

Green Infrastructure Program Plan

Metropolitan Water Reclamation District
of Greater Chicago

October 7, 2015

MWRD Green Infrastructure Program Plan

I. Introduction/Purpose of Green Infrastructure Program

On January 6, 2014, the Metropolitan Water Reclamation of Greater Chicago (MWRD) and the Environmental Protection Agency (EPA) entered into a Consent Decree (CD) concerning Combined Sewer Overflow (CSO) discharges. One of the requirements of the CD is the establishment by MWRD of a Green Infrastructure (GI) Program. The purpose of the GI Program is to increase acceptance of and investment in GI measures within MWRD's service area and to reduce CSO discharges, localized flooding, and stormwater impacts. MWRD will implement the GI Program in collaboration with Cook County municipalities, municipal conferences, townships, and other local governments, state and federal agencies, non-governmental organizations, citizens, and private entities. For the purposes of this plan, Green Infrastructure (GI) is defined as a range of stormwater control measures that store, infiltrate, and/or evaporate stormwater with the goal of reducing flows to sewer systems and/or to surface waters. GI may include, but is not limited to, permeable pavement, plant/soil systems such as rain gardens, swales, and extended detention wetland areas, and control measures to harvest and reuse stormwater, such as rain barrels, and cisterns. This GI Plan has been developed to guide MWRD's future activities in sustainable stormwater management.

The MWRD Board of Commissioners convened a public Study Session to thoroughly discuss the Green Infrastructure Program Plan on December 11, 2014. A summary of the GI Plan and Comprehensive Land Use Policy was presented to the Board of Commissioners by MWRD staff. After questions posed from the Board of Commissioners were addressed by MWRD staff, members of the public provided comments for the District's consideration. The GI Plan and Comprehensive Land Use Policy, which is a component of the GI Plan, were subsequently revised and presented to the Board of Commissioners at their meeting on December 18, 2014 where approval was granted to submit the GI Plan to the EPA and Illinois EPA for approval. Upon approval by the EPA and Illinois EPA, the MWRD will publicize and promote its GI Plan through public outreach, press releases and will post the GI Plan on the MWRD web site.

II. A. Green Infrastructure Program: Rain Barrel Program

Rain barrels are a form of GI that capture and allow for reuse of rain water. Rain barrels are attached to roof downspouts that have been disconnected from the sewer system. Roofs comprise 41% of the impervious surface of Cook County and disconnection of downspouts from the sewer system will help reduce basement backups. The District's Rain Barrel Program will utilize three distribution networks: (1) municipalities, (2) non-government, planning organizations, and community groups, and (3) campus-type facilities. The District will provide technical assistance on the proper use of rain barrels via the District's website, public service announcements, press releases, promotion on social media, and distribution of brochures. Further information concerning the Rain Barrel Program can be found in Appendix A.

II.B. Green Infrastructure Program: Early Monitoring, Evaluation, and Knowledge Building

The CD requires MWRD to dedicate a minimum of \$325,000 towards GI projects prior to January 6, 2015, whereby MWRD would evaluate design specifications and installation processes and procedures and document its findings. MWRD embarked on multiple demonstration projects during the past year to satisfy this requirement.

The first demonstration project involved collaboration between MWRD, Chicago Public School Systems (CPSS), and the City of Chicago Department of Water Management (DWM). CPSS rehabilitated the grounds of four elementary schools with GI as a major design element of each project. MWRD and DWM each dedicated \$2,000,000 towards GI measures at the schools to reduce local flooding and the amount of rainwater entering the local combined sewer system. The project areas largely consisted of impermeable asphalt surfaces with no opportunity for infiltration of stormwater runoff. Runoff from these asphalt surfaces would enter the combined sewer system and contribute toward CSOs and basement backups. Each project was comprised of various amounts of permeable pavement, rain gardens, native landscaping, stormwater trees, bioswales, and bioretention area greenways to store and infiltrate stormwater generated from the site. The four elementary schools, Virgil I. Grissom Elementary School, 12810 S Escanaba Avenue, George Leland Elementary School, 512 S. LaVergne Avenue, Morrill Elementary School of Math & Science, 6011 S. Rockwell Street, and Schmid Elementary School, 9755 S. Greenwood Avenue, are all in low income areas throughout the City. These schools were prioritized for implementation by CPS, DWM, and MWRD based on flood risk, site suitability, and socioeconomic factors. Numerous community meetings were held to describe project details and benefits. All four projects were completed in the fall of 2014. MWRD and CPSS executed an intergovernmental agreement (IGA) to facilitate this project whereby long term maintenance responsibilities are assigned to CPSS. MWRD has perpetual rights to inspect the GI to ensure it is being properly maintained in accordance with the Operations and Maintenance (O&M) Manual developed for each school. MWRD reviewed and provided comments on the construction drawings and specifications at various intervals during the course of design. During the course of construction, MWRD frequently visited the sites to gain knowledge on the installation of GI. The four sites combine for a Design Retention Capacity (DRC) of approximately 730,000 gallons per rain event. Educational signage has been placed at the sites to inform students and the surrounding community of the benefits of GI. Ground breaking ceremonies were held at each of the 4 schools and were attended by students, parents, school staff, local residents, and elected officials, including MWRD Commissioners. The collective enrollment at the 4 schools is over 1,400 students. The 4 projects have positively impacted thousands of local residents by providing a safe place for their children to play, educating all to the benefits of GI, and providing much needed relief to localized flooding. Given the success of this project, the MWRD Board of Commissioners authorized expansion of the program to fund GI at 6 schools per year over the next 5 years for a total of 30 schools and a total investment by MWRD of \$15,000,000. These projects will not only address localized flooding, but will also serve to educate students, parents, and school staff about the benefits of GI. The 30 schools will be selected out of a list of 100 elementary schools that meet baseline

minimum criteria judged from three main categories: flood risk, site suitability (size and logistics) and vulnerable communities (low income and child obesity concerns).

MWRD has also worked with the City of Blue Island (Blue Island) and City of Evanston (Evanston) to develop GI Projects that will be constructed in 2015. These projects will address localized flooding, are in areas heavily trafficked by the general public, and will educate the public on the use of GI. MWRD's contribution towards these projects will be approximately \$1,250,000 and the combined DRC will be 300,000 gallons. The projects will consist of permeable pavement, rain gardens, and swales. For Blue Island, MWRD retained a consultant to prepare plans and specifications, which were reviewed and approved by MWRD engineers. MWRD will administer the Blue Island construction contract, and will have an MWRD Resident Engineer oversee the construction. In addition to providing input on the type of permeable pavement to install, MWRD engineers reviewed and commented on the design drawings and specifications of the Evanston project. MWRD staff also participated in meetings with the local public to explain the rationale behind the projects and how the projects will help to alleviate flooding while providing a myriad of other environmental and social benefits. MWRD entered into IGAs with Blue Island and Evanston whereby maintenance responsibilities lie with the municipality and MWRD retains perpetual rights to inspect the facilities to ensure they are being maintained as required by the O&M Manuals of the respective projects.

II.C. Green Infrastructure Program: Green Infrastructure Plan

MWRD has developed this GI Plan to serve as a framework document to guide MWRD in its GI Program and to outline to EPA how MWRD will comply with the requirements of the CD as it pertains to GI. MWRD does not view the Design Retention Capacity requirements stipulated under Section III of this plan as an end goal; MWRD is committed to exceeding the minimum requirements for Design Retention Capacity by working with various stakeholders to install meaningful GI throughout Cook County in the coming years.

II.C.i. Comprehensive Land Use Policy

MWRD's Comprehensive Land Use Policy requires public entities leasing property at a nominal fee from MWRD to provide GI based on the size of the leasehold and the desired use. For any new/renewed lease, the public lessee must now pay for and include GI on its leasehold. MWRD will collaborate with and provide technical assistance to public entities leasing MWRD land at a nominal fee. Technical assistance will include, but not necessarily be limited to, reviewing plans, and providing input on best management practices related to the operation and maintenance of GI and providing input on the types of GI to be installed on specific leaseholds. Private entity or commercial lessees are required to comply with the terms of the MWRD's Watershed Management Ordinance (WMO), which requires use of GI for development projects based on the size and type of use of the property. Private entity or commercial lessees will receive a credit equal to \$0.50 on the \$1.00 up to 10% of the leasehold cost, capped at 10 years, for GI improvements in excess of WMO requirements. MWRD will seek credit towards the DRC requirements outlined in Section III of this plan for any GI installed by leaseholders of MWRD

property due to GI installed as a result of the requirements of the Comprehensive Land Use Policy. The Comprehensive Land Use Policy is attached to this document as Appendix B.

II.C.ii. Green Infrastructure Controls

GI measures employed in conjunction with conventional gray infrastructure measures, such as tunnels and reservoirs, is the most effective way to reduce flooding and CSO's. There are a number of GI controls that serve to reduce stormwater runoff from entering the sewer system. These controls can be broken down into three categories: (1) Plant/soil systems, (2) Stormwater harvest and reuse, and (3) Permeable pavement. The section below introduces each category and discusses design, performance, and maintenance. Once GI is installed and in use, proper maintenance and operations of the GI are imperative to ensure that the expected benefits are not degraded. MWRD, through intergovernmental agreements, will require that most GI installed under its GI Program be maintained by the benefitting local government, and MWRD will retain monitoring rights along with the ability to perform maintenance and back charge if the benefitting local government fails to maintain the GI. An example of MWRD's Maintenance and Operations Plan is included as Appendix D and each GI project will have its own Maintenance and Operations Plan tailored to its specific needs.

Green Infrastructure Controls: General Design Considerations

Design considerations to ensure GI performs as expected include available space, soil type, drainage area, adequate separation from buildings and seasonal ground water table, appropriate sediment control measures to prevent sediment-laden construction runoff from entering infiltration areas, and minimizing compaction of soil in infiltration areas by heavy equipment. All design considerations must be taken into account when selecting the appropriate GI measure to implement.

Green Infrastructure Controls: General Performance Expectations

Performance will be dependent on how well GI is selected, designed, constructed, and maintained. Performance will vary based on the GI technique employed. A more specific summary of how GI is expected to perform is provided below.

Green Infrastructure Controls: General Maintenance Requirements

As with traditional gray infrastructure, proper maintenance is essential for the long term success of GI. An Operations and Maintenance Plan (OMP) will be developed for all GI projects undertaken by MWRD. All maintenance activities must be documented and to ensure this occurs maintenance checklist(s) based on the OMP will be developed for each GI practice installed at all projects. Owners of the projects will be required to update the maintenance checklists and produce them to MWRD upon request. MWRD will meet with the owner on a yearly basis to inspect each project component and maintenance checklist(s) for completeness. The maintenance checklists will include a list of items to be inspected and will include the following: inspection dates, facility components inspected, and any maintenance performed and repairs made. All inspections and maintenance, both routine and emergency, must be included in the maintenance checklists. Each practice-specific requirement listed in the OMP

will serve as a checklist for design elements that require inspection, the frequency of inspections, and the conditions that indicate when maintenance is needed.

The owner will be required to perform inspections and maintenance at regular intervals appropriate for the GI Control and as agreed upon by MWRD. MWRD will have the right to perform its own inspections and if it is determined that the owner is not adequately maintaining the site, MWRD will have the right to perform maintenance at the owners' expense.

Green Infrastructure Controls: Plant/Soil Systems

Green infrastructure technologies are designed to store, infiltrate, and/or evaporate stormwater in order to reduce wet weather flows into sewer systems and reduce localized flooding. The goals of GI are to retain stormwater and infiltrate it into the subsoil or release it slowly when conditions subside. Rainwater infiltration recharges the shallow groundwater table, reducing the need for irrigation of deep-rooted vegetation and also provides delayed ecological base flow to natural streams. To accomplish these objectives, MWRD will utilize the following technologies: rain gardens, native plants/landscaping, stormwater trees, bioswales, green roofs, and greenways.

Green Infrastructure Controls: Plant/Soil Systems Design Considerations

In addition to the general considerations, plant/soil systems should include additional criteria, such as owner acceptance due to aesthetics, and underdrain system if appropriate. Native plants are to be hardy, drought, inundation and disease resistant, and deep-rooted.

Green Infrastructure Controls: Plant/Soil Systems Performance Expectations

The table below lists expected design retention capacity (DRC) for each type of plant/soil GI installation:

Technology	Quantity	Unit of Measure	DRC [gallons]
Rain Gardens	100	square feet	200
Native Plants/Landscaping	100	square feet	150
Stormwater Trees	100	Trees	1,000
Bioswales	100	square feet	500
Green Roofs	100	square feet	300
Greenways	100	square feet	63

Green Infrastructure Controls: Plant/Soil Systems Maintenance Requirements

Plant media must consist of native perennial species and be inspected minimally on an annual basis. Any damaged or dead trees, shrubs, ornamental grasses or perennials must be promptly replaced. Invasive species must be identified and removed. MWRD will develop a handbook outlining best management practices for the establishment and maintenance of native perennial species and the eradication of invasive non-native weed species. Landscaped areas

shall be inspected and maintained at least once every season. This includes, but is not limited to: inspection, weeding, trimming, pruning, cultivation, fertilization, watering, pest control and anything else necessary to ensure healthy vigorous plant growth and maintain the area in an aesthetically pleasing manner.

- Shrubs: landscape maintenance contractor to monitor for disease and insect problems, and treat as recommended
- Ornamental grasses and perennials: cut back to 3" above grade in spring, while plants are still dormant.

