

JOINT REVIEW BOARD SPECIAL MEETING



RESPONSIBILITIES OF THE JOINT REVIEW BOARD AND THE VILLAGE OF SUGAR GROVE

Joint Review Board

The Joint Review Board Reviews Eligible Expenditures for a TIF district and Monitors Legislative Compliance, Ensuring that TIF operations abide by Illinois tax statutes

Village of Sugar Grove

The Village of Sugar Grove has the primary responsibility for administering the TIF district and ensuring strict compliance with state law.

AGENDA ITEM: DATA CENTER STUDY

ISWS Letter Report

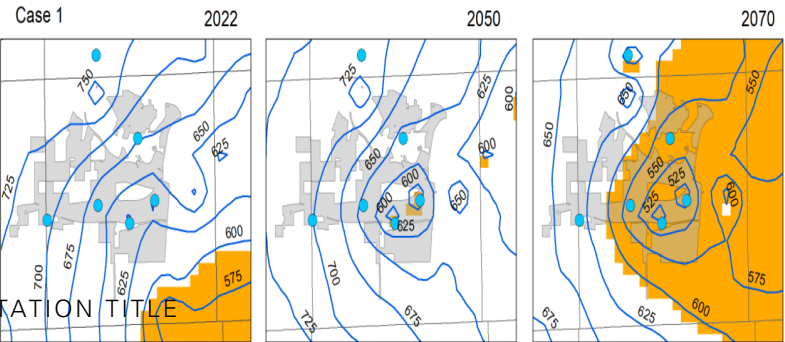
Sugar Grove, IL: Sandstone and Shallow Water Supply Summary

Daniel R. Hadley, Cecilia Cullen, and Daniel B. Abrams *Illinois State Water Survey*

3/11/2022

Risk to Sugar Grove's deep Sandstone Water Supply

The Village of Sugar Grove, like many communities in northeast Illinois, is evaluating their water supply source in anticipation of the growth, challenges, and climate of the twenty-first century. They have contracted the Illinois State Water Survey (ISWS) to use their established groundwater model¹ to evaluate local risk to the deep sandstone aquifer. **The updated scientific modeling indicates that Sugar Grove could be at risk of declining performance for wells reliant on the Ironton-Galesville aquifer.**



ISWS Letter Report

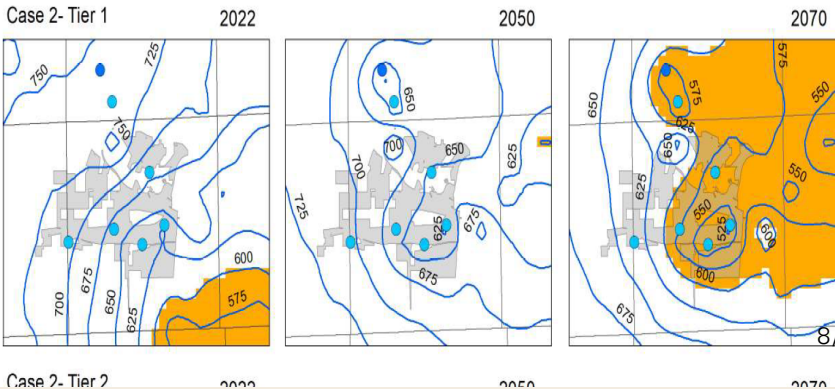
Sandstone Aquifer Water Supply Summary for Sugar Grove, IL: Data Center Analysis

Daniel R. Hadley, Cecilia Cullen, and Daniel B. Abrams *Illinois State Water Survey*

11/22/2022

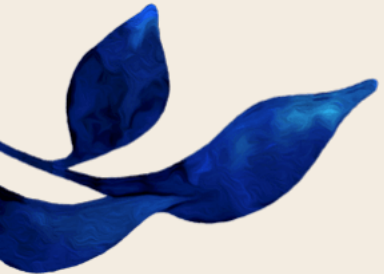
Risk to Sugar Grove's Deep Sandstone Water Supply

The Village of Sugar Grove is evaluating their water supply in anticipation of future growth and increased water demand. They have contracted the Illinois State Water Survey (ISWS) to use their established groundwater model^{1,2} to evaluate local risk to the deep sandstone aquifer based on adding future wells to meet the demands of a potential data center located near the Route 47 and I-88 interchange, north of Sugar Grove. **The updated modeling indicates that Sugar Grove could be at risk of declining performance for wells reliant on the Ironton-Galesville aquifer, particularly at proposed data center wells.**



8/14/2026

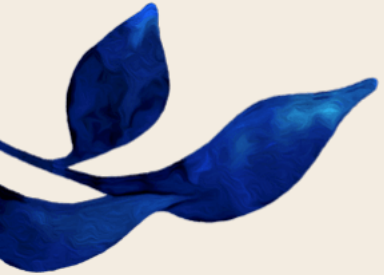
August 26, 2022, Former Village Administrator asks Crown if they will pay for a study through ISWS modeling the aquifer for a more intense user such as a data center at the Crown Property:



From: Cowan, Jennifer (CCD) <jcowan@crown-chicago.com>
Sent: Tuesday, August 30, 2022 12:40 PM
To: Brent Eichelberger <beichelberger@sugargroveil.gov>
Cc: Anthony Speciale <aspeciale@sugargroveil.gov>; Michele Piotrowski <MPiotrowski@eeiweb.com>
Subject: RE: 88 & 47 Water System Information

Noworries, thanks Brent. We will fund the \$8,000 study.

**THE DATA CENTER
STUDY WAS
COMPLETED AND
RELEASED IN
NOVEMBER, 2022,
APPROXIMATELY
ONE WEEK AFTER
THE "DATA
CENTER DISTRICT
WAS APPROVED".**



EEl did not send the Data Center Study to the Village at that time. They are unable to determine how they relayed the information to the Village, but they do recall verbally confirming its existence to two Public Works Employees. A Public Works employee confirms this is accurate.

I asked: Was the ISWS study that included potential larger data center water use shared with Crown?

Michele/EEl states:

Similar to not being able to find electronic confirmation that EEl shared the ISWS data center with Sugar Grove, I conversely could not find documentation that I provided Crown this document electronically. That said, it is my recollection that general results were shared during on-going discussions/meetings at some point, but only after we had discussions with Village staff.

THE NEXT MENTION OF THIS DATA CENTER STUDY IS FROM APRIL 5, 2023 FROM A FORMER VILLAGE EMPLOYEE...

|
Sent: Wednesday, April 5, 2023 4:09 PM

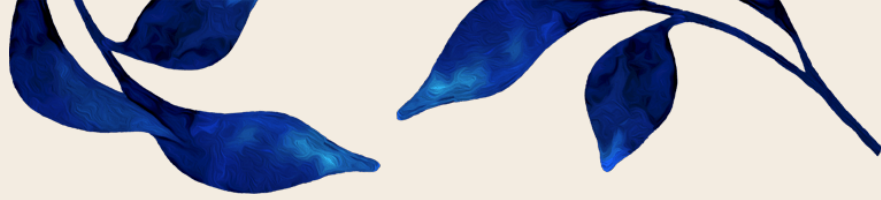
We are aware CMAP has an IWS report that has less than desirable information in it pertaining the VOSG water resources and they are not inclined to dismiss it. The VOSG has a separate report from IWS that has a different conclusion. Our study was done on the premise that City of Joliet (and others) left the deep aquifers for Lake Michigan water, which is the current course. The Village's IWS report doesn't let us off scott-free but the day of reckoning is pushed way into the future. Perhaps both reports can be referenced in the Plan appendices?

