

SUMMARY OF 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, and design engineers. A summary of the substantial changes, by Article, is provided below. Non-substantive changes include language modifications to provide consistency throughout the document and removing redundant language.

Article 2 – Applicability and General Provisions

Revisions to Article 2 include extending the completion date of Article 208 Studies from May 2025 to May 2026 and providing additional criteria for activities that require a permit including: outfalls discharging to District controlled waterways, and projects proposing modification of District permitted detention service areas, major stormwater systems, volume control facilities, detention facilities, or 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 TGM.

Article 3 – Watershed Management Permit Requirements and Submittals

Revisions to Article 3 include specifying sole permittee requirements for qualified sewer 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 MWRD may record Schedule L at the expense of the applicant.

Article 5 – Requirements for Stormwater Management

Revisions to Article 5 include extending the completion date of the pilot study for offsite facility credit trading from May 2025 to May 2026. A new requirement will specify that development on property holdings immediately adjacent to designated waterways will not be subject to volume control or detention provisions.

Volume Control Provisions: Revisions include increasing the multi-family residential and non-residential thresholds for property holdings and impervious area under which volume control provisions will apply. A new provision will remove the hierarchy determining how volume control may be provided to allow for the use of 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 MWRD permits must continue to comply with detention provisions for future redevelopment regardless of current property holding size. A new provision will allow for aggregation of development area for residential subdivisions up to one-half of an acre (0.50 acre) before detention storage is required. Clarification is provided for when detention is provided for previously aggregated development area in full. 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 IDNR-OWR policy and noting that, when compensatory storage is required, it may be provided in an area away from the development where filling occurs.

Wetland Provisions: New wetland mitigation alternatives allow for the use of offsite wetland mitigation within Cook County and payment into an Army Corps of Engineers approved wetland mitigation bank closest to the development within Cook County.

Riparian Environment Provisions: Revisions include introducing a minimum threshold for riparian environment impacts requiring mitigation under specific circumstances and a new requirement that 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 requirements established in the WMO and TGM, 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 manholes 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 about District support of satellite entities during the Short-Term Requirements of the program since the District fulfilled this obligation.

Article 12 – Enforcement and Penalties

Revisions to Article 12 include introducing a new preliminary administrative proceeding 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, effective June 30, 2023.

Article 14 - Administration

The revision to Article 14 updates the allotted permit review times based on the complexity of the project.

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 in which development will not be subject to volume control or detention requirements when located immediately adjacent to the waterway.

Appendix F – Permit Fees to the Watershed Management Ordinance

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.