Watershed Management Ordinance

Public Meeting on Proposed Amendment
November 16, 2016
Agenda

- WMO Background
- Clarifications to align with administrative procedures
- Changes to the WMO
  - Volume Control
  - Flood Protection Areas
  - Miscellaneous
  - New Permit Type
- Public Comment Information
- Questions
2004: Public Act 093-1049
   - MWRDGC (the District) is the stormwater authority for Cook County
2007-2013: Development and Public Review
   - Technical Advisory Committee
   - Public Comments
   - Economic Impact Study
   - Re-draft
October 2013: Adoption
   - Officially adopted by Board of Commissioners
May 1, 2014: Effective Date
   - WMO becomes effective for Cook County
   - Projects on Existing Development Plans List (EDPL) are exempt for one year
July 10, 2014: Amendment
   - Infiltration/Inflow Control Program (Article 8) is added
May 1, 2015: EDPL Expires
   - All development now subject to WMO
**2016: Development of Proposed Amendment**
Over 75 edits to formatting, typographical errors, and references

Clarifications to align with administrative procedures

• Article 1 – Authority and Purpose:
  • No changes

• Article 2 – Applicability and General Provisions:
  • Delete reference to the Existing Development Plans List (EDPL) in § 200.4.F – The EDPL deadline expired May 1, 2015, and is no longer a valid part of the WMO
  • Move agriculture exemption from § 201.1.D(1) to § 200.4.A – Agriculture is always exempt from the WMO, not just when certain development areas are met
  • § 200.4.G through § 200.4.I – Clarify flood control and state projects still require permit for 201.2 activities, and no permit is required for District projects
  • § 201.1.D.2 – Clarify rights-of-way as “public” and remove “not part of other development”
  • § 201.2.E&F – “Existing detention” not permitted by MWRD is not subject to WMO regulation unless it’s being used for redevelopment provisions of § 505
  • § 201.2.F – “Modifications” means changes to outlet structure or storage volume
Proposed WMO Changes

• Article 3 – Permit Requirements and Submittals:
  • § 300.5 – Modify language regarding Forest Preserve District review for stormwater impacts from projects adjacent to or directly impacting their property
  • § 300.6 – Add language about limitations of permits, and modify title in § 300
  • Replace “township” with “Cook County” in § 301.1.B and § 308.9.H – Cook County is the regulating authority for development in unincorporated areas
  • Clarify in § 301 that Schedule K is not always required – Only required when the ownership interest is less than the thresholds listed in Article 5, Table 2
  • § 301.1.B(2) – Clarify stormwater portions of projects may qualify for non-Sole Permittee status, and not only those with no qualified sewer construction
  • § 309.1 – Clarify existing language that the Co-Permittee is responsible for recording the Schedule R
  • § 310.2 – Maintenance is required for compensatory storage and volume control
  • § 313.4 – Insert new language regarding the permit fee refund policy

• Article 4 – Requirements for Erosion and Sediment Control:
  • No changes
Proposed WMO Changes

• Forest Preserve District of Cook County
  • Previous language referenced a non-existent stormwater policy, so clarification on when to contact FPD was necessary.
  
  • § 300.5 modified as follows:

Co-permittees proposing work at a location adjacent to holdings or property of the Forest Preserve District of Cook County (FPD), which meets any of the conditions listed in § 300.5.A through § 300.5.D, shall contact FPD for review of the proposed work to determine stormwater impacts to FPD property and methods to reduce or eliminate any negative impacts. This requirement applies for projects consisting of any of the following:

A. Proposed work located within FPD property;
B. Direct connections to FPD infrastructure, including storm sewers located beyond FPD property;
C. Point discharges located on adjacent holdings directed onto FPD property; and
D. Transfers of upstream tributary areas onto FPD land that cause the development site hydrology to fall below eighty percent (80%) or exceed one-hundred and fifty percent (150%) of the existing conditions.
Article 5 – Requirements for Stormwater Management:
- § 503.3.A(4) – Volume control must be located outside the regulatory floodway
- § 504.13.B – For detention facilities located within the floodplain, the nearby effective “BFE” is by elevation, not delineation
- § 504.14.E(7) – Clarify “encumber” as recorded with Cook County Recorder of Deeds

