

ARTICLE 14: ADMINISTRATION

The purpose of this article is to provide guidance on the responsibilities of both the **District** and an **authorized municipality** for the enforcement of the regulations contained in the WMO. This article outlines the procedures and requirements for **municipalities** to be granted the authority to administer certain aspects of the WMO within their corporate boundaries. This article also provides clarification on the role of the **District** and the **authorized municipality** for issuing **Watershed Management Permits** for various types of **developments**, performing inspections, maintaining records, and resolving violations of the WMO.

§1400 Responsibility for Administration

The **District** has the authority and responsibility for administering the regulations contained in the WMO. Although **authorized municipalities** have the ability to issue certain **Watershed Management Permits** within their corporate boundaries, the **District** will oversee all **municipalities** within its jurisdiction to ensure compliance with the WMO.

§1401 Role of the District

As contained in §1401 of the WMO, the role of the **District** in the administration of the WMO includes the following:

- A. Supervising the execution of the WMO;
- B. Reviewing and issuing **Watershed Management Permits**;
- C. Developing and maintaining the **TGM**, which will serve as a companion reference to the WMO;
- D. Notifying **Cook County** governmental agencies, **municipalities**, **authorized municipalities**, **FEMA**, **OWR**, **Corps**, and **IEPA** of any amendments to the WMO;
- E. Providing inspections to ensure proper compliance with the WMO;
- F. Investigating complaints of violations of the WMO;
- G. Granting **variances**;
- H. Enforcing the WMO;
- I. Hearing appeals;
- J. Advising, consulting with, and cooperating with other governmental entities to promote the purposes of the WMO; and
- K. Supervising **authorized municipalities**.

Note: All bold terms contained in this document are defined terms in the WMO. Refer to Appendix A of the WMO or the TGM for the definition of each bold term.

Additionally, the **District** will timely review **Watershed Management Permit** applications and respond within:

- A. Fifteen (15) working days of an initial submittal for **developments** not involving **flood protection areas**;
- B. Thirty (30) working days of an initial submittal for **developments** involving **flood protection areas**; and
- C. Ten (10) working days of a resubmittal.

§1402 Role of an Authorized Municipality

Article 14 of the WMO allows local **municipalities** to become authorized to administer certain aspects of the WMO. Such **municipalities** are referred to as **authorized municipalities**. Referring to §201.2 of the WMO, there are certain **development** activities for which an **authorized municipality** does not have authority to issue a **Watershed Management Permit**. The **Watershed Management Permit** must have **District** approval prior to issuance for the following **developments**:

- **Development** that involves modification to the drainage system of a previously permitted **detention facility**;
- **Development** proposing reconfiguration of existing **major** or **minor stormwater systems** which alters the service area of a permitted or **existing detention facility**;
- Any **development** that is considered **qualified sewer construction**;
- **Development** that involves a sewer or connection to **District** sewers, reservoirs, facilities, interceptors, or **TARP structures**;
- **Development** that involves the modification of a new drainage system or **outfall** to a **waterway** or Lake Michigan;
- **Development** discharging **stormwater** directly to **District** property; and
- **Non-residential development** on septic systems or private treatment systems proposing a connection to a **sanitary sewer** (tributary to a **District** facility).

Additionally, **authorized municipalities** may not issue permits for projects located in a **combined sewer area** or for their own projects.

An **authorized municipality** has the authority to issue a **Watershed Management Permit** for the following types of **development** activities:

- **Development** where the land disturbance is greater than 0.5 acres;

- **Development** within a **flood protection area**;
- **Development** involving an **indirect wetland impact**; and
- **Development** that constitutes a **substantial improvement** to a **structure** in the **floodplain**.

When a new application is submitted, the **authorized municipality** should complete a *WMO Authorized Municipality Permit Form* and send it to the **District** to obtain an MWRD **Watershed Management Permit** number for the project. The MWRD **Watershed Management Permit** number should be included on all documentation associated with each **Watershed Management Permit** application.

In addition to issuing **Watershed Management Permits** to certain types of **development**, the **authorized municipality** will also be responsible for:

- Providing all inspections that are necessary to ensure compliance with the WMO;
- Investigating complaints of violations; and
- Advising, consulting with, and cooperating with other governmental entities to promote the purposes of the WMO.

