

SPESIA & TAYLOR

MEMO

To: The Crest Hill City Council
From: Spesia & Taylor
Date: January 30, 2023
Re: Proposed Resolution in Support of the City of Crest Hill's Lake Michigan Water Allocation Application Before the Illinois Department of Natural Resources (LMO-22-02).

- On March 25, 2022, Strand Associates, Inc., working together with our office and City Staff, submitted a Lake Michigan Water Allocation Application ("Application") to the Illinois Department of Natural Resources ("IDNR"), seeking permission to utilize Lake Michigan water for the City's public water supply and system. The City's Application is presently pending before IDNR and has been assigned IDNR Case Number LMO-22-02.
- As part of the review process for the Application, IDNR held an informal "pre-hearing" on November 9, 2022, to discuss the Application with the City and its consultants and staff. During that prehearing, IDNR staff provided comments, concerns, and feedback concerning the Application, and offered the City an opportunity to revise/supplement and resubmit its Application in light of said comments. The City's deadline to resubmit the Application is March 29, 2023, and the next pre-hearing before IDNR is scheduled for May 17, 2023.
- As part of their comments, IDNR staff requested that the City submit proof that the City Council, as well as the residents and citizens of the City, had been made fully aware of the following items:
 - What alternative water sources, other than Lake Michigan, are available to the City; and
 - The possible and probable costs associated with pursuing alternative water sources other than Lake Michigan; and
 - The possible and probable costs that are uniquely attributable to and associated with utilizing Lake Michigan as the City's water source; and
 - The scope and breadth of state regulation that will be applicable to the City if it uses Lake Michigan as its water source, but would not be applicable if the City pursued another alternative water source.
- In order to adequately respond to the foregoing, we have determined that it is necessary for Strand Associates, Inc., as well as our office, to make an informational presentation to the City Council, and the public, at its January 30, 2023, meeting. In addition, we have prepared a resolution (attached) acknowledging the information presented and stating the City Council's continued desire to secure Lake Michigan as its water source and ongoing support for the Application. This Resolution will be presented for adoption at the City Council's next regular meeting.
- Also attached are certain IDNR regulations (commonly known as "Part 3730") which will be discussed at the meeting and included as an exhibit to the proposed resolution.