

ARTICLE 2. APPLICABILITY AND GENERAL PROVISIONS

ARTICLE SUMMARY

The goal of this article is to provide applicants with an understanding of the scope of regulation and the applicability of the WMO to proposed projects. Although the WMO applies to all **development** within **Cook County**, not every **project** will require a **Watershed Management Permit** from the **District**.

Guidance is provided for permitting applicability for the following special cases of **development**:

- Legacy **Sewerage System Permits** (SPO)
- **Single-family Home Developments**
- Direct Connections to **District** Facilities
- **Outfalls to Waterways** and Lake Michigan
- **Demolition**
- **Projects** located in the City of Chicago
- **Multi-County Municipalities**

Examples of permitting applicability can be found at the end of this Article.

The guidance provided in this Article includes references to some of the soil and **erosion** control requirements of Article 4, the **stormwater** provisions of Article 5, the **flood protection area** (FPA) requirements of Article 6, and **qualified sewer** in Article 7. This is not intended to be a comprehensive overview of these requirements, but just a reference to further understanding the overall requirements of the WMO. Please refer to the respective Articles of the WMO and **TGM** for in depth guidance regarding these requirements.

NOTE: All bold words are defined in Appendix A of the WMO and the TGM.

§200. SCOPE OF REGULATION

The WMO applies to all **development** within **Cook County**, as well as all **qualified sewer** within the **District's** corporate boundaries and service agreement areas, which includes **projects** under the control of any governmental entity, agency, or authority. However, not every **project** within **Cook County** will require a **Watershed Management Permit** from the **District**.

EXEMPTIONS

As specified in §200.4 of the WMO, the provisions of the WMO do not apply to any of the following:

- A. Agriculture and gardening activities that do not involve filling, grading, or construction of levees.

Agricultural and gardening activities are exempt from the WMO. Mass grading of agricultural land for the purposes of eventual sale or non-agricultural use is considered **development** and is subject to WMO requirements.

- B. **Structures** and land uses existing as of May 1, 2014 (the effective date of the WMO), except when **redevelopment** occurs.

WMO requirements do not retroactively apply to properties in **Cook County** that were developed prior to May 1, 2014. However, **development** or **redevelopment** within the **District's** jurisdiction after May 1, 2014, is subject to WMO requirements.

- C. **Projects** solely within Lake Michigan, certified by a Professional Geologist or Structural or **Professional Engineer**, licensed in the State of Illinois, that has obtained approval from the **Corps** and IDNR-**OWR** and does not include **qualified sewer**.

These **projects**, such as shoreline remediation or pier construction, are already regulated by the **Corps** and **OWR**, and regulation under the WMO provides no additional protection or value. To qualify for this exemption, the **project** must be certified by the appropriate licensed professional listed in the provision.

- D. **Projects** within the corporate boundaries of the City of Chicago, Illinois, except for the below scenarios. In these cases, a **Facility Connection Authorization (FCA)** is required in lieu of a full **Watershed Management Permit**, and additional easement and leasing requirements may also apply. An FCA is required for any of the following:

- 1) New or reconstructed **outfalls** to **waterways** or Lake Michigan;

Requirements for **outfalls** apply throughout **Cook County**, including areas that may be exempt from some provisions of the WMO, such as the City of Chicago.

- 2) Direct connections to **District** interceptors, **TARP structures**, facilities, or **District** property.

These **District** impacts require notification and permitting from several departments within the **District**, which is facilitated by obtaining an FCA.

- E. **Projects** listed in §201.1, §201.2.E, and §201.2.F of the WMO that are within the corporate boundaries of a **multi-county municipality** which has adopted and currently enforces the **stormwater ordinance** of a **contiguously** adjacent Illinois county subject to the requirements of §207 of the WMO.

Multi-county municipalities are not automatically exempt from **Watershed Management Permits** for the **stormwater** and **flood protection area (FPA) development** activities found in §201.1, §201.2.E, and §201.2.F. In order to obtain this exemption, the **municipality** must submit a letter of intent (LOI) and enter into an intergovernmental agreement (IGA) with the **District**, which indicates the **municipality** will follow all provisions of §207 and will enforce the adjacent county's **stormwater** ordinance. A template LOI and IGA can be found at wmo.mwrd.org. Additional information on **multi-county municipalities** can be found below under "Special Cases of **Development**".

- F. **Projects** listed solely in §201.1 of the WMO that are undertaken by state or federal agencies (e.g. **IDOT**, Illinois Tollway Authority, or the **Corps**).

Watershed Management Permits are still required for **projects** that include activities listed in §201.2 of the WMO. These include **qualified sewer**, new or reconstructed **outfalls** to **waterways** or Lake Michigan, and modifications to the storage volume, outlet **structure**, or **tributary area** of a **District** permitted **detention facility**.

- G. **Projects** listed solely in §201.1 of the WMO that are undertaken as a **flood control project**.

Refer to the guidance given in Part E, above. **Flood control projects** must be undertaken by either the **District** or a **municipality** to reduce the frequency and magnitude of **flood** events, or be undertaken by a public utility to protect critical infrastructure from **flood** events. Privately funded **projects** or those undertaken by non-municipal/utility agencies are not considered **flood control projects** under the definition in the WMO.

- H. **Projects** undertaken by the **District**.

District projects are either considered to be **flood control projects** or infrastructure rehabilitation and improvements to **District** owned facilities. **Flood control projects** are exempt from the **stormwater** provisions of the WMO, and historically, the **District** has never issued permits for its own sewer or infrastructure work.

§201. APPLICABILITY

GENERAL APPLICABILITY REQUIREMENTS

Development activities have the potential individually, or in the aggregate, to cause an increase in **flood** damage on a regional basis and therefore are regulated through the permit process of the WMO. It should be noted that **projects** outlined in §201.1 may obtain permits from either the **District** or an **authorized municipality**, but approval for **projects** outlined in §201.2 can only be issued by the **District**. Table 1 of the WMO provides a more detailed summary of the appropriate permitting authority for various **projects**.

