

TRANSMITTAL LETTER FOR BOARD MEETING OF FEBRUARY 15, 2018

COMMITTEE ON STORMWATER MANAGEMENT

Mr. David St. Pierre, Executive Director

..Title

Authority to amend the Watershed Management Ordinance

..Body

Dear Sir:

The Board of Commissioners adopted the Watershed Management Ordinance (WMO) on October 3, 2013, and amended the WMO on April 17, 2014. The WMO became effective on May 1, 2014, and was further amended on July 10, 2014. The past several years of administration have shed light on revisions that are necessary to document the true intent of the WMO and clarify misconceptions regarding existing language. Input from outside agencies, stakeholders, and our Technical Advisory Committee led to proposing more substantial conceptual changes.

On November 3, 2016, the Board of Commissioners authorized public notification of the intent to amend the WMO. Six public meetings were held to present the proposed revisions, and a nearly five month public comment period resulted in additional input from stakeholders across Cook County. Two additional meetings with the Technical Advisory Committee were held on November 15, 2017, and January 17, 2018, to discuss the latest version of the drafted amendment. As a result, staff has made revisions to the WMO.

Many of the revisions to the WMO are non-substantive formatting and typographical corrections, and corrections to references found throughout the ordinance. There were no substantial revisions made to Articles 1, 4, 8, 11, 12 and 13 or to Appendices B, C, D and E. A summary of revisions to Articles 2, 3, 5, 6, 7, 9, 10 and 14 and Appendices A, F and G is attached.

The proposed amendments, including non-substantive changes to the WMO, dated February 15, 2018, are attached for consideration for adoption.

Therefore, it is respectfully requested that the Executive Director recommend to the Board of Commissioners that the Board approve amendments to the Watershed Management Ordinance, which will be effective February 15, 2018.

Requested, Catherine A. O'Connor, Director of Engineering, WSS:JK *co C*

Recommended, David St. Pierre, Executive Director

Respectfully Submitted, Debra Shore, Chairman Committee on Stormwater Management

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for February 15, 2018

Attachments

PROPOSED AMENDMENTS TO THE WMO

The Local Sewer Systems Section is proposing changes to the Watershed Management Ordinance (WMO), based on comments and suggestions from the Technical Advisory Committee, municipalities, design engineers, and public comment period. A summary of the substantial changes, by Article, is provided:

Article 2 – Applicability and General Provisions

Revisions to Article 2 include exempting all agricultural activities, not just those that fall under one specific development criteria, clarifying that state and federal agencies and flood control projects are exempt from the stormwater provisions of the WMO, but not the sanitary sewer and District impact provisions, and removing the Existing Development Plans List (EDPL) from this article and the title of associated Appendix C, as this provision of the WMO expired on May 1, 2015. The purpose of the WMO is to protect public health, safety, and welfare from the effects of flooding, and a provision requiring residential buildings within 100-feet of the floodplain to obtain a permit and meet flood protection requirements is added. This provision is currently in place for single-family homes. Finally, clarifications are made regarding permitting requirements for District permitted detention facilities and exempting such facilities that fall within a Multi-County Municipality, in which a neighboring county's stormwater ordinance applies in lieu of the WMO.

Article 3 – Watershed Management Permit Requirements and Submittals

Revisions to Article 3 include correcting a reference to a non-existing stormwater policy for the Forest Preserve District of Cook County, inserting limitations language, clarifying when Schedule K is required, as it is redundant to Schedule R in some cases, indicating Cook County as the local authority for unincorporated areas, clarifying language regarding permits in which there is no permittee for either qualified sewer or stormwater, indicating responsibility for recording documents, adding volume control practices and compensatory storage as facilities requiring perpetual maintenance, and specifying the existing requirement for record drawings of volume control facilities and qualified sewer construction. The permit fee refund policy is also added for transparency.

