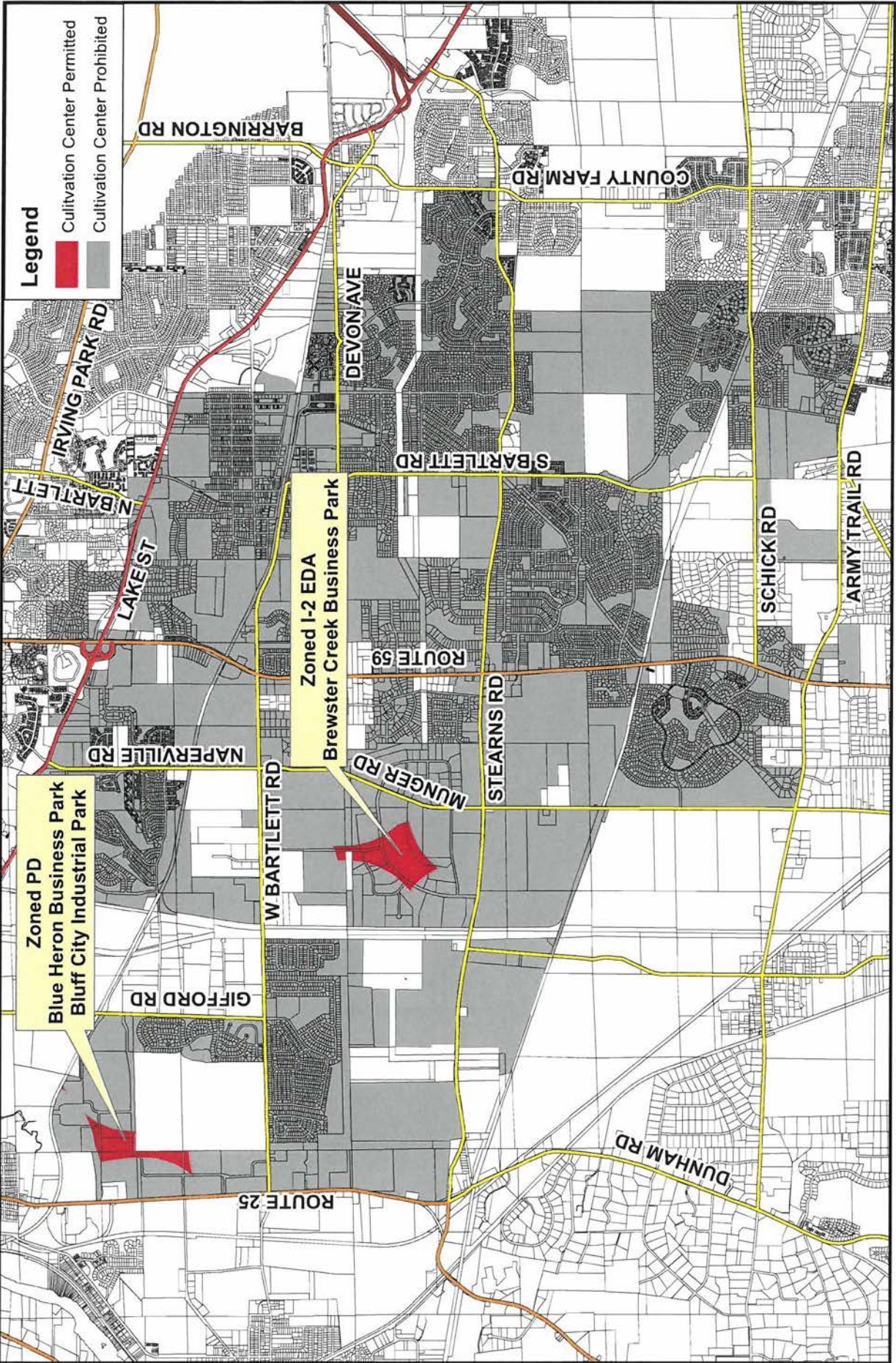
**RECOMMENDATION**

Staff is seeking direction from the Village Board with respect to a Zoning Ordinance text amendment to address the dispensing, cultivation, transporting, and processing of cannabis products. Staff further recommends that the Village Board Committee consider, at a minimum, allowing these activities in the I-1 and I-2 EDA Zoning Districts consistent with the allowance of Medical Cannabis establishments and establishing the maximum three percent (3%) occupation tax on dispensaries.