If a **Watershed Management Permit** is required, all Articles of the WMO apply (3 through 14). The **development** area is subject to the **stormwater** provisions listed in Table 2 of Article 5. Depending on the size of the **property holdings**, **runoff** and detention are required for the entire **development** area, and volume control is required for the proposed **impervious area** of the **development**. **Stormwater** provisions apply to the proposed **development** area, regardless of existing impervious or pervious conditions. More information on **stormwater** thresholds can be found in Article 5 of the WMO and this **TGM**.

If a permit is not required, then volume control and **runoff** are not required. Detention is required if the **property holdings** meet the thresholds listed in Table 2, but may be deferred until the aggregate **development** area exceeds 0.50 acre.

Applicability requirements for **Watershed Management Permits** are generally categorized into two divisions: (1) **flood protection areas** and **development** (§201.1), and (2) **qualified sewer** and **District** impacts (§201.2).

§201.1 FLOOD PROTECTION AREAS AND DEVELOPMENT

With regards to §201.1, a **Watershed Management Permit** is required for any **development** that meets the following:

- A. **Development** within a **Flood Protection Area** (§201.1.A of the WMO). Any disturbance meeting the definition of **development** must obtain a permit, regardless of the size of the disturbance.

Flood protection areas include:

- **Regulatory floodplains** (§601 and §602)
- **Regulatory floodways** (§601 and §602)
- **Riparian Environments** (§606 and §607)
- **Wetlands** (§603 and §604)
- **Wetland Buffers** (§603 and §604)

Property that is shown to be within the **regulatory floodplain** or **regulatory floodway** according to **FEMA** maps, but has been removed by **FEMA** via a **LOMA**, **LOMC**, **LOMR**, or **LOMR-F**, may demonstrate this provision does not apply by providing the appropriate documentation to the **District**.

B. **Development** with an **indirect wetland impact** (§201.1.B of the WMO).

Indirect wetland impacts are defined as a **development** activity that causes the **wetland hydrology** to fall below eighty percent (80%) or exceed one-hundred fifty percent (150%) of the existing condition **storm event runoff** volume to the **wetland** for the 2-year, 24-hour **storm event**.

C. The **development** of a residential **building** within 100-feet of the **regulatory floodplain** (§201.1.C of the WMO).

Consistent with the purpose of the WMO, as indicated in §103.1, this provision protects public health, safety, and welfare, and reduces the potential for loss of property due to **flood** damage. Residential **buildings** located near the FPA are specifically targeted due to their nature as a habitable **structure**.

D. The **development** disturbs more than 0.50 acres, unless the **development** solely involves one or more of the following (§ 201.1.D 1-5 of the WMO):

1) **Single-family home development** located outside of **flood protection areas**.

Single-family homes are only regulated with regards to **flood protection areas**, specifically to ensure there are no impacts to **wetlands** or **riparian environments**, and the home is elevated to the **flood protection elevation**. **Single-family homes** are not subject to the **stormwater** provisions of Article 5, **single-family home service sewers** are not considered **qualified sewer** under Article 7, and homes located outside **flood protection areas** do not need to meet elevation requirements. Therefore, these homes do require a **Watershed Management Permit**. All other local approvals must be obtained prior to construction.

2) Installation, renovation, or replacement of a septic system, potable water service line, or other utility to serve an existing **structure**, provided that the area is restored to existing grade and vegetative cover is restored.

Septic systems that are not tributary to District facilities are not considered **qualified sewer** and are not regulated under the WMO. Local requirements, including those of the Cook County Department of Public Health, govern these systems, and all local approvals must be obtained prior to construction. Non-sewer utilities may be constructed, relocated, or replaced without requiring a **Watershed Management Permit** as long as all areas are restored.

- 3) Excavation in public **rights-of-way** or public utility easements for the purpose of installing or maintaining utilities other than **qualified sewer**, provided that the area is restored to existing grade and vegetative cover is restored.

Non-sewer public utilities may be constructed, relocated, or replaced without requiring a **Watershed Management Permit** as long as all areas are restored. While the utility work itself is not regulated under the WMO, any excavation that disturbs a **wetland** is not exempt under this provision due to the nature of **wetlands** and the need for specialized restoration. Therefore, temporary excavation and other construction activities within a **wetland** are considered **wetland impacts** and do not constitute **maintenance activities**, even if the associated utility work is a **maintenance activity**.

- 4) **Maintenance activities**, repair, or at-grade, in-kind replacement of existing lawn areas not otherwise requiring a **Watershed Management Permit**, provided that the area is restored to existing grade and vegetative cover is restored.

Pervious areas that are replaced in-kind, without drainage improvements or a change in use, are considered **maintenance** and are not subject to the **development** and **stormwater** requirements of the WMO. While **maintenance activities** are considered to occur within the **project** area, they are excluded from the **development** area.

Examples of pervious-to-pervious activities that are NOT considered **maintenance** may include, but are not limited to:

- Constructing a berm, pond, or mass grading – change in drainage pattern.
- Installing pervious pavers in a former grass area – pervious replacement is not in-kind.
- Constructing a new playground with pervious rubber surface in an existing pervious area – change in use.
- Replacing a grass field with synthetic turf – change in drainage (different **runoff** coefficient).
- Installing structural grass to convert a landscaped area to parking – change in use.
***Note:** Installing structural grass to improve an existing grass parking area may be considered **maintenance**, since there is no change in use.*

- 5) **Maintenance activities**, repair, or in-kind replacement of existing **impervious areas** including, but not limited to, roadways or parking lots not otherwise requiring a **Watershed Management Permit**.

Impervious areas that are replaced in-kind, without drainage improvements or a change in use, are considered **maintenance** and are not subject to the **development** and **stormwater** requirements of the WMO. The installation of drainage **structures** in a previously unsewered **maintenance** area is considered **development**, and is not exempt from permitting requirements under this provision.

Examples of impervious-to-impervious activities that are **NOT** considered **maintenance** may include, but are not limited to:

- Installing drainage **structures** or **storm sewers** in an existing parking lot – change in drainage pattern.
- Constructing a curb around an existing **impervious area** that results in modifying **site stormwater runoff** – change in drainage pattern.