OTHER THAN
THAT REFERENCE,
THERE IS NO
RECORD OF THE
DATA CENTER
REPORT ON
VILLAGE OF
SUGAR GROVE
SERVERS UNTIL
2025.



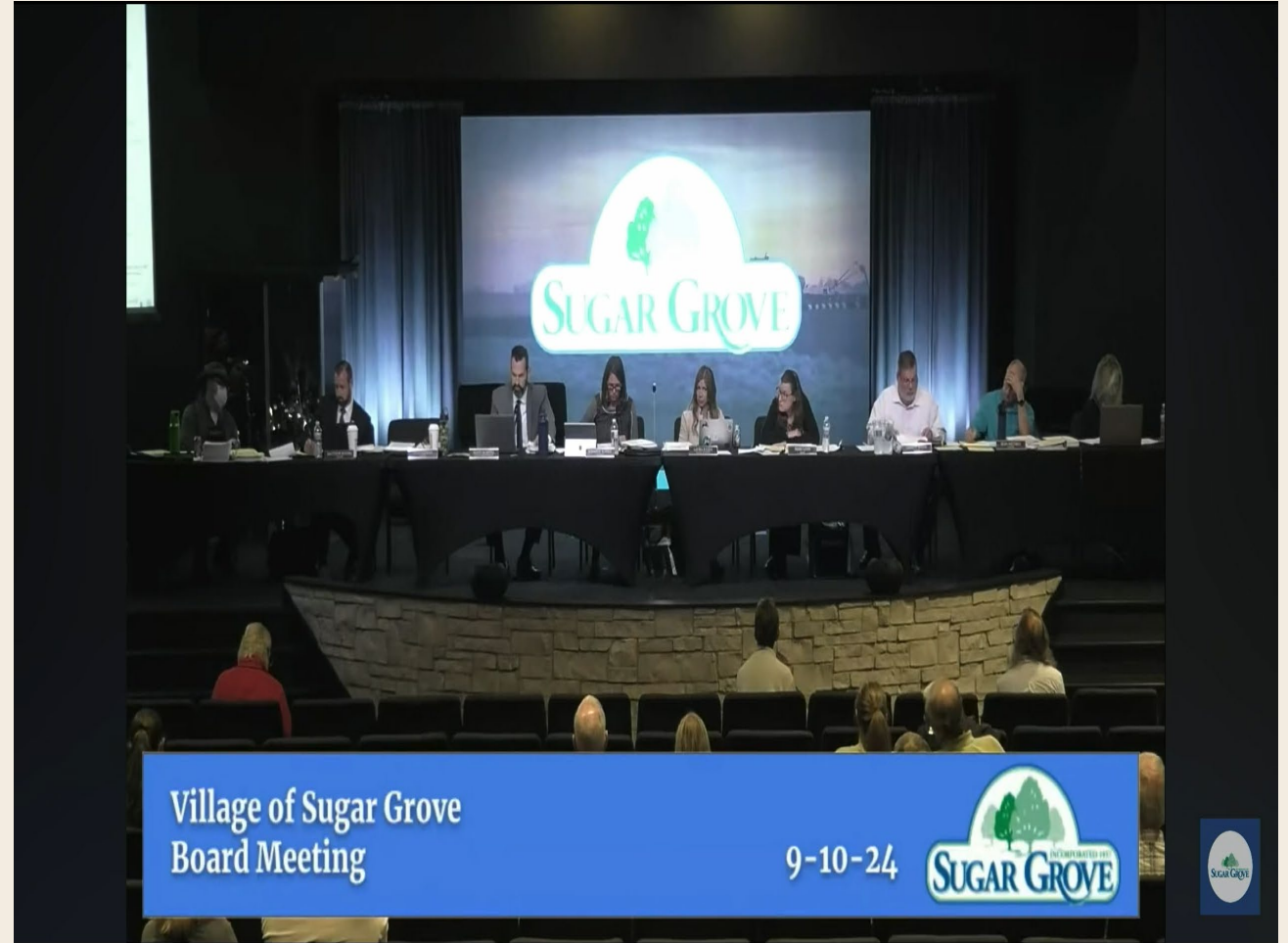
1

In June, 2023 EEI creates the Village's "Water Works System Master Plan" – with no mention of the November 2022 Data Center Study, only the older March 2022 study that did not include a potential Data Center. They included screenshots of only the older study without the negative impacts of data center pumping and additional wells specified.



Click on the photo below to view the
September 9, 2024, Village Board Meeting

At the September 17,
2024 Village Board
Meeting at Village
Bible Church,
Jennifer Konen
states: **"Michele, if
you can just give a
quick history on the
fact that we did *the*
water study, right?"**
(No mention of the
Second, Completed
Data Center Water
Study)



MARCH VS (UNDISCLOSED) NOV STUDIES

ISWS STATES: "In general, the addition of new wells to meet the demands of a data center create larger zones of risk...and puts municipal wells at risk on a sooner timeline. In tier 1, every Sugar Grove well (except for well 4) reaches this category by the year 2070. In tier 2, wells 10, 11, 12 and 13 reach this category in 2050 and every well (except well 4) reaches this category in 2070.

Risk Tables

Table 1. Risk table for the model simulations representing a) average conditions and b) peak conditions.

a)	Case 1		Case 2		Case 3	
	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability
Well 4	-	-	-	-	-	-
Well 8	2060	-	2064	-	-	-
Well 9	2030 / 2060 ^a	-	2030 / 2065	-	2030 / - ^b	-
Well 10	2009 / 2040	-	2009 / 2044	-	2009 / -	-
Well 11	2009 / 2040	-	2009 / 2043	-	2009 / -	-
New Well 12	2066	-	2069	-	-	-

b)	Case 1		Case 2		Case 3	
	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability
Well 4	-	-	-	-	-	-
Well 8	2006	-	2006	-	2006 / -	-
Well 9	2008	-	2008	-	2008 / -	-
Well 10	2009	2069	2009	~2070 ^c	2009 / 2070	-
Well 11	2006	2068	2006	~2070 ^c	2006 / 2066	-
New Well 12	2050	-	2052	-	-	-

^a In Sugar Grove, water levels reach the risk zones and then recover in the after 2030 when Joliet and other communities leave the aquifer. We indicate when water levels enter the risk zone both before and after this major change in water use.