Article 6 – Requirements for Flood Protection Areas:
- Remove “and elevated to at least the BFE where practicable” from § 602.5 – Local municipalities are the regulating authority for NFIP and set standards as such
- Remove “and within the area of fill specified in § 602.3.A” from § 602.9 – Compensatory storage is required in § 602.3.C, which makes this reference invalid
- Add “District required volume control” to § 602.21 – Volume control practices are prohibited in the regulatory floodway
- Remove “and that the development meets the requirements of § 605” from § 604.5 – This section indicates mitigation is not required for impacts less than 0.10 acre, and § 605 references wetland banking, a mitigation measure
- § 604.15 – Wetland mitigation is not required for impacts less than 0.10 acre, as stated in § 604.5
- § 608 – Include existing policy language indicating water quality devices are required for new or reconstructed outfalls to Lake Michigan
Proposed WMO Changes

- Article 7 – Requirements for Sewer Construction:
  - Insert protections language (similar to Articles 5 and 6) into § 700.5 – Sewer construction shall not cause any detrimental effects

- Article 8 – Infiltration/Inflow Control Program:
  - No changes

- Article 9 – Maintenance:
  - Modify § 901 to include all facilities – The WMO requires maintenance for more than just qualified sewer construction

- Article 10 – Inspections:
  - § 1000.3 – Add “in its jurisdiction” for authorized municipality inspection scope

- Articles 11 – Variances:
  - No changes

- Article 12 – Prohibited Acts, Enforcement, and Penalties:
  - No changes

- Article 13 – Appeals:
  - No changes
Proposed WMO Changes

• Article 14 – Administration:
  • § 1401.3-4 – Insert new language regarding cancellation and fee refund policy
  • § 1402.2.H – Clarify records shall be transmitted upon request, not receipt
  • § 1402.3.B – Authorized Municipalities may issue these permits, but not until receiving approval from the District

• Appendix A – Definitions:
  • Development – Add “demolition” to list of activities that are not development
  • Outfall – Clarify all public storm systems and private drainage greater than 12-inches
  • Satellite Entity – Homeowner associations and mobile home parks do not own and/or operate public sewer systems, and should not be considered satellite entities
  • Substantial Improvement – Indicate this is determined by the local NFIP regulation
  • Waterway – Add the term “channel” as a qualified water body

• Appendix C – SPO and Manual of Procedures:
  • Modify title to remove reference to the EDPL

• Appendix G – Existing Intergovernmental Agreements:
  • Add IGA with Flossmoor and Homewood/Flossmoor High School District 233
Volume Control Trading

Concept

Allowing a municipality or private owners to create an exchange within their community to trade constructed volume control credits towards new development that would otherwise need onsite volume control.
Volume Control Trading

Guidelines:

• Similar to offsite detention facility
• Provide for 1-inch over all proposed impervious area
• VC Trading facility must be permitted and inspected by MWRD
• VC Trading facility must exist or be permitted before development is approved
• Provide a maintenance agreement between all owners with interest in the offsite volume control practice(s)
• Site seeking credits must provide flow through device for water quality (tributary to a waterway) or detention (tributary to a combined sewer)
• VC Trading only allowed within boundaries of the same sub-watershed
Article 5 – Stormwater Management

- Volume Control:
  - § 503.2 – *Volume control is required when impervious area is greater than 0.10 acre, and shall be provided where practicable when less than 0.10 acre*
  - § 503.3.B – *New section on offsite volume control (volume control trading)*
    - Site constraints prevent full volume control storage onsite
    - Parcel area is less than ten (10) acres
    - Runoff not being captured by volume control practices must route to a flow-through practice for sites tributary to a waterway
    - Volume control is provided in retention based practices within the same subwatershed
  - § 503.3.C – *To apply for reduction in volume control, must demonstrate that offsite volume control practices are not available*
  - § 503.3.C.2 – *Sites tributary to a combined sewer shall provide detention for volume control storage not provided*
  - § 503.3.C.3 – *Sites tributary to a waterway shall provide flow-through practices*
Example of a Subwatershed

The “traded” offsite volume control must be located within the same subwatershed as the development site.
Article 5 – Stormwater Management

- **Volume Control**:
  - **Appendix A – New definitions**
  - **Offsite Volume Control Practice**
    - Permanent practices designed to capture, retain, and infiltrate stormwater runoff from impervious areas of a development located elsewhere in the subwatershed.
  - **Site Constraint**
    - Condition on a site that limits the use of retention-based practices, such as contaminated soils, high groundwater, wetlands, riparian environments, or floodway. New development that is considered a site constraint includes, but is not limited to, gas stations, chemical storage facilities, and conservation areas. Poor soils and proposed utility conflicts are not considered site constraints.