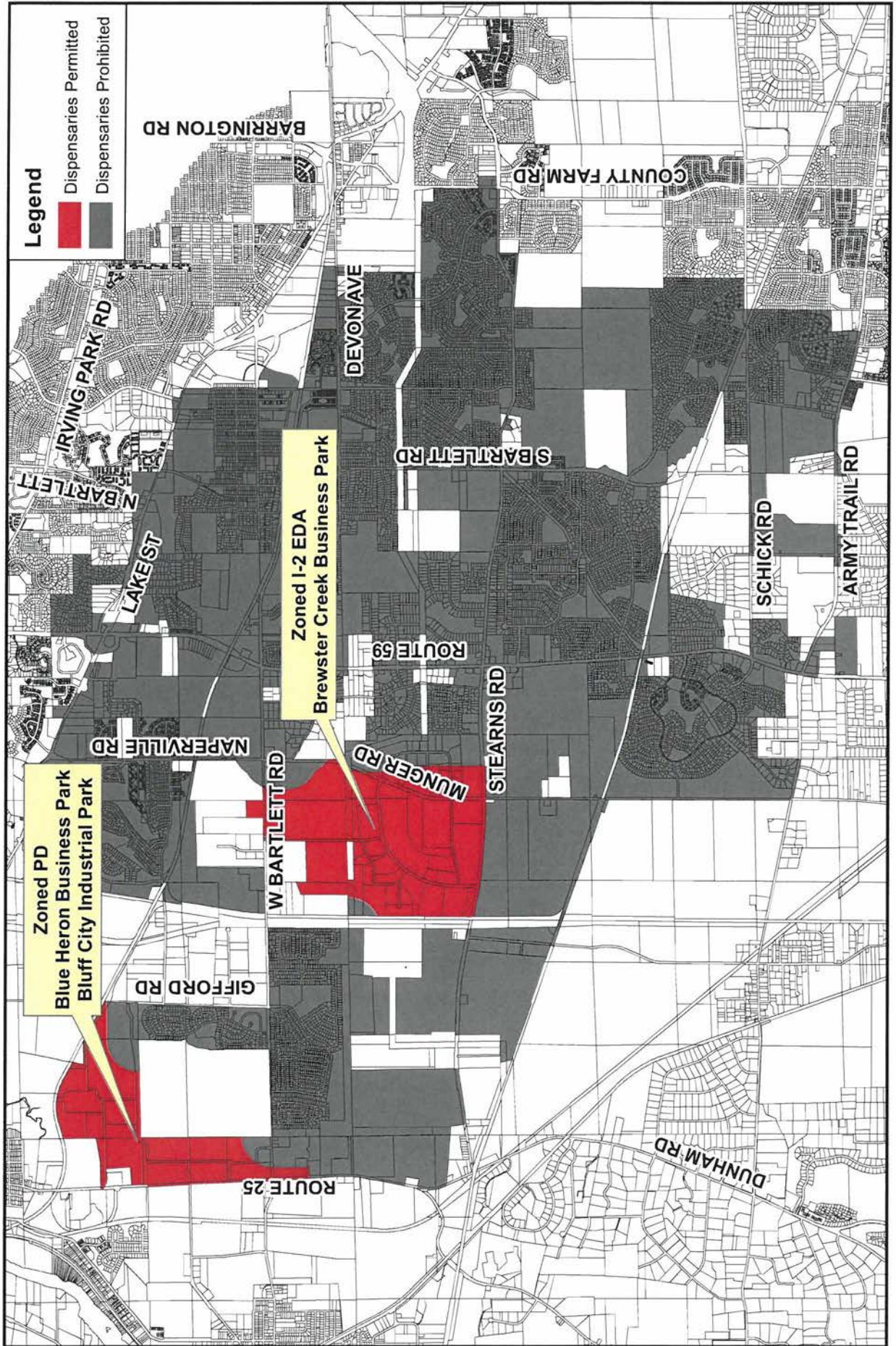
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**Legend**

- Dispensaries Permitted
- Dispensaries Prohibited

Zoned PD  
Blue Heron Business Park  
Bluff City Industrial Park

Zoned I-2 EDA  
Brewster Creek Business Park

Zoned I-2 EDA

BARRINGTON RD

COUNTY FARM RD

IRVING PARK RD

N BARTLETT

LAKE ST

DEVON AVE

S BARTLETT RD

ROUTE 59

NAPERVILLE RD

W BARTLETT RD

MUNGER RD

STEARNS RD

SCHICK RD

ARMY TRAIL RD

GIFFORD RD

ROUTE 25

DUNHAM RD



## Adult-Use Cannabis

HB 1438 (Rep. Cassidy, D-Chicago, Sen. Steans, D-Chicago) creates the Cannabis Regulation and Tax Act. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age. The legislation has passed both Chambers and the Governor has indicated he will sign it.



6/2/19

### LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

### HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. More information about the medical cannabis program is available via [this link](#).



### ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

### BUSINESS REGULATION

In addition to their general business licensing authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local business licensing ordinances and regulations.





## LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Purchase Excise Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois, such as sales tax.



## SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

## EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

## STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

## GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

## SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

## DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

## STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund (8% of deposits) will go to local governments as LGDF to be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.