^b For this well, water levels reach the "Risk of declining well production" zone and the recover post 2030

Risk Tables

Table 1. Risk table for the model simulations representing a) average conditions and b) peak conditions.

a)	Case 2 Tier 1		Case 2 Tier 2		Case 2 Tier 3	
	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability
Well 4	-	-	-	-	-	-
Well 8	2061	-	2058	-	2028 / 2045 ^a	-
Well 9	2028 / 2063 ^a	-	2027 / 2060 ^a	-	2027 / 2052 ^a	-
Well 10	2009 / 2040 ^a	-	2009 / 2033 ^a	-	2009	-
Well 11	2009 / 2039 ^a	-	2009 / 2033 ^a	-	2009	-
New Well 12	2062	-	2055	-	2046	-
New Well 13	2060	-	2027 / 2033 ^a	-	2027	-
New Well 14	NA	NA	NA	NA	2030 ^b	-

b)	Case 2 Tier 1		Case 2 Tier 2		Case 2 Tier 3	
	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability	Risk of declining production	Risk of inoperability
Well 4	-	-	-	-	2069	-
Well 8	2006 / 2041 ^a	-	2006	-	2006	~2070 ^c
Well 9	2008 / 2039 ^a	-	2008	-	2008	-
Well 10	2006	~2070 ^c	2006	2070	2006	2030 / 2064 ^a
Well 11	2006	~2070 ^c	2006	2069	2006	2030 / 2063 ^a
New Well 12	2047	-	2027 / 2043 ^a	-	2027	2069
New Well 13	2025 ^b	-	2025 ^b	~2070 ^c	2025 ^b	2060
New Well 14	NA	NA	NA	NA	2030 ^b	2055

^a In Sugar Grove, water levels reach the risk zones and then recover after 2030 when Joliet and other communities leave the aquifer. We indicate when water levels enter the risk zone both before and after this major change in water

I ASKED EEI WHY THEY DID NOT INCLUDE THE DATA CENTER STUDY IN THE WATER MASTER PLAN PRESENTED TO THE VILLAGE

The assumptions were not irrelevant, nor can an Engineer decide a study that a Village paid for is irrelevant and should not be delivered in a standard way that would create a record of it. Trustee Michels specifically asked about needing additional wells. The existing study was still not disclosed or made available to the Village Board.

EEI, August 10, 2026: "Because the assumptions evaluated in the ISWS data center study were **irrelevant** to the Village's intended development framework, the results were not incorporated into the Water System Master Plan and associated presentation to the Village Board. The ISWS data center study did not form part of the Village's long-term planning roadmap for its water system."

Note: The ISWS Data Center Study Assumed 500-1000 GPM pumped, Michelle estimated this development's usage at 790 GPM, well within the studied rates of water usage.



Click on the photo above to view the September 9, 2024, Village Board Meeting.



EEI finally sent the study to the Village of Sugar Grove 2 ½ years later, received in May, 2025. It was not discovered until recently that the document had never previously been provided in electronic or hard copy form to the Village, the Village Board or the Planning Commission, and it was omitted from every matching FOIA request as it did not exist on Village servers until 2025. None of the parties with knowledge of its existence shared the information at the hearings during multiple days of expressed concerns about data centers, aquifers and wells.

The cost of a single additional deep sandstone aquifer municipal well is estimated at \$1-\$4 million.

FLOODING



I WOULD LIKE TO
SUPPORT THE
DEVELOPMENT BY
ENSURING THAT
THE TIF COMPLIES
WITH ALL
APPLICABLE STATE
STATUTES TO
PREVENT FUTURE
ISSUES AT THE TIME
OF TIF
REIMBURSEMENT
REQUESTS



**THE CONCERNS I BRING TO YOU
FOR CONSIDERATION TODAY
RELATE TO ONLY HALF OF THE
STATE STATUTE THAT THE TIF
PROJECT MUST MEET...**

The area, prior to its designation is
subject to surface water that
discharges from all or a part of the
area and contributes to flooding within
the same watershed, **but only if the
redevelopment project provides for
facilities for improvements to
contribute to the alleviation of all or
part of the flooding**



EETIF DRAINAGE STUDY

On July 10th, 2023, EET issued a Drainage Memo providing a professional statement in relation to the **first** part of the state statute, that runoff from this development contributes to downstream flooding.

They did not however, certify any part of the second part of the statute, the requirement to contribute to alleviation of some part of the downstream flooding

CONCLUSIONS

- Study area currently contributes to downstream flooding within Zone X and Zone AE areas of Blackberry Creek and then the Fox River.
- Future development in the proposed TIF District #3 could result in additional downstream flooding
- Construction of stormwater management facilities with outlet structures that control discharge rates should be incorporated into the proposed development



WHY DOES THIS MATTER?

\$109 million in future taxpayer funds, plus interest, will be used to fund this project. To qualify for reimbursement, the statute ALSO requires that the project **contribute to alleviating all or part of the flooding.**





AFTER A RECENT FLOOD WITH
APPARENT INCREASED FLOODING, I
ASKED:

**Which Professional Involved In
This Tif Approval Confirmed
This Project Will Alleviate All
Or Part Of The Downstream
Flooding?**

JULY 14, 2026 EMAIL FROM SUGAR GROVE, LLC SHARES THE SAME SENTIMENT...

"The June 16 correspondence also reflects a broader concern that we believe warrants discussion. The review of engineering plans, stormwater management systems, and environmental compliance is a technical process governed by the Annexation Agreement, applicable ordinances, regulatory requirements, and the **professional judgment of qualified licensed engineers.**"

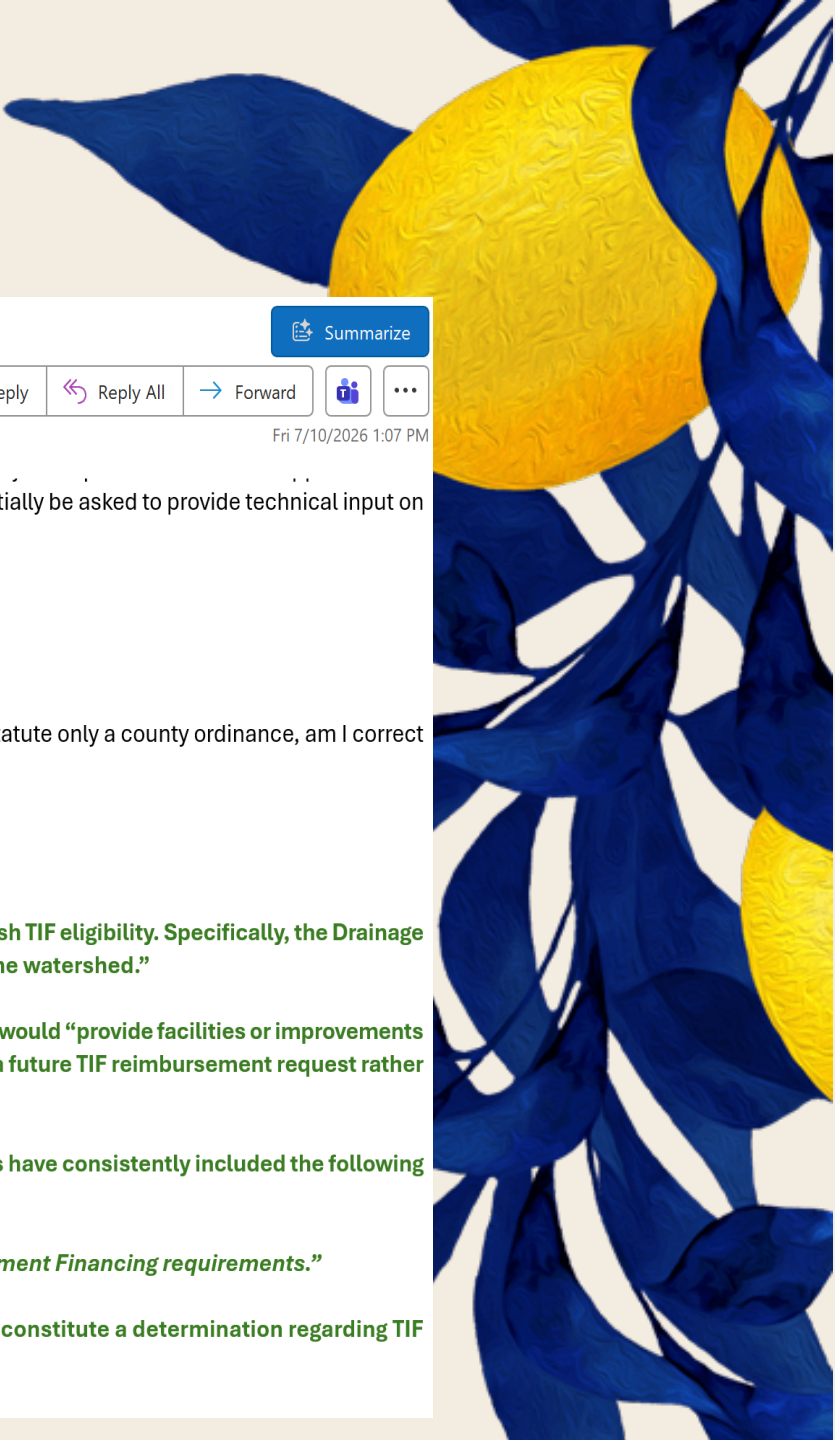
"Over the past year, however, we have observed an increasing reliance on unsupported assertions regarding The Grove that are inconsistent with the engineering analyses, approved plans, and conclusions reached by the professionals and regulatory agencies charged with administering this project. While public participation is an important component of local government, engineering decisions should ultimately be based on objective facts, accepted engineering principles, **and the judgment of qualified professionals**, not speculation, public commentary, or unsupported allegations."



