



## Woods & Wetlands News

Serving Lake and Northeastern Cook Counties

### Lake County's Waters Still Unprotected

#### The Good, the Bad and the Ugly

By John Massman, Treasurer

The Illinois Fox River Chain O' Lakes ranks as the most popular inland waterway in the entire United States, with over 7,100 acres of water, 15 lakes and 45 miles of river. This important part of Lake County accommodates every waterborne activity including boating, swimming, waterskiing, hunting and fishing, appeals to everyone. But it seems that the village of Antioch has a hard time protecting these waters from sediment runoff and phosphorus. In 2003 when construction was going on for the Wal-Mart store at Rt. 173 and Deep Lake Rd. in Antioch, erosion control measures were incapable of containing storm water on the premises, resulting in runoff to wetlands south of Rt. 173. Those wetlands flow into East Loon Lake which is part of the Sequoit Creek watershed. Wal-Mart paid a civil penalty of \$75,000 for contributing to water pollution of the wetland and lake while Antioch was fined \$85,000 by the IEPA for not properly controlling sediment loaded storm water runoff from the construction site. Antioch sold its citizens on Wal-Mart and its increased tax revenue, but sold out the Sequoit Creek watershed in the process.

The village has grown considerably over the last 50 years since it built its sewage treatment plant. Population has increased from about 2,000 to 13,500 over that same period. This year they broke ground on a new Sewage Treatment Plant (STP) expansion project that will increase capacity and meet requirements of the IEPA after being placed on a critical review list.

The Woods and Wetlands group met with the village in August 2005 in an effort to negotiate a reduction in phosphorus and reduce the impacts to Lake Marie. Law requires that Antioch not degrade Sequoit Creek, and specifically that they not further degrade the already impaired

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#### Pattern of Pollution

By Evan Craig, Chair

Those suffering with properties flooded with polluted waters along the Chain O' Lakes can blame in part Antioch's failure to retain stormwater at the new Osmond Sports Park (OSP). It was allowed to spill into Sequoit Creek and into the Chain just as flood waters were rising in early June.

After the events described by Larry and Eric in the last two editions (Lake County's Broken Water Protection System), and by John in the left column, we pushed Stormwater Management Commission (SMC) to suspend Antioch's authority over stormwater projects. SMC finally took action, and Antioch has been on probation since last August.

After the blatant violations that had previously occurred at the Wal-Mart site, it was clear to all that Antioch should have been suspended earlier. We hold a few members of the SMC Board responsible for failing to protect our waters then, and call on the Mayors who vote for their district SMC representatives, especially in Beach Park, Waukegan, Zion, Antioch, Fox Lake, Hainesville, Lake Villa, Lakemoor, Lindenhurst, Old Mill Creek, Round Lake (Beach, Heights and Park), Volo, and the Chair of the County Board, to choose more responsible SMC Board Members. Members should be willing to protect the communities' public waters, while giving permits to those who lay open their soils and risk erosion.

Our understanding of the term "probation" is a time of increased assistance, heightened expectations, intense scrutiny, and certain consequences. After reviewing the performance of both Antioch and SMC, it's clear that "business as usual," not "probation" has been in effect at this major site. Moreover, the repeated failure of this site reveals the kind of flawed design, and lax enforcement that results from SMC Board Members who do not honor their responsibility to the public. Antioch is the first SMC "certified community" we know of ever to be placed on probation, so considering the high profile of this case, we pre-

sent this as proof that the present safeguards in the WDO protecting our lakes and rivers from flooding and pollution amount to brinkmanship, and that a posture of laissez faire exists at SMC.

The WDO has been weakened by its lax Board, and even Antioch was able to point out one of its shortcomings. These include:

- **Grading allowed before approval of erosion control structures.** Before bulldozers rip off the plants that stabilize soil, and create erodible slopes, a system for preventing erosion and capturing sediment run-off should be in place and approved. Instead, mass grading of entire sites was allowed without an inspection or approval of the required erosion control features on the approved site plan.
- **Sedimentation ponds and roads allowed in the protective vegetated wetland buffers.** Water that was filtered by a site's vegetation before grading becomes muddy when it rains during and after construction, and is shunted to a pond in the typical site plan. The purpose of the pond is for sediment to settle out before the stormwater is released to the public waters. Vegetated buffers are intended to protect the public waters by filtering site runoff. By allowing placement of sedimentation ponds and roads in the protective buffer, the WDO allows public water quality to be jeopardized by any miscalculation or enforcement lapse. As we have seen at this site, and heard from SMC and IEPA, these miscalculations and lapses are common.
- **Too much development on sites.** As we've explained previously, when the amount of hard surface in a watershed exceeds 10%, the fish and plants in the local lakes and streams begin to die off. The WDO allows over 50% coverage.

