



# Metropolitan Water Reclamation District of Greater Chicago

## Watershed Management Ordinance (WMO) Presentation for Public Training Session on WMO Amendment – Effective April 7, 2022

*Presented by*

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Local Sewer Systems Section



# WMO Minor Modifications

- “Cook County Recorder of Deeds” replaces “Cook County Clerk’s Recordings Division”
- Define “IDNR-OWR” acronym; “IDNR-OWR” replaces “OWR”
- FEMA Technical Bulletin 10 replaces FEMA Technical Bulletin 10-01
- § 208.1 Pilot Study completion date changes from May 2022 to May 2025
- Section numbering updates as necessary



# Major WMO Changes



## Flood Protection Areas

- ***Wetlands***

- New terminology for projects involving and/or impacting wetlands
- WMO permit required for activities with a direct wetland impact
- New provision for reviewing wetland projects if Corps Jurisdictional Determination Letter is not received within 90 days of the Corps application
- New isolated wetland exemption
- New Wetland/Riparian Environment Verification Form (\$750 fee)

- ***Floodplains***

- Dry floodproofing of non-residential buildings allowed in lieu of elevating to the Flood Protection Elevation (BFE + 2 feet)
- Projects that obtain a Letter of Map Revision Based on Fill (LOMR-F) must maintain compliance with Technical Bulletin 10 issued by FEMA

## Stormwater Management

- ***Volume Control***

- For offsite retention-based practices, new permeable pavement that replaces conventional pavement may be considered are area mitigated by the practice

- ***Detention***

- Limitation on 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



# WMO Permit Submittal Requirements

## ➤ § 307.1 Requirement for recording Exhibit R removed

- Previous Language: Applicants should record both Schedule R and Exhibit R with Cook County
- However, Exhibit R may change with permit revisions and/or new permits
- Maintenance and Monitoring Plan Sheet will replace Exhibit R and is required with WMO permit application

## ➤ New Language: Schedule R must still be recorded and will reference the “Maintenance and Monitoring plan”, found in MWRD permit records

- § 303.4 requirements that currently apply to Exhibit R will apply to the Maintenance and Monitoring plan



# Flood Protection Areas - Wetlands

## ➤ § 302.2.D(2)(c) – Alternative to providing a Corps JD letter

- U.S. Army Corps (Corps) jurisdictional determination (JD) letters used to determine if a wetland is isolated or Corps-jurisdictional

### IF:

- Corps JD (or documentation from Corps) not received within 90 days, and
- The wetland is not being impacted

### Then:

- Applicant may submit a statement of opinion from a qualified wetland specialist in lieu of Corps JD letter
- How statement of opinion will be applied: **New § 603.4**



# Flood Protection Areas - Wetlands

## ➤ New § 603.4

Scenarios without Corps JD*	Treat Wetland As:	Submission Requirements
<ul style="list-style-type: none"> <li>Corps Section 404 permit required</li> </ul>	Corps-Jurisdictional	<ul style="list-style-type: none"> <li>Submit Section 404 permit application</li> </ul>
<ul style="list-style-type: none"> <li>Applicant presumes Corps-jurisdictional wetland</li> <li>Corps Section 404 permit not required</li> </ul>	Isolated**	<ul style="list-style-type: none"> <li>Submit Schedule W and Wetlands Report</li> <li>Wetland Delineation required</li> <li>§603 &amp; §604 wetland buffer rules apply</li> <li>WMO permit may be issued</li> </ul>
<ul style="list-style-type: none"> <li>Applicant presumes isolated wetland</li> <li>MWRD presumes isolated wetland</li> <li>No wetland impacts</li> </ul>	Isolated	
<ul style="list-style-type: none"> <li>Applicant and MWRD cannot concur on whether isolated wetland</li> </ul>	Isolated (by applicant request) -or- Applicant may choose to await JD	<ul style="list-style-type: none"> <li>Submit Schedule W and Wetlands Report</li> <li>Wetland Delineation required</li> <li>§603 &amp; §604 wetland buffer rules apply</li> <li>WMO permit may be issued</li> <li>❖ Applicant assumes responsibility for any/all Corps approvals</li> </ul>