# Memo

DATE: July 8, 2019

TO: Paula Schumacher  
Village Administrator

FROM: Dan Dinges, PE  
Director of Public Works

SUBJECT: MWRD/Devon Excess Flow Facility Update

As you are aware, we have been working with MWRD to have them take all of the Village's Cook County sanitary service area flow rather than us utilizing the Devon Excess Flow Facility. We were working with MWRD to enter into a new IGA that would have required us to rehabilitate their lift station at Devon & Berteau and construct 4 MG of storage at our site. On August 2, 2018, the MWRD Board gave their staff the authority to negotiate an intergovernmental agreement with the Village of Bartlett to construct an equalization basin and improve the Bartlett Pumping Station. We waited until January 8, 2019 to receive the draft IGA from MWRD. The draft 2<sup>nd</sup> amendment to the sewer service agreement included the storage however, they would only accept 1.5 times the current dry weather flows from the Village's sewer tributary to their lift station. This equates to 1.15 MGD which is what our restrictor originally was prior to the temporary removal. We had been in discussions and thought both sides agreed that they would accept 2.8 MGD. With MWRD only accepting a maximum flow of 1.15 MGD, this requires the Village to construct 5.6 MG of storage rather than the 4 MG. This change by MWRD has caused us to look at our options again and determine which option is best for the Village because 5.6 MG of storage on our site will be difficult to fit and likely raise concerns by the neighbors.

Based on MWRD's requirements, there are many options we are looking at but we are back to the following options:

**Option 1:** Upgrade the Devon Excess Flow Facility to meet the IEPA permit limits that will be in place with our new permit in October 2020. This option leaves us with an IEPA permit that must be met and will likely continue to get more restrictive and therefore more difficult to meet the standards set by the IEPA. This option is available but we feel our best option is one where we can eliminate the discharge point which eliminates the IEPA permit.

# Memo

**Option 2:** Construct storage at the Devon site and drain it back to MWRD. This requires us to construct 5.6 MG of storage on the Devon site. Based on floodplain issues, we would likely need to build a 4 MG tank and a separate 1.6 MG tank once we demolish the Devon Excess Flow Facility. This option will also require the Village to pay MWRD for treating the water that is in storage.

**Option 3:** Construct a new lift station and force main to treat the water at the Bittersweet WWTP. We will be meeting with the engineers for both the Devon Excess Flow Facility and the Bittersweet WWTP to look into this option and determine if it is feasible but we believe that the Bittersweet WWTP can handle the excess flow from the MWRD area with minimal changes to the improvements that are already planned for the Bittersweet WWTP. This allows us to eliminate the Devon Excess Flow Facility, avoid constructing large storage tanks at the Devon site and paying MWRD for the excess flow. We also are looking at incorporating the existing DuPage lift station that is on the Devon site into the new lift station to eliminate an old lift station.

We would like to get feedback from the Village Board on which direction to pursue. We also included some background information on the Devon Excess Flow Facility that Trustee Hopkins requested.

- 53 [18-0782](#) Authority to decrease purchase order and amend the agreement with The Ingalls Memorial Hospital for Contract 16-RFP-27 Pre-employment Physical Examination and Drug-Alcohol Testing Services in an amount of \$11,500.00, from an amount of \$106,110.00, to an amount not to exceed \$94,610.00, Account 101-25000-612260, Purchase Order 3093692

**Attachments:** [po3093692.pdf](#)

**Approved**

## Budget & Employment Committee

### Authorization

- 54 [18-0781](#) Authority to transfer 2018 departmental appropriations in the amount of \$215,000.00 in the Corporate Fund and Construction Fund

**Attachments:** [08.02.18 Board Transfer BF5 #1.pdf](#)  
[08.02.18 Board Transfer BF5 #2.pdf](#)

**Approved**

## Engineering Committee

### Report

- 55 [18-0746](#) Report on change orders authorized and approved by the Director of Engineering during the month of June 2018

**Attachments:** [Attachment 1 CO Report June 2018 5% Contingency.pdf](#)  
[Attachment 2 CO Status Report June 2018.pdf](#)

**Published and Filed**

### Authorization

- 56 [18-0767](#) Authority to approve and make payment for temporary and permanent easements from ANNICE, LLC, for the Flood Control Project on Natalie Creek in Midlothian and Oak Forest, Illinois (Contract 14-252-5F), consideration shall be a fee of \$13,600.00, Account No. 501-50000-667340

**Approved**

- 57 [18-0796](#) Authority to negotiate an intergovernmental agreement with the Village of Bartlett to construct an equalization basin and improve the Bartlett Pumping Station

**Approved**

## Judiciary Committee



## Protecting Our Water Environment

### BOARD OF COMMISSIONERS

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### Metropolitan Water Reclamation District of Greater Chicago

