

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



WMO Background

- 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



- 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



- 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



- 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



- Article 14 Administration:
 - § 1401.3-4 Insert new language regarding cancellation and fee refund policy
 - § 1402.2.H Clarify records shall be transmitted upon <u>request</u>, 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 <u>before</u> 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 flowthrough 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



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



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.

	Watershed Management Permit No.		
	EARTHWORK/FOUNDATION LIMITED PERMIT WATERSHED MANAGEMENT ORDINANCE	9. PERMIT FEES: One-time fee of \$2,100.00 includes permit review and site inspections.	
	METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO	 SPECIAL CONDITIONS: This permit is subject to the attached special conditions. 	
	111 EAST ERIE STREET, CHICAGO, ILLINOIS 60611	11. CERTIFICATION BY PROFESSIONAL ENGINEER	
	312-751-3255	This application and the drawings, together with other submittals made a part of this application found to be in compliance with all applicable regulations contained within the Watershed Mana	n, have been examined by me and
PF	ROJECT INFORMATION	Name: Title:	. /
	oject Name:	Engineering Firm:	/
	scription of Project:	Address: Zip:	
	reet Address of Project:	Signature: Date: Phone:	
	unicipality (Township, if unincorporated):		
	nsulting Engineer:	12. PERMITTEE (MUNICIPALITY) 13. CO-PERMITTEE (P	PROPERTY OWNER)
	lated MWRD Sewer Permit and/or Watershed Management Permit Number, if known:	Company:	KOTEKTT OWNER)
	rcel Area:acres Temporary Disturbance Area:acres	company	
Pr	oject consists of: 🗌 Earthwork Only 📋 Cut in Floodplain (see No. 4) 🔲 Earthwork and Foundation Installation (see No. 5)	Address: Address:	
AI	PPLICABILITY: This form may be used for limited earthwork, soil and erosion control installation, and foundation/building	Zip	Zip
pla	scement related to a development which requires a full Watershed Management (WMO) permit. The purpose of this limited permit to allow disturbance on-site to begin prior to final approval of the corresponding WMO permit. Any work is considered "at risk" until	Name: Name:	
iss	uance of a full WMO permit.	Title:	
Th	e following are prohibited for use under this form:	Signature: Signature:	
(1) de) qualified sewer construction, (2) fill in the floodplain, (3) potential wetland/riparian located on-site, (4) volume control, (5) final tention, (6) outfalls to waterways, and (7) District Impacts (see §201.2,C-G).	Date: Phone: Date:	Phone:
an- mi 58	ISTRUCTIONS FOR FILING FORMS: Submit two copies of this permit application, along with WMO Schedule P. Schedules D d H (as applicable), cortexponding plans and drawings, and a marative describing the limits of construction. A full WMO permit as the submitted either concurrently or within ninety (90) days of issuance of this permit. Notify MWRD field office (telephone (708) 8-4055) or the Authorized Municipality prior to commencing any construction activities. Failure to give advance notice and make iten submittal are equired constitutes a violation of the Watersheld Management Ordinance.	FOR USE ONLY BY: MWRD OR AUTHORIZED MUNICIPALITY Approved by:	ued:
Gr Fil	RTHWORK IN THE FLOODPLAIN: Schedule H attached adding and cut in the floodplain is allowed to prepare the site for the proposed full permit work or provide for temporary detention. If in the floodplain is prohibited. If there is floodway or any potential wetland/riparian on-site, earth work for this type of permit is ohibited and a full WMO permit is required.		PALITY USE ONLY)
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Earthwork/Foundation Limited Permit

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)



Earthwork/Foundation Limited Permit

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)





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

APPENDIX F. PERMIT FEES TO THE WATERSHED MANAGEMENT ORDINANCE

WATERSHED MANAGEMENT PERMIT FEE SCHEDULE	Total Fee \$
SECTION I. BASE PERMIT FEES (Does not include Section II, III, IV, and V of this form)	
(A) Watershed Management Permit	\$1,100
(B) Earthwork/Foundation Limited Permit	\$2,100
(C) Notification and Request For Inspection (NRI)	\$250
(D) Facility Connection Authorization (within City of Chicago)	\$1,000
(E) Permit Revision	\$500
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 through March 31, 2017

- Draft Amendment is posted on WMO website (wmo.mwrd.org)
- Comment to <u>WMOComments@mwrd.org</u> 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





Public Comment Period

Additional public meetings will be held:

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



Thank You

Please submit all comments to WMOComments@mwrd.org

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