

PROPOSED CONCEPTUAL CHANGES TO THE WMO

The Engineering Department Local Sewer Systems Section is in the process of drafting proposed changes to the Watershed Management Ordinance (WMO). The most significant changes are outlined below. Additional non-substantive changes have been omitted.

1. Add language to implement volume control trading and build-out for anticipated development
 - Volume control trading allows flexibility for projects with site constraints to utilize credits from nearby or centralized volume control facilities that are constructed to provide the required storage, thus, creating a market for green infrastructure. This will allow for the installation of more green infrastructure since sites that preclude retention based practices will now have to explore offsite volume control options. Emphasis is made to keep as much green infrastructure on the project site as possible.
 - Future volume control build-out allows a project to construct additional green infrastructure than is required in anticipation of future development. Currently, this idea is practiced for detention facilities and is now being proposed for volume control.
2. New permit fee of \$2,100 for Earthwork/Foundation Limited Permit, in response to request from municipalities and design engineers
 - Since the WMO regulates erosion and sediment control, site work may not begin until a WMO permit has been issued. This new Earthwork/Foundation Limited Permit will allow site work and building foundation installation to begin while a comprehensive WMO permit for the entire scope of the project is under review. This new type of permit for disturbance would not be allowed on sites with wetland/riparian areas. An amendment to the WMO is required to introduce the new flat fee of \$2,100 for this permit type.
3. Add language to clarify permit cancellation and fee refund policies
 - Administratively, certain fees have been refunded when a permit application was cancelled, subject to internal policy. To add transparency and clarification, the permit cancellation policy and fee refund policy are being added to the WMO.
4. Clarify existing buildings in the floodplain require a permit at all times, while single family homes only require a permit when a new home or a substantial improvement exists within 100-feet of a floodplain.
 - The WMO requires single family homes to comply with flood protection area requirements and exempts them from sewer and stormwater requirements. In situations where a new home or a substantial improvement to an existing home is located within 100-feet of a floodplain, the WMO serves as a measure to

protect the home by verifying that the lowest entry elevation is two-feet above the base flood elevation. A brochure providing guidance to homeowners has been distributed and a one page single family home permit form is being used for these situations.

5. Clarify flood protection requirements for new buildings near floodplains
 - The current setback requirements for new buildings of 10 feet without basements and 20 feet with basements, respectively, can be interpreted as an absolute. Considering setback requirements as absolute can be challenging and unreasonable in already developed urban areas. The proposed ordinance update would allow for consideration of a reduced setback provided that the new building and site are demonstrated to be reasonably safe from flooding per design standard requirements as established in Technical Bulletin 10-01 issued by FEMA.
6. Consider off-site wetlands that cannot be delineated by the Corps as high-quality isolated wetlands
 - A project could potentially impact an off-site wetland, but not be able to obtain a Corps jurisdictional determination because the Corps only accepts requests from wetland property owners. This change provides a compliance path for projects that are located near potential wetlands on other private property. Off-site wetlands that have not been reviewed by the Corps will be considered high-quality isolated wetlands.
7. Exempt first 0.10 acre of riparian impact to align with wetland exemption procedures
 - The first 0.10 acre of wetland impact is exempt from mitigation. Since riparian environments are very similar to wetlands, and the WMO imposes similar requirements, this threshold should apply to both cases equally.
8. Change unincorporated Permittee responsibility from Townships to Cook County
 - Cook County is the regulating authority for development in unincorporated areas. Therefore, this responsibility of permittee is being updated.
9. New section for maintenance of stormwater facilities in unincorporated areas without a Permittee
 - This new section outlines requirements for projects in unincorporated areas should Cook County refuse to sign as permittee. Property owners will be required to perpetually inspect and maintain their stormwater facilities and demonstrate that an adequate funding mechanism is in place to cover future expenditures.

10. Clarify Forest Preserve District (FPD) and Illinois Department of Natural Resources Office of Water Resources (IDNR-OWR) requirements

- Per the request of FPD, language regarding their review for stormwater impacts from projects that are adjacent or directly impacting their property will be modified.
- If a project located in the regulatory floodway has been approved by IDNR-OWR, it will be considered an appropriate use.

11. Remove reference to the Existing Development Plans List (EDPL) and include SPO/MOP Appendix as a reference only

- The EDPL allowed projects that were in design when the WMO became effective to remain under the provisions of the former Sewer Permit Ordinance (SPO) as long as a permit was submitted before May 1, 2015. Since the deadline has passed, this reference in the WMO is null and can be removed.