100 EAST ERIE STREET CHICAGO, ILLINOIS 60611-3154 312.751.5600

**Catherine A. O'Connor, Ph.D., P.E.**

Director of Engineering

312.751.7905 f: 312.751.5681

catherine.o'connor@mwrdd.org

January 8, 2019

Mr. Daniel Dinges  
Public Works Director  
1150 Bittersweet Drive  
Bartlett, Illinois 60103

Dear Mr. Dinges:

Subject: Bartlett Pump Station Improvements and Equalization Basin

The Metropolitan Water Reclamation District of Greater Chicago (District) has internally discussed and developed terms regarding proposed improvements to the District's Bartlett Pumping Station and the addition of an equalization basin to address Illinois Environmental Protection Agency (IEPA) NPDES violations at the Village of Bartlett's (Village) Devon Excess Flow Facility. On March 4, 1971, the District and Village entered into a Sewer Service Agreement ("Agreement"), which included the installation of a restrictor pipe that allowed the District to accept one and a half times the average dry weather flow from the Village's sewers in the Cook County area of the Village to the District's Hanover Park Water Reclamation Plant (WRP). In 2004, a permit was issued by the District to increase the size of the restrictor to divert more flow to the District to account for new development increasing the maximum flow to 1.148 MGD. In June 2016, the Village was cited by the IEPA as a result of increased flow to the Village's Devon Excess Flow Facility and found to be in violation of their NPDES Permit. In December 2016, the District amended the Agreement and allowed the restrictor to be temporarily removed until January 1, 2020, at the Bartlett Pumping Station in order for the Village to come into compliance with their NPDES permit.

To assist with storage during high flow events, the District finds it acceptable for the Village to construct, operate, and maintain an equalization basin. The Village should determine how the flows will be conveyed to and from the equalization basin. Additionally, the District conducted a condition assessment of the District's Bartlett Pumping Station on July 18, 2018, and found that it is in good condition and does not require rehabilitation or replacement to accept the maximum flow of 1.148 MGD. If the Village would like to increase the maximum flow beyond 1.148 MGD, please submit documentation substantiating buildout of the Village in the area tributary to the Bartlett Pumping Station to warrant the increase in flow.

To address the flows to and from the equalization basin, it is necessary to negotiate and enter into a second amendment to the existing Sewer Service Agreement, instead of entering into an Intergovernmental Agreement, as previously discussed. Please review the attached draft Second Amended Sewer Service Agreement. In summary, the District will accept flow from the equalization

Mr. Dinges

-2-

January 8, 2019

basin as long as the maximum flow of 1.148 MGD is not exceeded. Furthermore, the Village will be required to reimburse the District for the cost of treating the flows stored within the equalization basin and invest into its infiltration/Inflow Control Program for areas within the District's service area.

Please contact us if you would like to set up a meeting with the District to discuss these terms further. Once the terms are agreed upon, the District will request authorization from the Board of Commissioners to approve a second amendment to the Agreement. If you have any questions, please contact Ms. Justine Skawski at (312) 751-3261.

Very truly yours,



Catherine A. O'Connor  
Director of Engineering

WSS/MD/JBS/op  
Enclosure

cc: Brian A. Perkovich, Executive Director  
John P. Murray, Director of M&O  
Susan T. Morakalis, General Counsel

**SECOND AMENDMENT TO SEWER SERVICE AGREEMENT  
WITH BARTLETT, ILLINOIS**

THIS SECOND AMENDMENT TO A SEWER SERVICE AGREEMENT WITH BARTLETT, ILLINOIS, made and entered into between the **METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO ("DISTRICT")**, a unit of local government and body corporate and politic, organized and existing under the laws of the State of Illinois and the **VILLAGE OF BARTLETT ("VILLAGE")**, a municipal corporation, organized and existing under the laws of the State of Illinois (for convenience, the DISTRICT and the VILLAGE may be referred to collectively as the "PARTIES".)

WITNESSETH THAT:

WHEREAS, the DISTRICT and the VILLAGE have heretofore entered into an agreement dated March 4, 1971 ("Agreement"), in which the VILLAGE agreed to install a weir in a sewer owned by the VILLAGE leading to the Bartlett Sewage Treatment Works; and

WHEREAS, the weir was to be set at a position which would allow the DISTRICT to accept one and a half times the average dry weather flow from the VILLAGE's sewers in the Cook County area of the VILLAGE to the DISTRICT for treatment; and

WHEREAS, the VILLAGE agreed to assume the responsibility for treating all flows in excess of those diverted to the DISTRICT; and

WHEREAS, the weir was replaced with a diversion structure with a restrictor pipe; and



WHEREAS, in 2004, the VILLAGE increased the size of the restrictor to divert more flow to the DISTRICT to account for new development pursuant to District Sewerage System Permit 84-091 (RL 03-063), which allowed for major modifications to the diversion structure controlling the flow to the DISTRICT lift station ("2004 Restrictor Modifications"); and

