



Metropolitan Water Reclamation District of Greater Chicago

Watershed Management Ordinance

Public Information on Proposed Amendment

Presented by

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Volume Control and Detention Trading

- Watershed Management Ordinance (WMO) amended on 5/16/19 and 5/7/2020 to allow for volume control and detention trading.
- Technical Guidance Manual (TGM) Article 5 was updated to provide guidance on complying with the technical requirements for offsite volume control and detention facilities.
- The WMO allows for trading to occur throughout Cook County when site constraints or site limitations prevent the development from installing volume control practices or detention facilities onsite.
- The Pilot Program was created to allow trading to occur in the Des Plaines River Watershed and the Little Calumet Watershed without having to demonstrate a site constraint or a site limitation.
- The Pilot Program is available for projects that submit a permit application and are accepted by MWRD prior to January 1, 2025.



Agenda



- WMO Background
- Clarifications and document improvements
- Noteworthy changes to the WMO
 - Floodplain Regulation Clarifications and New Definitions
 - Updated Wetland Provisions
 - Direct wetland impacts, previously mitigated isolated wetlands, Corps JD submittal requirements*
 - New Wetland/Riparian Environment Verification form
 - Stormwater Management Provisions
 - Permeable pavement in volume control trading, upstream tributary flows, open space development*
- Public Comments



WMO Background

- 2004: Public Act 093-1049
 - *MWRDGC has stormwater authority for Cook County*
- 2007-2013: Development and Public Review
 - *Technical Advisory Committee and Public Comments*
 - *Economic Impact Study*
- October 2013: Adoption
- April 17, 2014: First Amendment
- May 1, 2014: Effective Date
- July 10, 2014: Amendment - *Infiltration/Inflow Control Program, Permit Fees*
- February 15, 2018: Amendment - *Clarifications, new Earthwork/Limited Foundation permit, volume control trading on properties with site constraints*
- April 4, 2019: Amendment-*Extend Watershed Specific Release Rates Effective Date*
- May 16, 2019: Amendment - *Clarifications, Watershed Specific Release Rates, updated Bulletin 70 rainfall data, new redevelopment provisions*
- May 7, 2020: Amendment - *Stormwater detention and volume control trading pilot study, updated Bulletin 75 rainfall data*
- **2020/2021 – Developing current amendment**





Proposed WMO Changes

Public Comment Draft Review

- **Red text** – *Information added. Substantial changes annotated in Public Comment Draft.*
- **Red ~~striketrough~~ text** – *Information deleted. Substantial changes annotated in Public Comment Draft.*



Clarifications and Document Improvements

- Minor Modifications Throughout WMO
 - Change “Cook County Recorder of Deeds” to “Cook County Clerk’s Recordings Division”
Reflects recent elimination of Cook County Recorder of Deeds
 - Define “IDNR-OWR” acronym and change “OWR” to “IDNR-OWR”
Clarifies that “OWR” refers to the Illinois Department of Natural Resources (IDNR) Office of Water Resources (OWR)
 - Replace references to FEMA Technical Bulletin 10-01 with FEMA Technical Bulletin 10
More general description, since the last two digits (“01”) will change each time FEMA updates the Technical Bulletin
 - Update section numbering, as necessary



Clarifications and Document Improvements

- § 208.1 Pilot Study

Detention & Volume Control Credit Trading Program

- **Completion date changed from May 2022 to May 2025**

Determined at November 7, 2019 Board of Commissioners meeting that additional time would be required for study

- Article 3 Submittal Requirements

- **§ 300.2 – Professional Engineer certification**

Clarifies where a Professional Engineer signature and certification is required

The **Watershed Management Permit** application and plan set submittals shall be certified by a **Professional Engineer**, as required on the permit application form, indicating that the technical submittal meets the criteria required by this **Ordinance**.



Clarifications and Document Improvements

- Article 3 Submittal Requirements (cont.)
 - **§ 307.1 – Remove requirement for recording Exhibit R**
 - *Current 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*
 - *Exhibit R is reflected in MWRD permit records*
 - *Proposed Language: Schedule R would still be recorded and would reference an equivalent “Maintenance and Monitoring plan”, found in MWRD permit records*
 - **§ 303.4 – Requirements that currently apply to Exhibit R will apply to the proposed Maintenance and Monitoring plan**



Floodplain Regulation Clarifications

- Article 6 – Floodplain Requirements
 - § 601.4.D – Zone A project-specific floodplain study
 - *Clarified that the study should use the models listed in § 601.6 and the TGM study guidelines*
 - § 602.1 and § 602.2 – Floodproofing of structures
 - *Clarified that non-residential structures may be dry floodproofed instead of elevating to the Flood Protection Elevation (FPE)*
 - *Specified that floodproofed residential structures must still elevate to the FPE, per § 602.1*



Floodplain Regulation Clarifications

- Appendix A - 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.]