As Both The Village And Sugar Grove LLC Would Both
Like To Rely On Qualified Professionals, DID EEI, THE
ENGINEERING FIRM INVOLVED WITH THIS
PROJECT FIND THAT THIS PROJECT ALLEVIATES
ANY PART OF THE DOWNSTREAM FLOODING?



JULY 10, 2026 EMAIL: IF EEI DID NOT EVALUATE WHETHER THE ENGINEERING SATISFIED THE STATE STATUTE, WHO DID??



[EXTERNAL] RE: Concerns, Area 1 Related Flooding



Michele Piotrowski <MPiotrowski@eeiweb.com>
To Sue Stillwell
Cc Scott Koeppel; Danielle Marion; Brad Merkel

Summarize

😊 Reply ↩️ Reply All ➡️ Forward 👤 ⋮

Fri 7/10/2026 1:07 PM

TIF reimbursement requests. While EEI does not make recommendations regarding TIF reimbursement eligibility, as we are not TIF consultants, we could potentially be asked to provide technical input on matters such as:

1. Verification that the improvements have been completed and, potentially, whether the associated costs appear reasonable.
2. **Evaluation of whether the engineering improvements satisfy specific technical criteria established within the state statute.**

If you did not evaluate whether the engineering improvements satisfied the state statute, **who did?**

If SB Friedman states they relied on EEI and EEI states they have never evaluated whether the engineering improvements satisfy the requirements of the state statute only a county ordinance, am I correct in understanding that not one Engineer has ever confirmed the Engineering will satisfy the requirements of the state statute?

There are two (2) different steps of the TIF:

- 1) TIF Eligibility determination
- 2) Request and payment for TIF eligible reimbursements

During the TIF eligibility determination phase, SB Friedman relied on EEI's Drainage Statement to evaluate one of the statutory factors necessary to establish TIF eligibility. Specifically, the Drainage Statement addressed whether the area contains “surface water that discharges from all or a part of the area and contributes to flooding within the same watershed.”

At that stage of the process, neither the Village's TIF attorney nor the TIF consultant requested that EEI determine or verify whether a redevelopment project would “provide facilities or improvements to contribute to the alleviation of all or part of the flooding.” It is our understanding that this determination is evaluated, if necessary, in connection with a future TIF reimbursement request rather than during the initial TIF eligibility analysis.

As noted previously, EEI has not been asked to review any projects for TIF reimbursement eligibility to date. For that reason, our engineering review letters have consistently included the following statement:

“...this review is intended to review the requirements for final engineering and is not intended to review the requirements as it pertains to the Tax Increment Financing requirements.”

This language was intentionally included to clarify that EEI's review was conducted solely for engineering approval purposes and was not intended to constitute a determination regarding TIF reimbursement eligibility. (Please note that this statement was removed in our last letter at the Village's request.)

EEI CONCLUSIONS STATE DETENTION FACILITIES WITH CONTROLLED DISCHARGE RATES CAN REDUCE THE POSSIBILITY OF INCREASED DOWNSTREAM FLOODING

1.5 Conclusions

It appears that all runoff from the study area currently contributes to downstream flooding within Zone X and Zone AE areas of Blackberry Creek and then the Fox River. Future development in the proposed TIF District #3 could result in additional downstream flooding with detrimental effects. The construction of stormwater management facilities, such as detention and/or infiltration basins, could mitigate these effects. Stormwater detention facilities with outlet structures that control discharge rates should be incorporated into the proposed development within the proposed TIF district to reduce the possibility of increased downstream flooding.

This is not the same as alleviating any part of the pre-development downstream flooding



If EEI was not asked if any part of the downstream flooding was alleviated by this Engineering... **DID SB FRIEDMAN FIND THAT IT DID?**

VOSG SB Friedman Presentation TIF Eligibility
@villageofsugargroveofficial

WHAT IS THE PURPOSE OF THE REPORT?

- The report for the proposed I-88 and IL-47 redevelopment project area was prepared by SB Friedman for the Village of Sugar Grove. The report has two sections:
 - 1) The Eligibility Report – This section outlines the findings for the study area versus TIF district eligibility rules as defined under Illinois law and concludes that the area is eligible for inclusion in a TIF district.
 - 2) The Redevelopment Plan and Project – Assuming that the area is eligible for inclusion in a TIF district, this section exists to guide the use of the Village's control over the area. It includes: district-wide goals, a budget limiting spending, a future land use plan, and other components as required under Illinois law.
- The TIF report can/will be relied on by the Village Board when they make their decision whether to adopt tax increment financing for the area.

The report does not obligate the Village to spend any money.
The report does not define the terms of any contractual agreement between the Village and any other party.
The report has been made available for public inspection as required by Illinois law to give the public a chance to review and comment on it during the 2- to 3-month public notice and deliberation period.

5:59 / 26:32

More videos

Click the photo above to view the presentation from SB Friedman.

NOT ME, SAYS SB FRIEDMAN.



SB FRIEDMAN FINDING - (ADDRESSES ONLY PART 1 OF THE STATE STATUTE)

comprehensive program to revitalize the proposed RPA, as required by the Act.