\* A Corps JD supersedes any opinion from the applicant or MWRD

\*\* If a Corps JD is submitted prior to permit issuance, the JD supersedes the statement of opinion



# Flood Protection Areas - Wetlands

## Isolated Wetland Exemption

- **New § 603.7.F - Isolated wetlands that have already been fully mitigated**
  - Authorized for fill by Corps/MWRD and mitigated in full
  - However, never completely filled (project cancelled, etc.)
  - If an isolated wetland, then it is exempt from additional WMO wetland requirements
  - If a Corps jurisdictional wetland, then a valid (unexpired) Corps jurisdictional determination (JD) letter is required



# Flood Protection Areas

## New Wetland/Riparian Environment Verification Form

### ➤ New Wetland/Riparian Environment Verification Form

- Allows applicants to receive MWRD concurrence on wetland and/or riparian environment delineation during preliminary design
- WMO permit applications are not intended for preliminary designs
- Previously, applicants would need to submit a full WMO permit application
- New form creates a separate process, similar to what is available in collar counties
- New form is only for wetland/riparian environment verification; not for proposing/approving development
- Appendix F – New \$750 non-refundable fee added for the form
- No Licensed P.E. or Village permittee is needed
- Verification approval letter is valid for 5 years
- § 302.2.D(7) – Once the form is approved by either the District or an Authorized Municipality, it can be submitted with future WMO permit applications





# Flood Protection Areas New Wetland/Riparian Environment Verification Form

WMO Verification Number: \_\_\_\_\_



## WETLAND / RIPARIAN ENVIRONMENT VERIFICATION

### METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

111 EAST ERIE STREET, CHICAGO, IL 60611  
MWRD.org/wmo

#### INSTRUCTIONS FOR COMPLETING VERIFICATION FORM

This form may only be used for verification of wetlands and/or riparian environments. No work is authorized by this verification approval. Prior to conducting any work, an approved WMO permit must be obtained. Verification approval is valid for a period of five (5) years from the approval date. Submit a \$750 non-refundable fee with this verification.

#### NAME AND LOCATION OF PROJECT

Name of Project (as shown on plans): \_\_\_\_\_

Location of Project (address or with respect to two major streets): \_\_\_\_\_

Municipality (Township, if unincorporated): \_\_\_\_\_

PINs (include all, use additional sheet if necessary): \_\_\_\_\_

#### 1. WETLAND VERIFICATION: Per §603.3 of the WMO, an onsite wetland delineation is required.

A. Submit each of the following documents for all onsite and offsite wetlands. The Agricultural Land submittal is not required if the land has not been farmed within the last five (5) years.

- |                                                                   |                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Wetland Narrative                                              | 5. For Agricultural Land <sup>b</sup> , National Resources Conservation Service (NRCS) Certified Wetland Determination (within last 5 years) or Farmed Wetland Determination Report by a Wetland Specialist using NRCS procedures |
| 2. Aerial Photo with Wetland Boundary flagged/staked <sup>a</sup> |                                                                                                                                                                                                                                   |
| 3. Wetland Delineation Report from a Wetland Specialist           |                                                                                                                                                                                                                                   |
| 4. Correspondence from the U.S. Army Corps of Engineers           |                                                                                                                                                                                                                                   |

<sup>a</sup> The District can only verify isolated wetlands/waters boundaries. *Waters of the U.S.* boundaries must be verified by the Corps.

<sup>b</sup> "Agricultural Land" is land that has been farmed at least one (1) year within the last five (5) years.