When we noticed that the OSP site pol-

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waters of Lake Marie with more phosphorus and suspended solids. We shared our concerns with the IEPA, but both parties have chosen not to take any of our recommendations to improve that plant.

Because the outflow of the plant goes directly into Sequoit Creek and travels downstream about a mile to Lake Marie, it has a direct effect on the amount of phosphorus that gets into the Chain O' Lakes. Not all forms of phosphorus are created equal. Some forms of phosphorus are highly soluble and will be immediately available for uptake by algae. Sewage treatment plant effluents are almost always made up of the most soluble forms of phosphorus.

The Clean Water Act calls for the development of a list of impaired waters, and Lake Marie, along with all other lakes on the Chain, is listed for its high phosphorus levels. To address the impairment, the IEPA will be creating technical analyses, TMDLs, indicating how they will restore

the waters to their full intended use. But the IEPA has given Antioch the go ahead for the plant expansion before the creation of a TMDL nutrient budget for Lake Marie, and thus put the cart before the horse, making phosphorus reduction options much more limited. The expansion of the centrally located STP is certainly an improvement for downtown Antioch and any future development, but not so for Lake Marie and other lakes on the Chain.

More recently, the village and Antioch Township have been in the process of building the Tim Osmond Sports Complex, named after late State Rep. Timothy H. Osmond, who died in 2002. In August of last year, the area had several heavy rains, resulting in a lot of soil runoff from the sports park. Sediment-saturated water turned Sequoit Creek brown all the way to Lake Marie. More recently, in May of this year, there have been other incidents of erosion and sediment coming off the park. In an erosion and sediment control report

from engineering consultants Gewalt Hamilton Associates, on May 2nd, best management practices for general erosion control were not being used. Other observations were that the detention basin(s) and sediment basin(s) were not adequately stabilized.

Controlling sediment runoff and lowering phosphorus levels in Lake Marie are two of the biggest challenges facing the village of Antioch. One positive outcome of our meetings with Antioch was the establishment of a ban on lawn fertilizers containing phosphorus. According to the IEPA, many soils contain sufficient quantities of phosphorus to support healthy lawns, so fertilizing with additional phosphorus content is not necessary. We would encourage our members to make neighbors aware of the problems phosphorus can cause to our lakes and streams. And with all the development taking place throughout Lake County, we should all be on the watch for sediment runoff and report occurrences to us, SMC and the IEPA. ↗

## Rough Road For Transit

by Evan Craig, Chair

With Global Warming causing more and more severe weather, gas surging toward \$5 a gallon, Detroit abandoning SUV's, and METRA ridership up 5%, we would like to think that our elected officials get it. Unfortunately, they continue to apply yesterday's transportation mistakes to try to solve tomorrow's problems. After failing to convince voters to pass a ½% road tax in 2005, Lake County just announced their plan to use the \$29M yearly proceeds from a new ¼% state imposed sales tax - intended for mass transit - mostly on roads. Like Bush's tax cut single solution for every problem, Lake County's only proposal for transportation seems to be roads. Even their proposal to support mass transit with this new money is limited to a coordinator in a \$500k/yr call-in center for "paratransit," which puts more cars and vans on our roads.

So where did this new sales tax come from? Last Fall, while Sierra Club members were busy passing sweeping legislation to improve the efficiency of electricity use in Illinois, RTA, CTA, PACE and METRA were running out of operating funds. Legislation (SB572) to stabilize and streamline the operation of our regional train and bus mass transit system and provide its operating funds endured 14 amendments and 15 "Final Action Deadline Extensions" before finally passing, this January. And in amendment ten (now 70 ILCS 3615/4.03.3.e), with their eyes fixed on their rear-view mirrors, the

collar counties got a ¾% sales tax increase, and gained the authority to spend the money on roads instead of mass transit.