WHEREAS, on June 13, 2016, the Illinois Environmental Protection Agency ("IEPA") found the VILLAGE to be in violation of NPDES Permit No. IL0027618 due to increased flow to the VILLAGE's Devon Excess Flow Facility; and

WHEREAS, the DISTRICT's Bartlett Pumping Station has the capability to handle the flow from the VILLAGE's sewers in the Cook County area of the VILLAGE tributary to the DISTRICT's Hanover Park Water Reclamation Plant; and

WHEREAS, the Agreement was amended on December 6, 2016, to allow the DISTRICT to accept additional flows from the VILLAGE by temporary removal of the restrictor in the VILLAGE-owned sewer tributary to the DISTRICT's Bartlett Pumping Station (the "First Amendment"). The First Amendment was to assist the VILLAGE to temporarily meet its NPDES Permit limits while researching and implementing a permanent solution; and

WHEREAS, under the First Amendment, the restrictor will be replaced by the VILLAGE in the sewer no later than January 1, 2020; and

WHEREAS, the VILLAGE now intends to design, construct, operate, and maintain a four million gallon equalization basin to meet its current and future NPDES permit requirements prior to the expiration of the First Amendment that expires January 1, 2020; and

WHEREAS, the VILLAGE will determine how the flows will be conveyed from the equalization basin to the DISTRICT's Bartlett Pumping Station. The DISTRICT's Bartlett

Pumping Station shall not be reconstructed or modified in order to accept any such flow; and

WHEREAS, the PARTIES hereto agree that the most expeditious and effective manner for the VILLAGE to permanently come into compliance with NPDES Permit No. IL0027618 is to further amend the Agreement to allow the DISTRICT to accept flows from the VILLAGE's proposed equalization basin.

NOW THEREFORE in consideration of the promises, mutual covenants, and agreements herein contained, it is agreed by and between the PARTIES as follows:

1. The DISTRICT will accept flows from the equalization basin at a rate no greater than the 2004 Restrictor Modifications, unless the DISTRICT has issued a more current permit approving of a different diversion structure(s) set at a position which will allow the DISTRICT to accept not more than one and a half times the current dry weather flow from the VILLAGE's sewers tributary to the Bartlett Pumping Station.
2. The VILLAGE will be required to reimburse the DISTRICT for the cost of treating all flows stored within the equalization basin based on Hanover Park Water Reclamation Plant's actual annual collection and treatment cost per million gallons.
3. The VILLAGE agrees to invest into the DISTRICT's Infiltration/Inflow Control Program for areas within the DISTRICT's service area.
  - a. Specifically, each year, the VILLAGE will spend a percentage of its annual sanitary sewer maintenance and rehabilitation budget on work in the area tributary to the Bartlett Pumping Station in an amount equal to the total linear feet of sanitary

sewer tributary to the Bartlett Pumping Station divided by the total linear feet of sanitary sewer owned by the VILLAGE.

- b. The VILLAGE will also provide guidance to residents on how to participate in the VILLAGE's Overhead Sewer program on its website, through printed materials, at public meetings, and in response to residents' requests for assistance with sanitary sewer issues.
  - c. The VILLAGE will report on its annual expenditures on sewers in the area tributary to the Bartlett Pumping Station and on its Overhead Sewer Program, as part of its annual reports required under the DISTRICT's Infiltration/Inflow Control Program.
4. All other provisions of the Agreement dated March 4, 1971 and the First Amendment not specifically mentioned herein shall remain in full force and effect.

**SIGNATURE PAGE FOLLOWS**



**SIGNATORY PAGE**

IN WITNESS WHEREOF, the VILLAGE OF BARTLETT and the METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, the PARTIES hereto, have each caused these presents to be executed in triplicate, by their duly authorized officers to be duly attested and their seals to be hereunto affixed.

ATTEST:

By: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVED FOR THE VILLAGE OF BARTLETT**

AS TO ENGINEERING:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Village Engineer

AS TO FORM AND LEGALITY:

By: \_\_\_\_\_ Date: : \_\_\_\_\_  
Village Attorney

**APROVED FOR THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

AS TO ENGINEERING:

By: \_\_\_\_\_ Date: : \_\_\_\_\_  
Engineer of Local Sewers

By: \_\_\_\_\_ Date: : \_\_\_\_\_  
Assistant Director of Engineering

By: \_\_\_\_\_ Date: : \_\_\_\_\_  
Director of Engineering

AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Head Assistant Attorney

Date: : \_\_\_\_\_

By: \_\_\_\_\_  
General Counsel

Date: : \_\_\_\_\_

APPROVED:

By: \_\_\_\_\_  
Executive Director

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Committee on Finance of the  
Board of Commissioners

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Chairman, Committee on Finance of the  
Board of Commissioners

