

TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 9, 2025

COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, Executive Director

..Title

Request Authority to Amend the Watershed Management Ordinance of the Metropolitan Water Reclamation District of Greater Chicago

..Body

Dear Sir:

The Board of Commissioners (Board) 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, February 15, 2018, April 4, 2019, May 16, 2019, May 7, 2020, April 7, 2022, and May 2, 2024. The Local Sewer Systems Section of the Engineering Department wishes to inform you of its intention to amend the WMO by imposing new regulatory requirements and clarifying existing requirements. This proposed amendment also includes minor clarifications to both the volume control and detention requirements for stormwater management.

On June 20, 2024, the Board authorized public notification of the intent to amend the WMO. During the public comment period, from July 8, 2024, through August 8, 2024, the proposed amendment was presented at two (2) virtual public meetings. Comments received from the public were considered, and appropriate comments have been incorporated into the proposed amendment.

The amendments to the WMO are proposed as follows:

Article 2 – Applicability and General Provisions

Revisions to Article 2 include changing the completion date of Section 208, Study of Current Provisions of Potential Amendments to this Ordinance, from May 2025 to May 2026. Additional criteria provided for activities that require a permit including the following: outfalls discharging to designated waterways, projects proposing modification of District permitted detention service areas, major stormwater systems, volume control facilities, detention facilities, and compensatory storage facilities. Clarification is provided on permit applicability for projects solely within the flood protection area adjacent to Lake Michigan. A new requirement will specify that all non-qualified sewer construction must comply with the sewer requirements of the WMO and Technical Guidance Manual.

Article 3 – Watershed Management Permit Requirements and Submittals

Revisions to Article 3 include specifying sole permittee requirements for qualified projects where Cook County signs as permittee and clarifying permittee certification requirements for projects in which a WMO permit is submitted in response to a violation. Recordation requirements for Schedule L are revised to note that the District may record Schedule L at the expense of the applicant.

Article 5 – Requirements for Stormwater Management

Revisions to Article 5 include extending the deadline by which permit applications proposing offsite facilities will be accepted from January 1, 2025, to January 1, 2026. New language will specify that development on property holdings immediately adjacent to designated waterways will not be subject to the detention provisions.

Volume Control Provisions: The current version of the proposed amendment does not include changes to the thresholds at which volume control is required, which had been part of previous versions of the proposed amendment. These changes are still being considered and may be presented to the Board for consideration as part of a later WMO amendment.

A new provision will remove the hierarchy determining how volume control may be provided to allow use for the onsite alternatives to volume control if a site constraint exists, as well as offsite volume control facilities.

Detention Provisions: Revisions include clarifying that property holdings subject to detention requirements under previously issued District permits must continue to comply with detention requirements for future redevelopment, regardless of current property holding size. A new provision will allow for aggregation of development areas for residential subdivisions up to one-half of an acre (0.50 acre) before detention storage is required. Language is added allowing development to be aggregated up to one-half of an acre (0.50 acre) on sites where detention has been provided for previously aggregated development areas.

Article 6 – Requirements for Flood Protection Areas

Floodplain Provisions: Revisions include clarifying that compensatory storage is not required within the flood protection area of Lake Michigan for consistency with Illinois Department Natural Resources-Office of Water Resources policy and noting that when compensatory storage is required for any development, it may be provided in an area away from the development where filling occurs.

Wetland Provisions: New wetland mitigation alternatives that prioritize the use of offsite wetland mitigation within Cook County have been added.

Riparian Environment Provisions: Revisions include introducing a minimum threshold for riparian impacts requiring mitigation under specific circumstances and a new requirement that the impacts to riparian environments shall be avoided or minimized where practicable.

Article 7 – Requirements for Sewer Construction

Revisions to Article 7 include noting that sewers tributary to the District shall comply with the requirements established in the WMO and Technical Guidance Manual, even when not subject to a WMO permit, and providing additional criteria defining qualified sewer construction and maintenance work. A new provision requires that any connection to District facilities, as well as the associated upstream sewer and upstream auxiliary manhole, shall be owned, operated, and maintained by the permittee or sole permittee.

Article 8 – Infiltration / Inflow Control Program

The revision to Article 8 removes a section regarding District support of satellite entities during the short-term requirements of the program since the District fulfilled this obligation.

Article 12 – Prohibited Acts, Enforcement, and Penalties

Revisions to Article 12 include introducing a new preliminary administrative step wherein the District will issue a Violation Report to allow for compliance before a Notice of Violation is issued and clarifying when a Violation Fee may be required. A new provision regarding civil penalties is included for consistency with Public Act 103-0221 SB1673, which became effective on June 30, 2023.

Appendix A – Definitions

Revisions to Appendix A include new definitions for “Violation Report”, “Watershed Specific Release Rate”, and “Unrestricted Release Rate”. Clarifications were made to the following definitions: “CLOMA”, “CLOMR”, “Critical Duration Analysis”, “Design Runoff Rate”, “Existing Detention Facility”, “FIRM”, “FIS”, “Flood Control Project”, “Gross Allowable Release Rate”, “LOMR-F”, “Offsite Detention Facility”, “Permittee”, “Residential Subdivision”, “Separate Sewer Area”, “Service Sewer”, “SFHA”, and “Waterway”.

Appendix D – Designated Waterways

A new appendix is proposed with an exhibit depicting designated waterways for which immediately

adjacent developments will not be subject to stormwater detention requirements.

Appendix F – Permit Fees

The revision to Appendix F is the addition of a single \$750 fee for violations to replace the current fee structure of \$250 per inspection for violations.

Attached is “An Ordinance to Amend the Watershed Management Ordinance, As Amended”. It is recommended that the Board adopt the Ordinance, as herein amended. This Ordinance, as amended, will take effect on January 9, 2025

Requested, Catherine A. O’Connor, Director of Engineering, KMF:MD
Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for January 9, 2025

Attachment