Redevelopment Project Area

The proposed RPA is located on the north side of the Village of Sugar Grove along IL-47 and I-88 in Kane County (the "County"), as shown on **Map 1**. The 42 tax parcels included in the proposed RPA are roughly bounded by IL-47 and I-88 to the west, I-88 to the east, Merrill Road to the south, and Oakleaf Drive to the north as seen on **Map 2**. The proposed RPA comprises approximately 861 acres of land, of which approximately 765 acres are currently vacant and approximately 96 acres are rights-of-way, as shown in **Map 3**.

Determination of Eligibility

This Report concludes that the proposed RPA is eligible for designation as a "blighted area" for vacant land, per the Act.

BLIGHTED AREA FINDINGS

Per SB Friedman's analysis, the proposed RPA is eligible as a "blighted area" under the one-factor test as outlined in the Act. The one-factor findings are defined under the Act at 65 ILCS 5/11-74.4-3 (a) and (b) and are more fully described in **Appendix 2**.

SB Friedman's analysis indicated that the following factor was found to be present to a meaningful extent and reasonably distributed throughout the proposed RPA:

Property is subject to chronic flooding that adversely impacts real property or discharges water that contributes to flooding within the watershed.



SB FRIEDMAN ELIGIBILITY REPORT COMPARISON

SB Friedman 2018 Resource Guide

▼ LACK OF GROWTH IN EAV

Our Eligibility report

ONE-FACTOR TEST

Under the provisions of the “blighted area” section of the Act, if the land is vacant, an area qualifies as “blighted” if one (1) or more of the following factors is found.

- The area contains unused quarries, strip mines or strip mine ponds;
- The area contains unused rail yards, rail track or railroad rights-of-way;
- The area, prior to its designation, is subject to or contributes to chronic flooding;
- The area contains unused or illegal dumping sites;

SB Friedman Development Advisors, LLC

8

25 PRESENTATION TITLE

- Deterioration of structures or site improvements in areas adjacent to vacant land
- Environmental issues
- Lack of growth in EAV

One-Factor Test. Vacant land may also qualify if the area meets one of the following criteria:

- Contains unused quarries, strip mines, or strip mine ponds
- Contains unused rail yards, rail tracks, or railroad rights-of-way
- Is subject to chronic flooding that adversely impacts real property or discharges water that contributes to flooding within the watershed (In order to consider this factor, the redevelopment project must provide for facility improvements that will contribute to the alleviation of all or part of the flooding)
- Contains unused or illegal dumping sites
- Was designated as a town center prior to January 1, 1982, is between 50 and 100 acres in size, and is 75% vacant land
- Qualified as blighted prior to becoming vacant

3. Industrial Park Conservation Area & Jobs Recovery Act Eligibilities

These two approaches are much less frequently utilized and are used only to designate industrial park TIF districts. They rely on findings regarding unemployment and inadequate infrastructure levels, vacant buildings, or environmentally contaminated sites.

These types of TIF districts only allow for industrial

Pro

Pul

The

suc

rela

1.

2.

Pri

For

or b

be

priv

inte

any

be

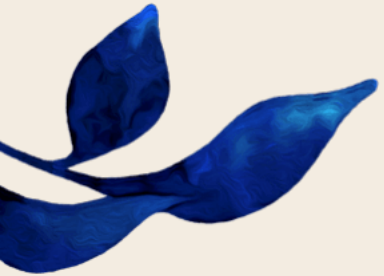
pro

rec

revi

8/14/2026

SB FRIEDMAN DID
SAY THEY
EXAMINED ALL
PARCELS FOR
QUALIFICATION
FACTORS
CONSISTENT
WITH
REQUIREMENTS
OF THE ACT, BUT...



- Methodology Overview SB Friedman conducted the following analyses to determine whether the proposed RPA is eligible for designation as a "blighted area" for vacant land, per the Act:

Parcel-by-parcel field observations and photography documenting property conditions;

Analysis of historical EAV trends for the last six years (five year-to-year periods) for which parcel and Village as a whole data are available and final (2017-2022) from the Kane County Assessor's Office;

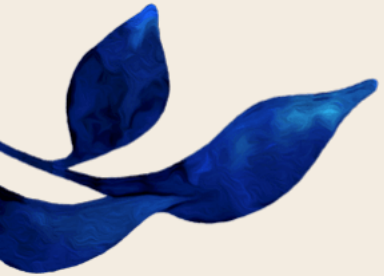
Review of parcel-level GIS shapefile data provided by the Village;

Review of a memorandum from EEi regarding stormwater;

Review of the 2023 Village of Sugar Grove Comprehensive Plan.

SB Friedman examined all parcels for qualification factors consistent with requirements of the Act.

NO SB FRIEDMAN FINDINGS RELATE TO ALLEVIATING ANY PART OF THE DOWNSTREAM FLOODING

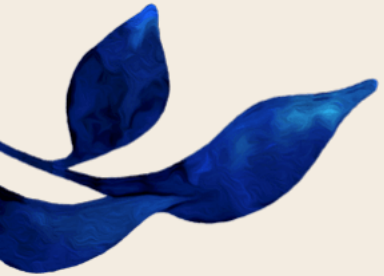


- ONE-FACTOR BLIGHTED FINDING EEi, as the Village's engineering firm, has indicated that runoff from 88% of the proposed RPA contributes to downstream flooding within the Blackberry Creek Watershed. This factor is found to be present to a meaningful extent and reasonably distributed throughout the proposed RPA. Summary of Findings SB Friedman found that the proposed RPA qualifies to be designated as a "blighted area" for vacant land. **The proposed RPA is eligible under a one-factor test due to flooding and contribution to flooding in the proposed RPA.** This factor is present to a meaningful extent and reasonably distributed within the proposed RPA.

Included disclaimer: The Eligibility Report covers events and conditions that were determined to support the designation of the proposed Redevelopment Project Area ("RPA") as a "blighted area" under the Act at the completion of our field research in July 2023 and not thereafter.

The June 18, 2024 Village Board Meeting minutes show Geoff Dickinson of SB Friedman stating that the plan requires rectifying and remediating the runoff problem.

However, they did not address which party would be responsible for that.



I Asked EEI Again -
Which Professional
Stated That This
Project Alleviated Any
Part Of The
Downstream
Flooding?





EEI STATED ON JULY 10, 2026

“To Date, the direction provided by the Village’s [Previous] TIF attorney [Kathleen Orr**] has been that compliance with the Kane County Stormwater Ordinance would serve as the **relevant engineering standard for evaluating stormwater-related improvements.**”**



AS NOTED IN A MAY 16, 2023 VILLAGE RESOLUTION,
KATHLEEN FIELD ORR IS A HIGHLY RESPECTED ATTORNEY
NOT ONLY IN THE TIF REALM, BUT IN MUNICIPAL LAW

However, this qualification raises some questions as 225
ILCS 325/4 (o) appears to require that the preparation and
definition of Engineering Standards and specifications...and
processes to be utilized in an Engineering Project must be
completed by a Professional Engineer. We are continuing to
research this.