Installing pervious pavers in an existing **impervious area** – permeable pavers are considered pervious; therefore, replacement is not in-kind and changes the drainage pattern.

***Note:** Per §501.3, **development** that incorporates in-kind replacement with **green infrastructure** may be considered **non-qualified development**. Refer to Article 5 of the WMO and this **TGM** for additional information.*

- (1) Constructing a **building** on existing **impervious area**, (2) Demolishing a **building** and paving the demolished area, (3) Constructing a basketball court on an existing park/soccer field/parking lot, etc. – change in use.
- Demolishing a **building** and installing a new **building** in the same footprint – new **buildings** are not considered **maintenance activities**.

***Note:** While **demolition** is not considered **maintenance**, it is also not considered **development** under the WMO. Additional information on **demolition** can be found below under “Special Cases of **Development**”.*

Items 1 through 5 above represent disturbances that are not considered to negatively impact the **watersheds** of **Cook County** on a regional basis. However, it is important to note the following:

- A local permit from the **municipality** may still be required for these activities, and all local, regional, state, and federal permits must be obtained prior to **start of construction**;
- If the activity is located in a **Flood Protection Area**, a permit is required regardless of the size of the **development** area; and
- Adequate **erosion** and **sediment** measures are required for the development, as the **erosion** and **sediment** provisions of the WMO still apply regardless of whether a **Watershed Management Permit** is required.

If not already required for another reason, any **development** greater than 0.50 acres requires a **Watershed Management Permit** and is subject to the **stormwater** provisions of Article 5 as indicated in Table 2 of that Article.

§201.2 QUALIFIED SEWER AND DISTRICT IMPACTS

With regards to §201.2, a **Watershed Management Permit** is required for a **project** that includes any of the following:

- A. **Qualified sewer** within a **combined sewer area** tributary to either a **combined sewer** or a **waterway** (§201.2.A of the WMO);

All **sewers** within the **combined sewer area** have the potential to flow to **District** facilities. The **District** considers all **storm sewers** in these areas to be **qualified sewer construction**, even when tributary to a **waterway**.

- B. **Qualified sewer construction** within the **District's** corporate limits or service agreement areas (§201.2.B of the WMO).

Qualified sewer includes all **sanitary sewers**, **storm sewers** within the **combined sewer area**, even if tributary to a **waterway**, as well as **storm sewers** in a **separate sewer area** that are directly or indirectly tributary to a **District** facility. Repair and rehabilitation of sewers, manholes, and other appurtenances is also considered under this provision. Further information on **qualified sewer** is found in Article 7 of the WMO and this **TGM**. **Qualified sewer** still requires a permit even when associated work falls under the exemption provisions of §200.4, such as **flood control projects** or projects undertaken by state or federal agencies.

Qualified sewer is not always accompanied by **development**, and could potentially utilize a simpler method for obtaining a **Watershed Management Permit**. Depending on the scope of work, the **Watershed Management Permit** that is required may either be a full permit, a Notification and Request for Inspection (NRI), or a **Facility Connection Authorization**. Further information on the various permit types that are considered **Watershed Management Permits** can be found in Article 3 of this **TGM**.

- C. Direct connections to **District** interceptors, reservoirs, facilities, or **TARP structures** (§201.2.C of the WMO).

Permits are always required when direct connections to **District** infrastructure are proposed, even if the work falls under the exemption provisions of §200.4, such as **flood control projects** or projects undertaken by state or federal agencies. A preliminary coordination meeting with the **District** is recommended for these types of projects. The WMO specifies a formal petition to the **Director of Engineering** shall be requested in writing, which may be accomplished via letter or email to the **District's** Local Sewer Systems Section. Requirements for direct connections to **District** infrastructure can be found in Article 7 of the WMO and this **TGM**.

- D. New or reconstructed **outfalls** to the **waterways** or Lake Michigan, within **Cook County** (§201.2.D of the WMO).

A **Watershed Management Permit** is required for all proposed **outfalls** and reconstruction of existing **outfalls** within the boundary of **Cook County**. Reconstruction of **outfalls** includes activities such as in-kind replacement, adding wing walls, extending the pipe, relocation, etc. **Maintenance** of **outfalls** that is limited to grouting, patching, sealing, or other activities that do not modify or replace any **structure** or piping does not require a permit.

Outfall is defined in Appendix A of the WMO and this **TGM**, and includes all public and private sewers, but excludes private **single-family home** drains.

- E. Reconfiguration of existing **major stormwater systems** or **minor stormwater systems** that alters the service area of a **District** permitted **detention facility** (§201.2.E of the WMO).

Altering the **tributary area** of a **detention facility** has potential to change the volume, high water level, or release rate. In the case of **detention facilities** permitted by the **District**, the volume, high water level, and release rate are regulated under the permit and must be maintained until such time as a new permit or permit revision supersedes the original. This provision applies to all **detention facilities** permitted by the **District**, regardless if the permit was issued under the **Sewer Permit Ordinance** (SPO) or the WMO. See §104 of the WMO for provisions regulating the relationship between the WMO and the SPO.

- F. Modifications to the **control structure** or storage volume of a **District** permitted **detention facility** (§201.2.F of the WMO).

The volume, high water level, and release rates of **detention facilities** permitted by the **District** are regulated under the permit and must be maintained until such time as a new permit or permit revision supersedes the original. This provision applies to all **detention facilities** permitted by the **District**, regardless if the permit was issued under the **Sewer Permit Ordinance** (SPO) or the WMO. See §104 of the WMO for provisions regulating the relationship between the WMO and the SPO.

The prior two permitting requirements do not apply to **existing detention facilities** that were not required by the **District** (i.e. locally required). However, locally required **detention facilities** that are being used toward WMO detention requirements must meet the **redevelopment** provisions of §505 of the WMO and submit Schedule D-Legacy with the WMO Permit application. Additional details can be found in Article 5 of this **TGM**.