Rainfall is to be supplemented with water for a total rate of one (1) inch per week during the growing seasons for the first three years.

Green Infrastructure Controls: Stormwater Harvesting and Reuse

MWRD is exploring innovative ways to harvest and reuse captured stormwater. One potential project involves repurposing an abandoned water tunnel from the City of Chicago to capture water from the downspouts of large buildings that would normally go into the local combined sewer system. The stored water could then be reused to water parks and other areas, and possibly even by local industries. Another project would be to install large cisterns at each residential property in a flood prone area. The captured stormwater could then be used for irrigation rather than be returned to the local system.

Green Infrastructure Controls: Stormwater Harvesting and Reuse Design Considerations

Projects that include large-scale stormwater capture are typically unique, and will require different design criteria. The design criteria should investigate structural concerns, detention, and potential reuse applications, appropriate water quality, and code requirements. It is imperative that other agencies and citizens are involved in the design as appropriate.

Green Infrastructure Controls: Stormwater Harvesting and Reuse Performance Expectations

The most important criteria regarding these projects will be the amount of DRC, to be sized by application and drainage area. Performance of these systems will be contingent on owners understanding the need to reuse the captured stormwater in a timely manner to ensure storage capacity is available for ensuing storms. MWRD will provide outreach materials to property owners emphasizing the need to properly operate these types of systems.

Green Infrastructure Controls: Stormwater Harvesting and Reuse Maintenance Requirements

Stormwater storage facilities should be drained, cleaned, and disinfected at a minimum on a yearly basis.

Green Infrastructure Controls: Porous Pavement

Green Infrastructure Controls: Porous Pavement Design Considerations

In addition to general design considerations listed above, porous pavement systems should include additional criteria such as owner acceptance due to maintenance requirements, underdrain systems (if required), traffic loading, material strength, mix design if concrete or asphalt, and installation by an experienced and credentialed construction contractor.

Green Infrastructure Controls: Porous Pavement Performance Expectations

Porous Pavement systems are expected to hold approximately 10 gallons of DRC per square foot.

Green Infrastructure Controls: Porous Pavement Maintenance Requirements

- Keep landscaped areas well-maintained and prevent soil from being transported onto the pavement.
- Monitor regularly to ensure that the paving surface drains properly after storms.
- Ensure that the surface is free of sediment.
- Remove vegetation established in gravel spaces twice per year.
- Bi-annually vacuum surface to keep free of sediment. Vacuuming should occur in the Fall and Spring by using a vacuum designed for pavement cleaning, such as a Little Wonder walk-behind type or approved equal. If surfaces have severe clogging, use a low-pressure water spray to loosen sediment and follow with a walk behind vacuum.
- Clean out inlet structures within or draining to the subsurface bedding beneath surface once per year.
- Inspect surface for signs of deterioration or settling.
- Inspect void areas.
- Drainage structures and flow restrictor must be inspected and cleaned semi-annually.
- All permeable surfaces shall be inspected semi-annually and after significant rainfall events exceeding 1.5 inches.

II.C.iii. MWRD Green Infrastructure Community Assistance

MWRD is committed to providing administrative and technical assistance to communities within its service area to facilitate the implementation of GI projects. As part of its efforts under Section II.B., Early Monitoring, Evaluation, and Knowledge Building, MWRD worked with numerous stakeholders to share and gain knowledge on the design, installation, and maintenance of GI. MWRD will continue to seek such partnership opportunities as its GI Program evolves. To carry out our community assistance efforts, MWRD has dedicated three full time civil engineers, which exceeds the CD requirement of at least one MWRD full time equivalent position, to work exclusively on MWRD's GI Program and to specifically provide technical and administrative support to communities, developers, and public and private lessees of MWRD property. MWRD will look to provide funding assistance for GI projects that achieve MWRD's goals of reducing flooding, basement backups, and CSO discharges. Other forms of assistance will include review of municipal GI plans and specifications, public outreach

via publication and distribution of brochures, development of a Green Infrastructure webpage with information private home owners can use to make simple GI improvements on their property, such as rain gardens and rain barrels, and speaking engagements.

MWRD is initiating 5 pilot studies in 2015 with the intent to ultimately develop a stormwater master plan for Cook County to address 100-year flooding. MWRD views these pilot studies as the cornerstone of its efforts to educate the public about the benefits of GI and to address flooding and basement backups occurring throughout Cook County. The goal of the pilot studies is to identify a solution to 100-year flooding of structures and basement backups with projects involving green and gray infrastructure located in public and privately owned properties. To achieve this ambitious goal, it is vital the general public understands that no agency alone can solve the flooding woes plaguing our region. Through extensive public outreach, MWRD will work to educate the public concerning the size of the issue. The consultants retained by MWRD for the pilot studies have been encouraged to develop creative ways to involve the public in the discussion of how they want their community to address the problem. The pilot study locations were determined by the regional municipal conferences of Cook County and the City of Chicago. The study locations are Little Calumet River corridor, Roberts Road drainage area, Village of Northbrook, Village of Harwood Heights, and the City of Chicago's 8th Ward and surrounding Wards. The community will need to be engaged and become part of the solution by detaining and infiltrating stormwater at their homes and businesses through GI implementation. Building a resilient Chicagoland through a new way to interact with water will be a focal point of the pilot studies. Once completed, the information and lessons learned from the pilot studies will serve as guidance to develop stormwater master plans for the remainder of Cook County.

MWRD will coordinate with the Cook County Land Bank Authority and the South Suburban Land Bank and Development Authority to identify vacant properties with potential for meaningful GI projects to be constructed. In 2014, MWRD received statutory authority to acquire flood prone structures from voluntary sellers. All structures on flood prone property acquired with MWRD funds will be removed using EPA's On the Road to Reuse Residential Demolition Bid Specification Development Tool handbook and Cook County Demolition Diversion Ordinance as guidelines. The properties will be converted to open space, which may include usage as a park, and may include GI. The credit MWRD will seek towards its DRC obligation will be based on the type of GI installed.

Since 1971, MWRD required stormwater detention in the separate sewer areas of suburban Cook County under the Sewer Permit Ordinance (SPO). In 2014, MWRD adopted a Watershed Management Ordinance (WMO), attached as Appendix C, to regulate development and redevelopment activities in the suburban communities of Cook County. The WMO replaced the SPO and provides comprehensive stormwater management regulations. Although not required under the SPO, the WMO requires stormwater detention in the combined sewer area. The WMO also explicitly requires the use of GI to treat the first inch of stormwater runoff from impervious surfaces created by development or redevelopment projects over one-half acre in size. Full credit for stormwater detention can be accomplished through GI techniques. Passage of the WMO served as a major milestone for Cook County where GI will become an integral

component of future development and redevelopment projects. MWRD permit review staff will interact closely with design engineers during the permit process and provide input and direction on all aspects of a development or redevelopment project's design, including appropriate use of GI. As a result, MWRD will seek credit towards the DRC requirements described in Section III for GI installed due to the requirements of the WMO and the technical assistance provided by MWRD staff during the permit application process.

II.C.iv. Green Infrastructure Projects and/or Collaborations

The following Sections describe how MWRD will work with stakeholders to identify, develop, and implement GI projects.

II.C.iv.a Establishing Partnerships and collaboration with other stakeholders

MWRD has extensive experience working with numerous stakeholders on various initiatives, including GI projects. MWRD is committed to maintaining current relationships with various stakeholders, including non-governmental organizations, such as Openlands, Friends of the Chicago River, Sierra Club, Center for Neighborhood Technology, and Metropolitan Planning Council. MWRD will continue to develop partnerships with additional stakeholders, including government entities, businesses, non-governmental organizations, and members of the public, in developing and implementing GI projects throughout the region.

The District, working in conjunction with Cook County municipal conferences (South Suburban Mayors and Managers Association, Southwest Conference of Mayors, Northwest Municipal Conference, and West Central Municipal Conference), established Watershed Planning Councils (WPCs) for the six major watersheds of Cook County in 2005. WPC meetings are open to the public and held quarterly to discuss stormwater management issues. Attendees include mayors, public works directors, consulting engineers, and concerned citizens. MWRD has utilized WPC meetings as a vehicle to educate WPC members and meeting attendees about MWRD's role in wastewater treatment and protecting the environment. MWRD has and will continue to promote use of GI at these meetings. MWRD will also seek out ideas for GI projects and present information regarding planned GI projects within the respective watershed.

II.C.iv.b Public Participation

The importance of MWRD interacting with the public to explain the benefits of GI projects throughout the region cannot be overstated. Meeting with public agencies, as well as private citizens, will assist in identifying the best potential areas to install GI, while generating understanding and enthusiasm among constituents. The public participation process will include informal workshops and canvassing of neighborhoods. The community will be engaged at the onset of a project's design with meaningful and reasonable public input incorporated into the final plans. MWRD believes the solution to Cook County's flooding involves more than simply constructing green and/or gray projects within publicly owned property. To truly solve

the flooding problems our region faces, the public's enthusiastic acceptance of public GI projects is a first step to convincing the public of the need for GI improvements on private property. Extensive public outreach will be required to achieve this goal. As discussed in preceding sections above, MWRD will promote the use of GI through WPC meetings, workshops, publications of a webpage dedicated to GI, and development of stormwater master plans for Cook County.

II.C.iv.c Geographic Coverage/Decision Criteria

MWRD projects will fall into two categories: (1) Demonstration Projects and (2) Prioritized Projects. Demonstration projects will consist of partnership projects similar to the CPSS projects described previously. Demonstration projects will be located in highly visible and easily accessible public areas.

MWRD will periodically solicit public entities (municipalities, townships, school districts, etc.) to provide a list of proposed GI projects and supporting information for MWRD's consideration and prioritization. Projects will be prioritized based on the following criteria in accordance with Appendix E of the CD::

- a. The likelihood of flooding and/or basement backup reduction by the project
- b. Number of structures benefitting from the project
- c. Cost of the project
- d. Project location and land ownership with consideration given to maintenance and educational opportunities
- e. Socio-economic considerations

MWRD will look to fund GI projects that have the greatest potential to reduce flooding and/or basement backups. The ability to determine a project's effectiveness to reduce flooding and/or basement backups will in part be based on the number of structures directly benefitting from the GI project under consideration. The project's cost will be evaluated in conjunction with the benefits to be provided and factors such as cost per gallon infiltrated. MWRD will look to fund projects in highly visible locations where opportunities for public education exist. Socio-economic factors, such as median household income, will also be considered. Multi-purpose stormwater parks that incorporate GI and recreational activities will be sought out. The concept of improving recreational amenities while providing stormwater management via GI was integral to our successful partnership with CPSS and DWM as previously described.

II.C.iv.d Preservation of Constructed Green Infrastructure Projects

MWRD will work with partners and stakeholders to plan legal, such as conservation easements, and institutional mechanisms to preserve and maintain constructed GI projects that are put in place to ensure that future site or land use changes do not result in the loss of the runoff reduction benefits of constructed GI projects. MWRD shall share with partners and stakeholders best management practices to maintain and preserve GI as they are developed. MWRD will develop Design Guidelines, and Maintenance and Operation standards that will be transmitted to the project administrators, and will follow up by visual inspection to verify that such standards are being upheld. The responsibilities of MWRD and benefitting communities will be memorialized via Intergovernmental Agreement. The responsibilities of MWRD and non-governmental entities will be documented via Easement Agreement. The Intergovernmental and Easement Agreements will include items such as funding arrangement, maintenance requirements, and the need to preserve GI installed as a means to comply with the CD in perpetuity.

III. Implementation of the GI Plan

The CD requires the District to implement GI with a DRC totaling 10 million gallons according to the schedule shown below.

Years after CD Effective Date	Date	DRC (Million gallons)
5	January 5, 2019	2
10	January 5, 2024	5
15	January 5, 2029	10

MWRD is in the process of developing a GIS platform to maintain an inventory of all completed GI projects. The data to be stored will include project location, collaborating partner(s), type of GI, the entity responsible for project maintenance, as-built drawings, and DRC. The MWRD will roll out the GIS platform in stages as it becomes available.

DRC is defined as the maximum available stormwater retention capacity of a GI project in any individual storm as stated in the project plans stamped by a licensed Professional Engineer or, in the absence of such a statement, a project-specific capacity calculated using the following table:

Technology	Quantity	Unit	DRC (gallons)
Rain Gardens	100	Square Feet	200
Native Plants/Landscaping	100	Square Feet	150
Stormwater Trees	100	Trees	1,000
Porous Pavement	100	Square Feet	1,000
Bioswales	100	Square Feet	500
Green Roofs	100	Square Feet	300
Greenways	100	Square Feet	63

MWRD will implement projects to achieve the DRC requirements as described in Section II of this GI Plan.

IV. Additional Commitment to Green Infrastructure Projects Due to Contingency Event-Related Schedule Delay

A contingency event occurs if MWRD is unable to complete Thornton Composite Reservoir, McCook Reservoir, Stage 1, and McCook Reservoir, Stage 2 by the dates required in the CD and an extension is approved either by EPA or the Court. If a contingency event occurs, MWRD will provide additional required DRC by the deadlines indicated in the table below and in conformance with this GI Plan.