Qualifications for Authorized Municipality

For a community to qualify as an **authorized municipality**, it must meet the following requirements:

- A. Have legal authority to perform all requirements of an **authorized municipality** as specified in the WMO;
- B. Adopt the WMO, including all amendments, by reference;
- C. Participate in the **NFIP**;
- D. Have the ability to review and issue **Watershed Management Permits** for **development** activities in **separate sewer areas** listed in §201.1 of the WMO and within its corporate boundaries in conformance with the WMO;
- E. Employ or retain by contract, adequate staff for all of the following positions:
 - 1) An **Enforcement Officer**;
 - 2) **Professional Engineer(s)**; and
 - 3) **Wetland Specialist(s)**;

- F. Conduct timely reviews of **Watershed Management Permit** applications and respond within:
- 1) Fifteen (15) working days of an initial submittal for **developments** not involving **flood protection areas**;
 - 2) Thirty (30) working days of an initial submittal for **developments** involving **flood protection areas**; and
 - 3) Ten (10) working days of a resubmittal;
- G. Maintain all of the following records;
- 1) **Watershed Management Permits**;
 - 2) **Record drawings**;
 - 3) **Structure** improvement data;
 - 4) **Elevation certificates**;
 - 5) **Wetland mitigation** bank credits;
 - 6) **Base flood** data and **base flood** maps; and
 - 7) **LOMC, LOMR**;
- H. Transmit all records specified in §1402.2.G of the WMO to the **District** within ten (10) calendar days of request;
- I. Issue **Watershed Management Permits** for **development** activities listed in §201.1 of the WMO within its corporate boundaries in conformance with the WMO;
- J. Inspect the construction of all **developments** which require a **Watershed Management Permit** from the **authorized municipality**;
- K. Notify the **District** promptly for any violation within the **authorized municipality**;
- L. Issue local stop work orders for all violations, when appropriate; and
- M. Establish **Watershed Management Permit** fees for **Watershed Management Permits** reviewed and issued by the **authorized municipality**.

In addition to the record keeping requirements noted above, the **Enforcement Officer** of an **authorized municipality** must complete the Annual Permit Summary Report each calendar year. The purpose of this report is to provide an inventory of all **developments** permitted within the **authorized municipality**, the status of the projects (pre-construction, during construction, and post-construction), as well as the permitting components of the project.

The annual report must be completed each calendar year by the following March 31, and should describe all **development** activities that have taken place during the previous year. The

form is available on-line through the **District's** website at: wmo.mwrd.org.

§1403 Procedure for Authorization

A **municipality** may become authorized at any point in time. To become authorized, the **municipality** must complete the following three steps:

- 1) Submit a letter of intent (with supporting documentation) to the **District** to become an **authorized municipality**. Also provide contact information for the **Enforcement Officer, Professional Engineer, and Wetland Specialist** for the **municipality**;
- 2) Adopt the WMO by reference; and
- 3) Enter into intergovernmental agreement with the **District**.

Letter of Intent

Municipalities interested in authorization must first submit a letter of intent to the **District**. A sample letter of intent is provided as Figure 14.1 and is also available on-line through the **District's** website at: wmo.mwrd.org. The letter of intent must be submitted to the **District's Director of Engineering** at the following address:

Director of Engineering
Metropolitan Water Reclamation District of Greater Chicago
100 E. Erie Street
Chicago, IL 60611

As shown in Figure 14.1, supporting documentation is required in addition to the letter of intent. This supporting documentation includes:

- A. A statement of intent to adopt the WMO by reference;
- B. A legal opinion indicating the **authorized municipality** has legal authority to perform all obligations required by the WMO including:
 - 1) The regulation of **erosion** and **sediment** control, **stormwater** management, **floodplains, isolated wetlands, and riparian environments**;
 - 2) The ability to conduct inspections;
 - 3) The issuance of **Watershed Management Permits**;
 - 4) The enforcement of the WMO; and
 - 5) The ability to enter into an intergovernmental agreement with the **District**.

For a legal opinion, the **municipality** should contact the municipal attorney.

- C. A verified statement of financial capability to perform and adequately fund the obligations of the **authorized municipality**. This should be a letter from the community's chief financial officer (CFO) or budget officer that includes relevant excerpts from the municipal budget to show that it has the financial resources to hire/retain an **Enforcement Officer, Professional Engineer, and Wetland Specialist**;
- D. Designation of an **Enforcement Officer**;
- E. An implementation plan, which should include the estimated permit load, proposed staffing, the addressee of permit submittals, and estimated review turnaround time; and
- F. Proposed staffing (**Enforcement Officer, Professional Engineer, and Wetland Specialist**).