Figure 2.1 provides a flowchart to assist applicants with determining if a **Watershed Management Permit** will be required for a particular **development**. This flow chart and the supplemental flow charts regarding requirements for **stormwater**, **flood protection areas**, **qualified sewer**, and **District** impacts can all be found at the dedicated WMO website, wmo.mwrdd.org.

**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO
WMO PERMIT APPLICABILITY FLOW CHART**

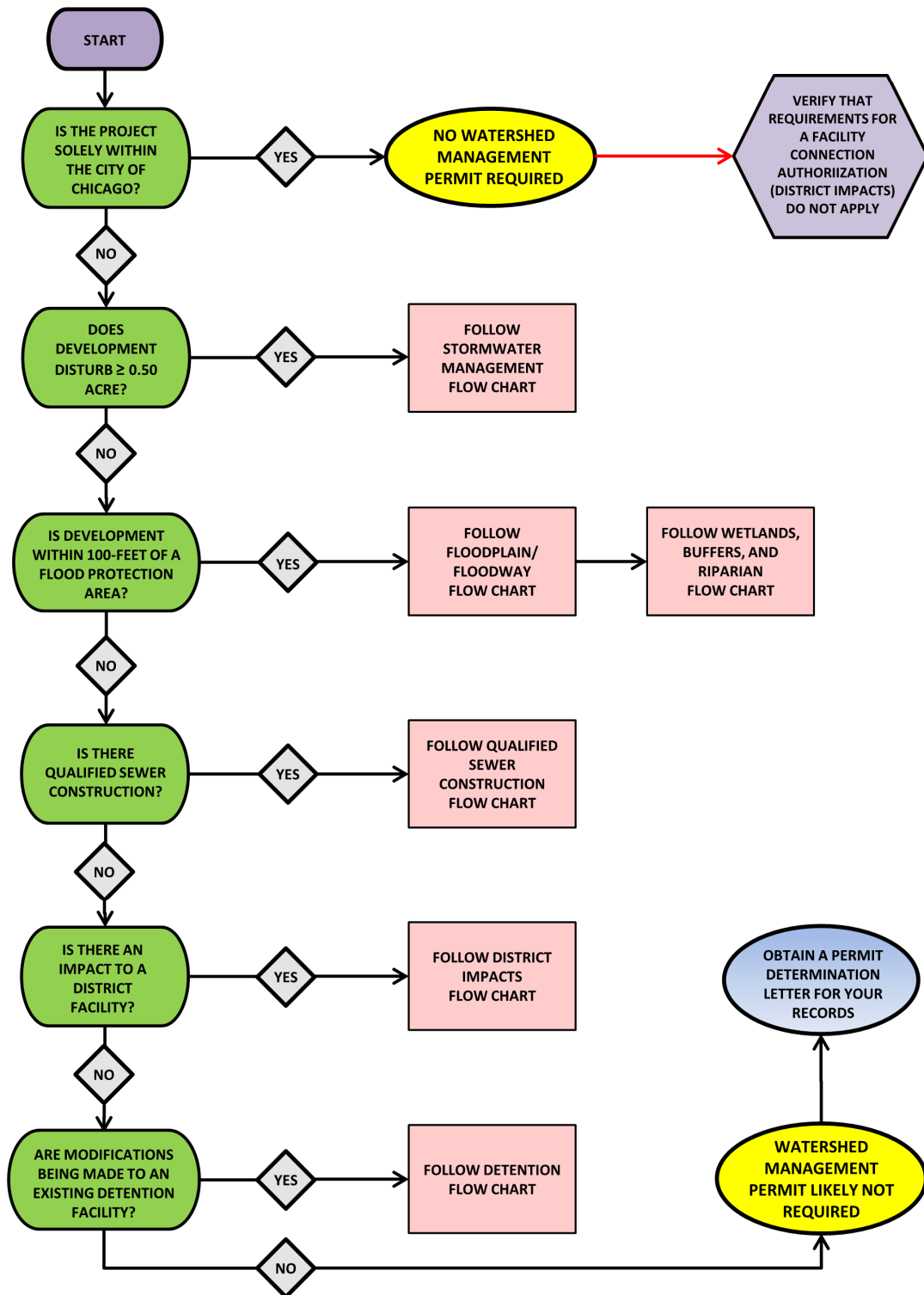


Figure 2.1 Watershed Management Permit Applicability Flowchart

SPECIAL CASES OF DEVELOPMENT

It is important to note that for some **projects**, only certain portions of it may be regulated under the WMO. These special cases, along with an explanation of why certain activities are regulated by the **District**, are provided in the following sections:

LEGACY SEWERAGE SYSTEM PERMITS (SPO)

The provisions of the WMO do not retroactively apply to **projects** that have obtained approval from the **District** under the **Sewer Permit Ordinance (SPO)**, unless **redevelopment** is occurring on these **parcels**. In such cases, the WMO provides **stormwater** detention allowances for **parcels** that contain **existing detention facilities**. **Redevelopment** provisions are found in §505 of the WMO and Article 5 of this **TGM**.

SINGLE-FAMILY HOME DEVELOPMENTS

The WMO is not intended to regulate **single-family homes**, but since it regulates all **development** within **flood protection areas (FPAs)** and residential **buildings** within 100-feet of the **regulatory floodplain**, a **Watershed Management Permit** will be required for **single-family homes** that fall under these circumstances. Since **development** in **FPAs** can have a significant effect on public quality of life, it is vital that a new home is properly elevated to the Flood Protection Elevation (**FPE**). It should be noted that **single-family home projects** are exempt from the **stormwater runoff, volume control, and detention** requirements of the WMO.

It should also be noted that the above only applies to new **single-family homes** or those proposing a foundation expansion that increases the **building** footprint by the lesser of either twenty percent (20%) or 2,500 square feet, in aggregate.

For **single-family homes** that require a permit, the applicant is not required to make a full **Watershed Management Permit** submittal unless the construction includes a **sanitary sewer** extension to serve the **parcel** or impacts a **wetland** or **riparian environment**. Instead, a **Special Flood Hazard Area (SFHA)** short-form permit, along with supporting documentation, may be submitted to the **District**. Further information on the various **Watershed Management Permits** types can be found in Article 3 of this **TGM**.