For Contingency Events in Delay of	Additional DRC requirement	Deadline to complete additional DRC
Thornton Composite Reservoir	250,000 gallons	January 5, 2019
McCook Reservoir, Stage 1	250,000 gallons	January 5, 2024
McCook Reservoir, Stage 2	250,000 gallons for each grant, pursuant to Paragraph 24 or 26 of the CD, of an extension of one or more deadlines applicable to McCook Reservoir, Stage 2	5 years after the grant of each such extension

V. Reporting

MWRD will prepare an Annual GI Report to document progress made on GI Plan and will describe technical assistance given, the implementation of GI projects, the cumulative estimate of DRC volume, and the continuing evaluation of potential future projects.

Appendix A
Rain Barrel Program

Metropolitan Water Reclamation District of Greater Chicago

Rain Barrel Program

A component of the District's Green Infrastructure Program

I. PROGRAM DESCRIPTION

Rain Barrels are a form of green infrastructure that are designed to capture and reuse rain water. The largest benefit of rain barrel use is achieved by disconnecting the roof runoff from the system and installing rain barrels to reuse water. Roofs comprise 41% of the impervious surface in Cook County. Many of these surfaces are directly connected to the public drainage system.

The goal of the Metropolitan Water Reclamation District of Greater Chicago's (District's) Rain Barrel Program is removing the direct load from entering the sewer system, reducing basement backups, and reducing combined sewer overflow volume, overland flooding, and infiltration and inflow. The District believes the value of keeping water out of the system will benefit the community.

The District's Rain Barrel Program will utilize three distribution networks throughout its service-delivery area to distribute and promote the use of rain barrels. These networks are described in Section II. Each rain barrel distributed will display a specially-designed label that summarizes the environmental benefits of using rain barrels (see Attachment A).

II. DISTRIBUTION NETWORKS

The three networks that will be utilized to distribute rain barrels are: municipalities, community groups/non-governmental organizations and campus- type facilities.

A. Municipalities

Cook County has 129 communities within the District's service area. Each community will be encouraged to adopt the Rain Barrel Program as its own. This program is contingent on funding approval by the Board of Commissioners on an annual basis. Until otherwise indicated, the Program will provide free rain barrels to residents who live in the District's service area.

Municipalities are required to enroll in this free program via an Intergovernmental Agreement (IGA). Once an IGA is signed, municipalities may order rain barrels, connection hardware, and delivery for their residents from the District's vendor at no cost to the municipality. The District will cover the cost of the rain barrels, the connection hardware and home delivery as the District has a contract with a vendor in place; the vendor will furnish and deliver rain barrels, and municipal partners will be

provided with an email address and telephone number that can be used to order the rain barrels for delivery to residents. Distribution will be limited to a maximum of four rain barrels per home.

The District will provide the following templates for municipalities to use:

- **Sample letter and rain barrel reservation form** – The letter and form can be adapted and mailed to residents; the form is designed to collect the information needed to place an order on the resident’s behalf.
- **Sample brochure that can incorporate your logo** – Upon request, the District will provide municipalities with a supply of brochures imprinted with their municipal logo.
- **Generic press release** – The language in this generic press release can be used in newsletters, on websites or submitted to local publications.

B. Community Groups/Non-Governmental Organizations

Cook County has many community groups and non-governmental organizations (NGOs) that work to educate residents about stormwater management, green infrastructure and environmental improvement. Community groups and NGOs will have access to the District's rain barrel program. To enroll in this free program, they will be asked to sign a Memorandum of Understanding (MOU). Once the MOU is signed, the community group/NGO may order rain barrels, connection hardware, and delivery for their constituents from the District at no cost to the community group/NGO.

In order to participate, the community group or NGO must:

- Submit a plan to the District describing the utilization of rain barrels;
- Provide detailed ordering information to the District ;
- Periodically ensure proper installation of rain barrels;
- Ensure proper education, care and maintenance of the rain barrels;
- Provide a follow-up report on rain barrel distribution. The report should include the following information:
 - email addresses of constituents receiving the rain barrel(s)
 - street addresses where rain barrels were installed
 - number of rain barrels installed, with a maximum of four rain barrels per home or location
 - a brief report of project successes and/or lessons learned in implementing the project.

C. Campus-Type Facilities

Campus-type facilities include: schools, municipal properties (i.e. town halls, libraries, park district facilities, fire and police stations, garage/outbuilding), churches,

community centers, senior centers, hospitals and clinics. The District will provide free rain barrels to any such facility committed to be a community partner and good steward of stormwater. The facility representative should contact the District regarding execution of a template IGA or MOU and to complete an appropriate application which shall include at a minimum:

- Size of campus
- Number of rain barrels requested
- Percent of downspouts intercepted
- Any other additional stormwater controls implemented on the site

After the rain barrels have been delivered and installed, the facility representative should submit a post-implementation plan or "As-Built" document that provides at minimum:

- addresses and locations where rain barrels were installed
- number of rain barrels installed
- a brief report of project successes and/or lessons learned in implementing the project.

III. MARKETING AND PROMOTION

In addition to providing technical assistance to residents, municipalities, community groups/non-governmental organizations and campus-type facilities on the proper use of rain barrels, a combination of tools will be provided by the District's Office of Public Affairs to promote and market rain barrels to the distribution networks. The tools include the District website, community outreach, public service announcements, email campaigns, press releases, promotion on social media, a rain barrel installation video and distribution of brochures.

Templates for applying for free rain barrels will be provided. In addition, the District can provide materials that utilize logos from the municipalities, community groups/non-governmental organizations and campus-type facilities for program purposes. The District will assign a District liaison to interested municipalities, community groups/non-governmental organizations and campus-type facilities. The liaison can provide assistance and direction during program implementation.

District Commissioners will also play a role in the marketing and promotion of the Rain Barrel Program. Commissioners may use and distribute rain barrels at community events as a means of educating and informing the public about the importance of green infrastructure, promoting the District's Rain Barrel Program, and instructing on proper installation. Upon request of each rain barrel for such events, Commissioners will provide the date, location, and purpose of the event for which the rain barrel(s) is/are being used, acknowledging by signature that the use and distribution is in compliance with the District's Ethics Ordinance policy on political activity.

IV. PROGRAM PERFORMANCE

The District's Maintenance and Operations Department will continue to administer the Rain Barrel Program in cooperation with Engineering and Public Affairs. An assigned resident engineer will administer the rain barrel contract, coordinate deliveries, and document distribution for reporting purposes. The resident engineer will collect the addresses and number of rain barrels delivered and installed. The Office of Public Affairs will document marketing, community outreach and technical assistance and submit this information to the resident engineer for inclusion in an annual report.

V. LABEL

A label will be affixed to every rain barrel distributed (see Attachment A). The label summarizes the environmental benefits of using rain barrels and green infrastructure.

VI. FORMS

Draft forms pertaining to this program are attached and will be modified to include information pertaining to the specific participating municipality, community group/non-governmental organization or campus-type facility:

1. Municipal and Community Group/NGO Ordering Instructions - Attachment B
2. Resident Application Form – Attachment C

Attachment A

SAVE WATER PREVENT FLOODING IMPROVE WATER QUALITY

55 GALLON
FROST-PROOF
RECYCLED

Rain Barrel

including:
MOSQUITO SCREEN
OVERFLOW DRAIN
SPIGOT

This rain barrel is part of the Metropolitan Water Reclamation District of Greater Chicago's green infrastructure program.
Green infrastructure helps prevent flooding and improve water quality by keeping clean water out of the sewer system.



Use water from your rain barrel to wash your car, water your garden or lawn, or wash your pet. Do not drink water from a rain barrel.
For installation instructions and more information, visit mwr.org.
Find the MWRD on Facebook and Twitter and show off your rain barrel!

Attachment B



MWRD Rain Barrel Program

Municipal and Community Group/Non-Governmental Organization Ordering Instructions

Municipalities and Community Groups/Non-Governmental Organizations in the District's service area may order free rain barrels for their residents.

To qualify for free rain barrels, residents must either live in a municipality that has signed an Intergovernmental Agreement with the District or request them through an organization that has signed a Memorandum of Understanding with the District.

If the resident meets the above criteria, then the municipality or community group/non-governmental organization may call 815-735-9583 or email sales@upcycle-products.com to order rain barrels*; please write **MWRD Rain Barrel Program** in the subject line.

The following resident information will be required for delivery:

Name _____

Address _____

Phone number _____

Email address _____

Number of rain barrels _____

Color requested (indicate #) ___ Terra Cotta ___ Blue ___ Black ___ Gray

Desired delivery days/times _____

*A maximum of four rain barrels may be ordered per location. Bulk deliveries will continue to be made to organizations and agencies wishing to purchase rain barrels at cost from the District.

Need more information? Visit www.mwrdd.org or call (312) 751-6633.

Free Rain Barrel Program Municipal Application Form for Residents

We are pleased to offer free rain barrels to our residents. Please complete the information needed for delivery.

Resident's information:

Name: _____
(Please print)

Home address: _____

Phone number: _____

Email address: _____

Number of rain barrels requested: _____

Rain Barrel Color (indicate #): ___ Terra Cotta ___ Blue ___ Black ___ Gray

Desired delivery days/times: _____

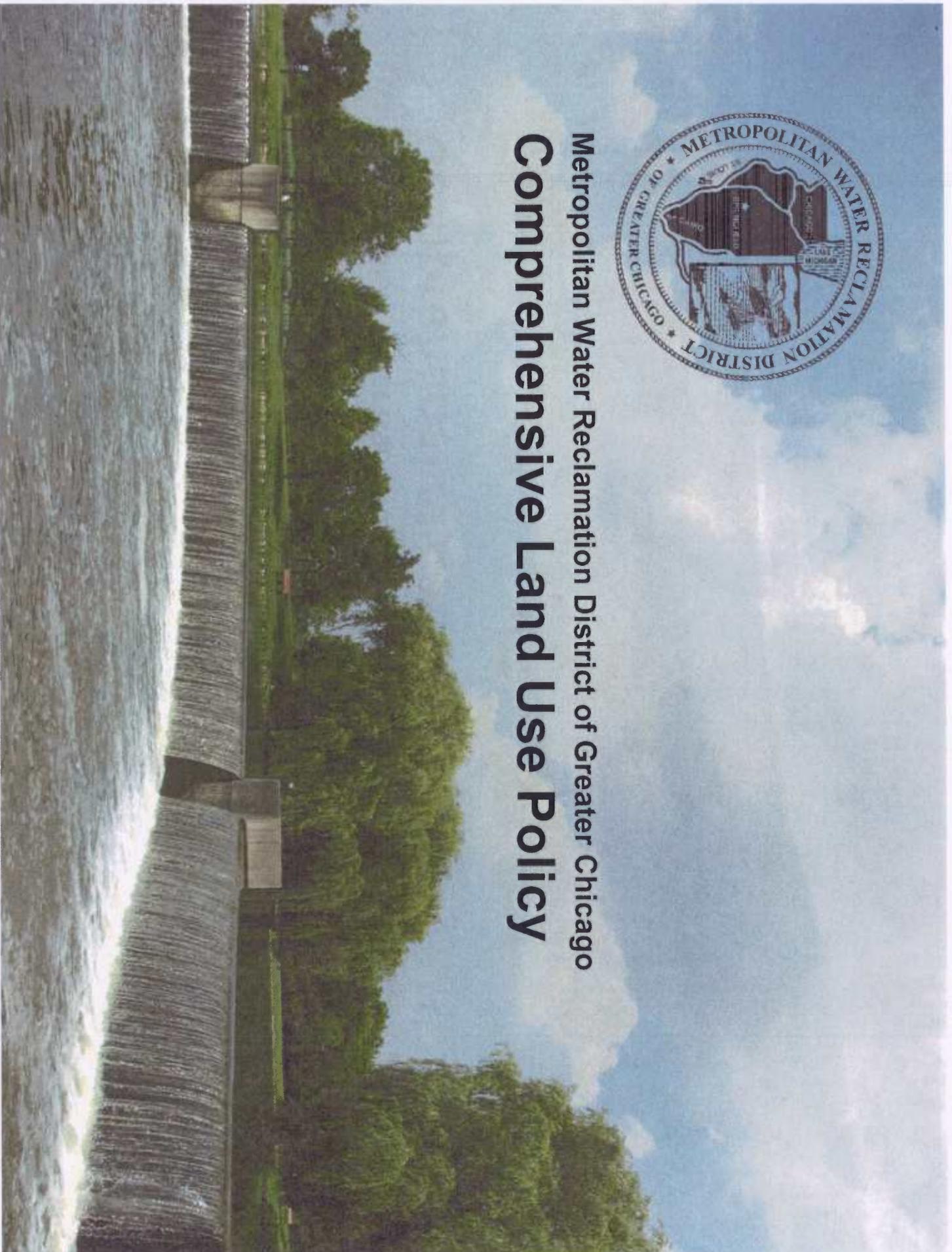
Appendix B

Comprehensive Land Use Policy



Metropolitan Water Reclamation District of Greater Chicago

Comprehensive Land Use Policy



FOREWORD

The Metropolitan Water Reclamation District of Greater Chicago was organized in 1889 as an independent unit of government and taxing body. The District was organized in response to a longstanding problem with contamination of the water supply and nuisance conditions in the Chicago River and other waterways. The District reversed the flow of the Chicago and Calumet River systems to stop discharge of sewage into Lake Michigan and instead discharge it into the Des Plaines River and eventually the Mississippi River. In order to reverse the flow of the Chicago and Calumet River Systems, the District constructed 61.3 miles of canals and waterway improvements. These canals are known as the Chicago Sanitary & Ship Canal, the Cal-Sag Channel, and the North Shore Channel. The District owns substantial acreage on both sides of these canals spanning several counties, including Cook, DuPage, and Will Counties. It also owns thousands of acres in Fulton County as well.