Date: \_\_\_\_\_



THE VILLAGE OF  
**BARTLETT**

228 S. MAIN STREET  
BARTLETT, ILLINOIS 60103  
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FAX: 630.837.7168  
www.village.bartlett.il.us

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ADMINISTRATOR  
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TRUSTEES  
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Kristina Gabrenya, OD, FAAO  
Adam J. Hopkins  
Aaron H. Reinke

January 21, 2019

Ms. Catherine A. O'Connor  
Director of Engineering  
Metropolitan Water Reclamation District of Greater Chicago  
100 East Erie Street  
Chicago, Illinois 60611-3154

**Re: MWRDGC Lift Station Capacity  
Village of Bartlett, Cook, DuPage, & Kane Cos., IL**

Dear Ms. O'Connor:

This is in response to your January 8, 2019 letter regarding the second amendment to the sewer service agreement.

As you know, for the past 2+ years the Village of Bartlett has been evaluating options to convey and treat wet weather flows from the portion of our sanitary sewer system that is within the MWRDGC service area and tributary to the MWRDGC lift station located at the intersection of Devon Avenue and Berteau Avenue. During that time we have met with MWRDGC staff several times to discuss many different alternatives. The MWRDGC staff has been very helpful and assisted us in narrowing down our options.

In June 2018, we met with MWRDGC staff and had two alternatives that we believed would resolve our issue and was beneficial to MWRDGC:

**Alternative 5A:** Included rehabilitating the MWRDGC lift station at Devon & Berteau and the installation of a 4 MG equalization tank on the Village's property. The equalization tank would be owned and maintained by the Village but MWRDGC would be able to operate as needed. The Village would pay for all costs associated with this option.

**Alternative 6A:** Included abandoning the MWRDGC lift station at Devon & Berteau, installing a new lift station and 4 MG equalization tank on the Village's property. The new lift station and equalization tank would be owned and maintained by the Village however, MWRDGC would be connected into the SCADA system for monitoring. The costs for this option were shared between the Village and MWRDGC since the Village would be taking over the long term operation & maintenance of the lift station.

Both of these options included MWRDGC increasing the amount of flow they would take from 1.15 MGD to 2.88 MGD (Maximum Daily Capacity of Existing Pump).

On August 2<sup>nd</sup>, the MWRDGC Board authorized staff to negotiate an intergovernmental agreement with the Village to construct an equalization basin and improve the Bartlett (Devon & Berteau) Pumping Station. Based on our discussions, we believe this was authorization to proceed with Alternative 5A.



Since the August meeting we have been waiting for the draft intergovernmental agreement for review and approval. On January 10<sup>th</sup> we received the second amendment to the sewer service agreement. The amendment limits our flow to the original 1.15 MGD but allows us to drain the 4 MG equalization tank back to MWRDGC at a rate not to exceed 1.15 MGD and the Village pays for the flow drained back to them.

On January 14<sup>th</sup> we met with MWRDGC staff to go over the draft amendment and discussed the surprise we had when the amendment did not include accepting the flow rate of 2.88 MGD. Staff explained their concerns with setting precedent and limiting all communities to 1.5 times the average dry weather flow. We understand that MWRDGC has their standards and requirements to follow but we question the limitation of maximum daily flow to average daily flow ratio limit of 1.5:1. The Illinois Environmental Protection Agency Title 35, Subtitle C, Chapter II, part 370: Illinois Recommended Standards For Sewage Works Design, Appendix D, Design of Sewers – ratio of Peak Flow to Daily Average Flow Design Standard is:

- Maximum:Average Flow Ratio = 3.05 (Based on 8,007 P.E.)
- Maximum Flow from Bartlett MWRDGC Service Area = 2.45 MGD

Previous discussions with MWRDGC staff indicated the lift station maximum flow would be capped at 2.88 MGD which is close to the IEPA Design Standard.

We are disappointed that MWRDGC will not move forward with Alternative 5A for the long term however, we ask you to consider pumping up to 2.88 MGD for a period of 10 years. This will allow us to install the 4 MG equalization tank and work on our inflow and infiltration (I/I) issues in the service area and hopefully see a reduction in our peak which will enable us to remove the excess flow facility and install additional storage if necessary. We offer the following comments in support of our request.

We would like to once again thank MWRDGC for working with the Village and approving an IGA in December 2016, which allowed temporary removal of the restrictor at the MWRDGC Devon/Berteau Lift Station. The IGA's expiration is January 1, 2020, our plan is to have the 4 MG storage tank completed this summer/fall prior to January 2020 however, we would still be short by ~1.5 MG if we are restricted to the 1.15 MGD. We request that the existing IGA be extended to September 30, 2020 which would align with our IEPA permit. Our site is restricted with wetlands and floodplain making it difficult to increase the size of the equalization tank. The removal of the restrictor through September 2020 and then MWRDGC pumping 2.88 MGD for a period of time after that allows us to demolish the excess flow facility and potentially construct additional storage.