DIRECT CONNECTIONS TO DISTRICT FACILITIES

Any **project** that proposes a direct connection to **District** interceptors, reservoirs, facilities, or **TARP structures** will require a **Facility Connection Authorization (FCA)** within the City of Chicago or a **Watershed Management Permit** within the remainder of the **District's** service boundary. Because these connections impact the **District's** infrastructure, it is crucial that **District** approval is obtained for these projects. All projects, regardless of project size, location, or applicant, shall obtain **District** approval.

While adjustments to **District structures** due to roadway or other **right-of-way** improvement do not require a **Watershed Management Permit**, authorization may be obtained by contacting the **District's** Maintenance and Operations staff at (708) 588-4319 prior to performing this work.

OUTFALLS TO WATERWAYS AND LAKE MICHIGAN

All new and reconstructed **outfalls** to **waterways** and Lake Michigan within **Cook County** require a **Watershed Management Permit**. **Outfalls** located within the City of Chicago will require an FCA from the **District**. These types of projects do not require **stormwater detention**, although a water quality interceptor is required as part of the **outfall** plan if tributary to Lake Michigan. A standard detail can be found in Appendix C of this **TGM**.

DEMOLITION

In general, **demolition** is not considered **development** under the WMO. However, certain aspects related to **demolition** activities could be considered **development**, depending on the scope of work.

The following examples provide guidance on **demolition** activities and permitting requirements:

EXAMPLE 1: WAREHOUSE DEMOLITION WITH NO SITE WORK

An old warehouse is being demolished, slab removed, and area will return to a vacant and natural state. There is no site grading or landscaping proposed.

In this case, a Watershed Management Permit is not required because there is no development.

EXAMPLE 2: PLAYGROUND DEMOLITION ON EXISTING PARK LAND

A playground area within an existing park is being removed and relocated to a different area of the park. The demolished area will be reseeded with grass.

In this case, the demolished playground area will not be considered development, but the new playground area will.

EXAMPLE 3: BUILDING DEMOLITION WITH FOUNDATION PAD REMAINING

The roof and walls of an old building are being demolished and the remaining foundation pad will be used as a parking lot.

In this case, the change in use of the impervious area from a foundation pad to a parking lot is considered development and is subject to WMO requirements.

EXAMPLE 4: SITE DEMOLITION WITH GRADING AND LANDSCAPE BERMS

The entire site is being demolished. The site will be graded in anticipation of future sale to a developer, and landscape berms will be installed as an interim beautification measure.

In this case, both the site grading and the landscape berms are considered development, and all work is subject to WMO requirements.

CITY OF CHICAGO

Although the **stormwater** provisions of the WMO do not apply to projects located within the City of Chicago, certain **projects** will require **District** approval. Any **project** located within the City of Chicago that proposes a direct connection to **District** interceptors, facilities, or **TARP structures**, or new or reconstructed **outfalls** to **waterways** or to Lake Michigan shall obtain a **Facility Connection Authorization (FCA)**.

MULTI-COUNTY MUNICIPALITIES

The WMO provides the option for **multi-county municipalities** to adopt and enforce the adjacent county's **stormwater** ordinance, if the community meets the conditions provided in §207 of the WMO, including entering into an IGA with the **District**. A **Watershed Management Permit** from the **District** would not be required for **projects** in these **municipalities**, unless the **project** includes activities specified in §201.2 of the WMO, with the exception of detention related activities in §201.2.E and §201.2.F. However, in an effort to maintain accurate records, a letter documenting any changes to **District** permitted **detention facilities** should be sent to the **District** at:

Metropolitan Water Reclamation District
Local Sewer Systems Section
111 East Erie Street
Chicago, IL 60611

Examples of permit applicability for **developments** within a **multi-county municipality** may include, but are not limited to, the following:

EXAMPLE 1: QUALIFIED SEWER AND FLOOD PROTECTION AREAS

Municipality has adopted adjacent county's ordinance and entered into an IGA with the District. Proposed development is greater than 0.50 acre with qualified sewer. Floodplain and wetlands are being impacted.

A Watershed Management Permit is required for qualified sewer only. Work in the FPA is subject to the provisions of the adjacent county's ordinance.

EXAMPLE 2: MODIFICATIONS TO A DISTRICT PERMITTED DETENTION FACILITY

Municipality has adopted adjacent county's ordinance and entered into an IGA with the District. Proposed development includes modifying a District permitted detention facility to meet adjacent county's standards, and constructing single-family homes in a previously sewerer subdivision. Additional qualified sewer construction is not proposed.

Single-family home service sewers are not considered qualified sewer. A Watershed Management Permit is not required for any portion of the proposed development. All development must meet the provisions of the adjacent county's ordinance. A letter documenting the changes to the District permitted detention facility should be sent to the Local Sewer Systems Section of the District.

EXAMPLE 3: MUNICIPALITY HAS NOT ENTERED INTO AN IGA WITH THE DISTRICT

Municipality has adopted adjacent county's ordinance, but has not entered into an IGA with the District.

A Watershed Management Permit is required per all provisions of the WMO. A multi-county municipality must enter into an IGA with the District to enforce the adjacent county's ordinance in lieu of the WMO within the Cook County portion of their municipal boundary.

ARTICLE 2. GENERAL APPLICABILITY EXAMPLES

The following examples illustrate permit applicability for some typical **projects**. A high level overview of **stormwater** requirements, as outlined in Article 5, Table 2 of the WMO, is included. It should be noted, these examples do not represent all cases, and are provided for illustrative purposes only. Actual **projects** may differ or may include additional factors that alter the permitting requirements for the specific **project**.

Every **project** should be evaluated separately to determine if a **Watershed Management Permit** is required. Permit Determinations can always be requested by mailing a letter describing the **project**, and including exhibits or plans showing the scope of work, to:

Metropolitan Water Reclamation District
Local Sewer Systems Section
111 East Erie Street
Chicago, IL 60611

EXAMPLE 1: BUILDING RENOVATION WITH NEW SANITARY SEWER CONNECTION

Property holding area = 3.5 acres. Scope of work includes interior building renovation with a new sanitary sewer connection. No other development is proposed.