Over these past 125 years, a number of policies have been enacted concerning the District's landholdings. The purpose of this Comprehensive Land Use Policy is to provide a mechanism where all these policies governing District real estate are contained, and made available, in a single source. The end result is a single comprehensive policy that adopts some of the District's policies of yesterday, while at the same time, introduces new policies that satisfy the District's vision of today. As this vision changes over time, so too will this comprehensive policy, but with a unified approach that continues to make everything available in a single source.

The District's enabling statute, 70 ILCS 2605/1 et al., sets forth the District's powers and duties, including its statutory requirements for acquiring, selling, and leasing District real estate. Through its real estate policies, the District is able to maintain a sense of direction from a literal interpretation of its leasing statute. By enacting a Comprehensive Land Use Policy, the District can ensure that its program is well-planned, that its lands are held and not dissipated, that special privileges to individuals and organizations are denied, and that all citizens and organizations seeking to lease District real estate are treated equally and uniformly. Through policies well made and kept, the District can continue to make its lands available for different uses.

Not to be lost in this is the District's mission as a chartered organization: to protect the public's health and safety by treating wastewater, managing stormwater, and protecting water as a vital resource for its service area. Corporate use of District land, that is, any use of District land necessary for the District to fulfill its corporate purpose, will always be given first priority over all other uses of District land. Land not currently needed for corporate use, on the other hand, will be made available for leasing, for use by easement, or for temporary use by permit. The goal of this comprehensive policy is to put this available District land to its best possible use in a manner that does not inhibit the District from fulfilling its chartered mission.

To accomplish this goal, a thorough understanding of several different, though not always competing, needs and interests is necessary. There are the needs and interests of commerce and industry, which stimulate economic growth, provide valuable jobs to people living in our region, and improve the tax base. The District will continue leasing land to responsible commercial and industrial tenants, like barge companies that require leaseholds with direct

access to water. District land contiguous to its three channels of water is well-suited for this commercial purpose. There are the needs and interests of municipalities and local park districts. Presently, 75% of District real estate currently being leased is devoted to open green space. The District will continue leasing land at nominal costs to these public entities for open green space purposes such as nature preserves and parks and recreation. Then there are the needs and interests of the District itself--such as the need to maximize rental income to help minimize the real estate tax levies--which are tied directly to its vision as a public organization.

The District's vision consists of several components: that a healthy financial environment is critical to its operations, that employees are its greatest asset, that sensibly meeting the needs of the public is its primary focus, and that protecting the natural environment is its most important mission. Successful, yet responsible, stewardship of land that promotes these basic tenets will continue to be the driving force behind this comprehensive policy.

Land use categories will be established by the District consistent with this comprehensive policy, with input from the community. District land that is now, or later becomes, vacant will be designated for corporate purpose, for natural habitat/restoration, for public access, or for commercial or industrial purposes. Green infrastructure initiatives will continue to factor heavily in the use of District land. Municipal and other tenants who enter into leases through negotiation rather than through the statutory leasing process will be required to accomplish certain "green" milestones, while new commercial or industrial tenants will receive incentives from the District to likewise accomplish the same. Long-term leases with responsible commercial or industrial tenants will continue to be encouraged, as they provide stability to both the District and the land that is being occupied.

The District is committed to making land that is not necessary for corporate use available to both public and private entities to ensure optimal use. This Comprehensive Land Use Policy not only fosters relationships with those entities, but it also sees the importance of preserving the health of our natural environment. It is the framework for a brighter and better tomorrow.

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- Chapter 1: Map of Waterways
- Chapter 2: Executive Summary of Statutory Authority to Sell, Lease, or Otherwise Allow Use of District Land (70 ILCS 2605/8, 8a, and 8c)*
- Chapter 3: Land Use Policies
- Chapter 4: 70 ILCS 2605/8, 8a & 8c (Full Versions)*

*The above statutory provisions and summary pertain to the law as it exists on the date of passage of this Comprehensive Land Use Policy. Any subsequent amendments to these provisions will be contained in the Illinois Compiled Statutes, as amended.

Comprehensive Land Use Policy

Chapter 1: Map of Waterways

Metropolitan Water Reclamation District of Greater Chicago



Visit www.mwr.org, and click "Business with Us" then "Real Estate" to see:

- * Atlases of the District's channel waterways designating current uses
- * the District's standard lease form

Comprehensive Land Use Policy

Chapter 2: Executive Summary of Statutory Authority to Sell, Lease, or Otherwise Allow Use of District Land (70 ILCS 2605/8, 8a, and 8c)

Policies governing the sale or lease of District land, or the granting of easements or issuance of permits, may not supersede or be inconsistent with the District's Enabling Act. There are three sections of the Act that pertain primarily to such transactions. Below is a summary of the salient provisions contained in those sections:

70 ILCS 2605/8

- The District may sell or vacate its land, but only if the land is no longer required for the corporate purposes of the District and only upon recommendation of the District's Executive Director and upon the approval by the Board of Commissioners.

- The District may lease its land if, in the opinion of the Board of Commissioners and the Executive Director, it is no longer required for the District's corporate purposes or not immediately needed for such purposes. The lease shall be upon the terms as the Board of Commissioners, upon recommendation of the Executive Director, may determine.

- The District may grant easements and permits for use of its land which will not, in the opinion of the Board of Commissioners and the Executive Director, interfere with the use of the land for the District's corporate purposes.

- The term of any lease of District real estate may not exceed 99 years.

70 ILCS 2605/8a

- In addition to any other powers conferred upon the District, the District may sell or otherwise transfer real estate to the United States of America, the State of Illinois, the County of Cook, and/or any municipal corporation, with the approval by the Illinois Department of Natural Resources.

70 ILCS 2605/8c

- Notice of the proposed lease shall be published for three consecutive weeks in a newspaper of general circulation within the District.

- Fair market value of the underlying fee of the proposed lease must be determined by two American Institute of Real Estate Appraisers or similarly qualified appraisers. The District may engage an additional appraiser. Every appraisal report must contain an affidavit certifying the absence of any collusion relating to the lease of the property.

- Every lease must be awarded to the highest responsible bidder upon free and open competitive bids. In determining the responsibility of any bidder, the District may consider, in addition to financial responsibility, any past records of transactions with the bidder and any other pertinent factors, including but not limited to, the bidder's performance or past record with respect to any lease, use, occupancy, or trespass of District or other lands.

- Prior to acceptance of the bid of the highest bidder and before execution of the lease, the bidder shall submit to the Board of Commissioners and Executive Director, for incorporation into the lease, a detailed plan and description of improvements to be

constructed upon the leased property, the time within which the improvements will be completed, and the intended uses for the leased property.

- No lease may be awarded unless the bid of the highest responsible bidder provides for an annual rent of at least 6% of the parcel's fair market value. However, if the parcel contains a special development impediment, defined as any condition that constitutes a material impediment to the development or lease of a parcel, annual rent may be less than 6% of the parcel's fair market value for the first 10 years of the lease, at which point the annual rent shall return to a rate no less than 6% of the parcel's fair market value.

- If there is more than one responsible bid, the Board of Commissioners may authorize and direct the Executive Director to solicit from the two highest responsible bidders written amendments to their prior bids, increasing their rental bid proposal by at least 5% in excess of their prior written bid, or otherwise amending the financial terms of their bid so as to maximize the financial return to the District during the term of the proposed lease. Upon the Executive Director's tentative agreement with one or more amended bids, the bids may be submitted to the Board of Commissioners with the recommendation of the Executive Director for acceptance of one or rejection of all. The amendments may not result in a diminution of the terms of the transaction and must result in an agreement that is equal to or greater in value than the highest responsible bid initially received.

- All leases awarded after competitive bidding may be subject to annual adjustments based on changes in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, or some other well known economic governmental activity index.

- Any lease for 15 years or more shall be subject to rent adjustments every 10 years, known as decennial rent adjustments. If the initial rent is below 6% fair market value due to the existence of a special development impediment, the first decennial rent adjustment shall not occur until the 20th year of the lease. Such redetermination shall be as of the first day of each succeeding 10 year period, and annual rental payments shall be adjusted so that the ratio of annual rental to fair market value shall be the same as that ratio for the first year of the preceding 10 year period. The decennial adjustment shall not exceed 100% of the rental in effect on the last day of the preceding 10 year period, except when the property rental is less than 6% of fair market value due to the existence of a special development impediment, in which case, the decennial adjustment shall not be so limited until the twentieth year of the lease.

- In addition to the fixed annual rent, the District may require additional rent to be paid based upon a percentage of the tenant's revenues derived from its business operations on the leasehold premises or subleases. These are matters of additional lease compensation and are not considered in determining the highest bid of an applicant for a lease.

- No assignment or sublease shall be effective without the prior written consent of the Executive Director and the Board of Commissioners. The District may consider, for any assignment or sublease, all pertinent factors including the assignee's or sublessee's financial responsibility. The District may also condition its consent upon the redetermination of the annual rent required to be paid under any lease initially executed on or before January 1, 1983, for which the annual rent being paid was less than 6% of the

current appraised fair market value of the leased property. No assignment or sublease is effective if the assignee or sublessee is a trust constituted by real property of which the trustee has title but no power of management or control, unless the identity of the beneficiaries of the trust is revealed, upon demand, to the Executive Director and the Board of Commissioners.

•If the Executive Director and the Board of Commissioners conclude that it would be in the public interest, the District may lease its land to the following entities without complying with the above provisions: 1) the United States of America, the State of Illinois, the County of Cook, or any municipal corporation, provided that the property is to be applied exclusively for public recreational purposes or other public purposes; 2) any academic institution of learning which has been in existence for 5 years prior to the date that the lease is entered, provided that the property is to be applied exclusively to the operation of the institution's academic or physical educational programs; or 3) any tenant who leases land that is located in a county with a population of 100,000 or less and which is leased solely for agricultural or commercial recreational uses. All such leases are terminable by the District with one year notice to the tenant in the event that Board of Commissioners and the Executive Director determine that the leased land, or part thereof, has become essential to the corporate purposes of the District.

Comprehensive Land Use Policy

Chapter 3: Land Use Policies

Land Use Policies Guide

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- 3.3 Sale of District Land
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- 3.4 The District's Waterway Strategy
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3.1 Overview

This chapter sets forth the Board of Commissioner's policies concerning use of District land, whether by lease, easement, or permit. It is divided into ten sections:

- 3.1 Overview
- 3.2 Definitions
- 3.3 Sale of District Land
- 3.4 The District's Waterway Strategy
- 3.5 Land Use Categories
- 3.6 Green Infrastructure Requirements and Incentives
- 3.7 Signage
- 3.8 Leasing District Land
- 3.9 Easements on District Land
- 3.10 Permits for Use of District Land

It contains not just restrictions and prohibitions, but also recommended uses of District land for future tenants.

Nothing contained herein is intended to conflict with the provisions of the District's Enabling Act, including its leasing statute. To the extent a conflict exists, the provisions of the Enabling Act will control. Nor are these policies intended to conflict with, or supersede, the applicable zoning laws of any local municipality with proper jurisdiction.

Unless otherwise stated herein, the policies set forth herein shall apply to all leases, easements, and permit agreements, and renewals thereof, entered into and fully executed upon, or after, the date of passage of this Comprehensive Land Use Policy. They are not intended to replace, supersede, or excuse the performance of any obligation created by an existing contract pursuant to a lease, easement, or permit agreement, or any renewal thereof, entered into with the District before such date of passage. For purposes of this Comprehensive Land Use Policy, "date of passage" refers to the date that the United States Environmental Protection Agency approves the District's Green Infrastructure Program Plan, which includes this Comprehensive Land Use Policy, pursuant to the Consent Decree entered in *United States of America, et al., v. Metropolitan Water Reclamation District of Greater Chicago*, Case Number 11 C 8859.

All real estate policies of the Board of Commissioners enacted before the date of passage of this Comprehensive Land Use Policy shall remain in full force and effect until such date of passage, at which time they are hereby repealed.

Upon recommendation of the Executive Director, the Board of Commissioners reserves the right to waive or amend any requirement contained in this Comprehensive Land Use Policy whenever such waiver or amendment is in the best interests of the District and done without contravening any legal obligation incurred by, or imposed upon, the District by law, decree, or contract.

3.2 Definitions

Board of Commissioners means the elected body of governance for the Metropolitan Water Reclamation District of Greater Chicago.

Corporate Use Land means District land that is necessary for use by the District to fulfill its corporate mission to treat and convey wastewater, manage stormwater and control flooding, or develop best management practices for use of farm land. The designation of corporate use land is transient in nature and subject to change over time.

District means the Metropolitan Water Reclamation District of Greater Chicago.

Easement means a written contractual agreement between the District and another party that authorizes that party to cross or otherwise use a specified parcel or parcels of District land for a specific purpose or purposes.

Executive Director means the Executive Director of the Metropolitan Water Reclamation District of Greater Chicago.

Lease means a written contractual agreement in which the District conveys a specified parcel or parcels of District land for a specific purpose or purposes to another party for a specified period of time not to exceed what is provided by statute in exchange for annual rental payments.