Article 5 – Requirements for Stormwater Management

The easement requirements for minor stormwater systems is removed, as this potentially requires an easement over an entire property. Minor stormwater systems include curb, gutter, inlets, etc. The easement requirement for major stormwater systems, which include detention facilities and pipe that conveys the 100-year storm, remains in effect.

Revisions to the volume control portions of Article 5 include requiring volume control as practicable for developments with impervious area less than 0.10 acre, requiring volume control practices be located outside the regulatory floodway, and allowing excess volume control to be constructed on a site for future development conditions. The major revision to this Article adds a mechanism to allow offsite volume control storage for circumstances in which a site constraint prohibits the use of green infrastructure. Certain conditions must be met to utilize this practice, and it must be shown that it is either met or unavailable prior to granting the reduction provision that currently exists in the WMO.

Revisions to the detention portions of Article 5 include emphasis on requiring the allowable release rate to be in compliance with tailwater conditions when detention is located in the floodplain, clarifying the floodplain shall be determined by elevation, not delineation, when determining tailwater conditions, requiring offsite volume control and detention to be located on the same site in order to qualify for the detention credit, and requiring a trade agreement for maintenance of offsite detention facilities and recording the agreement with the recording submittal. Per a public comment, language regarding detention being constructed prior to occupancy was modified to be consistent with permitted special conditions, and road construction was clarified to indicate impervious paving.

Article 6 – Requirements for Flood Protection Areas

Revisions to the floodplain portions of Article 6 include clarification for elevation and fill requirements to protect structures within the floodplain, requiring green infrastructure be located outside of the regulatory floodway, and allowing IDNR-OWR approved projects within the regulatory floodway.

Revisions to the wetland portion of Article 6 include clarification on determining the classification of an offsite wetland that cannot obtain a Corps jurisdictional determination, and clarifying the existing exemption for wetlands as cumulative site impacts less than 0.10 acre, not per each wetland on site.

The existing policy requiring a water quality device for outfalls to Lake Michigan is added to the section on outfalls.

Article 7 – Requirements for Sewer Construction

Revisions to Article 7 include adding protections language regarding impacts of sewer construction, and exempting single-family storm sewers and perforated underdrains that are part of green infrastructure from requiring a permit when no other permit triggers exist.

Article 9 - Maintenance

Revisions to Article 9 include outlining maintenance requirements for all permitted facilities instead of just qualified sewer construction and adding a new section on additional maintenance requirements for stormwater projects with no permittee.

Article 10 - Inspections

A clarification was added in Article 10 to indicate Authorized Municipalities shall only inspect development within their jurisdiction.

Article 14 - Administration

Revisions to Article 14 include adding the permit cancellation policy for transparency, indicating Authorized Municipalities shall follow their own administrative procedures regarding cancellation and fee refunds, and clarifying inspection and permit issuance requirements for Authorized Municipalities.

Appendix A - Definitions

Revisions to Appendix A include new definitions for "demolition", "offsite volume control practice", and "site constraint", and increasing the size of an "accessory structure" from 500 square feet to 750 square feet. Clarifications were made to exempt private single-family drains from the definition of "outfall", to remove mobile home parks and homeowner associations from "satellite entity", to indicate a "substantial improvement" is determined by the local municipality in accordance with NFIP regulation, to add the term "channel" to the definition of "waterway", and to add development undertaken by a public utility to protect critical utility infrastructure from flood events to the definition of "flood control project".

Appendix F – Permit Fees to the Watershed Management Ordinance

Revisions to Appendix F include the addition of a base fee for the new Earthwork/Foundation Limited Permit type, which permits limited grading and foundation work prior to final approval of a full WMO permit, indicating the base permit fees are non-refundable, per the District's refund policy, and adding a note regarding fees for permits under the jurisdiction of an Authorized Municipality.

Appendix G – Existing Intergovernmental Agreements

The Intergovernmental Agreement with the Village of Flossmoor and the Homewood Flossmoor School District 233 was added to the list of existing intergovernmental agreements for stormwater regulation in Appendix G.