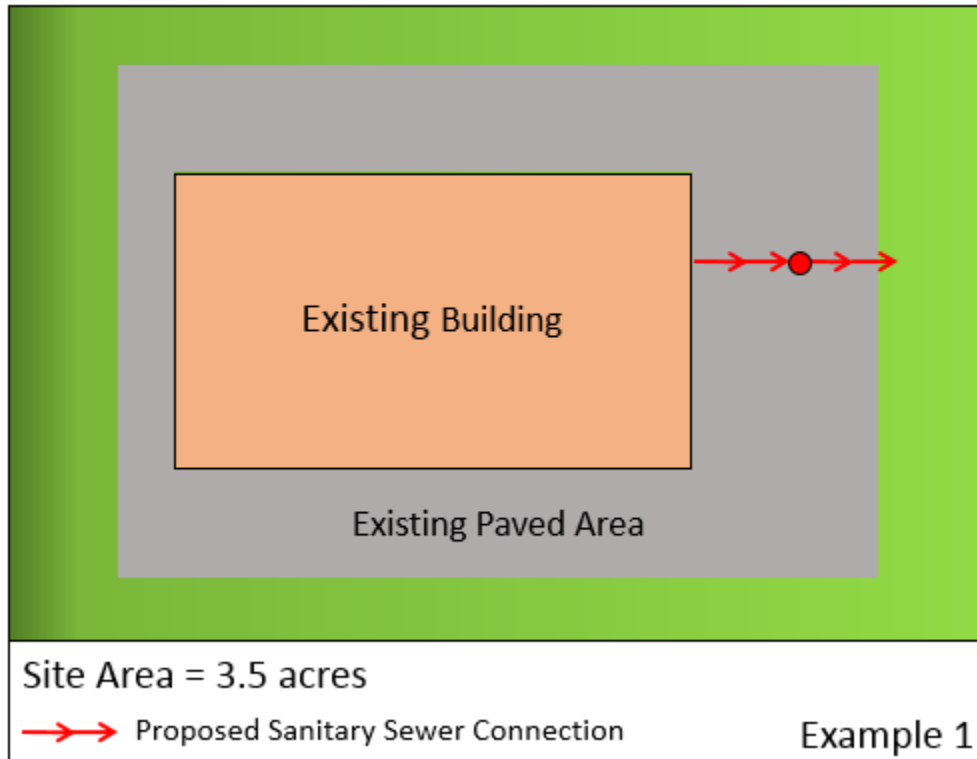


Figure 2.2 Permit Applicability Example 1

Interior building renovations are not considered development under the WMO. Any interior sewer work is considered plumbing and is regulated by the local authority. Exterior sewer work, occurring at the building foundation and beyond, is considered qualified sewer. Since qualified sewer is proposed, a Watershed Management Permit is required. The stormwater provisions of Article 5 do not apply, as there is no development area.

Note: Demolition and reconstruction of a building is a “new building”, and would be considered development, which is subject to the stormwater provisions of Article 5.

EXAMPLE 2: NEW PARKING LOT ON EXISTING DEVELOPED PARCEL

Property holding area = 2.5 acres in a combined sewer area, of which 1.75 acres is existing impervious and 0.75 acre is unimproved pervious. Scope of work includes developing the 0.75 acre pervious to impervious parking lot with overland flow and no sewers.

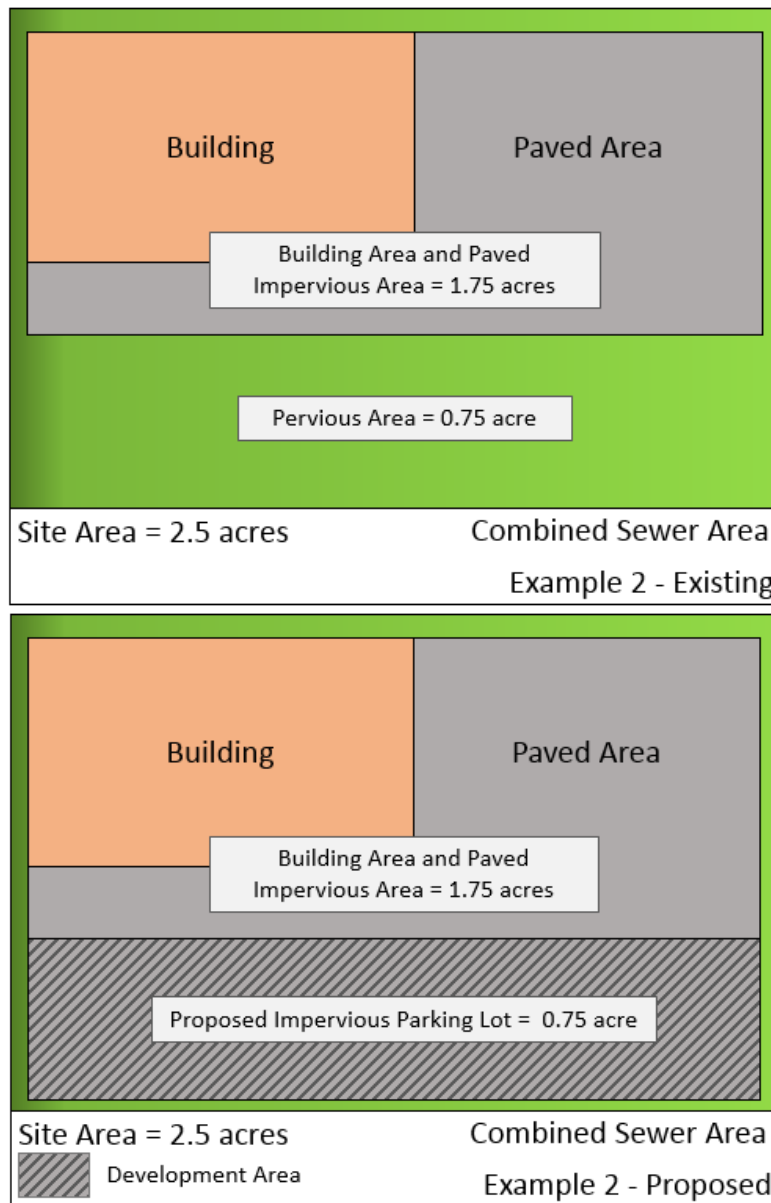


Figure 2.3 Permit Applicability Example 2 – Existing and Proposed Conditions

Since total development area is greater than 0.50 acre, a Watershed Management Permit is required. Because the non-residential property holding is greater than 0.50 acre, the stormwater provisions of Article 5 apply. Runoff and volume control are required for the development area. If the contiguous ownership interest of the property holding had exceeded 3.0 acres, detention would have also been required.