I feel we need to evaluate

**Can a Municipal Attorney
answer an Engineering
Question?**

SUCH AS

**WHETHER THE PROJECT
ALLEVIATES ANY PART OF THE
DOWNSTREAM FLOODING**

RECENTLY, WE HAD A SEVERE STORM IN WHICH WATER WASHED OUT PART OF MERRILL ROAD AND RESULTED IN LARGE AMOUNTS OF HIGH VELOCITY WATER ENTERING BLACKBERRY CREEK.



THE FLOWS DID NOT PASS THROUGH THE LEVEL SPREADER AND RESULTED IN A REPORT FOR IEPA NON-COMPLIANCE



Illinois Environmental Protection Agency

2520 West Iles Avenue • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

Division of Water Pollution Control

Construction Site Storm Water Discharge Incidence of Non-Compliance (ION)

This form should be completed within Acrobat before being saved, printed, signed, and submitted within 24 hours to the appropriate Region email address listed on the next page.

Permittee Information

Name: Sugar Grove, LLC

Permit No. ILR10_ZFA5

Mailing Address: 2056 Westings Avenue, Suite 280

P.O. Box:

City: Naperville

State: IL

Zip Code: 60563

County: DuPage

Phone: 312-618-9903

Email: meganfarrell@crown-chicago.com

Construction Site Information

Site Name: The Grove - Lot 1

Street Address: 4S335 Merrill Road

City: Sugar Grove

State: IL

Zip Code: 60554

Cause of Non-Compliance

Due to +/-10" of rain falling in less than 48 hours, excessive flooding of site along Merrill Road.

Actions Taken to Prevent Any Further Non-Compliance

Environmental Impact Resulting From the Non-Compliance

None noted.

Actions Taken to Reduce the Environmental Impact Resulting From the Non-Compliance

Receding waters will determine if there was any impact.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Megan Farrell

Owner Printed Name

Authorized Agent

Title

Megan Farrell

Owner Signature

July 6, 2026

Date

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied.

IL 532 2105

WPC 624 Rev. 4/2025

Construction Site Storm Water Discharge Incidence of Non-Compliance

AN INCREASE IN VELOCITY OF RUNOFF IS NOTED IN THAT VIDEO COMPARED TO SURROUNDING AREAS...

- EEI STATES:
- *“The detention requirements mandated by the ordinance reduced peak runoff from the site by temporarily storing stormwater and releasing it at a controlled rate over time. This detention attenuates peak flows and helps reduce the rate at which runoff leaves the site compared to an uncontrolled discharge condition.”*

Would a Municipal Attorney be able to answer whether the increased velocity of runoff due to the overtopping of Merrill, high volume of water put through a small culvert, failure of the flows to pass through the level spreader and release of water from the Emergency Weir still contribute to alleviating any part of the downstream flooding?

These questions would suggest an Engineering Study and opinion is needed .

EEI ALSO STATED IN A JULY 6, 2026 EMAIL:

“By the time 3-inches of rain fell on Sunday, the soil was saturated and any additional storm events basically resulted in instant runoff with no chance for infiltration into the ground. ”

Would a Municipal Attorney be able to explain how the Kane County Stormwater ordinance intervention of spreading the water in a field to slow the flow helped alleviate any part of the downstream flooding if a severe storm causes instant runoff with no chance for infiltration into the ground?

No, which would suggest an Engineering Study and Opinion is needed.

ALTERNATE ENGINEERING OPINION RELATED TO WHO CAN DETERMINE IF A DRAINAGE SYSTEM CONTRIBUTES TO ALLEVIATING ALL OR PART OF THE FLOODING

EEl Stated in a July 23, 2026 email: As noted previously, determining whether the improvements satisfy the statutory requirement that they *“contribute to the alleviation of all or part of the flooding”* is a policy and legal matter.

An alternate Engineering quote was recently obtained from H.R. Green who did not seem to **believe it was a legal question**. They expressed that in some cases detention may be enough to help, but:

“We would need the development’s stormwater management report to go along with the plans you sent previously. [Employee] shared some concerns about the ability to determine if the development would improve the greater watershed, without a more detailed analysis.” “We would need to document the extent of the flooding and the **cause of the flooding** to know if this will benefit the overall watershed” “**Hopefully, there is not only a stormwater report for the site, but an overall report for the entire watershed that documents issues, deficiencies and solutions.**”

JULY 27, 2026 EMAIL FROM EEI RELATED TO MUNICIPAL ATTORNEY KATHLEEN ORR'S OPINION

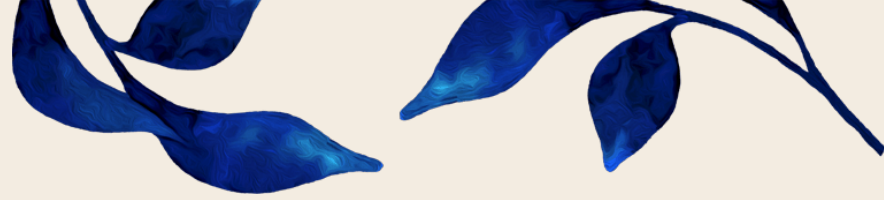
Village President and Board of Trustees
July 27, 2026
Page 3 of 7

EEI does not interpret TIF law or determine TIF eligibility, as those responsibilities rest with the Village's legal counsel and TIF advisors. Accordingly, EEI sought guidance from the Village's TIF attorney and TIF consultant regarding the standards that should be applied during plan review. Potential options discussed included:

- Requiring release rates that are a certain percentage lower than those permitted by the Kane County Stormwater Ordinance, which would likely result in additional detention needing to be constructed.
- Requiring additional best management practices (BMPs), such as infiltration measures designed to retain the first inch of runoff and reduce runoff volume.

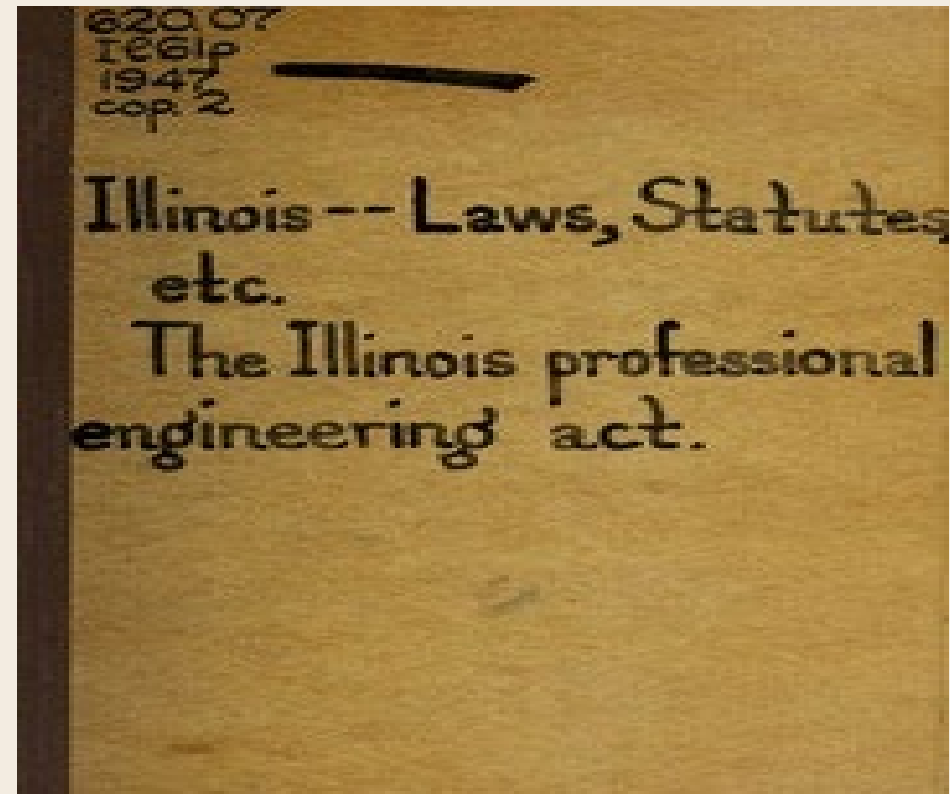
However, it was our understanding that the Village's TIF attorney advised that no established case law supports the use of such metrics and that imposing them could be viewed as arbitrary. By contrast, the Kane County Stormwater Ordinance provides a recognized and defensible regulatory standard. As a result, it is my understanding that neither the Annexation Agreement nor the TIF Agreement includes requirements that exceed the provisions of the Kane County Stormwater Ordinance.