Floodplain Regulation Clarifications

- Article 6 – Floodplain Requirements
 - § 602.3.D – Clarified that projects with a LOMR-F still need to meet § 602.3.C
 - *§ 602.3.C requires buildings and foundations below the BFE to demonstrate that they are reasonably safe from flooding and meet FEMA Technical Bulletin 10*
- Appendix A – Definitions
 - 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*



Wetland Provisions

- Article 2 – Permit Applicability
 - **New § 201.1.B – Permit also required for direct wetland impacts**
 - *Currently required for development in wetlands (but not maintenance)*
 - *Currently also required for development with indirect wetland impacts*

§ 201. Applicability

1. A **Watershed Management Permit** from either the **District** or an **authorized municipality** shall be required for any of the following **projects**:
 - A. **Development** within a **Flood Protection Area**;
 - B. Activities with a direct wetland impact;**
 - B.C. Development with an **indirect wetland impact**;**



Wetland Provisions

- Appendix A - Definitions
 - **Direct Wetland Impact**
 - *For ≥ 0.10 acre ground disturbance or damage to vegetation that affects the functions of the wetland as listed under § 603.1*
 - *Includes both temporary and permanent wetland impacts*
 - *Does not include wetland conservation, restoration, or enhancement activities*
 - **Temporary Wetland Impact**
 - *Short-term loss of wetland function*
 - *From a direct wetland impact*
 - **Permanent Wetland Impact**
 - *May occur due to direct or indirect wetland impacts*



Wetland Provisions

Direct Wetland Impact

Any activity within a **wetland** that involves ground disturbance or damage to 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. *[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.]*



Wetland Provisions

- Article 3 – Corps JD Submittal Requirement
 - *U.S. Army Corps (Corps) jurisdictional determination (JD) letters used to determine if a wetland is isolated or Corps-jurisdictional*
 - **§ 302.2.D(2)(c) – Added alternative to providing a Corps JD letter**
 - *If Corps JD not received in > 90 days (or documentation from Corps)*
 - *If wetland is not being impacted*
 - *May submit a statement of opinion from a qualified wetland specialist, instead*
 - *How statement of opinion will be applied: New § 603.4*
- Article 6 – Corps JD Requirement
 - **§ 603.4 – Added provisions on how “statement of opinion” will be used instead of the Corps JD**



Wetland Provisions

• Article 6 – Corps JD Requirement (cont.)

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

* 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



Wetland Provisions

- Article 6 – Isolated Wetland Exemptions
 - **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, exempt from additional WMO wetland requirements*
 - *To demonstrate isolated wetland – still must provide valid (unexpired) Corps jurisdictional determination (JD) letter*



Wetland/Riparian Environment Verification Form

- **Applicability**
 - Permit applicants who would like MWRD concurrence on wetland and/or riparian environments during preliminary design
 - WMO permit applications are not intended for preliminary designs
 - Currently, applicants would need to submit a full WMO permit application
 - New form create a separate process, similar to what is available in collar counties
- **New *Wetland/Riparian Environment Verification Form***
 - *Only for wetland/riparian environment verification; not for proposing/approving development*
 - *Appendix F – New non-refundable fee to be added for the form, \$750*
 - *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*



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 be used to verify wetlands and riparian environments. No work is authorized by this verification approval. Prior to conducting any work, an approval 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 for 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 determination is required.
 - A. Submit each of the following documents for all onsite and offsite wetlands. The Agricultural Land Determination is not required if the land has not been farmed within the last five (5) years.

<ol style="list-style-type: none"> 1. Wetland Narrative 2. Aerial Photo with Wetland Boundary flagged/staked^a 3. Wetland Delineation Report from a Wetland Specialist 4. Correspondence from the U.S. Army Corps of Engineers 	<ol style="list-style-type: none"> 5. For Agricultural Land^b, National Resources Conservation Service (NRCS) Certified Wetland Determination (within last 5 years) or Farmed Wetland Determination Report by a Wetland Specialist using NRCS procedures
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^a The District can only verify isolated wetlands/waters boundaries. *Waters of the U.S.* boundaries must be verified by the Corps.

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



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 <input type="checkbox"/>	Offsite <input type="checkbox"/>	Both <input type="checkbox"/>	Onsite <input type="checkbox"/>	Offsite <input type="checkbox"/>	Both <input type="checkbox"/>	Onsite <input type="checkbox"/>	Offsite <input type="checkbox"/>	Both <input type="checkbox"/>	Onsite <input type="checkbox"/>	Offsite <input type="checkbox"/>	Both <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		
High Quality <input type="checkbox"/>	Standard Quality <input type="checkbox"/>		High Quality <input type="checkbox"/>	Standard Quality <input type="checkbox"/>		High Quality <input type="checkbox"/>	Standard Quality <input type="checkbox"/>		High Quality <input type="checkbox"/>	Standard Quality <input type="checkbox"/>	