While we've supported road intersection improvements for years, we think that new money for mass transit should be spent creating more opportunities for more of us to choose mass transit rather than being stuck in our cars on ever more crowded roads. A recent study by the Center for Neighborhood Technology shows that, while some communities here enjoy up to nine transit options, most areas in Lake County offer between zero and one option for travelers. To correct this, we need all levels of government to step up to provide a better way to go. This should include:

- **Sidewalks.** Some villages are reluctant to put in sidewalks because they don't want to have to maintain them, and some elitist neighborhoods suffer from bunker mentality. Even with road blinders on, Lake County is developing a "Complete Streets" program to inventory and promote pedestrian and bicycle access for all road improvements. You can help get your village on board by calling them and asking them for sidewalks and bike routes from your neighborhood to a convenient and central train station or bus line.
- **Commuter trains on the EJ&E tracks.** These rails recently purchased by CN already run diagonally NE across the county from Barrington to Waukegan, and are part of a

proposed new METRA "Star line" encircling the suburbs. Some say the total \$1.2B price tag makes our \$29M/yr. look small, and that government in Springfield and Washington should pay for it. It's hard to explain this sense of entitlement that leads suburban legislators to think people across Illinois and the country should pay for our mass-transit, especially when we seem unwilling to ante up. Our portion of the Star line is maybe one fifth of it, or \$240M. The plan just passed by Lake County proposes to spend this exact amount - on roads, and promises another \$100M in 2011 for even more roads. Even if we duck our share of the major expense of this project, there are local projects that could go a long way toward making it happen. The county could start by helping to vision the benefit to our communities and employers of this new transit option. The "Challenge" program described below should be extended to help villages prepare and orient their town centers around this new transit opportunity, reserving space for stations, parking, and access to them. And the county could reserve a chunk of its transit money as a Challenge for METRA to match for this line.

- **More parking around stations.** Already filled to capacity in many towns, the 5% increase in METRA

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## Win For Preserves: Olympics Moving to Private Lands

by Larry Marvet, Vice-Chair

At our last installment of the Chicago 2016 Equestrian Olympics planning saga, the Lake County Forest Preserve District had refused to admit that bulldozing and paving significant portions of the Lakewood Forest Preserve for the (proposed) 2016 Olympics was a bad idea. They had moved their planned cross-country trail a few feet away from nesting, endangered sandhill cranes and hinted at moving the events to another preserve (Raven Glen), but were holding tight to the idea that bulldozers, a 15,000 seat stadium and hundreds of thousands of Olympic visitors were compatible with these natural areas.

The Chicago Olympic Committee was aware of the issues and in April announced that if Chicago wins the 2016 Olympics, the equestrian events will be held at Tempel Farms in Wadsworth, not in a public forest preserve!

Thanks to all of you who brought the Olympic planners to their senses.

Sierra Club is against citing the Olympics in or adjacent to any natural area. It's strange that the Olympic organizers would make such a plan, especially at a time when the Olympics make such a fuss about their environmental sensitivity. However, I think it was almost inevitable that this equestrian plan would be moved. Not because of the environmental sensitivity, but because of the bad publicity.

Chicago is competing against a number of wonderful cities, including Madrid, Rio de Janeiro and Tokyo. Flaws are a bad thing, and bad publicity is something to be fixed. In the case of the Lakewood equestrian facility, there has been ongoing bad publicity and many angry local citizens willing to voice their concerns.

On top of the environmental flaws was the obvious poor quality of the proposed facilities. In a metro area which has a number of international equestrian venues, it was very strange that the Committee would pick a completely undeveloped plot of land like Lakewood. Perhaps there was the wish to build a state-of-the-art facility from scratch or, more likely, Chicago-land politics had a hand in the selection process.

This issue became apparent when the Olympic organizers publicly began discussions with real equestrian facilities in DuPage County. At the same time, the FP

District was limited and couldn't improve their plans substantially due to the environmental problems and public outcry. Finally, Chicago 2016 made a choice that gave them double rewards—Tempel Farms is a ready-to-go world class venue which equestrians will love

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luted the creek again on May 2 of this year, we took pictures of its incomplete and dismantled erosion control systems, reported them to SMC, and called a few trusted SMC Board Members. As this photo shows, Antioch had relied on a small piece of plywood to prevent millions of gallons of water from polluting Sequoit Creek through a 30 inch culvert in a pond in the buffer.



SMC issued a list of corrections to be made within 10 days to Antioch, but denied that there was a problem to us.