EXAMPLE 3: NEW PARKING LOT ON PARCEL WITH EXISTING DETENTION FACILITY

Property holding area = 3.2 acres in the separate sewer area, of which 2.45 acres is developed and 0.75 acre is undeveloped. Scope of work includes developing 0.65 acre of the undeveloped land into paved parking lot with new storm sewers.

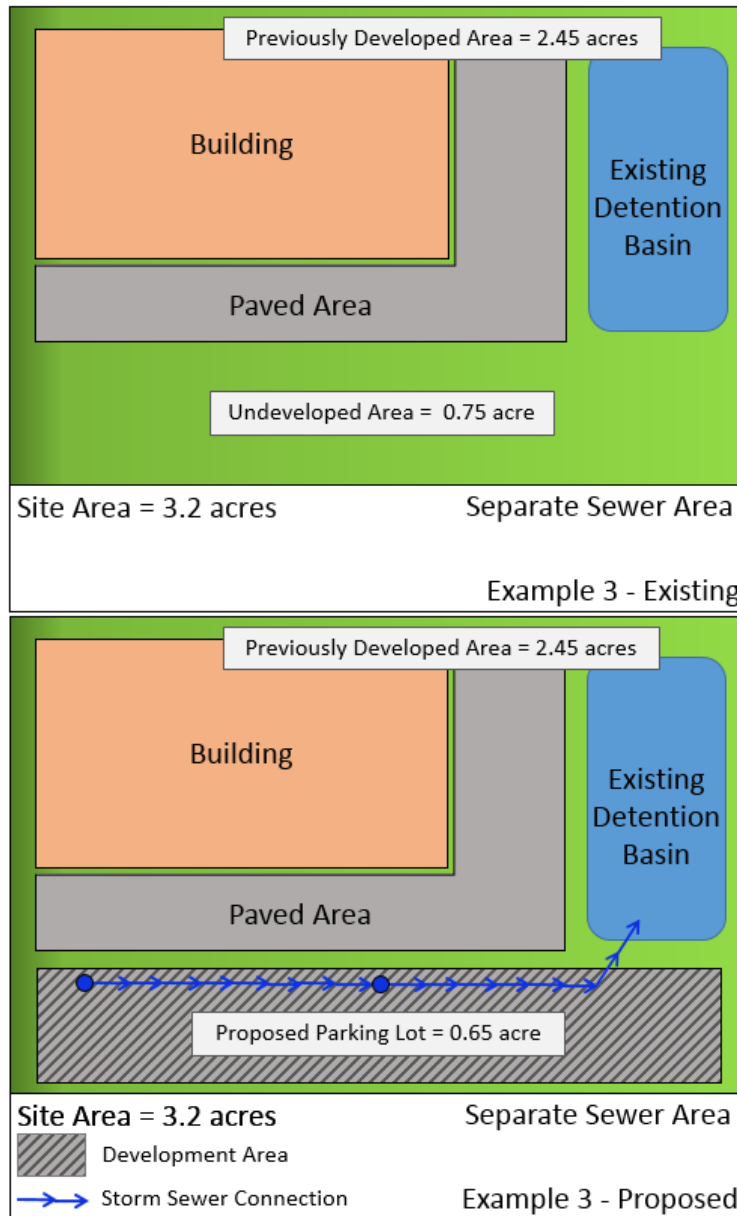


Figure 2.4 Permit Applicability Example 3 – Existing and Proposed Conditions

Since the total development area is greater than 0.50 acre, a Watershed Management Permit is required. The stormwater provisions of Article 5 of the WMO apply, and runoff, volume control, and detention are required. Since detention already exists, the redevelopment provisions of §505 of the WMO may be used toward meeting detention requirements.

EXAMPLE 4: PARKING LOT DRAINAGE SYSTEM INSTALLATION

Parcel area = 2.5 acres in a combined sewer area, of which 1.75 acres is existing impervious and 0.75 acre is unimproved pervious. The pervious area will remain undeveloped; however, an existing 0.30 acre impervious parking lot is being repaved and storm sewers are being installed.