- **§ 503.4 – New section on build-out for future volume control**
Future Volume Control

Guidelines:

• Similar to detention
• Build-out for anticipated future development
• Provide a concept plan
• Future development will be subject to regulations in place at the time of future permit application submittal
• If excess volume control is not sufficient to meet the actual future scenario, additional volume control will be required
Proposed WMO Changes

Article 5 – Stormwater Management

• Detention:
  • Delete the onsite requirement from § 504.14.A – As long as volume control requirements are met through retention based practices, the volume control is not required to be onsite in order to qualify for offsite detention
  • Add requirement of a maintenance agreement in § 504.14.E(6) – Maintenance responsibilities for all owners with interest in the offsite detention facility

Article 6 – Flood Protection Areas

• Floodplain:
  • Clarify permit requirements to protect residential buildings from flooding in § 201.1.C – “Development of residential buildings within 100-feet of the floodplain, excluding non-substantial improvements to a single family home”
  • § 602.2-3 – Clarify elevation requirements for structures in proximity to floodplains to provide protection from flooding
  • Modify setback requirements in § 602.3.A and § 602.11.A – Follow FEMA Technical Bulletin 10-01 for fill and floodproofing
Article 6 – Flood Protection Areas

- Other Flood Protection Areas:
  - Elevating a building, per § 602.11.B-C – Fill shall be placed in layers no greater than 6-inches before compaction, and compensatory storage shall be provided.
  - § 602.27.N – Construction approved by IDNR-OWR is considered an acceptable use within the regulatory floodway.
  - § 603.6 – Provide direction for offsite wetlands that are unable to obtain a Corps jurisdiction – assume high-quality isolated wetland.
  - Exempt the first 0.10 acre of riparian area for mitigation in § 607.4 – This threshold exists for wetlands, and riparian environments are treated similarly in the WMO.
Proposed WMO Changes

Articles 7 through 14 and Appendices

• Miscellaneous Changes
  • Exempt underdrains for green infrastructure in § 701.2.H – *The WMO encourages the use of green infrastructure, and does not intend to regulate the underdrains as qualified sewer construction*
  • Create new section § 902 – *This new section provides maintenance requirements for stormwater facilities which have no Permittee (unincorporated areas)*
  • Authorized Municipalities shall ensure inspection of volume control in § 1402.2.K – *Authorized Municipalities have administrative jurisdiction over the WMO within their municipal boundary*
  • Appendix A: Accessory Structure – *Increase the acceptable area from 500 sf to 750 sf*
  • Appendix A: New definitions – *Demolition, Offsite Volume Control Practice, and Site Constraint*
  • Appendix F: Permit Fees – *Add new Earthwork/Foundation Limited Permit base fee of $2,100*
Earthwork/Foundation Limited Permit

Allows for expedited review of grading or limited foundation work prior to issuance of full WMO permit.

Earthwork/Foundation Limited Permit
WATERSHED MANAGEMENT DISTRICT
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO
111 EAST ELLIOTT STREET, CHICAGO, ILLINOIS 60611
312-752-6275

1. PROJECT INFORMATION

- Project Name:
- Street Address of Project:
- Municipality (Township, If Applicable):
- Consulting Engineer:
- Related Water Management District/Water Management Permit Number:
- Parcel Area:
- Temporary Disturbance Area:
- Project consists of: □ Earthwork Only □ Cut to Floodplain (see No. 4) □ Earthwork and Foundation Installations (see No. 1)

2. APPLICABILITY: This form may be used for limited earthwork, civil and access control installations, and foundation building placement related to developments which require a WMO Permit. The purpose of this limited permit is to expedite the review process prior to final issuance of the corresponding WMO permit. Any work conducted is to be in accordance with a full WMO permit.