Lessee(s) means any person or entity that has entered into a lease agreement with the District. The term includes the lessee's agents, representatives, successors, and assignees.

Permit means a written authorization from the District that authorizes another party to use a specified parcel or parcels of District land for a short duration and for a limited purpose.

Private lease or leasing refers to any leasing of District land by the District that is governed by 70 ILCS 2605/8c(1)-(10). Private leasing must be competitively bid before a lease is entered into with the District.

Public lease or leasing refers to any leasing of District land by the District that is not governed by 70 ILCS 2605/8c(1)-(10) by virtue of 70 ILCS 2605/8c(11). Public leasing is not competitively bid before a lease is entered into with the District, and the leased premises must be used solely for public recreational purposes or other public purposes.

Surplus Land means any District land that the District determines is not currently needed for its corporate use. The designation of surplus land is transient in nature and subject to change over time.

Waterway Strategy means the District's comprehensive approach to District land contiguous to waterways.

3.3 Sale of District Land

- A. Permissible Sales: The sale of Surplus Land located in Cook, DuPage, and Will Counties that is isolated and not contiguous to waterways, and the sale of District land in Fulton County, is permitted, but only upon the Executive Director's recommendation and at the sole discretion of the Board of Commissioners.
- B. Prohibited Sales: The sale of Corporate Use Land, and any District land contiguous to waterways in Cook, DuPage, or Will County, is prohibited.

3.4 The District's Waterway Strategy

- A. District Lands Contiguous to Waterways
 - 1. Setback Requirements: It is the intent of the District to have a well-maintained and attractive river edge of all of the property it owns adjacent to waterways, including the Chicago River, the Chicago Sanitary & Ship Canal (a.k.a. Main Channel), the North Shore Channel, and the Cal-Sag Channel. In order to accomplish this goal, the District requires a waterway edge easement to be included in its land leases. Unless otherwise authorized by the Board of Commissioners, the width of the easement shall be a minimum of 60 feet and up to 100 feet, when feasible. Such width shall be measured from the edge of the water at normal water levels, then inward across the leased premises at a 90 degree angle, or best approximation thereof, from the water's edge. No lessee of the District shall cause, or allow to be caused, any impediment to be constructed or placed upon such easement, whether it be a permanent structure such as a building, or moveable objects such as unsightly materials and debris. Buildings existing at the time this policy is enacted shall be grandfathered in.
 - 2. Bank Stabilization and Landscaped Visual Screening: All lessees shall be responsible for bank stabilization and the construction and maintenance of a landscaped visual screen that effectively screens the leased premises from the viewpoint of the waterway edge easement. The recommended landscaped visual screen, whenever possible, shall consist of native vegetative cover. In the event that site development necessitates removal of existing vegetative cover, the lessee shall be required to promptly reestablish native vegetative cover in the same quantities as those removed during the development.
 - 3. Penalties: Any lessee's failure to comply with the requirements contained in subsections A(1) and A(2) above shall constitute a breach of the lease agreement by the lessee and shall be grounds for the District, at its option, to terminate the lease agreement. The District shall also have the right to recover from the lessee any and all reasonable costs associated with correcting each such violation, including, but not limited to, remediation costs to have the violations corrected, as well as court costs

and attorneys' fees for filing an action in circuit court seeking an order to have the lease agreement terminated on these grounds.

B. North Shore Channel – Additional Requirements

1. **Limitations on Use of Lands Contiguous to North Shore Channel:** All District lands contiguous to either side of the North Shore Channel, starting from the south at Devon Avenue and continuing north to, and including, Wilmette Harbor, shall be dedicated and used exclusively as open green space and public recreational use.
2. **Special Lease Conditions:** All District leases pertaining to lands contiguous to the North Shore Channel shall require continuous trails, boat access, and bank stabilization; however, in the case of renewed District leases to public agencies, the stated policy shall apply only to the extent it is economically feasible and consistent with existing public uses.

C. Exceptions: Any use of District land that is prohibited by or inconsistent with the terms of this Paragraph 3.4 shall be permitted only upon one or more of the following conditions:

1. **Uses Permitted Under Pre-Existing Leases:** The use is authorized by the terms of an unexpired lease agreement with the District that was entered into before the date of passage of this Comprehensive Land Use Policy. Such use shall continue to be permitted until such time as the lease agreement expires or is terminated, unless otherwise extended by the Board of Commissioners.
2. **Variances:** The use is authorized by a variance granted by the Board of Commissioners whenever, and to the extent, it deems that the variance is necessary and in the best interests of the District considering the location, existing topography and vegetation, and use or proposed use of the leased premises. All variances shall be granted only by approval of the Board of Commissioners at its sole discretion, with recommendation by the Executive Director.
3. **Waterborne Commerce:** The use is for the purpose of waterborne commerce pursuant to a lease agreement with the District. In such instances, no variance from the Board of Commissioners is necessary. However, the lessee shall, to the extent possible, construct and maintain a docking facility compatible with the visual intent of the scenic easement, with the District maintaining the sole discretion to determine whether compatibility has been achieved.

3.5 Land Use Categories

A land use category is a designation by District staff as to the a) manner that District land is presently being used in the case of land that is already occupied, or b) recommended use of District land in the case of land that is vacant. District staff shall be responsible for

assigning each vacant parcel of District land an appropriate land use category. Once a vacant parcel is assigned a land use category, steps will be taken by the District to locate tenants who are interested in using the parcel in a manner conducive to the land use category that the parcel has been assigned. This does not limit the District from allowing the parcel to be used for a different purpose, or to assign the parcel a different land use category whenever appropriate. Instead, it is simply a statement of the District's preference as to how vacant parcels of District land should be presently utilized.

Each vacant parcel of District land will be assigned one of the following land use categories:

- Corporate Purpose – Land that is necessary for use by the District to fulfill its corporate mission to treat and convey wastewater, manage stormwater and control flooding, or develop best management practices for use of farm land.
- Natural Habitat/Restoration – Land that is in its natural environmental state or being restored to its natural environmental state.
- Public Access – Land that is typically leased to a unit of local government, or a local public agency such as a park district, that is set aside for use by the public.
- Commercial/Industrial – Land that is used by businesses for commercial or industrial purposes.

3.6 Green Infrastructure Requirements and Incentives

- A. Introduction: The District is developing and implementing a Green Infrastructure Program Plan, which includes this Comprehensive Land Use Policy. As part of the Comprehensive Land Use Policy, a policy has been established for implementing green infrastructure on District land that is leased to public and private tenants.
- B. Public Leases: For District lands that are leased to other governmental entities and/or for public use, new or renewed leases must incorporate green infrastructure. Typically, the District enters into nominal fee leases with other units of local government, park districts, etc., wherein the local governments then improve the leasehold and make it available for public use/access.

For any new/renewed lease, the lessee must now also pay for and include green infrastructure on its leasehold. The amount of green infrastructure credited will be determined by what is referred to as "Design Retention Capacity" (DRC). DRC shall mean the maximum available retention capacity of a project in any individual storm event as stated in project plans stamped by a licensed Professional Engineer or, in the absence of such statement, a project-specific capacity calculated using the following table:

Technology	Quantity	Unit	Design Retention Capacity (gallons)
Rain Gardens	100	sq. ft.	200
Native Plants/ Landscaping	100	sq. ft.	150
Stormwater Trees	100	Trees	1000
Porous Pavement	100	sq. ft.	1000
Bio-Swales	100	sq. ft.	500
Green Roofs	100	sq. ft.	300
Greenways	100	sq. ft.	63

For nominal fee leases/renewals of leases to governmental entities, the lessee will be required to pay for and install green infrastructure technology. The volume control storage to be provided for any new/renewed lease shall equal the capture of 1-inch of runoff from proposed or existing impervious surfaces within the leasehold and/or 5,000 gallons per leased acre, whichever is higher. Additionally, the lessee shall be responsible for all operations and maintenance of the green infrastructure technology on an ongoing basis for the remainder of the leasehold.

In lieu of, or in addition to, a governmental entity installing green infrastructure on its leasehold with the District, the governmental entity can, and is encouraged to, install green infrastructure in other parts of its community. For green infrastructure installed offsite from the leasehold with the District, to the extent the governmental entity intends to seek credit for meeting its green infrastructure requirements under its leasehold with the District, such off-site green infrastructure must be reviewed and approved by the District prior to the governmental entity seeking such credit for it.

Such factors that the District will consider in whether or not to grant green infrastructure credit include, but are not necessarily limited to, where green infrastructure can mitigate local flooding, reduce infiltration and inflow, or educate the public about green infrastructure and benefit the community as a whole. Any credit given for green infrastructure off-site is solely at the District's discretion, with appropriate signage indicating that such green infrastructure is being done in partnership with the District.

To the extent practicable, governmental entities leasing District land shall use District biosolids in any amendments they perform to the leasehold soil. Such amendments may include, but not necessarily be limited to, creating bio-swales, native landscaping, and recreational fields. To the extent practicable, the District will provide such biosolids free of charge with the local municipality being required to pay for the transportation costs and the costs associated with the soil amendments.

- C. **Private Entity/Commercial Leases:** For District owned land within the District's service area leased for private use under new and renewed leases, the District has developed the following incentive program to encourage private/commercial lessees to design, implement, operate, and maintain

green infrastructure technology on its leasehold beyond the requirements for volume control storage imposed on the lessee by the District's Watershed Management Ordinance ("WMO"). Article 503 of the WMO requires non-residential development or redevelopment greater than one-half acre to provide volume control storage for the first inch of runoff from newly created impervious surfaces. The WMO's regulations for development and redevelopment are applicable to suburban Cook County but not the city of Chicago. However, for purposes of this section, all private entity/commercial leases, whether in Chicago or suburban Cook County, will be required to conform with the WMO as applicable to the type of use proposed.

The amount of green infrastructure credited will be based on DRC, as defined in paragraph 3.6B, including the table above.

Subject to the minimum rent provisions of Section 8c of the District's Enabling Act (70 ILCS 2605/8c), the District will provide the private lessee with a credit equal to \$0.50 on the \$1.00, up to 10% of the leasehold cost, capped at 10 years, for expenditures and improvements on the leasehold of pre-approved green infrastructure. For example, where a leasehold has an annual rent of \$100,000, that lessee can invest up to \$200,000 in green infrastructure and receive a maximum credit of 10% of the value of that leasehold, capped at 10 years (10% of annual rent = \$10,000 x 10 years), or \$100,000 for pre-approved green infrastructure improvements.

In lieu of, or in addition to, a private lessee installing green infrastructure on its leasehold with the District, a private lessee can, and is encouraged to, design, implement, operate, and maintain green infrastructure in partnership with, and on lands owned by, the local municipality where the leasehold is located. The responsibility for ongoing maintenance and operation shall be borne by the private lessee. For green infrastructure installed off-site from the leasehold with the District, to the extent the private lessee intends to seek monetary credit for its green infrastructure requirements under its leasehold with the District, such off-site green infrastructure must be reviewed and approved by the District prior to the private lessee seeking credit for it.

Such factors that the District will consider in whether or not to grant green infrastructure credit include, but are not necessarily limited to, where green infrastructure can mitigate local flooding, reduce infiltration and inflow, or educate the public about green infrastructure and benefit the community as a whole. Any credit given for green infrastructure off-site is solely at the District's discretion.

The District must pre-approve any such green infrastructure projects, and any invoices seeking a monetary credit shall specifically set forth the green infrastructure component of the project, with the District only providing the offset credit for that component of the project.

For purposes of the offset credit, acceptable green infrastructure technologies include: rain gardens, native plants/landscaping, stormwater trees, porous/permeable pavement, bio-swales, green roofs and greenways.

3.7 Signage

A. Permissible Signage:

1. District Signs: Signs posted on District property by the District are permitted.
2. Tenant Signs: Signs that identify the name and address of District tenants are permitted provided they comply with applicable local law. Each such sign shall be posted within the boundaries of the District land that is being leased to the tenant, and shall not be posted in a manner that violates the District's Waterway Strategy. The tenant shall comply with all directions from the District, whenever given, as to the make, size, content, and location of the sign. In its sole discretion, the District may allow more than one sign to be posted on site per tenant, but no such additional sign may be posted without the consent of the District, which can be revoked. Upon expiration of the lease agreement, the tenant is responsible for removing the sign from the leased premises.

B. Prohibited Signage: No sign, other than what is permitted in subparagraphs A(1) and (2) above, shall be allowed on District property. Billboard signs are specifically prohibited.

3.8 Leasing District Land

The private and public leasing of District land shall conform to the following policies, which supplement the requirements contained in the District's Enabling Act.

A. Private Leasing

1. Minimum Bid: The minimum acceptable annual rental bid for purposes of private leasing of District land shall be no less than 10% of the highest appraised fair market value of the land.
2. Term: The maximum term for private leases of District land shall be 39 years. However, subject to the District's Enabling Act, a longer term may be allowed by the Board of Commissioners, upon recommendation by the Executive Director, for leases involving a commercial or industrial development where such term is necessary to finance the development.
3. Rent to Be Paid to the District (for standard leases where no special development impediment exists)
 - a. Initial Annual Rent: The initial annual rent payable to the District for private leases of District land shall be no less than 10% of the highest

appraised fair market value of the land. Under no circumstances shall the annual rent ever be less than \$5,000.00.