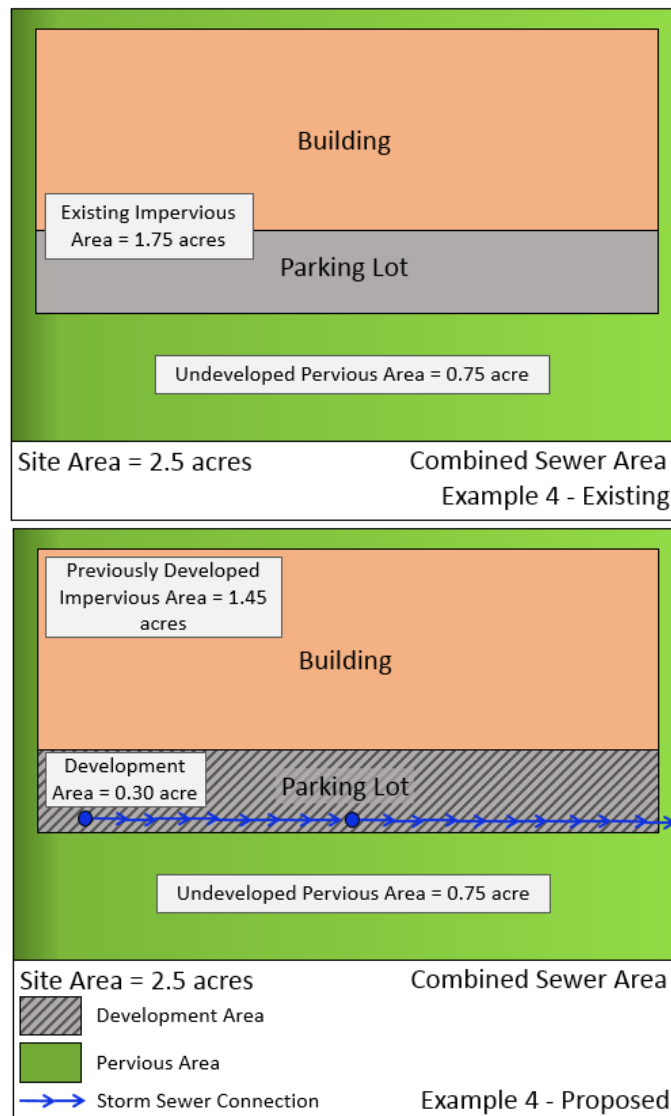


Figure 2.5 Permit Applicability Example 4 – Existing and Proposed Conditions

Paving an existing parking lot is usually considered a maintenance activity. However, adding storm sewers to an existing unsewered area is considered development. Total development area is less than 0.50 acre, which would not require a permit on its own. However, since storm sewer is being installed within the combined sewer area, it is considered qualified sewer. Since a Watershed Management Permit is required, the stormwater provisions of Article 5 of the WMO apply. As indicated in Article 5, Table 2, runoff and volume control are required due to the non-residential property holdings exceeding 0.50 acre. Detention is not required unless contiguous ownership interest of the property holding is greater than 3.0 acres.

EXAMPLE 5: PARKING LOT EXPANSION WITH STORM SEWER IN THE SEPARATE SEWER AREA

Property holding area = 3.2 acres in the separate sewer area, of which 2.45 acres is developed and 0.75 acres is undeveloped. Scope of work includes developing the 0.25 acres into paved parking lot with new storm sewers.

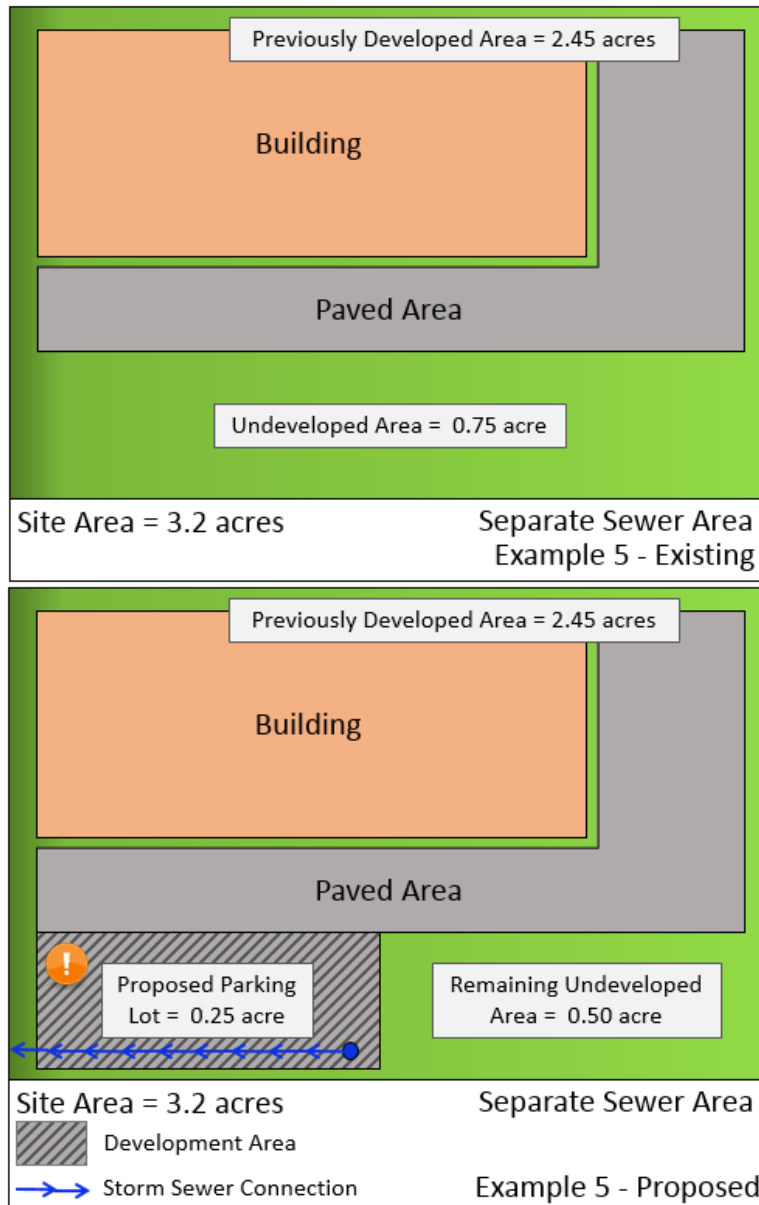


Figure 2.6 Permit Applicability Example 5 – Existing and Proposed Conditions

Since the total development area is less than 0.50 acre, a Watershed Management Permit is not required. Detention is required, but may be deferred until the aggregate development area (i) exceeds 0.50 acre. Total aggregate on this parcel is 0.25 acre. At such time as a Watershed Management Permit is required, the detention design must include this 0.25 acre area along with the development area of the project proposed under that permit.

TGM ARTICLE 2 REVISION TABLE

No.	Revision Description	Date
0	Original TGM	5/1/2014
1	Remove EDPL, update flow charts, include SFH permits	8/1/2015
2	Revision table, Amendment edits, rewrite	3/20/2018
3	Amendment edits, definition changes	5/31/2019