Please note EEI reviews development plans in accordance with the standards established by the Village Board and interpreted by the Village's legal and TIF



...**But do we answer Engineering questions with case law?** While the state statute doesn't explicitly require an Engineer's certification, under the Illinois Professional Engineering Act, it appears only a Professional Engineer can provide an answer to the question at hand.

UNDER SECTION 4 OF THE ILLINOIS PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989, ANY ANALYSIS REQUIRING TECHNICAL CALCULATIONS REGARDING PUBLIC SAFETY MUST BE DONE BY A PROFESSIONAL ENGINEER



Predicting changes in water flow and runoff rates requires a Professional Engineering license, as opposed to a license to practice Law

The problem with using legal opinion and caselaw alone is that Kane county stormwater ordinance discharge rates must match or reduce allowable pre-development levels, **but** this does not necessarily equate to alleviating downstream flooding as required in the state statute.

As H.R. Green noted in their July 21, 2026 email, more information would be needed to determine this including the extent and cause of the flooding.

For example, this September 16, 2025 email from Former Village Engineer Brian Schiber states all groundwater collected by basement sumps will be directed to the Merrill Road Culvert which flows to Blackberry Creek. The **increased volume** of water being sent to Blackberry Creek would need to be factored in to any consideration of whether the project alleviates downstream flooding.

Clarification



Brian Schiber

To Sue Stillwell

Cc Jimmy Vasselli; brian@jmvchicagolaw.com; Scott Koeppel; Michele Piotrowski

 You replied to this message on 9/16/2025 11:55 AM.

[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Hey Sue,

Area 1 all drains towards the existing culvert under Merrill Road and that same culvert drains into the Forest Preserve site. So any groundwater collected by basement sumps is directed to the Area 1 storm sewers and those storm sewers go the stormwater basins, and the stormwater basins drain to the existing Merrill Road culvert.



Brian L. Schiber, P.E. | Village Engineer

Public Works Department | [Village of Sugar Grove](#)

601 Heartland Drive, Sugar Grove, IL 60554-9594

D: 630.391.7235 | E: bschiber@sugargroveil.gov

From: Sue Stillwell <sstillwell@sugargroveil.gov>

 Summarize



Reply



Reply All



Forward



Tue 9/16/2025 11:38 AM

According to NOAA.gov, Blackberry Creek at Montgomery, IL Reaches Minor Flooding Stage at 10 ft

CATEGORY	STAGE
> Major Flooding	12.5 ft
> Moderate Flooding	11.5 ft
> Minor Flooding	10 ft
> Action	8 ft

THE DOWNSTREAM FLOODING IMPACTS ARE CLEARLY OUTLINED IN GOVERNMENT DATA FOR BOTH MONTGOMERY AND YORKVILLE, THE MUNICIPALITIES DOWNSTREAM BEFORE THE CREEK REACHES THE FOX RIVER

← ↺ <https://water.noaa.gov/gauges/bbmi2>

Montgomery

Flood Impacts

16 - Numerous residences are threatened off Concord Drive in Montgomery.

15.5 - Multiple residences threatened near US-30 (Base Line Road) and Orchard Road west of Montgomery.

15 - Concord Drive is threatened in Montgomery.

13 - Jericho Road is threatened at creek in Montgomery.

12 - Water begins to bypass the main channel eastward toward Montgomery. Numerous residences threatened along Willow Lane, Park Lane, and Brookside Lane between Montgomery and Yorkville.

11.5 - Roadways are threatened at Jericho Lake Park in Montgomery.

11 - Willow Lane, Park Lane, and Brookside Lane threatened near the creek between Montgomery and Yorkville.

9 - Low-lying sections of Blackberry Trail Park are inundated in Montgomery.

Historic Crests

1. 13.50 ft on 07-18-1996 (P)

2. 10.69 ft on 09-14-2008

3. 9.30 ft on 04-19-2013

4. 8.73 ft on 06-17-2015

5. 8.63 ft on 12-28-2008

6. 8.61 ft on 04-23-1999

7. 8.54 ft on 05-18-2020

8. 8.26 ft on 02-21-2018

9. 8.15 ft on 10-15-2017

10. 8.06 ft on 08-25-2007

11. 7.94 ft on 05-13-2016

12. 7.91 ft on 05-01-2019

13. 7.63 ft on 06-06-2002

14. 7.59 ft on 05-01-2017

15. 7.01 ft on 02-10-2001

16. 6.55 ft on 05-10-2003

8/14/2026

WOULD THIS STORM SYSTEM THAT COMPLIES WITH THE KANE COUNTY STORMWATER ORDINANCE HAVE ALLEVIATED ANY PART OF THE DOWNSTREAM FLOODING IN 2026, 1996, 2008 OR 2013?

Historic Crests

1. 13.50 ft on 07-18-1996 (P)
2. 10.69 ft on 09-14-2008
3. 9.30 ft on 04-19-2013
4. 8.73 ft on 06-17-2015
5. 8.63 ft on 12-28-2008

2026: In response to a July 5, 2026 email, EEI responded: Storm events that exceed the design criteria are expected to utilize the designated overland flow routes [to Blackberry Creek] During the recent storm events, runoff volumes exceeded both the capacity of the overland flow route and the Merrill Road culvert, resulting in flows that bypassed the level spreader. As noted previously, these were significant rainfall events that generated tributary flows well beyond the capacities for which the system was designed.