Intergovernmental Agreement

An executed intergovernmental agreement between the **municipality** and the **District** will effectuate the **municipality's** status as an **authorized municipality**. The **District** will create the initial intergovernmental agreement and forward it to the **municipality** for review and execution. A sample intergovernmental agreement is available on-line through the **District's** website at: wmo.mwrd.org.

The intergovernmental agreement between the **District** and the **authorized municipality** shall remain effective unless terminated. The **authorized municipality** may terminate the intergovernmental agreement at any time, as long as a 60 day written notice is provided by the **municipality**.

Contact Information

As described in the letter of intent, the **municipality** must provide information on the proposed staff that will be responsible for enforcing the WMO. The **municipality** must provide contact information for the **Enforcement Officer, Professional Engineer, and Wetland Specialist** that will handle the review responsibilities on behalf of the community. A template for the contact information sheet is shown as Figure 14.2 and is available on the **District's** website at: wmo.mwrd.org.

Month XX, Year

Mr./Ms. _____
 Director of Engineering
 Metropolitan Water Reclamation District of Greater Chicago
 100 E. Erie Street
 Chicago, Illinois 60611

Dear Mr./Ms. _____:

Subject: Intent to become an authorized municipality to administer the Watershed Management Ordinance

The Town/City/Village of _____ (“municipality”) intends to become authorized to adopt and administer the Watershed Management Ordinance (“WMO”) to the extent allowed by Article 14 of that ordinance.

The municipality designates Mr./Ms. _____ as the municipality’s enforcement officer. All correspondence should be directed to Mr./Ms. _____’s attention at the following address:

Street Address
 City, State ZIP

Please find the following documents enclosed in support of this letter of intent.

1. Legal Opinion indicating the municipality has legal authority to perform all obligations required by the WMO, including:
 - a. Regulating erosion and sediment control, stormwater management, floodplains, isolated wetlands, and riparian environments;
 - b. Conducting inspections on private property;
 - c. Issuing watershed management permits;
 - d. Administering the WMO; and
 - e. Entering into an intergovernmental agreement with the District.
2. A verified statement of financial capacity to perform and adequately fund the municipality’s obligations related to the administration of the WMO as set forth in Article 14 of that ordinance.
3. An implementation plan, with an estimate of permit load and available review staff.
4. Schedule of Permit Fees.
5. An exhibit delineating the corporate limits of the municipality for the purposes of administering the WMO. Note that areas within the limits of the Combined Sewer Area Limits cannot be locally administered.
6. Contact information sheet.

Please contact the municipality’s enforcement officer at (XXX) XXX-XXXX if you require further information.

Very truly yours,

Municipal Executive

Figure 14.1. Template Letter of Intent to Become an Authorized Municipality

Contact Information Sheet
The Town/City/Village of _____ intends to become authorized to administer the Cook County Watershed Management Ordinance. Below is contact information for the Town's/City's/Villages's Enforcement Officer, Professional Engineer, and Wetland Specialist.
Enforcement Officer NAME: _____ TITLE: _____ ORGANIZATION: _____ STREET ADDRESS: _____ CITY, STATE, ZIP: _____ PHONE: _____ FAX: _____ EMAIL: _____
Professional Engineer NAME: _____, P.E. TITLE: _____ ORGANIZATION: _____ STREET ADDRESS: _____ CITY, STATE, ZIP: _____ PHONE: _____ FAX: _____ EMAIL: _____
Wetland Specialist NAME: _____ TITLE: _____ ORGANIZATION: _____ STREET ADDRESS: _____ CITY, STATE, ZIP: _____ PHONE: _____ FAX: _____ EMAIL: _____

Figure 14.2. Contact Information Form

Enforcement Officer

In **authorized municipalities**, the **Enforcement Officer** is responsible for the administration and enforcement of the WMO. The primary responsibility of the **Enforcement Officer** is to review **Watershed Management Permit** applications and issue **Watershed Management Permits** for proposed **developments**. Specific duties of the **Enforcement Officer** include the following:

- For each **Watershed Management Permit** application, determine whether the proposed **development** is located within the **regulatory floodplain** or **floodway**;
- Determine and solicit **District** review, as applicable;
- Review all plans, calculations, and analyses submitted as part of a **Watershed Management Permit** application;

- Verify that all required local, State, and federal permits have been obtained prior to issuance of a **Watershed Management Permit**;
- Issue the **Watershed Management Permit** (applicable **District** approval must be received prior to issuance);
- Review all proposed **Letters of Map Change (LOMC)** requests on behalf of the **municipality** and submit reports as required by the **National Flood Insurance Program (NFIP)**;
- Periodically inspect the **development** before, during, and post-construction to ensure it is in compliance with the regulations of the WMO;
- Verify that the **development** has been constructed and maintained according to the permitted plans;
- Issue stop-work orders for non-compliant **developments** and investigate/remedy complaints of violations; and
- Maintain records of all **Watershed Management Permit** applications, issued permits, hydrologic and hydraulic analyses, inspection records, violations and other enforcement actions, **LOMC** information, **record drawings**, etc.