# Flood Protection Areas New Wetland/Riparian Environment Verification Form

B. Use the table below to identify the boundaries, extent, function, and quality of all wetlands to be verified.

WETLAND 1			WETLAND 2			WETLAND 3			WETLAND 4		
Onsite	Offsite	Both	Onsite	Offsite	Both	Onsite	Offsite	Both	Onsite	Offsite	Both
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Size: _____ acres			Size: _____ acres			Size: _____ acres			Size: _____ acres		
Is the wetland exempt from §603.7 requirements? <input type="checkbox"/> YES <input type="checkbox"/> NO			Is the wetland exempt from §603.7 requirements? <input type="checkbox"/> YES <input type="checkbox"/> NO			Is the wetland exempt from §603.7 requirements? <input type="checkbox"/> YES <input type="checkbox"/> NO			Is the wetland exempt from §603.7 requirements? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Is the wetland assumed to be Corps Jurisdictional? <input type="checkbox"/> YES <input type="checkbox"/> NO			Is the wetland assumed to be Corps Jurisdictional? <input type="checkbox"/> YES <input type="checkbox"/> NO			Is the wetland assumed to be Corps Jurisdictional? <input type="checkbox"/> YES <input type="checkbox"/> NO			Is the wetland assumed to be Corps Jurisdictional? <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>High Quality</b> <input type="checkbox"/>	<b>Standard Quality</b> <input type="checkbox"/>		<b>High Quality</b> <input type="checkbox"/>	<b>Standard Quality</b> <input type="checkbox"/>		<b>High Quality</b> <input type="checkbox"/>	<b>Standard Quality</b> <input type="checkbox"/>		<b>High Quality</b> <input type="checkbox"/>	<b>Standard Quality</b> <input type="checkbox"/>	

C. If a Corps Jurisdictional Determination (Corps JD) had not been obtained, describe the status of the Corps JD, including the submission date, if applicable (e.g., JD applied for on 3/1/2021, awaiting response):

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### DISTRICT or AUTHORIZED MUNICIPALITY USE ONLY

Application Received: \_\_\_\_\_ Permit Issued: \_\_\_\_\_ Watershed: \_\_\_\_\_

PERMIT ISSUED BY:     DISTRICT     Authorized Municipality



# Flood Protection Areas New Wetland/Riparian Environment Verification Form

## WETLAND / RIPARIAN ENVIRONMENT VERIFICATION

WMO Verification Number: \_\_\_\_\_

### 2. RIPARIAN ENVIRONMENT VERIFICATION:

A. Submit each of the following documents for all onsite and offsite wetlands.

1. Riparian Environment Narrative, including the function of the Riparian Environment described in §606.1
2. Aerial Photo with Riparian Environment Boundary flagged/staked<sup>a</sup>
3. Correspondence from the U.S. Army Corps of Engineers

<sup>a</sup> The District can only verify isolated wetlands/waters boundaries. *Waters of the U.S.* boundaries must be verified by the Corps.

B. Use the table below to identify the stream classification and location of the Riparian Environment to be verified.

RIPARIAN ENVIRONMENT 1					RIPARIAN ENVIRONMENT 2					
<u>Stream Classification</u>					<u>Stream Classification</u>					
<u>BSC</u>					<u>BSS</u>					
A	B	C	D	E	A	B	C	A	B	C
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Riparian Environment Boundary Location</u>					<u>Riparian Environment Boundary Location</u>					
30 ft from OHWM		50 ft from OHWM		100 ft from OHWM	30 ft from OHWM		50 ft from OHWM		100 ft from OHWM	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	



# Flood Protection Areas New Wetland/Riparian Environment Verification Form

### 3. CERTIFICATE BY WETLAND SPECIALIST

I hereby certify that the wetland, wetland buffer, and/or riparian environment submittals along with any supporting documentation regarding the aforementioned project described herein have been reviewed by me and is accurate representation of the current conditions.

**Wetland Specialist:** \_\_\_\_\_ **Email:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Company/Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### 4. REQUESTOR OF WETLAND / RIPARIAN ENVIRONMENT VERIFICATION (IF NOT PROPERTY OWNER)

**Requestor:** \_\_\_\_\_ **Email:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Company/Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### 5. CERTIFICATE BY PROPERTY OWNER

By signing below, I am stating that all information provided is correct and has not been altered according to my knowledge. Furthermore, I hereby grant the District and/or their agents right-of-access to the subject property for the purpose of performing the requested wetland, wetland boundary, and/or riparian environment boundary verification. The property owner or their agent is responsible for obtaining right-of-access approvals for the District and/or their agents for any offsite wetlands.