- b. Annual CPI Adjustments: Except for years when the annual rent is adjusted pursuant to subparagraph (c) of this section below, the rent payable to the District for private leases of District land for each succeeding year after the first year shall be adjusted annually by multiplying the rent in effect for the previous one-year term by the percentage of change in the Consumer Price Index for the Chicago Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics, as established on the first day of January immediate preceding the term of the lease and every January 1st thereafter during the term of the lease. In the event the Consumer Price Index is discontinued, the Board of Commissioners shall, in its sole discretion, select and utilize any other economic activity index of the United States government which reasonably reflects economic activity in the Metropolitan Chicago Area.

This subparagraph is limited in scope to rent increases. No adjustment to rent as provided herein shall ever result in a decrease in the amount of annual rent owed to the District.

- c. Ten Year Periodic Rent Adjustments: For private leases of a duration of 15 years or more, on the ten-year anniversary following the effective date of the lease, and every ten-year periodic anniversary thereafter, the rent in effect for the most recent one-year term shall be adjusted and predetermined in accordance with the conclusions of a review of the fair market value of the fee simple estate upon which the leased premises is located, independent of improvements constructed by the tenant on the leased premises after the effective date of the lease, in accordance with appraisal procedures set forth in 70 ILCS 2605/8c. The rent shall be based on the highest appraised value.

The annual rent for each following ten-year period will be increased by multiplying the fair market value of the fee simple estate upon which the leased premises is located by the same percentage used to determine the initial annual rent. The fair market value of the re-appraised fee estate and the rent for the leased premises shall be established by the Board of Commissioners, who shall determine the rent by using the highest appraised fair market value of the fee estate. The appraisals required by the tenant shall be made and dated within the last one hundred twenty (120) days of the ten-year period of the lease which will be expiring. The appraisals shall be delivered to the District no later than forty-five (45) days prior to the end of the ten-year period.

In the event that fair market value and/or the annual rent for the next ten-year period has not been established before the commencement of

any new ten-year period, the tenant shall continue to pay the annual rent in effect for the last year of the prior ten-year period until such time that the reappraisal and decennial rent adjustment has been established. The tenant shall then be responsible for paying any resulting rent increase that would have been owed to the District had the re-appraised rent been established before the expiration of the previous ten-year period. Such payment shall be made within thirty (30) days of the tenant receiving notice of the increase.

All ten-year periodic annual rent adjustments shall be made without regard to the annual rent in effect for the last year of the preceding ten-year period, except for leases entered after September 11, 2007, no increase shall exceed 100% of the rent in effect on the last day of the preceding ten-year period. Upon the establishment of the fair market value and the adjusted annual rent to be paid for that ten-year period, at any time later than the end of any period of the lease, such fair market value and rent shall take effect as of the first (1st) day of the period.

This subparagraph is limited in scope to rent increases. No adjustment to rent as provided herein shall ever result in a decrease in the amount of annual rent owed to the District.

- d. Additional Compensation: In addition to the annual rent owed for private leases of District land, the District, in its sole discretion, may also require a tenant to pay in cash a certain percentage of the gross revenues generated by the tenant's use of or activities on the leased premises. In no circumstance shall that percentage exceed 50% of the gross revenues.

4. Sublease or Assignment

- a. Consent: No private lease of District land shall be wholly or partially sublet or assigned to any other party without prior written consent from the District.
- b. Additional Compensation Owed for Sublease: In the event that a sublease or assignment consented to by the District results in payment of rent to the sublessor that exceeds the amount of rent owed to the District under the lease agreement, the District shall be entitled to 50% of the difference in rent between the subtenant's annual rent and the lessee's annual rent. If the sublease provides for a commercial use that generates a net profit, the District, in its sole discretion, may condition its consent to sublease upon receiving 15% of the net profit generated as a result of the sublease.
- c. Penalty for Unauthorized Sublease or Assignment: In addition to other remedies available to the District under the lease agreement, the District shall be entitled to 100% of any fees or rent paid to the

tenant pursuant to any sublease or assignment that was not consented to by the District in accordance with subparagraph (i) above.

5. Environmental Provisions

- a. TACO Tier I Residential Standards: At the expiration of any private lease of District land, the tenant shall restore the leased premises to TACO Tier I Residential Standards, as set forth in 35 IAC 742.500, as amended. In the event the property did not meet such standards at the commencement of the lease through no fault of the tenant or any of its affiliates or subsidiaries, the tenant shall restore the leased premises to the condition it was when the lease first commenced as determined by the District.
- b. Site Remediation Bond: At or before the commencement of the last five-year period of any private lease of District land, the tenant shall lodge with the District an Environmental Site Restoration/Remediation Bond in a penal sum to be determined by the District, secured either by cash, irrevocable letter of credit, or a commercial bond with surety, to secure the tenant's performance of and compliance with the environmental provisions of the lease.

B. Public Leasing

1. Term: The maximum term for the public leasing of District land shall be determined by the Board of Commissioners.
2. Rent to be Paid to the District:
 - a. Land Made Available for Public Recreational Use (Non-Revenue Generating): The only rent that shall be paid to the District for the entire term of any public lease of District land where the leased premises is generally made available for public recreational use and is not used to generate income shall be a fee of \$10.00.
 - b. Land Made Available for Public Recreational Use (Revenue Generating): The annual rent to be paid to the District for any public lease of District land where the leased premises is generally made available for public recreational use that generates income of any kind shall be no less than 6% of the appraised fair market value. If multiple appraisals are obtained, the annual rent shall be no less than 6% of the highest of the appraised values. Under no circumstances shall the annual rent ever be less than \$5,000.00.

However, rather than accepting the greater of 6% of the appraised fair market value or \$5,000.00, the District may instead, at its sole

discretion, accept as rent an initial fee of \$10.00, plus 25% of the net revenue generated as a result of the lease.

c. Land Made Available for Public Non-Recreational Use: The annual rent to be paid to the District for any public lease of District land where the leased premises is used for a public non-recreational use (*e.g.*, fire stations or employee parking lots) shall be no less than 6% of the appraised fair market value. If multiple appraisals are obtained, the annual rent shall be no less than 6% of the highest of the appraised values. Under no circumstances shall the annual rent ever be less than \$5,000.00.

3. Environmental Provisions - TACO Tier I Residential Standards: At the expiration of any public lease of District land, the tenant shall restore the leased premises to TACO Tier I Residential Standards, as set forth in 35 IAC 742.500, as amended. In the event the property did not meet such standards at the commencement of the lease through no fault of the tenant, the tenant shall restore the leased premises to the condition it was when the lease first commenced as determined by the District.

C. Leasing to Academic Institutions of Learning (as specified in 70 ILCS 2605/8c)

1. Term: The maximum term for the leasing of District land to academic institutions of learning shall be determined by the Board of Commissioners.

2. Rent to be Paid to the District: The annual rent to be paid to the District for any lease of District land to any academic institution of learning where the land is used exclusively for the institution's academic or physical education program shall be no less than 6% of the appraised fair market value. If multiple appraisals are obtained, the annual rent shall be no less than 6% of the highest of the appraised values. Under no circumstances shall the annual rent ever be less than \$5,000.00.

3. Environmental Provisions - TACO Tier I Residential Standards: At the expiration of any lease of District land to an academic institution of learning, the tenant shall restore the leased premises to TACO Tier I Residential Standards, as set forth in 35 IAC 742.500, as amended. In the event the property did not meet such standards at the commencement of the lease through no fault of the tenant, the tenant shall restore the leased premises to the condition it was when the lease first commenced as determined by the District.

3.9 Easements on District Land

Easements across District land shall be granted only upon recommendation of the Executive Director and approval by the Board of Commissioners. All such easements shall

conform to the following policies, which supplement the requirements contained in the District's Enabling Act.

A. Easements to Private Entities

1. Term: The maximum term for District easements to private entities shall be determined by the Board of Commissioners.
2. Rent to Be Paid to the District
 - a. Initial Annual Rent: The initial annual rent payable to the District for any easement across District land granted to private entities shall be no less than 10% of the fair market value of the land. Under no circumstances shall the annual rent be less than \$5,000.00.
 - b. Annual CPI Adjustments: Except for years when the annual rent is adjusted pursuant to subparagraph (c) of this section below, the rent payable to the District for any easement across District land for each succeeding year after the first year shall be adjusted annually by multiplying the rent in effect for the previous one-year term by the percentage of change in the Consumer Price Index for the Chicago Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics, as established on the first day of January immediate preceding the term of the lease and every January 1st thereafter during the term of the lease. In the event the Consumer Price Index is discontinued, the Board of Commissioners shall, in its sole discretion, select and utilize any other economic activity index of the United States government which reasonably reflects economic activity in the Metropolitan Chicago Area.

This subparagraph is limited in scope to rent increases. No adjustment to rent as provided herein shall ever result in a decrease in the amount of annual rent owed to the District.

B. Easements to Governmental Entities

1. Term: The maximum term for any easement across District land granted to governmental entities, such as the federal government, local governments, park districts, school districts, and other similar public entities created by statute, shall be determined by the Board of Commissioners.
2. Annual Rent for Public Recreational Use and Non-Revenue Generating Activities: The only rent that shall be paid to the District for the entire term of any easement across District land granted to such governmental entities where the activity under the easement is for a public use and generates no revenue shall be an initial fee of \$10.00.

3. Annual Rent for All Other Easements: The annual rent that shall be paid to the District for any easement across District land granted to such governmental entities where the activity under the easement is not for a public use or is one that generates revenue shall be no less than 6% of the appraised fair market value. If multiple appraisals are obtained, the annual rent shall be no less than 6% of the highest of the appraised values. Under no circumstances shall the annual rent be less than \$5,000.00.

3.10 Permits for Use of District Land

Unless otherwise herein provided, permits for use of District land shall be issued only upon recommendation of the Executive Director and approval by the Board of Commissioners. All such permits shall conform to the following policies, which supplement the requirements contained in the District's Enabling Act.

- A. Term: The maximum term for use of District land pursuant to a District permit of District permits shall be 5 years. Permits may be extended for a greater duration upon recommendation of the Executive Director and at the discretion of the Board of Commissioners, provided the extension is determined by the Board to be in the District's best interests.
- B. Annual Permit Fee:
 1. Public Use: The permit fee payable to the District for use of District land for a public purpose is \$10.00.
 2. All Other Uses (one year or longer): The permit fee payable to the District for uses of District land that are not for a public purpose where the permit is of a duration of one year or longer shall be no less than 10% of the fair market value of the real estate. Under no circumstances shall the annual fee ever be less than \$5,000.00.
 3. All Other Uses (less than one year): The permit fee payable to the District for uses of District land that are not for a public purpose where the permit is of a duration of less than one year shall be no less than 10% of the fair market value of the land. Under no circumstances shall the fee ever be less than \$2,500.00.
- C. Training Exercises by Police, Fire, and Emergency Personnel: Requests by municipalities for use of District land pursuant to a District permit for the purpose of training their police, fire, and emergency response unit personnel shall be streamlined as follows:
 1. Approval: Permits shall be issued by the Executive Director. Board of Commissioners' approval is not required, except when the duration of the training exercise exceeds 14 days, the number of personnel trained exceeds 250, the training exercise has the potential to permanently degrade the natural state of the training site in the District's estimation, or the training exercise involves the use of firearms.

2. Insurance: Standard insurance provisions typically required by the District shall be waived, unless determined otherwise by the Board of Commissioners whenever Board of Commissioners' approval is required.
3. Short Release Document: In lieu of executing the District's standard permit agreement, such entities shall be required to execute a short release document containing an indemnification and hold harmless provision, and an acknowledgement of the District's right to terminate any exercise which interferes with the District's facilities or operations.

Comprehensive Land Use Policy

Chapter 4: 70 ILCS 2605/8, 8a, and 8c (Full Versions)

70 ILCS 2605/8

Sec. 8. Except as otherwise in this Act provided, the sanitary district may acquire by lease, purchase or otherwise within or without its corporate limits, or by condemnation within its corporate limits, any and all real and personal property, right of way and privilege that may be required for its corporate purposes. All moneys for the purchase and condemnation of any property must be paid before possession is taken, or any work done on the premises. In case of an appeal from the Court in which the condemnation proceedings are pending, taken by either party, whereby the amount of damages is not finally determined, the amount of the judgment in the court shall be deposited with the county treasurer of the county in which the judgment is rendered, subject to the payment of damages on orders signed by the judge whenever the amount of damages is finally determined.

Upon recommendation of the executive director and upon the approval by the board of trustees when any real or personal property, right of way or privilege or any interest therein, or any part thereof of such sanitary district is no longer required for the corporate purposes of the sanitary district it may be sold, vacated or released. Such sales, vacations, or releases may be made subject to such conditions and the retention of such interest therein as may be deemed for the best interest of such sanitary district as recommended by the executive director and approved by the board of trustees.

However, the sanitary district may enter into a lease of a building or a part thereof, or acquire title to a building already constructed or to be constructed, for the purpose of securing office space for its administrative corporate functions, the period of such lease not to exceed 15 years except as authorized by the provisions of Section 8b of this Act. In the event of the purchase of such property for administrative corporate functions, the sanitary district may execute a mortgage or other documents of indebtedness as may be required for the unpaid balance, to be paid in not more than 15 annual installments. Annual installments on the mortgage or annual payment on the lease shall be considered a current corporate expense of the year in which they are to be paid, and the amount of such annual installment or payment shall be included in the Annual Appropriation and Corporate Tax Levy Ordinances. Such expense may be incurred, notwithstanding the provisions, if any applicable, contained in any other Sections of this Act.