Professional Engineer

A **Professional Engineer** is an individual licensed by the State of Illinois to practice engineering and is responsible for the review of any plans, calculations, or analyses submitted by a **Professional Engineer** pursuant to the requirements of the WMO. As contained in the intergovernmental agreement between the **District** and an **authorized municipality**, the **Professional Engineer** should avoid possible conflicts of interest to perform work or provide services related to, or arising out of, the **municipality's** administration of the WMO.

Wetland Specialist

A **wetland specialist** is a **person** who is skilled in the art and science of delineating, identifying, and accessing **wetlands**. The **wetland specialist** is responsible for the review of all delineation reports, impacts, mitigation plans, and other documentation related to **wetlands**, buffers, and **riparian environments**. To qualify as a **wetland specialist**, a **person** must meet the requirements of A, B, C, or D below:

- A. Certified as an Environmental Scientist in DuPage County or a Certified **Wetland Specialist (CWS)** in Lake County;
- B. Professional **Wetland** Scientist certification by the Society of **Wetland** Scientists (SWS);
- C. Minimum of a bachelor's degree in a biologic science or earth science and at least one of the following:
 - 1) Three (3) years cumulative (full-time) **wetlands** experience in the Upper Midwest

- Region on **wetland**-related projects; or
- 2) Completion of at least 100 **wetland** delineation projects in the Upper Midwest Region;
- D. Six (6) years cumulative (full-time) **wetlands** experience in the Upper Midwest Region on **wetland**-related projects without a degree type noted above.

§1404 District Oversight of Authorized Municipalities

Although **authorized municipalities** are delegated the authority to issue certain types of **Watershed Management Permits** within their corporate boundaries, the **District** retains the authority to oversee the enforcement of the WMO in all communities within its jurisdiction. The **District** has the authority to inspect any **development** within an **authorized municipality** and may, at any time, audit an **authorized municipality**. As specified in §1404.2 of the WMO, during an audit, the **District** may:

- A. Inspect and copy pertinent records kept by an **authorized municipality**;
- B. Inspect **Watershed Management Permits** issued by an **authorized municipality**;
- C. Meet with staff of an **authorized municipality**;
- D. Conduct field inspections of **developments** permitted by an **authorized municipality**;
- E. Request and copy financial records of the **authorized municipality**;
- F. Verify that an **authorized municipality** complies with all requirements listed in §1402.2 of the WMO; and
- G. Verify that an **authorized municipality** does not violate any provision listed in §1402.3 of the WMO.

Following a **development** inspection or audit in an **authorized municipality**, the **Director of Engineering** shall promptly notify an **authorized municipality** of any of the following deficiencies:

- A. Failure to comply with any provision of §1402.2 of the WMO;
- B. Violation of any provision of §1402.3 of the WMO; or
- C. Breach of the intergovernmental agreement.

An **authorized municipality** shall remedy any deficiency listed in §1404.4 of the WMO within thirty (30) calendar days of notice of the deficiency. In cases where a deficiency cannot be remedied within thirty days, the **Director of Engineering** may grant an extension.

The **Director of Engineering** may either suspend or terminate a **municipality's** status as an **authorized municipality** if the **municipality** fails to remedy a violation in accordance with

§1404.4 of the WMO. If a **municipality's** status as an **authorized municipality** is either suspended or terminated, the **municipality** may petition the **Director of Engineering** for reauthorization after all deficiencies are remedied.

Resources for Authorized Municipalities

The **District** has developed A Guide for Authorized Municipalities and numerous other resources that provide additional guidance for administering WMO permits. These resources include:

- *Erosion Control Inspection Form;*
- *Wetland Inspection Form;*
- *Post-Construction Inspection Form;*
- *WMO Authorized Municipality Permit Form;*
- WMO Minimum Permit Submittal Checklist;
- Sample Information Sheet;
- Request for Inspection (RFI) form; and
- Annual Permit Summary Report.

These resources are available under the *Resources for Authorized Municipalities* link on the **District's** website at: wmo.mwrd.org.