**Property Owner:** \_\_\_\_\_ **Email:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Company/Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**REVIEW AND APPROVAL BY THE DISTRICT OR AUTHORIZED MUNICIPALITY**



# Flood Protection Areas - Wetlands

## ➤ Permit required for direct wetland impacts

### Direct Wetland Impact

Any activity within a **wetland** that involves ground disturbance or damage to the root system of vegetation over an area greater than or equal to 0.10 acre and that affects the functions of the **wetland**, as listed under §603.1 of this ordinance. **Direct wetland impact** includes **temporary wetland impacts** and **permanent wetland impacts**. **Direct wetland impact** does not include activities for the conservation, restoration, or enhancement of **wetland** functions, or access through **wetlands** using low ground pressure equipment and/or access matting when ground disturbances caused by such access are restored to original grades and overseeded with native vegetation. [*Compare direct wetland impact with indirect wetland impact.*]

### Temporary Wetland Impact

A **direct wetland impact** that would result in a short-term loss of wetland function. Temporary wetland impacts do not result in a permanent conversion of wetland to non-wetland. Temporary impacts do not include relocation of wetland, or conversion of a vegetated community to open water, unless the conversion is part of an overall wetland conservation, restoration, enhancement, or creation program that is submitted for review and approved. Additionally, for the impact to be considered temporary, wetland soil profiles shall be able to be restored to a similar pre-disturbance condition and elevation, vegetative communities shall have the capability of being restored to the same or higher quality, function; and the restoration must occur within one year of the disturbance. [*Compare permanent wetland impact with temporary wetland impact.*]

### Permanent Wetland Impact

The permanent conversion of wetland area to non-wetland area or permanent modification of wetland hydrology through **direct wetland impact** or **indirect wetland impact**. [*Compare permanent wetland impact with temporary wetland impact.*]



# Flood Protection Areas - Floodplains

## ➤ Floodproofing of structures

- Non-residential structures may be dry floodproofed instead of elevating to the Flood Protection Elevation:  
(FPE = BFE + 2 feet)
- Projects with a LOMR-F still need to demonstrate *that they are reasonably safe from flooding and comply with FEMA Technical Bulletin 10*
- Floodproofing does not exempt applicant from meeting municipality NFIP ordinance requirements
- Zone A floodplain studies *should use the models listed in § 601.6 and the TGM guidelines*



# Flood Protection Areas - Floodplains

## ➤ Floodproofing Definitions

### **Floodproof or Floodproofing**

Additions, changes, or adjustments to residential or non-residential structures or land that prevent the entry of **flood** water in order to protect property from **flood** damage, including but not limited to certified non-residential floodproofing designed in accordance with the municipality's NFIP ordinance and Technical Bulletin 3, issued by FEMA. Floodproofing consists of both dry floodproofing and wet floodproofing.

### **Dry Floodproofing**

A combination of measures that results in a structure, including the attendant utilities and equipment, being watertight with all elements substantially impermeable to the entrance of floodwater and with structural components having the capacity to resist flood loads. Dry floodproofing may be a compliance alternative for non-residential structures only. [Compare dry floodproofing with wet floodproofing and floodproofing.]

### **Wet Floodproofing**

Permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding by allowing flood waters to enter the structure. [Compare wet floodproofing with dry floodproofing and floodproofing.]



# Stormwater Management Provisions

## Volume Control & Detention Requirements

### Volume Control

- **§ 503.4.B(3)(c) – Permeable pavement as an offsite retention-based practice**
  - Previously, the offsite retention-based practice had to capture equivalent runoff from an impervious area that is not tributary to an existing practice
  - The new language will also allow the capture area of the offsite retention-based practice itself when the practice consists of permeable pavement that replaces conventional pavement

### Detention

- **§ 504.11.C – The provision to increase a detention facility’s actual release rate to accommodate upstream tributary flows may not be used for new development**
  - Can only be used to retrofit existing stormwater detention facilities when a known flooding condition associated with conveyance of upstream tributary flow exists
  - Still need to meet the “no adverse impact” requirements of § 504.11.C
  - Other options if § 504.11.C is not possible:
    - Bypass upstream flow per § 504.11.A
    - Detain upstream flow per § 504.11.B