3. INSPECTION FOR COMPLIANCE: Submit two copies of this permit application along with WMO Schedule 2 (Schedule B and H) and as applicable, surrounding plans and drawings, and a narrative describing the limits of construction. A full WMO permit must be obtained before work commences or within 90 days of issuance of this permit. Notice MD: 223/0/0 (Office telephone: 773/566-1651) to the authorized municipality prior to commencing any construction activities. Failure to give advance notice and make work subject to as required constitutes a violation of the Watershed Management Ordinance.

4. WATER IN THE FLOODPLAIN:

- Schedule 4 (Addendum):
- Grade/Stage/Stream:
- Foundation installation may occur in areas outside the floodplains;
- Demolition activities shall be restricted to the non-critical method as may be approved by the jurisdiction or as determined in the floodplain; lenient if the floodplains, as long as in floodplain, is protected. Contact the jurisdiction or as determined in the floodplain;
- Construction activities may occur in areas outside the floodplains;
- Foundation installation may occur in areas outside the floodplains;
- Demolition activities shall be restricted to the non-critical method as may be approved by the jurisdiction or as determined in the floodplain.

5. FOUNDATION INSTALLATION:

- Schedule 4 (Addendum):
- Foundation installation may occur in areas outside the floodplains;
- Demolition activities shall be restricted to the non-critical method as may be approved by the jurisdiction or as determined in the floodplain;
- Construction activities may occur in areas outside the floodplains;
- Foundation installation may occur in areas outside the floodplains;
- Demolition activities shall be restricted to the non-critical method as may be approved by the jurisdiction or as determined in the floodplain.

6. UPLAND/URBAN SITE:

- Material located or proposed environment:
- Yes or No
- A full WMO permit is required prior to conducting any work on or in any area in a floodplain environment. The project must be completed or altered in such area in accordance with the floodplain regulations.

7. EXPIRATION:

- This limited permit will expire on the date specified:
- This limited permit is valid for one year from the date of issuance of the limited permit, unless a full WMO permit is issued on or before the expiry date. If the limited permit is valid for one year from the date of issuance, any construction activities requiring permits beyond the expiration date will be considered non-conforming and the applicant may be subject to enforcement and penalties as set forth in Article 12 of the WMO. In this regard, an extension of this limited permit may be granted.

8. REVISIONS:

- In issuing this limited permit, the WMO has conducted all reviews and approvals required by the appropriate validation department. Any revisions necessitated by the permit or limited scope are made by the appropriate validation department. This limited permit will immediately expire. No subsequent changes will be approved.
Example #1

- Total Site: 4.5 acres
- Two buildings, parking lot, detention pond
- Permit to start grading and foundation work (yellow area)
- Temporary detention required for impervious area (blue area)
- Volume Control design provided in later permit (green dashed area)
**Example #2 (w/floodplain)**

- Total Site: 4.5 acres
- Two buildings, parking lot, detention pond
- Permit to start grading and foundation work (*yellow area*)
- No foundation work allowed in floodplain
- Temporary detention required for impervious area (*blue area*)
- Volume Control design provided in later permit (*green dashed area*)
Revised WMO Fee Schedule

New fee for Earthwork/Foundation Limited Permit ($2,100)

<table>
<thead>
<tr>
<th>APPENDIX F. PERMIT FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO THE WATERSHED MANAGEMENT ORDINANCE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WATERSHED MANAGEMENT PERMIT FEE SCHEDULE</th>
<th>Total Fee $</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION I. BASE PERMIT FEES (Does not include Section II, III, IV, and V of this form)</td>
<td></td>
</tr>
<tr>
<td>(A) Watershed Management Permit</td>
<td></td>
</tr>
<tr>
<td>(B) Earthwork/Foundation Limited Permit</td>
<td>$2,100</td>
</tr>
<tr>
<td>(C) Notification and Request For Inspection (NRI)</td>
<td>$250</td>
</tr>
<tr>
<td>(D) Facility Connection Authorization (within City of Chicago)</td>
<td>$1,000</td>
</tr>
<tr>
<td>(E) Permit Revision</td>
<td>$500</td>
</tr>
</tbody>
</table>