C. If a Corps Jurisdictional Determination (Corps JD) has been completed, describe the status of the Corps JD, including the submission date, if applicable (e.g., JD applied for on _____ and awaiting response):

DISTRICT or AUTHORIZED MUNICIPALITY USE ONLY

Application Received: _____ Permit Issued: _____ Watershed: _____

PERMIT ISSUED BY: DISTRICT Authorized Municipality



Wetland/Riparian Environment Verification Form

WETLAND / RIPARIAN ENVIRONMENT VERIFICATION

WMO Verification Number: _____

2. RIPARIAN ENVIRONMENT VERIFICATION:

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

1. Riparian Environment Narrative describing the function of the Riparian Environment described in §606.1
2. Photo with Riparian Environment Boundary flagged/staked^a
3. Correspondence with the U.S. Army Corps of Engineers

^a The District can only verify Waters of the U.S. boundaries. *Waters of the U.S.* boundaries must be verified by the Corps.

B. Use the table below to identify the stream classification and 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	D	E	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"/>	<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		30 ft from OHWM		50 ft from OHWM	
<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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 private wetlands.

Property Owner: _____ Email: _____ Phone: _____

Company/Agency: _____

Address: _____ City: _____ Zip: _____

Signature: _____ Date: _____

REVIEW AND APPROVAL BY THE DISTRICT OR AUTHORIZED MUNICIPALITY



Stormwater Management Provisions

- Article 5 – Volume Control Trading
 - § 503.4.B(3)(c) – Permeable pavement runoff to offsite retention-based practice
 - *Currently, the offsite retention-based practice must capture equivalent runoff from a non-tributary impervious area*
 - *The proposed language would also allow the runoff to be from permeable pavement that has replaced conventional pavement*

(c) Capture an equivalent volume of ~~impervious~~ stormwater runoff from an impervious area on a parcel that is not tributary to an existing **retention-based practice**; or from the area of the offsite retention-based practice itself when the practice consists of permeable pavement that has replaced conventional pavement;



Stormwater Management Provisions

- Article 5 – Detention Requirements: Upstream Tributary Flows
 - § 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*



Stormwater Management Provisions

- Appendix A – Open Space Development
 - Expanded definition of open space development to include “outdoor accessory features” that are:
 - *≤0.10 acre in area*
 - *Surrounded by a majority of pervious land*
 - *On property holdings that are < 30% impervious*
 - *Bodies of water are excluded when calculating the % impervious*
 - **Provided examples:**
 - *Playgrounds, restrooms, and open-air shelters*
 - **Clarification for Native Planting Conservation Areas**
 - *Considered non-qualified development in the WMO (not open space development)*



Stormwater Management Provisions

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.



Public Comment Period

Public Comment period through **November 15, 2021**

- Draft Amendment is posted on the WMO website:

www.mwrd.org/wmo

- Comment to WMOComments@mwrd.org or mail to:

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



Dedicated WMO Website



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Public Comment Period for Proposed Amendment to the Watershed Management Ordinance

October, 2021

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The Metropolitan Water Reclamation District (MWRD) is in the process of amending the Watershed Management Ordinance (WMO), which regulates development within Cook County and sewer construction within MWRD's service area. Beginning October 11, 2021 we will be seeking input from the public on the proposed amendment, outlined in the redlined Draft Amendment. The current version of the WMO and an annotated Draft Amendment can be accessed at the link below:

[Current WMO Draft Amendment](#)

A summary of the proposed amendments is provided below:

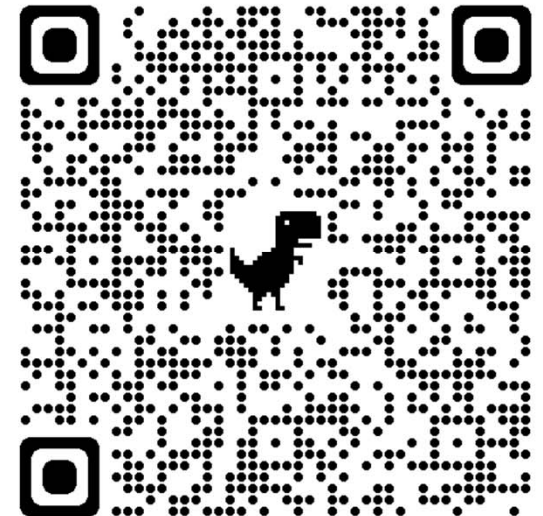
[Summary of Proposed Amendments](#)

Two public meetings to discuss the proposed changes will be held virtually at 2 p.m. on October 21, 2021 and October 28, 2021. The links to the virtual meetings can be accessed at the links below:

[October 21, 2021 Virtual Meeting](#)
[October 28, 2021 Virtual Meeting](#)

The public comment period will be open through November 15, 2021. Please submit all comments by email to WMOComments@mwrdd.org or by mail to:

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



www.mwrdd.org/wmo



Thank You

Please submit all
comments to:

WMOComments@mwr.org

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