



STORMWATER MANAGEMENT COMMISSION

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MEMORANDUM

To: Stormwater Management Commission  
From: Mike Warner, Executive Director  
Date: September 5, 2019  
Re: MS4 Technical Coordinator Services, NBWW Services & DRWW Services

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ACTION REQUESTED: Approval of Contract

It is expected that the requirements of this role will be approximately a total of 1,500 hours per year at a maximum expected annual cost of \$75,000, with SMC acting as contract liaison, and providing office space, computer, field vehicle and equipment as needed.

- The MS4 Technical Coordinator services will be approximately 1,000 hours for the ongoing implementation of Lake County's MS4 Permit Program in accordance with Illinois Environmental Protection Agency (IEPA) ILR40 permit requirements.
- The DRWW Services will be approximately 450 hours for the ongoing implementation of the services for the DRWW requirements.
- The NBWW Services will be approximately 50 hours for the ongoing implementation of the services for the DRWW requirements.

**MS4 Technical Coordinator Services**

SMC has been providing services for the IEPA recognized 'Qualifying Local Program' from the start of the NPDES program requirements in 2003. This provides support and most of the compliance requirements for all Lake County MS4 permittees, for 4 of the 6 required minimum control measures. The leadership role that SMC has taken within the County for the ILR40 permitting program has resulted in developing expertise and efficiencies to best serve as the "Stormwater Coordinator" for the Lake County based permit.

The overall program responsibility falls under the Lake County Administrator's Office with the following Departments/Agencies playing an active role within the program:

- Division of Transportation
- Planning, Building and Development
- Health Department
- Public Works Department
- Finance and Administrative Services
- Solid Waste Agency of Lake County
- Stormwater Management Commission

The Stormwater Coordinator responsibilities are detailed in the scope of work in the attached contract but are generally categorized as follows, including:

- Serving as the lead contact for IEPA/USEPA coordination.
- Understanding the requirements of the ILR40 permit and SMPP implementation.
- County compliance with ILR40 permit requirements.
- NPDES Construction Permit ILR10 compliance.
- Illicit Discharge Detection and Elimination Program oversight and compliance.

### **North Branch Chicago River Watershed Workgroup (NBWW) Services**

As approved in the FY19 budget, SMC has been funded by NBWW to implement administrative, GIS, Technical Support for DRWW services.

The NBWW responsibilities are detailed in the scope of work in the attached contract but are generally categorized as follows, including:

- Educational outreach and membership development.
- Technical review of watershed assessment.
- Regulatory and granting agency coordination.

### **Des Plaines River Watershed Workgroup (DRWW) Services**

As approved in the FY19 budget, SMC has been funded by DRWW to implement administrative, GIS, Technical Support for DRWW services.

The DRWW responsibilities are detailed in the scope of work in the attached contract but are generally categorized as follows, including:

- Administrative Services: coordination, meeting planning/development, monitoring work plan, announcements
- Educational outreach and membership development.
- Technical review of watershed assessment.
- Regulatory and granting agency coordination.

NPDES – USEPA National Pollutant Discharge Elimination System

MS4 – Municipal separate storm sewer system (a publicly-owned conveyance or system of conveyances (including but not limited to streets, ditches, catch basins, curbs, gutters, and storm drains) that is designed or used for collecting or conveying stormwater and that discharges to surface waters of the State.

ILR40 – IEPA General Permit Covering discharges of storm water from small municipal separate storm sewer systems (MS4s)

ILR10 – IEPA General Permit Covering Construction Site Discharges

**CONSULTING SERVICES AGREEMENT CONTRACT**  
between the  
**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION**  
and  
**LIMNOLOGIC, LLC**  
for

**MS4 TECHNICAL COORDINATOR SERVICES, NBWW & DRWW SERVICES**

This is an agreement (Agreement) by and between the Lake County Stormwater Management Commission, 500 West Winchester Road, Suite 201, Libertyville, Illinois 60048 (SMC) and Limnologic, LLC, 5334 Oak Grove Drive, Long Grove, IL 60047 (Consultant).