| SECTION II. STORMWATER DETENTION | |
|----------------------------------| |
| (A) Small Development - Residential ≤ 10 acres & Non-Residential ≤ 5 acres (Nomograph) | $500 |
| (B) Small Development - Residential ≤ 10 acres & Non-Residential ≤ 5 acres (Model) | $1,500 |
| (C) Large Development - Residential > 10 acres & Non-Residential > 5 acres (Nomograph) | $1,000 |
| (D) Large Development - Residential > 10 acres & Non-Residential > 5 acres (Model) | $3,000 |

| SECTION III. ISOLATED WETLANDS/RIPARIAN ENVIRONMENTS | |
|------------------------------------------------------| |
| (A) Verification of isolated Wetland Boundary, Classification and Buffer | $250 |
Public Comment Period

Public Comment period through March 31, 2017
• Draft Amendment is posted on WMO website (wmo.mwrd.org)
• Comment to WMOComments@mwdrd.org or mail to:

Metropolitan Water Reclamation District of Greater Chicago
Local Sewer System Section
111 East Erie Street
Chicago, Illinois 60611

Technical Guidance Manual update to follow
Dedicated WMO Website

Watershed Management Ordinance

The Watershed Management Ordinance (WMO) applies to all development within the boundaries of Cook County, Illinois, and qualified sewer construction within the District's corporate boundaries or service agreement areas. Components which are regulated under the WMO include qualified sewer construction, drainage and detention, volume control, floodplain management, isolated wetland protection, riparian environment protection, and soil erosion and sediment control. The WMO went into effect on May 1, 2014 and the District’s Board of Commissioners most recently amended the WMO on July 10, 2014. The WMO is accessible through the link below.

- [WMO](#) (As amended on July 10, 2014 meeting) (7.2 MB)
- [Draft WMO Amendment](#)

The District developed a Technical Guidance Manual (TGM), which will serve as a technical reference to the WMO. The TGM documents are accessible through the links below.

- [Technical Guidance Manual (TGM)](#) (Updated September 2015)
- [Appendix C, Standard Details & Notes](#) (Updated July 2015)

Permit Resources:
- [WMO Permit Application Forms and Fees](#)
- [Permit Flow Charts](#)
- [Permit Checklists](#)
- [Information Pamphlets for Developers and Homeowners](#)
- [WMO Design Calculators](#)
- [WMO Model Templates](#)
- [Authorized Municipalities and Multi-County Municipalities](#)

Other Resources:
- [Watershed Management Ordinance: Short Summary](#)
- [Permit Inquiries (Request Copies of Issued Permits)](#)
- [Permit Revision Information](#)
- [Frequently Asked Questions (FAQs)](#)
- [Presentations](#)

wmo.mwrd.org
### Public Comment Period

**Additional public meetings will be held:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jan. 18, 2017</strong></td>
<td>Poplar Creek and Upper Salt Creek WPC</td>
<td>10:30am</td>
<td>Prairie Center for the Arts 201 Schaumburg Court Schaumburg, IL</td>
</tr>
<tr>
<td><strong>Jan. 31, 2017</strong></td>
<td>Cal-Sag Channel WPC</td>
<td>6:00pm</td>
<td>Bedford Park Village Hall 6701 South Archer Road Bedford Park, IL</td>
</tr>
<tr>
<td><strong>Feb. 9, 2017</strong></td>
<td>Little Calumet River WPC</td>
<td>6:00pm</td>
<td>South Suburban Mayors and Managers Office 1904 W. 174th Street East Hazel Crest, IL</td>
</tr>
<tr>
<td><strong>Feb. 16, 2017</strong></td>
<td>Lower Des Plaines River Tributaries WPC</td>
<td>10:00am</td>
<td>Northlake City Hall 55 E. North Avenue Northlake, IL</td>
</tr>
<tr>
<td><strong>Mar. 7, 2017</strong></td>
<td>North Branch of the Chicago River WPC</td>
<td>10:00am</td>
<td>Lincolnwood Village Hall 6900 N. Lincoln Avenue Lincolnwood, IL</td>
</tr>
</tbody>
</table>
Thank You

Please submit all comments to WMOComments@mwrd.org

Metropolitan Water Reclamation District of Greater Chicago
100 E. Erie Street
Chicago, Illinois