The sanitary district may dedicate to the public for highway purposes any of its real property and the dedications may be made subject to such conditions and the retention of such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the executive director.

The sanitary district may lease to others for any period of time, not to exceed 99 years, upon the terms as its board of trustees upon recommendation of the executive director may determine, any such real property, right-of-way or privilege, or any interest therein or any part thereof, which is in the opinion of the board of trustees and executive director of the sanitary district no longer required for its corporate purposes or which may not be immediately needed for such purposes. The leases may contain such terms and conditions, including restrictions as to permissible use of the real property, and retain such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the executive director. Negotiations and execution of such leases and preparatory activities in connection therewith must comply with Section 8c of this Act. The sanitary district may grant easements and permits for the use of any such real property, right-of-way, or privilege, which will not in the opinion of the board of trustees and executive director of the sanitary district interfere with the use thereof by the sanitary district for its corporate purposes. Such easements and permits may contain such

conditions and retain such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the executive director.

No sales, vacations, dedications for highway purposes, or leases for periods in excess of 5 years, of the following described real estate, may be made or granted by the sanitary district without the approval in writing of the Director of Natural Resources of the State of Illinois:

All the right-of-way of the Calumet-Sag Channel of the sanitary district extending from the Little Calumet River near Blue Island, Illinois, to the right-of-way of the main channel of the sanitary district near Sag, Illinois.

Lots 1, 3, 5, 21, 30, 31, 32, 33, 46, 48, 50, 52, 88, 89, 89a, 90, 91, 130, 132, 133, those parts of Lots 134 and 139 lying northeasterly of a tract of land leased to the Corn Products Manufacturing Company from January 1, 1908, to December 31, 2006; 1000 feet of Lot 141 lying southwesterly of and adjoining the above mentioned leased tract measured parallel with the main channel of the sanitary district; Lots 166, 168, 207, 208, and part of Lot 211 lying northeasterly of a line 1500 feet southwesterly of the center line of Stephen Street, Lemont, Illinois, and parallel with said street measured parallel with said main channel; and Lot 212 of the Sanitary District Trustees Subdivision of right-of-way from the north and south center line of Section 30, Township 39 North, Range 14 East of the Third Principal Meridian, to Will County line.

That part of the right-of-way of the main channel of the sanitary district in Section 14, Township 37 North, Range 11 East of the Third Principal Meridian, lying southerly of said main channel, northerly of the Northerly Reserve Line of the Illinois and Michigan Canal, and westerly of the Center line of the old channel of the Des Plaines River.

That part of said main channel right-of-way in Section 35, Township 37 North, Range 10 East of the Third Principal Meridian, lying east of said main channel and south of a line 1,319.1 feet north of and parallel with the south line of said Section 35.

That part of said main channel right-of-way in the northeast quarter of the northwest quarter of Section 2, Township 36 North, Range 10 East of the Third Principal Meridian, lying east of said main channel.

That part of said main channel right-of-way lying south of Ninth Street in Lockport, Illinois.

Notwithstanding any other law, if any surplus real estate is located in an unincorporated territory and if that real estate is contiguous to only one municipality, 60 days before the sale of that real estate, the sanitary district shall notify in writing the contiguous municipality of the proposed sale. Prior to the sale of the real estate, the municipality shall notify in writing the sanitary district that the municipality will or will not annex the surplus real estate. If the contiguous municipality will annex such surplus real estate, then coincident with the completion of the sale of that real estate by the sanitary district, that real estate shall be automatically annexed to the contiguous municipality.

All sales of real estate by the sanitary district must be for cash, to the highest bidder upon open competitive bids, and the proceeds of the sales may be used only for the construction and equipment of sewage disposal plants, pumping stations and intercepting sewers and appurtenances thereto, the acquisition of sites and easements therefor, and the financing of the Local Government Assistance Program established under Section 9.6c.

However, the sanitary district may:

(a) Remise, release, quit claim and convey, without the approval by the Department of Natural Resources of the State of Illinois acting by and through its Director, to the United States of America without any consideration to be paid therefor, in aid of the widening of the Calumet-Sag Channel of the sanitary district by the United States of America, all those

certain lands, tenements and hereditaments of every kind and nature of that portion of the established right-of-way of the Calumet-Sag Channel lying east of the east line of Ashland Avenue, in Blue Island, Illinois, and south of the center line of the channel except such portion thereof as is needed for the operation and maintenance of and access to the controlling works lock of the sanitary district:

(b) Without the approval by the Department of Natural Resources of the State of Illinois acting by and through its Director, give and grant to the United States of America without any consideration to be paid therefor the right, privilege and authority to widen the Calumet-Sag Channel and for that purpose to enter upon and use in the work of such widening and for the disposal of spoil therefrom all that part of the right-of-way of the Calumet-Sag Channel owned by the sanitary district lying south of the center line of the Calumet-Sag Channel from its connection with the main channel of the sanitary district to the east line of Ashland Avenue in Blue Island, Illinois;

(c) Make alterations to any structure made necessary by such widening and to construct, reconstruct or otherwise alter the existing highway bridges of the sanitary district across the Calumet-Sag Channel;

(d) Give and grant to the United States of America without any consideration to be paid therefor the right to maintain the widened Calumet-Sag Channel without the occupation or use of or jurisdiction over any property of the sanitary district adjoining and adjacent to such widened channel;

(e) Acquire by lease, purchase, condemnation or otherwise, whatever land, easements or rights of way, not presently owned by it, that may be required by the United States of America in constructing the Calumet-Sag Navigation Project, as approved in Public Law 525, 79th Congress, Second Session as described in House Document No. 677 for widening and dredging the Calumet-Sag Channel, in improving the Little Calumet River between the eastern end of the Sag Channel and Turning Basin No. 5, and in improving the Calumet River between Calumet Harbor and Lake Calumet;

(f) Furnish free of cost to the United States all lands, easements, rights-of-way and soil disposal areas necessary for the new work and for subsequent maintenance by the United States;

(g) Provide for the necessary relocations of all utilities.

Whatever land acquired by the sanitary district may thereafter be determined by the Board of Trustees upon recommendation of the executive director as not being needed by the United States for the purposes of constructing and maintaining the Calumet-Sag Navigation Project as above described, shall be retained by the sanitary district for its corporate purposes, or be sold, with all convenient speed, vacated or released (but not leased) as its Board of Trustees upon recommendation of the executive director may determine: All sales of such real estate must be for cash, to the highest bidder upon open, competitive bids, and the proceeds of the sales may be used only for the purpose of paying principal and interest upon the bonds authorized by this Act, and if no bonds are then outstanding, for the purpose of paying principal and interest upon any general obligation bonds of the sanitary district, and for corporate purposes of the sanitary district. When the proceeds are used to pay bonds and interest, proper abatement shall be made in the taxes next extended for such bonds and interest.

(Source: P.A. 95-604, eff. 9-11-07; 95-923, eff. 1-1-09.)

70 ILCS 2605/8a

Sec. 8a. The Sanitary District, in addition to the other powers vested in it, is empowered, with the approval by the Department of Natural Resources as successor to the Department of Transportation and the Department of Purchases and Construction of the State of Illinois, through its Director, to remise, release, quit claim, grant, convey and transfer all its right, title and interest in and to any and all lands, tenements and hereditaments and in and to any and all property, including structures, of every kind and nature or rights to or in, under, over and adjoining the Main Channel, Main Channel Extension, Calumet-Sag Channel and the North Shore Channel of the Sanitary District and for improvements made by the Sanitary District in, under, over and adjoining the Chicago River, the Calumet River, the Des Plaines River and tributaries thereto, and any and all other land, property or structures of the Sanitary District, to the United States of America, the State of Illinois, the County of Cook or/and any Municipal Corporation, upon such terms as may be mutually agreed upon by the Sanitary District and the United States of America, the State of Illinois, the County of Cook or/and any Municipal Corporation; and the Board of Trustees of the Sanitary District is empowered to and may authorize the doing of all things and acts, and the execution of such documents and instruments and adopt such resolutions and ordinances in connection therewith that may be required, and the provisions of this Section 8a shall constitute complete authority for the performance of all acts herein provided without reference to other laws and shall be construed as conferring powers in addition to, but not limiting, powers granted under other existing laws.

The proceeds derived from any such sale or transfer to the United States of America shall, unless Congress shall otherwise provide, be used only for paying the costs of controlling works in the Chicago River, the completion, construction and enlargement of sewage treatment works, and additions therefor, pumping stations, tunnels, conduits and intercepting sewers connecting therewith, and outlet sewers, together with the equipment and appurtenances necessary thereto, and for the acquisition of the sites and rights of way necessary thereto, and for engineering expenses for designing and supervising the construction of the works above described, which works are made necessary by the decree of the Supreme Court of the United States in the consolidated cases entitled "Wisconsin et al. v. The State of Illinois and The Sanitary District of Chicago", numbers 7, 11 and 12 original. Any excess of the proceeds, not required for the cost of construction of the works made necessary by the decree, may be used for the construction of sewage disposal plants and equipment thereof, pumping stations, and intercepting sewers and appurtenances thereto, the acquisition of sites and easements therefor and the expense of design and supervision of the construction thereof.

70 ILCS 2605/8c

Sec. 8c. Every lease of property no longer or not immediately required for corporate purposes of a sanitary district, from such district to others for a term not to exceed 99 years, in accordance with Section 8 of this Act, shall be negotiated, created and executed in the following manner:

(1) Notice of such proposed leasing shall be published for 3 consecutive weeks in a newspaper of general circulation published in such sanitary district, if any, and otherwise in the county containing such district.

(2) Prior to receipt of bids for the lease under this Section, the fair market value of every parcel of real property to be leased must be determined by 2 professional appraisers who are members of the American Institute of Real Estate Appraisers or a similar, equivalently recognized professional organization. The sanitary district acting through the executive director may select and engage an additional appraiser for such determination of fair market value. Every appraisal report must contain an affidavit certifying the absence of any collusion involving the appraiser and relating to the lease of such property.

(3) No lease may be awarded unless the bid of such highest responsible bidder provides for an annual rental payment to the sanitary district of at least 6% of the parcel's fair market value determined under this Section, provided however, if the sanitary district determines that a parcel contains a special development impediment, defined as any condition that constitutes a material impediment to the development or lease of a parcel, and includes, but is not limited to: environmental contamination, obsolescence, or advanced disrepair of improvements or structures, or accumulation of large quantities of non-indigenous materials, the sanitary district may establish a minimum acceptable initial annual rental of less than 6% of the parcel's fair market value for the initial 10 years of the lease. In no event will the annual rental payment for each 10-year period after the initial 10 years of the lease be less than the 6% of the parcel's fair market value determined under this Section. Every lease must be awarded to the highest responsible bidder (including established commercial or industrial concerns and financially responsible individuals) upon free and open competitive bids. In determining the responsibility of any bidder, the sanitary district may consider, in addition to financial responsibility, any past records of transactions with the bidder and any other pertinent factors, including but not limited to, the bidder's performance or past record with respect to any lease, use, occupancy, or trespass of sanitary district or other lands.

(4) Prior to acceptance of the bid of the highest responsible bidder and before execution of the lease the bidder shall submit to the board of commissioners and executive director, for incorporation in the lease, a detailed plan and description of improvements to be constructed upon the leased property, the time within which the improvements will be completed, and the intended uses of the leased property. If there is more than one responsible bid, the board of commissioners may authorize and direct the executive director to solicit from the 2 highest responsible bidders written amendments to their prior bids, increasing their rental bid proposal by at least 5% in excess of their prior written bid, or otherwise amending the financial terms of their bid so as to maximize the financial return to the sanitary district during the term of the proposed lease. Upon the executive director's tentative agreement with one or more amended bids, the bids may be submitted to the board of commissioners with the recommendation of the executive director for acceptance of one or rejection of all. The amendments may not result in a

diminution of the terms of the transaction and must result in an agreement that is equal to or greater in value than the highest responsible bid initially received.

(5) The execution of such lease must be contemporaneous to the execution by the lessee, each member of the board of commissioners and the executive director of an affidavit certifying the absence of any collusion involving the lessee, the members and the executive director and relating to such lease.

(6) No later than 30 days after the effective date of the lease, the lessee must deliver to the sanitary district a certified statement of the County Assessor, Township Assessor or the county clerk of the county wherein the property is situated that such property is presently contained in the official list of lands and lots to be assessed for taxes for the several towns or taxing districts in his county.

(7) Such lease may be subject to annual adjustments based on changes in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, or some other well known economic governmental activity index. Any lease, the term of which will extend for 15 years or more, shall provide for a redetermination of the fair market value (independent of improvements to the property subsequent to the effective date of the lease) after the initial 10 years and every 10 years thereafter, in the manner set forth in paragraph (2) of this Section, which redetermination shall be referred to as the decennial adjustment. Where the property rental is less than 6% of fair market value due to the existence of a special development impediment, the first decennial adjustment shall not occur until the twentieth year of the lease. Such redetermination shall be as of the first day of each succeeding 10 year period, and annual rental payments shall be adjusted so that the ratio of annual rental to fair market value shall be the same as that ratio for the first year of the preceding 10 year period. The decennial adjustment shall not exceed 100% of the rental in effect on the last day of the preceding 10-year period, except when the property rental is less than 6% of fair market value due to the existence of a special development impediment, in which case, the decennial adjustment shall not be so limited until the twentieth year of the lease. The rental payment for the first year of the new 10 year period may be subject to Consumer Price Index or other allowable index adjustments for each of the next 9 years, or until the end of the lease term if there are less than 9 years remaining.