**PURPOSE**

Quality Statement:

Lake County remains committed to preserving the health of our natural resources, air quality, and our surface and drinking waters, through the widespread use of public education and outreach, environmentally sustainable management practices, effective stormwater management, and the enhancement and rehabilitation of lakes and other ecological systems.

Position Statement:

Lake County is a Municipal Separate Storm Sewer Systems (MS4) community with six (6) departments playing an active role in Lake County's MS4 Program. The Lake County Stormwater Management Commission (SMC) provides a Qualifying Local Program (QLP) for all of Lake County's MS4 permittees. For Lake County, the County Administrator's Office has overall responsibility. The MS4 Program Coordinator will work under the management of SMC, but will work with all County departments playing an active role in Lake County's MS4 Program.

The Consultant will also work with the Des Plaines River Watershed Workgroup (DRWW) and North Branch Chicago River Watershed Workgroup (NBWW) to address program tasks. The DRWW and NBWW are a consortium of publicly owned wastewater treatment works, local governments, citizen advocacy groups, and professional firms focused on improving water quality in the Des Plaines River and North Branch Chicago River watersheds. The workgroups formed in response to USEPA and IL EPA regulatory mandates and has taken a shared services approach to most efficiently and economically achieve the challenges put forth in POTW and MS4 permit requirements. Both IL EPA and USEPA have recognized the benefits of a watershed-based approach to addressing water quality issues in the Des Plaines River and North Branch Chicago River by allowing workgroup members to collaboratively use shared data to comply with their individual permit conditions.

**SCOPE OF SERVICES**

The Consultant will work with the Dept Group to implement a comprehensive MS4 program, The Consultant will work with the North Branch Chicago River Watershed Workgroup (NBWW) to address program tasks and The Consultant will work with the Des Plaines River Watershed Workgroup (DRWW) to address program tasks. The following tasks are not listed in priority order and it is not envisioned this task list would be completed through this contract period but represents an ongoing and projected list of tasks the Consultant would provide.

I. MS4 SCOPE OF SERVICES

A. General Task List

1. Scope of services limited to approximately 1000 hours per year.
2. Serving as the lead contact for Lake County government NPDES ILR40 permit compliance.
3. Preparing and submitting Lake County's annual facility report to the IEPA before June 1<sup>st</sup>.
4. Overseeing compliance with the Illicit Discharge Detection and Elimination Program.

5. Conducting regular dry weather screening inspections of Lake County storm sewer system outfall locations, and coordinate results with County personnel.
6. Leading the coordination of the Lake County water quality monitoring responsibilities in conjunction with the latest ILR40 permit requirements.
7. Providing technical support and inspection services for the satisfactory performance of post-construction best management practices (BMPs) and stormwater management facilities.
8. Reviewing and enhancing Lake County's Stormwater Management Program Plan (SMPP) to meet the latest ILR40 permit requirements.
9. Coordinating individual Lake County Department activities to support compliance with the latest ILR40 permit requirements.
10. Providing technical support of Lake County construction and "good housekeeping" activities to support compliance with IEPA permit requirements.
11. Representing Lake County at Municipal Advisory Committee meetings and other applicable meetings.
12. Performing related work as required.
13. Advance Lake County environmental goals, as applicable and appropriate for the position
14. Coordinating environmental compliance activities, e.g.; soil erosion and sediment control (SE/SC) inspection practices
15. Gain applied knowledge of the USEPA and IEPA (*ILR10, ILR00, and SMPP, SP3, NOI, NOT, and annual facility reporting*) NPDES Program components and the Clean Water Act program basis.
16. Gain applied knowledge of the Lake County Watershed Development Ordinance (WDO) and how it relates to the NPDES requirements.
17. Work cooperatively and communicate effectively with regulatory agencies, County personnel, and the public both orally and in writing, using technical and non-technical language
18. Ability to work safely using appropriate techniques and personal protective equipment.