We decided to FOIA request the OSP site plans and permits from SMC and Antioch to try to understand why it has repeatedly polluted Sequoit Creek. We were amazed to find that SMC did not know who the Designated Erosion Control Inspector was, and that their file lacked any plan sets or per-

mits. How could they enforce if they didn't know the plan or issue permits? Antioch delayed for weeks so that they could "determine if the [records] are exempt from disclosure or revealed only with appropriate deletions" - to protect the United States from terrorism. When we finally got their response it also lacked the plan sets and permits. See [illinois.sierraclub.org/w&w/Water/Sequoit/OSP](http://illinois.sierraclub.org/w&w/Water/Sequoit/OSP) to follow this.

and no public forest preserve will be ruined for a 2 week sporting event. It was an interesting story. A county board seduced by the bright lights, publicity and money of the Olympics; Olympic organizers who believed that the promise of "The Games" could overwhelm all opposition; and we, the public, who disagreed and spoke up. 🐿

Rather than sue Antioch under FOIA, we're asking you to help keep our villages and SMC more accountable. Stay tuned. 🐿

## US Mail Slow, Switch to E-Mail

by Evan Craig

Delivery of this newsletter has gotten better, but it's still slow. And we just can't count on having it delivered when we need it to be. Meanwhile, the cost of postage just keeps going up.

Our solution? Sign up to get your newsletter by e-mail. It's fast, and it's free! We'll send you these same great stories and events, with better pictures and richer content - in time to respond and participate! To sign up, address an e-mail message to

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ridership has overflowed station parking up and down all three rail lines here. Waukegan gets a kudo for expanding its station parking, but other towns need to provide more.

- **Shuttles.** Starting a car is a terrible thing to do, even if you only drive it to

- **Optimal locations for new stations.** When towns like Grayslake and Mundelein build their new train stations in isolated locations they create road congestion to access them, doom their downtowns, disappoint potential riders and leave more cars on our crowded roads. Lake County should help towns

dollars for new rail lines and expansion improvements under the last federal transportation bill. However, Illinois must provide \$2.7 billion matching funds to qualify. After allowing new transit operating funds to be siphoned off to roads, Illinois government has so far failed to pass a "capital budget" including money to pay for expanded and improved mass transit. County and federal officials are all calling on Springfield to muster their courage, and ask us to invest in our transportation future. It shouldn't be that hard. None of them objected when the tollway needed permission to raise tolls, or when Ryan passed Illinois First. But those were for roads.



METRA. Most of the emissions occur while the engine is warming up, and unless you carpool to work, it adds one more car to our roads and parking lots. The TMA Shuttle-bug system is one example of how our spread-out communities can take better advantage of mass transit, by collecting riders and getting them from the train to their work place. In this age of cell phones and texting, this system should be expanded and run more dynamically to help more travelers make a connection. Lake County hopes to focus on this more next year.

- **Grade separations at major road crossings.** Did somebody say "road"? When a railroad crosses an overcrowded road, traffic on the road is periodically interrupted and can back up. When freight trains cross, and as more commuter trains are scheduled, it can all add up. Lake County has set up a Challenge to help municipalities qualify for matching state funding to put the road over or under the railroad. Lake County is kicking in around \$9M to help Mundelein do this at Rt. 60 and the Wisconsin Central, near Butterfield, and

hopes to do several more near other towns.

make the most of new transit opportunities by offering grants for downtown stations.

- **More trains on existing lines.** OK, this is actually mostly a state and federal problem. The RR companies operate their tracks mostly for freight, and getting them to accommodate more commuter traffic requires a system-wide approach and investment. Europe and Japan did this a long time ago.
- **Priority road access for buses and carpools.** We've talked about changing the tollway Express lanes to HOV lanes for years, but they still clog up just like the local access lanes. Likewise, clogged roads cannot be relieved without prioritizing access for HOV buses and shuttles. We pull over for police, fire and ambulances. We need to rescue our roads too.

When we ask our county board members to spend these transit funds on transit, they say that "Rome wasn't built in a day," that it's too expensive, and that it's up to the state and the federal government to provide the funding. In other words, our elected leaders are holding out to see whether Illinois and US taxpayers that don't live here will pay for our transit system. Well we're in luck, because our US Representatives Mark Kirk and Melissa Bean have secured up to \$4 billion in federal transit

Until people move closer to work, mass transit is proving to be a crucial relief valve for commuters challenged with rising gas prices and congested roads. In a Global Warming world that holds no promise for sustainable bio-fuels at more than 10% of our present usage, it's becoming painfully clear that competitive economies of the future will be those that embrace more efficient transportation today. Roads built or widened to reduce congestion invariably lead to more spread-out development and more congestion in the future. But mass transit has the potential to rise to the sustainability challenge. Do we? 🐸

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