# WMO Revised Definitions

## ➤ Open Space Development

- Includes “outdoor accessory features” that are:
  - $\leq 0.10$  acre in area (e.g. playgrounds, restrooms, and open-air shelters)
  - Surrounded by a majority of pervious land
  - On property holdings that are  $< 30\%$  impervious
  - Bodies of water are excluded when calculating the % impervious
  - Clarified that Native Planting Conservation Areas are considered non-qualified development in the WMO (not open space development)

## ➤ Accessory Structure – Reduced the area limit to 576 sq.ft.

- Previous limit was 750 sq.ft.
- Decreased the area to be consistent with IDNR/NFIP
- Per § 602.4, new accessory structures in the floodplain are regulated under the municipality’s NFIP ordinance



# WMO Revised Definitions

## Open Space

Pervious land to be retained as pervious land which is not part of a larger **development**. **Open space** may also include sidewalk, bike path, nature or walking trail **development** less than or equal to fourteen feet in width, and outdoor accessory features less than or equal to 0.10 acre in area, including, but not limited to, playgrounds, restrooms, and open-air shelters. To be considered **open space**, the accessory features must be surrounded by a majority of pervious land and be located on property holdings that are less than 30% impervious. Bodies of water are excluded from the calculation of the percentage of imperviousness. Development that is considered **Native Planting Conservation Areas** under this ordinance is considered **non-qualified development**. [*Compare open space with Native Planting Conservation Area and right-of-way.*]

## Native Planting Conservation Area

Area planted with deep-rooted vegetation, as approved by the **District**, and maintained in perpetuity.

## Accessory Structure

A detached, non-habitable **building** without sanitary facilities that is less than ~~576750~~ square feet in area. **Accessory structures** include, but are not limited to, garages and sheds.



# New Online Permit Submittal Process

- **New online permit submittal process starts May 16, 2022**
  - New WMO Permits (includes WMO, NRI, SFHA, FCA, and Earthwork)
  - Permit Resubmittals

## **Fee Payment is required prior to District's acceptance of permit applications**

- Fee Payment Voucher Required
- No convenience fee for ACH Transactions
- 2% convenience fee for Master Card, Discover Card, & Visa Credit Card transactions

Checks mailed to our 111 E. Erie office will still be accepted but processing may be delayed.

- Visit [www.mwrd.org/wmo](http://www.mwrd.org/wmo) for more information and to attend a virtual training session for new online permit submittal process
  - May 12<sup>th</sup> at 10:00 a.m.

Contact Ann Gray at [graya@mwrd.org](mailto:graya@mwrd.org) if you have problems submitting your permit application in the new system



# WMO Friendly Reminders

- WMO Inbox ([WMOInbox@mwrdd.org](mailto:WMOInbox@mwrdd.org)) or FTP Site should still be used for:
  - Permit Revisions
  - Permit Determinations
  - Other correspondence (e.g. permits issued by Authorized Municipalities, permit extension requests, etc.)
- Provide email address & other contact information for design engineer on submitted documents
- All permit forms must be signed & sealed (Electronic signatures & seals are acceptable)
- **Effective May 16, 2022, all fees must be paid when permit applications are submitted**
- District staff will contact design engineer within 2 days of receipt of permit application
- To obtain the Amended WMO: <https://www.mwrdd.org/wmo>
- Electronic Submittal Problems: Ann Gray at [graya@mwrdd.org](mailto:graya@mwrdd.org) or (312) 751-3085
- Permit Determinations: Lolita Thompson at [ThompsonL@mwrdd.org](mailto:ThompsonL@mwrdd.org) or (312) 751-3257
- Pre-application Meetings: Suhail Patel at [patels6@mwrdd.org](mailto:patels6@mwrdd.org) or (312) 751-3276
- To obtain copies of previously issued SPO/WMO permits: [MWRDPI@mwrdd.org](mailto:MWRDPI@mwrdd.org)
- Join Email list for WMO updates: [WMOupdates@mwrdd.org](mailto:WMOupdates@mwrdd.org)



# Questions

## Thank You!

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