The Village is keenly aware that the wet weather flows are caused by excessive I/I entering the sanitary sewer network. We suspect our community is no different than many of the other MWRDGC communities in that regard. We are committed to reducing I/I within our system and we have even prioritized the service area tributary to the MWRDGC Lift Station at the top of our action list. We have invested over \$1M in the service area which included lining our mains, flow monitoring, smoke testing, and we have a contractor getting started on a manhole rehabilitation project. We will continue to work on I/I reduction

consistent with MWRDGC policy, and our Board has approved a Capital Program committing \$600,000/year towards sanitary sewer system rehabilitation. We are confident we will reduce the level of I/I within this service area and ultimately reduce the peak weather flows tributary to the MWRDGC Devon/Berteau Lift Station.

If you are not already aware, please note our community is funding a number of other major public projects. We are converting our water supply source to Lake Michigan water, via the DuPage Water Commission, at an estimated cost of \$40M. We also need to rehabilitate and upgrade our Bittersweet WWTF to meet upcoming nutrient standards, which is estimated to cost \$30M. On top of that, we are currently funding improvements to our Police Station, which are estimated to cost \$20M. As you can see we have many infrastructure investment needs on our plate already. We respectfully request that MWRDGC amend our IGA/Sewer Service Agreement to state the MWRDGC Devon/Berteau Lift Station will continue to pump all flows through September 30, 2020 and up to 2.88 MGD for a period of 10 years after September 2020. We would then plan to convey and treat the flows in excess of that amount.

We look forward to continuing our outstanding partnership with MWRDGC. If you have any questions or require any additional information, please do not hesitate to contact us. Should you wish, we would be more than happy to meet with you to further discuss our request.

Respectfully submitted,

VILLAGE OF BARTLETT

  
Kevin Wallace                      Daniel J. Dinges  
Village President                  Director of Public Works

pc: Paula Schumacher – Village Administrator  
John Pullia – Wastewater Supervisor  
Bryan Mraz – Village Attorney  
Kari Steele – President MWRDGC  
Brian Perkovich – Executive Director MWRDGC  
Maureen Durkin – MWRDGC  
Justine Skawski – MWRDGC  
John Murray – MWRDGC  
Adam Gronski – MWRDGC  
Susan Morakalis – General Counsel MWRDGC  
Jeffrey W. Freeman – Engineering Enterprises, Inc.

## Daniel Dinges

---

**From:** Daniel Dinges  
**Sent:** Thursday, February 7, 2019 2:20 PM  
**To:** 'Durkin, Maureen'; 'Justine.Skawski@MWRD.org'  
**Cc:** John Pullia; 'Jeff Freeman'  
**Subject:** Village of Bartlett - MWRDGC Lift Station

Tracking:	Recipient	Delivery
	'Durkin, Maureen'	
	'Justine.Skawski@MWRD.org'	
	John Pullia	Delivered: 2/7/2019 2:20 PM
	'Jeff Freeman'	

Hello Maureen & Justine,

As you know we have been looking at many options and continue to try to figure out what our best option is moving forward.

After we sent the January 21, 2019 letter we continued to look at our options and would like to get MWRD's thoughts on a couple of options that would involve MWRD.

We are still very interested in MWRD agreeing to take 2.88 MGD long term however, if MWRD were to agree to take 2.88 MGD for only a period of time, would MWRD be willing to utilize their Berteau lift station to fill our equalization (EQ) tank long term?

We would install a valve vault and force main on the discharge side of your lift station that would allow 2.88 MGD to be pumped to your Hanover Park Facility and anything in excess of 2.88 MGD would be pumped to our EQ tank. Once the agreement to accept the 2.88 MGD time period expires, we could adjust the flows to MWRD down to the 1.2 MGD through a change in SCADA. We understand that this may require us to upgrade your lift station and we would need to agree on a cost to pump to our EQ tank. We would also install a gravity line from our EQ tank to your wet well to drain our EQ tank after the storm event.

Another option we looked at was requesting an extension of our current agreement where MWRD takes all flow until spring 2021. This would allow us to demo our existing excess flow facility to make room to construct the 5.6 MG EQ tank.

We would also like MWRD to consider using the Berteau lift station as described above to fill the EQ tank.

In the event that flows exceed what you are pumping and our EQ tank is full we would have an overflow connection to our DuPage area lift station which is pumped to our Bittersweet WWTP.

Feel free to contact me with any questions.

