

SUMMARY OF PROPOSED AMENDMENTS TO THE WMO

The Metropolitan Water Reclamation District of Greater Chicago (District) is proposing changes to the Watershed Management Ordinance (WMO), based on comments and suggestions from the Technical Advisory Committee, municipalities, and design engineers. A summary of the substantial changes, by Article, is provided below. Non-substantive changes include language modifications to provide consistency throughout the document and removing redundant language.

Article 2 – Applicability and General Provisions

Revisions to Article 2 include requiring a WMO permit for activities with a direct wetland impact and changing the completion date of Article 208 Studies from May 2022 to May 2025. This date change was approved by the Board at the Board meeting on November 7, 2019.

Article 3 – Watershed Management Permit Requirements and Submittals

Revisions to Article 3 include adding specific plan sheet requirements, clarifying certification and recordation requirements, and clarifying that WMO applications must be signed by a P.E. as specified. A new provision will allow MWRD Permit review for projects involving wetlands to proceed if a Corps Jurisdictional Determination (JD) letter is not received within 90 days of Corps application and a letter from a Qualified Wetland Specialist is submitted with the WMO permit application. A new Wetland/Riparian Environment Verification Form will be available (for a \$750 fee) to applicants who wish to receive verification of wetlands prior to submitting a full WMO permit application. The following language is updated: Cook County Clerk's Recordings Division replaces Cook County Recorder of Deeds and Illinois Department of Natural Resources, Office of Water Resources IDNR-OWR replaces OWR.

Article 5 – Requirements for Stormwater Management

Volume Control Provisions: This revision will allow the area of any new permeable pavement that replaces conventional pavement in offsite retention-based practices to be considered the impervious area mitigated by the retention-based practice.

Detention Provisions: This revision limits the conditions under which a no adverse impact analysis may be used to determine the actual release rate from a detention facility to which upstream bypass flow has been routed.

Article 6 – Requirements for Flood Protection Areas

Floodplain Provisions: Revisions include allowing dry flood-proofing of non-residential buildings in lieu of elevation to the Flood Protection Elevation and clarifying language that development and Letter of Map Revision based on fill must comply with NFIP ordinance requirements and Technical Bulletin 10 regulations after floodproofing. Clarification includes language that Zone A floodplain studies must be based on models in §601.6 and the Technical Guidance Manual.

Wetland Provisions: Revisions include specifying wetland conditions for MWRD permit applicants that do not receive a Corps JD letter within 90 days of Corps application and exempting isolated wetlands from wetland requirements if the isolated wetlands were previously authorized to be filled under a currently valid JD letter and were mitigated for in full under a previous project but remain unfilled.

Article 11 – Variances

The revision to Article 11 updates the language by utilizing Illinois Department of Natural Resources, Office of Water Resources IDNR-OWR as a replacement for OWR.

Article 14 - Administration

The revision to Article 14 updates the language by utilizing Illinois Department of Natural Resources, Office of Water Resources IDNR-OWR as a replacement for OWR.

Appendix A - Definitions

Revisions to Appendix A include new definitions for “direct wetland impact”, “dry floodproofing”, “permanent wetland impact”, “temporary wetland impact”, “wet floodproofing”, and “IDNR-OWR”. Clarifications were made to the following definitions: “accessory structure”, “floodproof or floodproofing”, “indirect wetland impact”, “open space”, and “OWR”.

Appendix F – Permit Fees to the Watershed Management Ordinance

The revision to Appendix F is the addition of a \$750 fee for the new Wetland/riparian Environment Verification Form.