STORM CHARACTERISTICS THAT HAVE RESULTED IN THE DOCUMENTED DOWNSTREAM FLOODING AND WHY IT APPEARS ALL WERE “WELL BEYOND THE CAPACITIES FOR WHICH THE SYSTEM WAS DESIGNED”

- July 2-4 2026: “Well Beyond the Capacities for Which the System was Designed” per EEI
- July 18, 1996: About 17” of Rain in 24 hours, far more than the 2026 storms
- September 12-15, 2008 Similar to July 2-4, 2026 Also multi-day storm, Remnants of Hurricane IKE, approximately 8” of rain
- April 2013 – Not exactly comparable as Blackberry Creek Dam was in the final phases of dam removal project with coffer dams dismantled around this date, but ~8” rain, similar to 2026 rainfall in Kane/Kendall April 17th and 18th

This would suggest that to alleviate downstream flooding, an Engineering study and improved design would be needed because the storms that have historically resulted in downstream flooding exceed the capabilities of the system design required by the Kane County Stormwater Ordinance





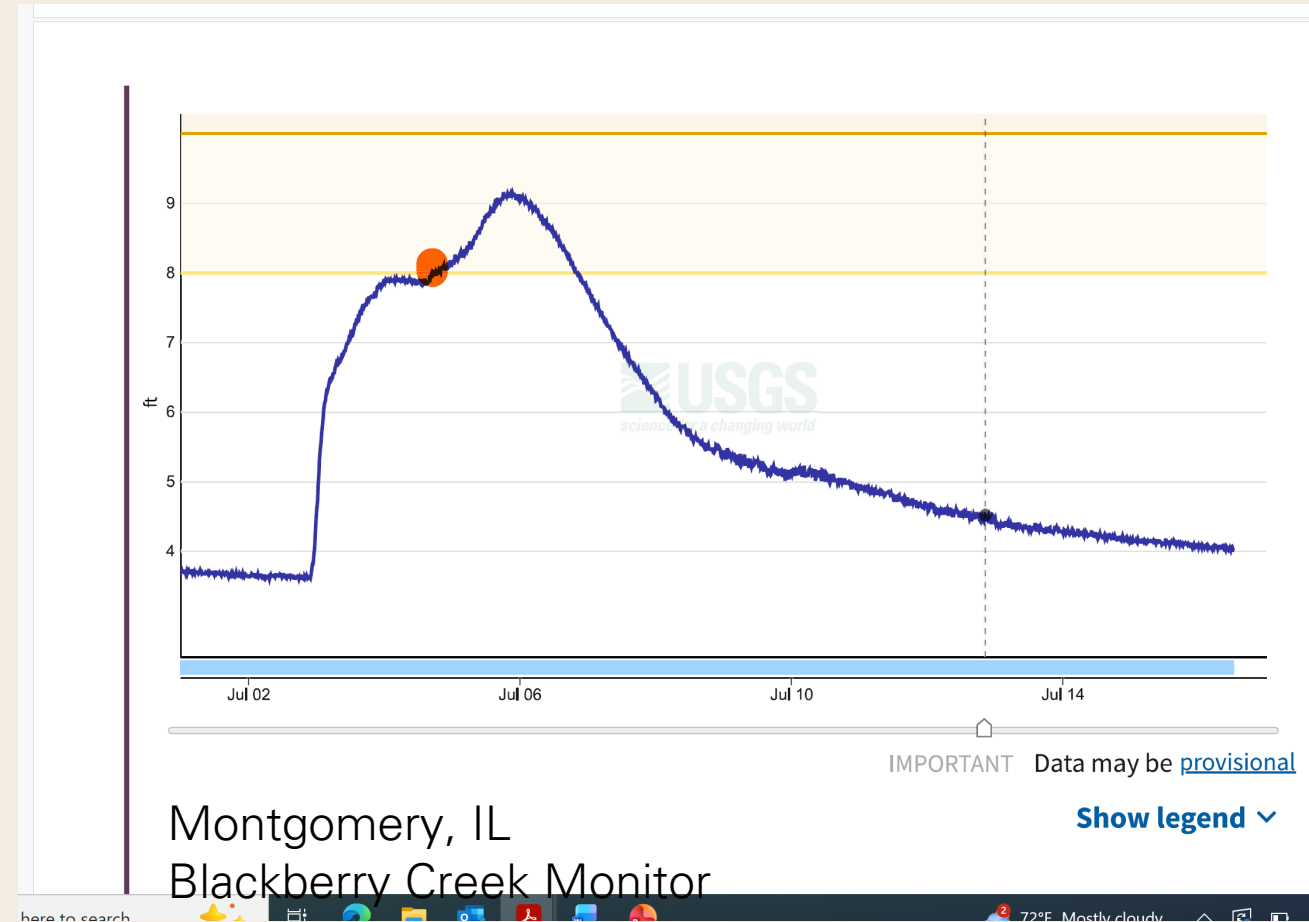
IN FACT, ACCORDING TO EEI, AN
ESTIMATED 80.1 MILLION GALLONS
OF WATER ENTERED BLACKBERRY
CREEK FROM THE CROWN/SUGAR
GROVE, LLC PROPERTY FROM JULY
2ND TO 4TH.

17.1 MILLION GALLONS
WERE FROM AREA 1.

AREA 1 CONTRIBUTION TO DOWNSTREAM FLOODING

- In a July 17, 2026 email, EEI stated:

Consequently, water generated by the July 2–4 storm events would not be expected to arrive at the monitoring location immediately and may have contributed to flows measured one or more days after the rainfall occurred.



EEI MONTGOMERY / SUGAR GROVE FLOODING RELATED TIF COMPARISON

- **Montgomery:** In Montgomery, EEI was explicitly hired to alleviate downstream flooding. EEI's target for the water included localized city streets, low spots and the Montgomery Overflow, calculated floodway displacement and compensatory storage. **They studied localized creek behavior**, created a floodplain compensatory storage basin plan and worked with Teska to verify all statutory requirements were met. They engineered the Montgomery Overflow Bypass Storm Sewer along US Route 30. Their specific bypass infrastructure and Montgomery Park improvements were engineered to actively pull floodwaters away from the community.
- **Sugar Grove:** EEI Modeled Baseline Runoff and directed the water into the same creek the water had initially flowed to, but with county required detention to reduce the possibility of increased downstream flooding. **August 2024 Village Board Meeting minutes show Michele from EEI emphasizing they did not study extent or specific locations of flooding. Michele later stated on July 9, 2026 that she believed this analysis related to whether the improvements alleviate all or part of the downstream flooding could be done later, at the time of TIF reimbursement requests.**



IN CONCLUSION,

I AM CONCERNED BECAUSE BOTH SUGAR GROVE, LLC AND THE VILLAGE OF SUGAR GROVE HAVE EXPRESSED A NEED TO RELY ON PROFESSIONAL ENGINEERING OPINION AS TO WHETHER THE DEVELOPMENT ALLEVIATES ANY PART OF THE DOWNSTREAM FLOODING.

THE ATTORNEY THAT PROVIDED THE ENGINEERING STANDARD SEEMS TO BE ABLE TO STATE THE DEVELOPMENT COMPLIES WITH THE KANE COUNTY STORMWATER ORDINANCE IF THE REQUIREMENTS ARE FOLLOWED, BUT NOT THAT MEETING THE KANE COUNTY STORMWATER ORDINANCE ALSO MEETS THE STATE STATUTORY REQUIREMENT TO ALLEVIATE ALL OR PART OF THE DOWNSTREAM FLOODING. THEY HAVE DIFFERENT STANDARDS AND DOWNSTREAM FLOODING HAS OCCURRED ONLY IN SEVERE AND MULTI-DAY STORMS. IMPROVING THESE CONDITIONS APPEARS TO REQUIRE MORE THAN THE BASIC COUNTY REQUIREMENTS. -SUE