Thank you for considering all these options,  
Dan Dinges, PE  
Director of Public Works  
Village of Bartlett  
630-837-0811



## Protecting Our Water Environment

### Metropolitan Water Reclamation District of Greater Chicago

100 EAST ERIE STREET CHICAGO, ILLINOIS 60611-3154 312.751.5600

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**Catherine A. O'Connor, Ph.D, P.E.**  
Director of Engineering

312.751.7905 f: 312.751.5681  
catherine.o'connor@mwrdd.org

March 20, 2019

Mr. Daniel Dinges  
Public Works Director  
Village of Bartlett  
1150 Bittersweet Drive  
Bartlett, Illinois 60103

Dear Mr. Dinges:

Subject: Bartlett Pumping Station and Equalization Basin

This letter is in response to your letter dated January 21, 2019, and email correspondence dated February 7, 2019, regarding options for addressing Illinois Environmental Protection Agency (IEPA) National Pollutant Discharge Elimination System violations at the Village of Bartlett's (Village) Devon Excess Flow Facility. The District has considered the option of accepting all flow at the Hanover Park Water Reclamation Plant (HPWRP) until Spring 2021, so that the Village can construct a 5.6 MG equalization tank. After this point, flow to the District will be restricted to no more than 1.15 MGD. The District would consider this option subject to the following conditions. The Village would assume ownership of the Bartlett Pumping Station, and be responsible for all upgrades, operations, and maintenance of the pumping station, which may be used to fill the equalization tank. As indicated in your email, a valve vault and force main on the discharge side of the pumping station would need to be installed by the Village. We request that this valve vault include a permanent flow meter and a valve on the force main to HPWRP. The flow meter would receive power from the Bartlett Pumping Station and data from the meter would be transmitted to HPWRP using the District's existing DCS hardware in the pumping station. We request that the valve vault be turned over to the District. Starting in Spring 2021, flows in excess of 1.15 MGD shall be pumped to the Village's equalization tank. In the event that flows exceed 1.15 MGD and the Village's equalization basin is full, an overflow connection to the Village's Bittersweet Wastewater Treatment Plant will be necessary. The Village will need to provide details as to where this relief point will be located.

Additionally, the portion of the Village tributary to the Bartlett Pumping Station contains floodplain. The Village shall verify that all sanitary manholes in the floodplain have water tight, bolt down covers. If covers need to be replaced, the impact on the expected wet weather flow should be estimated. This may help to reduce the flow rate to the Bartlett Pumping Station. The District also requests that the Village remove the cross connection from the Bartlett Elementary School located at the intersection of North Avenue and Tatge Avenue by September 30, 2020.

We understand that the Village will install a gravity line from the equalization tank to the Bartlett Pumping Station wet well to drain the equalization tank after storm events. Provided the Village accepts ownership of the Pumping Station, the District does not object to this. As long as flow to the District does not exceed 1.15 MGD at the aforementioned time, and the Village agrees to the other terms described above, the District will not require reimbursement for treatment of flow stored within the equalization basin until January 1, 2026. Additionally, the District will not require reporting of expenditures on infiltration/inflow removal work beyond typical reporting requirements of the District's Infiltration/Inflow Control Program.

Please contact us to discuss this option further. The District will revise the draft second amendment to the Agreement based upon our negotiations of the matters discussed in this letter as well as those terms set forth in the original draft sent on January 8, 2019. If you have any questions, please contact Ms. Justine Skawski at (312) 751-3261.

Very truly yours,



Catherine A. O'Connor  
Director of Engineering

WSS/MD/JBS/op

cc: Brian Perkovich, Executive Director  
John Murray, Director of M&O  
Susan Morakalis, General Counsel

## Devon Excess Flow Facility Operation Costs

<b>Chemical &amp; Utility Costs (Based on Averages)</b>			
Product	Usage	Cost	Total Cost
Chlorine	45 lbs	\$1.35/lb	\$60.75
Sodium Thiosulphate	30 Gal.	\$2.47/Gal	\$74.10
Polymer	35 Gal.	\$14.83/Gal	\$519.05
Ferric Chloride	20 Gal.	\$1.75 Gal	\$35.00
Electric	13,000 kWh	\$.05/kWh	\$650.00
Misc.	Each		\$850.00
<b>Total</b>			<b>\$2,188.90</b>
<b>Man-Hours*(1 Maint. Woker &amp; 1 Operator) Per Occurrence</b>			
Operation	Hours	Rate	Cost
Fill & Discharge	6	\$50	\$600.00
Drain	8	\$35	\$560.00
<b>Man-Power Cost Per Occurrence</b>			<b>\$1,160.00</b>
*2 Personnel Required (Lift Station Pager & Operator)			
<b>2019 Fees Collected (Based on 6,000 Gal. Average)</b>			
# of Accounts	Rate	Cost	Total
3,012 (Residential/Business)	\$16.37 + 1.36/1,000 gal	\$24.53/ Month	<b>\$73,884.36</b>

<b>Operation Frequency</b>	
Year	Operating
2012	3
2013	18
2014	21
2015	27
2016	13
2017*	5
2018	4
2019 (YTD)	10

\* Resitrictor Removed  
Per Amended IGA  
Will be Reinstalled  
1-Jan-20