- B. Regulatory and Granting Agency Coordination: Represent Lake County in coordination with IEPA, USEPA, and other regulatory agencies regarding permit conditions and standards, TMDL issues, and specific water quality parameter concerns.
- C. Website Coordination: Coordination with SMC administrative support staff of website needs for announcements of meeting content, news or another media information. Print material will be generated by SMC.
- D. Educational Outreach: Coordination with SMC administrative support staff to meet the educational component of the NPDES program. Coordination with SMC administrative support staff of public notices, press releases, and email announcements of program activities.
- E. Freedom of Information Act/Open Meetings Act: Copy all correspondence to SMC, the SMC is the designated FOIA officer.
- F. Attendance at Conferences or training sessions: The Dept Group may request the Consultant to attend relevant conferences and trainings with respect to the purpose of this Agreement.
- G. Workplan: The Consultant shall develop a measurable, achievable and time specific program workplan incorporating the relevant tasks and deliverables from the scope of work in coordination with the Dept Group. The MS4 Workplan will have an adaptive management approach to influences on the MS4 program including but not limited to personnel, techniques, technology and regulatory conditions.

## II. DRWW SCOPE OF SERVICES

- A. Scope of services limited to approximately 450 hours per year.
- B. Meeting Attendance: Executive Board, Committees and General Membership meetings

- C. Monitoring Work Plan: Coordinate with SMC administrative support staff, DRWW and subconsultants on development of the monitoring data needs, locations, maps and schedule.
- D. Meeting Support Services: Coordination with the SMC administrative support staff for meetings with the DRWW, including Executive Board meetings, Monitoring/Water Quality Improvements Committee meetings, Lakes Committee meetings, and quarterly meetings of the General Membership. Prepare meeting agendas, meeting minutes; meeting materials and coordination of or provision of presentations.
- E. Website Coordination: Coordination with SMC administrative support staff of website announcements of meeting content, news or other media information. Print material will be generated by SMC.
- F. Educational Outreach and Membership Development: Coordination with SMC administrative support staff of an educational and stakeholder outreach program. Provide strategic leadership regarding potential future group partnerships and members. Coordination with SMC administrative support staff of public notices, press releases, and email announcements to promote the DRWW goals and objectives.
- G. Attendance at Conferences or training sessions: The DRWW may request the Consultant to attend relevant conferences and trainings with respect to the purpose of this Agreement.
- H. Watershed Assessment Activities
  - a. Technical Review of Watershed Assessment: Based on the watershed assessment data gathered through watershed planning and monitoring efforts, assist SMC administrative support staff with preliminary technical review of assessment data and provide comments for completeness.
  - b. Review of Watershed Plan Documents: Preliminary review assistance of draft watershed plan documents and provide comments. Provide review assistance of the final draft of the watershed plan prepared by SMC administrative support staff for submittal to the IEPA.
- I. Regulatory and Granting Agency Coordination: Represent the DRWW in coordination with IEPA, USEPA, and other regulatory agencies or granting sources to further the mission and goals of the DRWW, including but not limited to; a nutrient trading program, POTW and MS4 permit conditions and standards, grant opportunities, TMDL issues, and specific water quality parameter concerns.
- J. Freedom of Information Act/Open Meetings Act: Copy all correspondence to SMC, the SMC is the designated FOIA officer.

### III. NBWW SCOPE OF SERVICES

- A. Scope of services limited to approximately 50 hours per year.
- B. Meeting Attendance: Executive Board, Committee and General Membership meetings
- C. Monitoring Work Plan: Coordinate with SMC administrative support staff, NBWW and subconsultants on development of the monitoring data needs, locations, maps and schedule.
- D. Meeting Support Services: Coordination with the SMC administrative support staff for meetings with the NBWW, including Executive Board meetings, Monitoring & Water Quality Impairment Committee meetings, and quarterly meetings of the General Membership.
- E. Educational Outreach and Membership Development: Coordination with SMC administrative support staff of an educational and stakeholder outreach program. Provide strategic leadership regarding potential future group partnerships and members. Identifying MS4 permit requirements that the NBWW can provide supplemental services to address.
- F. Attendance at Conferences or training sessions: The NBWW may request the Consultant to attend relevant conferences and trainings with respect to the purpose of this Agreement.
- G. Watershed Assessment Activities