(8) A sanitary district may require compensation to be paid in addition to rent, based on a reasonable percentage of revenues derived from a lessee's business operations on the leasehold premises or subleases, or may require additional compensation from the lessee or any sublessee in the form of services, including but not limited to solid waste disposal; provided, however, that such additional compensation shall not be considered in determining the highest responsible bid, said highest responsible bid to be determined only on the initial annual rental payment as set forth in paragraph (3) of this Section.

(9) No assignment of such lease or sublease of such property is effective unless approved in writing by the executive director and the board of commissioners of the sanitary district. The district may consider, for any assignment or sublease, all pertinent factors including the assignee's or sublessee's responsibility in accordance with subparagraph (3) of this Section. The sanitary district may also condition its consent upon the redetermination of the annual rental required to be paid under any lease initially executed on or before January 1, 1983, for which the annual rent being paid thereunder is less than 6% of the current appraised fair market value of the leased property. The redetermination of any annual rental under this Section shall be consistent with the requirements of subparagraphs (2) and (3) of this Section. No assignment or sublease is effective if the assignee or sublessee is a trust constituted by

real property of which the trustee has title but no power of management or control, unless the identity of the beneficiaries of the trust is revealed, upon demand, to the executive director and the board of commissioners of the sanitary district.

(10) Failure by the lessee to comply with a provision in the lease relating to improvements upon the leased property or any other provision constitutes grounds for forfeiture of the lease, and upon such failure the sanitary district acting through the executive director shall serve the lessee with a notice to terminate the lease and deliver possession of the property to the sanitary district within a particular period.

(11) If the executive director and the board of commissioners conclude that it would be in the public interest, said sanitary district may lease without complying with the prior provisions of this Section, in accordance with an Act concerning "Transfer of Real Estate between Municipal Corporations", approved July 2, 1925, as amended, to the following, upon such terms as may be mutually agreeable: (a) the United States of America and the State of Illinois, County of Cook, any municipal corporation, with provisions that the property is to be applied exclusively for public recreational purposes or other public purposes; (b) any academic institution of learning which has been in existence for 5 years prior to said lease, provided that such lease limit the institution's use of the leased land to only those purposes relating to the operation of such institution's academic or physical educational programs; or (c) any lease involving land located in a county with a population of 100,000 or less and which is leased solely for agricultural or commercial recreational uses. Any lease issued in accordance with this paragraph shall contain the provisions that such lease is terminable in accordance with service of a one-year notice to terminate after determination by the board of commissioners and the executive director that such property (or part thereof) has become essential to the corporate purposes of the sanitary district.

(Source: P.A. 95-604, eff. 9-11-07; 95-923, eff. 1-1-09.)

Appendix C

Watershed Management Ordinance

[The Watershed Management Ordinance (WMO) was originally published in May 2014 and was last amended in May 2020. For more information and to download a current copy of the WMO, please visit mwrdd.org/wmo.]

Appendix D

Maintenance and Operations Plan

APPENDIX D

MWRDGC OPERATIONS & MAINTENANCE PLAN FOR GREEN INFRASTRUCTURE PROJECTS

UPON COMPLETION OF THE PROJECT CONSTRUCTION THE FOLLOWING OPERATION AND MAINTENANCE PROCEDURES SHALL TAKE EFFECT.

ACTIVITY SCHEDULE (STRUCTURE MAINTENANCE)

INFILTRATION BASINS, STORMWATER STRUCTURES, AND CLEANOUTS ARE DESIGNED SO THAT THE STRUCTURE CAN HAVE EASY ACCESS FOR INSPECTION AND MAINTENANCE. STRUCTURE MAINTENANCE PROCEDURES MUST MEET OSHA CONFINED SPACE ENTRY REQUIREMENTS.

AS NEEDED

- REMOVAL OF SEDIMENT AND DEBRIS FROM STRUCTURES WHEN THE SEDIMENT ZONE IS FULL AS WELL AS FROM INLET AND OUTLET PIPES. SEDIMENTS SHOULD BE TESTED FOR TOXICANTS IN COMPLIANCE WITH APPLICABLE DISPOSAL REQUIREMENTS IF LAND USES IN THE CATCHMENT INCLUDE COMMERCIAL OR INDUSTRIAL ZONES, OR IF INDICATIONS OF POLLUTION ARE NOTICED.

QUARTERLY

- FLOATING DEBRIS SHOULD BE REMOVED.

SEMI-ANNUALLY

- INSPECTION OF DRAINAGE STRUCTURES.

MAINTENANCE GUIDELINES

POURED IN PLACE SURFACES

- BRUSH SURFACE TO KEEP IN CLEAN OF MOSS, LEAVES, OR OTHER LITTER AS NEEDED.
- REMOVE CHEWING GUM, WEEDS, MOSS, AND ALGAE. REMOVE ANY MUD THAT HAS BEEN TRACKED ON TO THE SURFACE. ENSURE PRODUCTS USED ARE ACCEPTABLE FOR USE ON Poured in place surface.
- ANNUALLY INSPECT FOR ANY SIGNS OF DETERIORATION TO THE SURFACE. CONTACT Poured in place vendor if damaged and requiring repair.

IRRIGATION SYSTEM

- START UP SYSTEM IN THE SPRING.
- PERIODICALLY CHECK THE IRRIGATION CONTROLS AND SYSTEM HEADS AT LEAST THREE TIMES ANNUALLY.
- SHUT DOWN SYSTEM IN THE FALL.

ADDITIONAL NOTES

THE MINIMUM REQUIREMENTS BELOW SHALL BE INCORPORATED INTO THE INSPECTION AND MAINTENANCE REGIMEN.

- O&M PLAN PROCEDURES AND PRACTICES MUST BE REVIEWED AND ASSESSED ANNUALLY.
- ACCESS ROUTES INCLUDING ROADWAYS AND SIDEWALKS SHALL BE INSPECTED ANNUALLY AND MAINTAINED AS NEEDED.

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- PERMEABLE PAVER MAINTENANCE GUIDELINES
AS WITH MOST STORMWATER MANAGEMENT PRACTICES, PERMEABLE PAVEMENT SYSTEMS REQUIRE REGULAR MAINTENANCE TO ENSURE A PROLONGED LIFESPAN. SEE BELOW LIST OF MAINTENANCE ACTIVITIES.

ACTIVITY SCHEDULE AS NEEDED

- DO NOT USE SAND DURING THE WINTER MONTHS.
- KEEP LANDSCAPED AREAS WELL-MAINTAINED AND PREVENT SOIL FROM BEING TRANSPORTED ONTO THE PAVEMENT.
- MONITOR REGULARLY TO ENSURE THAT THE PAVING SURFACE DRAINS PROPERLY AFTER STORMS.
- ENSURE THAT SURFACE IS FREE OF SEDIMENT.
- REMOVE VEGETATION ESTABLISHED IN GRAVEL SPACES IN PAVEMENT TWICE PER YEAR.
- BI-ANNUALLY VACUUM SURFACE TO KEEP FREE OF SEDIMENT. VACUUMING SHOULD OCCUR IN THE FALL AND SPRING BY USING A LITTLE WONDER WALK BEHIND VACUUM OR APPROVED EQUAL. IF SURFACES HAVE SEVER CLOGGING, USE A LOW-PRESSURE WATER SPRAY TO LOOSEN SEDIMENT AND FOLLOW WITH A WALK BEHIND VACUUM.
- CLEAN OUT INLET STRUCTURES WITHIN OR DRAINING TO THE SUBSURFACE BEDDING BENEATH SURFACE ONCE PER YEAR.
- INSPECT SURFACE FOR SIGNS OF DETERIORATION OR SETTLING.
- INSPECT VOID AREAS AND REPLACE OR ADD JOINT MATERIAL.
- DRAINAGE STRUCTURES AND FLOW RESTRICTOR MUST BE INSPECTED AND CLEANED SEMI-ANNUALLY.
- ALL PERMEABLE SURFACES SHALL BE INSPECTED SEMI-ANNUALLY AND AFTER SIGNIFICANT RAINFALL EVENTS EXCEEDING 1.5 INCHES.
- VEGETATION SHALL BE MAINTAINED ON A REGULAR BASIS.
- PEST CONTROL MEASURES SHALL BE IMPLEMENTED TO ADDRESS INSECTS AND RODENTS.
- SIGNAGE AND FENCING SHALL BE INSTALLED AND MAINTAINED WHERE NECESSARY TO PROTECT PROPERTY AND THE PUBLIC.
- CONFINED SPACE SAFETY PROCEDURES MUST BE FOLLOWED FOR MANHOLE ENTRY.
- THE OWNER SHALL KEEP AN UPDATED LOG BOOK DOCUMENTING THE PERFORMANCE OF THE REQUIRED O&M ACTIVITIES FOR PERPETUITY. LOG BOOKS MUST BE PRODUCED UPON THE REQUEST OF A MWRDGC INSPECTOR.

IN GENERAL, THE LOGBOOK SHOULD NOTE ALL INSPECTION DATES, FACILITY COMPONENTS INSPECTED, AND ANY MAINTENANCE PERFORMED AND REPAIRS MADE. ALL INSPECTIONS AND MAINTENANCE. BOTH ROUTINE AND EMERGENCY, SHOULD BE RECORDED IN THE LOGBOOK. EACH BMP-SPECIFIC O&M SHEET SHOULD SERVE AS A CHECKLIST FOR DESIGN ELEMENTS THAT REQUIRE INSPECTION, THE FREQUENCY OF INSPECTIONS, AND CONDITIONS THAT INDICATE THAT MAINTENANCE IS NEEDED.

LANDSCAPING AND TREES

ALL LANDSCAPE AREAS MUST BE MAINTAINED BY THE PROPERTY OWNER IN GOOD CONDITION. ANY DAMAGED OR DEAD TREES, SHRUBS, ORNAMENTAL GRASSES OR PERENNIALS MUST BE PROMPTLY REPLACED MAINTENANCE OF LANDSCAPED AREAS THROUGHOUT THE YEAR INCLUDES, BUT IS NOT LIMITED TO, WEEDING, TRIMMING, PRUNING, CULTIVATION, FERTILIZATION, WATERING, PEST CONTROL AND ANYTHING ELSE NECESSARY TO ENSURE HEALTHY, VIGOROUS PLANT GROWTH AND MAINTAIN THE AREA IN A SLIGHTLY CONDITION.

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TREES - LICENSED ARBORIST TO PRUNE ANNUALLY, FERTILIZE, MONITOR FOR DISEASE AND INSECT PROBLEMS, AND TREAT AS RECOMMENDED.

SHRUBS - LANDSCAPE MAINTENANCE CONTRACTOR TO MONITOR FOR DISEASE AND INSECT PROBLEMS, AND TREAT AS RECOMMENDED.

HYDRANGEA - CUT BACK TO 6" ABOVE GRADE IN SPRING. WHILE PLANTS ARE STILL DORMANT.

CORNUS - CUT BACK 1/3" OF BRANCHES TO 4" ABOVE GRADE IN SPRING, WHILE PLANTS ARE STILL DORMANT.

ORNAMENTAL GRASSES AND PERENNIALS - CUT BACK TO 3" ABOVE GRADE IN SPRING, WHILE PLANTS ARE STILL DORMANT.

VEGETABLES - FLUSH CUT OR REMOVE PLANT ENTIRELY AFTER FIRST HARD FROST.

RAINFALL TO BE SUPPLEMENTED WITH WATER FOR A TOTAL RATE OF ONE (1) INCH PER WEEK DURING THE GROWING SEASONS FOR THE FIRST THREE YEARS. SLOW RELEASE (E.G. "GATOR") BAGS ARE RECOMMENDED FOR SUPPLEMENTAL WATERING OF TREES.

ALL LANDSCAPE AREAS TO BE MAINTAINED AS PER THE ABOVE SPECIFICATION, FOLLOWING FINAL ACCEPTANCE. ALL RELATED COSTS FOR SAID MAINTENANCE TO BE PROVIDED AND PAID FOR BY THE OWNER, AS REQUIRED, OBLIGATION ASSUMED BY SUBSEQUENT OWNERS.

APPENDIX D

MWRDGC Operation and Maintenance Plan Owner's Certification Statement

Property Name: _____

Property Address: _____

As the owner(s) of the subject property, by signing this document, I/we acknowledge that I/we have received and reviewed the Operation and Maintenance Plan, dated _____ and understand its contents.

In the event that I/we were to sell this property, I/we agree to give a copy of the Plan to the new Owner(s) and this Owner's Certification Statement for signature. This signed Certification Statement must be submitted to the MWRDGC upon transfer of ownership.

I/we further agree to follow adhere to the maintenance schedule to maintain of the best management practices included stipulated in this Plan, and in the event that I were to sell this property, I/we agree to give a copy of this plan to the new owner and explain to him/her the requirements of this plan. I/we also acknowledge that if I/we do not maintain the measures as shown on this plan, upon MWRDGC inspection, I/we could be liable for a violation of the MWRDGC's Stormwater Management Ordinance.

Initial Owner(s) Printed Name

Initial Owner(s) Signature Date

Notary Public

2nd Owner(s) Printed Name

2nd Owner(s) Signature Date

Notary Public