- a. Technical Review of Watershed Assessment: Based on the watershed assessment data gathered through watershed planning and monitoring efforts, assist SMC administrative support staff with preliminary technical review of assessment data and provide comments for completeness.
- H. Regulatory and Granting Agency Coordination: Represent the NBWW in coordination with IEPA, USEPA, and other regulatory agencies or granting sources to further the mission and goals of the DRWW, including but not limited to; a nutrient trading program, POTW and MS4 permit conditions and standards, grant opportunities, TMDL issues, and specific water quality parameter concerns.
- I. Freedom of Information Act/Open Meetings Act: Copy all correspondence to SMC, the SMC is the designated FOIA officer.

The SMC, with agreement of the Consultant, may develop general consultant assistance tasks that do not fall within the exact description of tasks listed above but will forward the overall mission and goals of the program. This Agreement will then be amended in accordance with the Terms and Conditions, below.

#### **COMPENSATION**

1. The Consultant agrees to perform the work outlined in the Scope of Services for an (Agreement Amount) not to exceed \$75,000 at a billing rate of \$50.00/hour. If the Consultant performs successfully, as determined by the Dept Group, after 6 months (3/6/2020) an increase to the billing rate up to a maximum of 3% shall be authorized. The Consultant will determine their own work schedule as program priorities necessitate in consultation with SMC staff.
2. The Consultant shall furnish the SMC with an itemized invoice at on a monthly basis. Invoices shall describe the work completed; show the number of hours worked on a per task basis; and any SMC pre-approved reimbursable expenses (e.g.; training, out of town travel, lodging, meals, specialized software) that have been incurred. Payment of invoices shall follow the Lake County procurement ordinance.

#### **TERMS AND CONDITIONS**

1. This Agreement shall have a starting date of September 6<sup>th</sup>, 2019 (or at such date the State of Illinois approves the LLC application) through September 4th, 2020 with an approximate 1,500 hours of work as generally described in the scope of services.
2. The SMC may issue written changes in the scope of work, with written agreement of both parties, if such changes are within the general scope of the Agreement. The Consultant will not be compensated for services performed outside of the Not to Exceed amount of this contract, without an approved Change Order.
3. The Consultant when prioritizing tasks will utilize the goals set by the Dept Group and best professional judgement with consult of the SMC support staff.
4. The Consultant shall have insurance coverage, with COI or coverage verification provided to SMC, pursuant to the information on the following Lake County Purchasing, Professional Services link (<https://www.lakecountyil.gov/DocumentCenter/View/20874>).
5. The Consultant shall have a valid driver's license and insurance and may utilize County owned vehicles for work related purposes.
6. The SMC or Consultant may at any time terminate this Agreement in whole or in part by a thirty-day written, electronic or verbal notice confirmed in writing. Upon termination, for convenience of the SMC, the SMC will assume responsibility for services rendered and costs incurred prior to notification. All services, property, publications or materials provided during or resulting from the Consultant shall be the property of the SMC.
7. This Agreement shall be governed by and construed according to the laws of the State of Illinois.
8. This Agreement supersedes all other agreements, oral or written, between the parties hereto with respect to the subject matter hereof.

9. This agreement shall not be assigned, altered or modified without the express written consent of both parties except as provided in paragraph one above. The Consultant shall not reject any reasonable change that is proposed solely in the best interest of the SMC.

**NOTICES AND COMMUNICATION**

All notices and communications given to either party by the other relative to this agreement shall be addressed to the respective parties as follows:

<b>To the SMC:</b> 500 West Winchester Road, Suite 201 Libertyville, Illinois 60048 ATTENTION: Mike Warner <a href="mailto:mwarner@lakecountyil.gov">mwarner@lakecountyil.gov</a>	<b>To the Consultant:</b> Stuart Nissenbaum Limnologic, LLC 5334 Oak Grove Drive Long Grove, IL 60047
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**For the SMC:**

**Attest:**

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Michael Warner, PE, CFM  
Executive Director

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

**For Limnologic, LLC:**

**Attest:**

\_\_\_\_\_  
**Stuart Nissenbaum**

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