

TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 16, 2019

COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, 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, and February 15, 2018. Input from outside agencies, stakeholders, and our Technical Advisory Committee (TAC) led to proposing more substantial conceptual changes.

On December 6, 2018, the Board of Commissioners authorized public notification of the intent to amend the WMO. During the public comment period in January 2019, the proposed revisions were presented at seven public meetings, which resulted in additional input from stakeholders across Cook County. Two follow-up meetings with the TAC were held on February 27, 2019, and March 12, 2019, to discuss additional changes due to comments received.

The purpose of this amendment is to effectuate Watershed Specific Release Rates by June 6, 2019, as required in Article 5 of the WMO. A study was conducted by the Illinois State Water Survey (ISWS), and the results were used to determine unique detention release rates for each of the six watershed planning areas in Cook County. After the public comment period ended, ISWS released updated rainfall data for the State of Illinois, which has been incorporated into this amendment. Other revisions proposed in this amendment include providing clarity on the regulatory requirements and moving guidance and explanatory information from the WMO to the Technical Guidance Manual. A summary of revisions is attached.

The proposed amendments, dated May 16, 2019, 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 May 16, 2019.

Requested, Catherine A. O'Connor, Director of Engineering, WSS:MD

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for May 16, 2019

Attachments

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, removing redundant language, replacing bolded terms based on revisions to Appendix A - Definitions, referencing related sections, and moving language to more appropriate sections or the Technical Guidance Manual.

Article 1 – Authority and Purpose

Revisions to Article 1 include clarifying National Flood Insurance Program (NFIP) compliance language and that all Sewerage System Permits issued under the regulation of the repealed Sewer Permit Ordinance (SPO) retain all rights, obligations, and liabilities, regardless of when the permit was issued. The provision allowing open Sewerage System Permit applications to be grandfathered under the SPO is removed, as all of these permits have either been constructed or cancelled.

Article 2 – Applicability and General Provisions

Revisions to Article 2 include clarifying NFIP compliance language, removing exemptions for Sewerage System Permits under review or construction, as all permits have either been constructed or cancelled, removing redundant permit triggers related to qualified sewer construction, adding a new provision to exempt work in Lake Michigan to remove redundant regulation with IDNR and USACE, adding a new provision to exempt single-family home development greater than 0.50 acre that is not located within or impacts a flood protection area, clarifying the requirement for residential building within 100-feet of a floodplain.

Article 3 – Watershed Management Permit Requirements and Submittals

Revisions to Article 3 include adding specific plan sheet requirements, clarifying certification and recordation requirements, and clarifying when an extension can be granted. A new provision regarding errors and omissions is added, and clarification is provided for required documents related to jurisdictional wetlands and waters of the US.

Article 4 – Requirements for Erosion and Sediment Control

Revisions to Article 4 include consolidating all temporary requirements into a single section and clarifying that erosion and sediment control shall be provided for all projects, regardless of whether a permit is required.

Article 5 – Requirements for Stormwater Management

General Provisions: Revisions include clarifying requirements in Table 2 and adding a new provision to consider the incorporation of green infrastructure that would have otherwise been in-kind replacement as non-qualified development.

Runoff Provisions: Revisions include clarifying that the provisions apply when a Watershed Management Permit is required to be consistent with the same requirement for volume control and detention, and clarifying approved methodologies for analysis, including using newly revised Bulletin 70 rainfall data.

Volume Control Provisions: Revisions include clarifying the difference between volume control practices and volume control storage, and what is treated by a flow-through practice, incorporating the requirement to install a backflow preventer when tributary to a combined

Article 5 – Requirements for Stormwater Management (continued)

sewer, and providing clarification for requirements on sites in which volume control cannot be provided due to a site constraint.

Detention Provisions: Revisions include new definitions and calculation clarifications regarding release rate and volume, providing clarification on modeling requirements, and specifying release requirement for detention facilities in floodplains. Newly issued rainfall data is also incorporated for the design of detention facilities.

Redevelopment Provisions: Revisions include incorporating allowances for WMO detention facilities being modified due to redevelopment with the new Watershed Specific Release Rates and rainfall data, similar to those allowed for detention facilities constructed under the Sewer Permit Ordinance. Requirements are added for control structures, volume verification, and composite release rates.

Article 6 – Requirements for Flood Protection Areas

General Provisions: Revisions include clarifying when the term 'regulatory' shall be used throughout the Article, and indicating substantial improvements are a locally regulated aspect of NFIP compliance.

Floodplain Provisions: Revisions include clarifying language for determining the base flood elevation, revising requirements for obtaining a FEMA required Letter of Map Revision, and consolidating language that refers to another agency's requirements into a reference to that agency. Requirements related to substantial improvements are revised and clarified as foundation expansions to remain consistent NFIP regulation at the local level without regulating internal building construction.

Wetland Provisions: Revisions include specifying the Corps Jurisdictional Determination is required for wetlands within 100-feet of the project, and indicating creation of a new wetland is a mitigation measure.

Riparian Environment Provisions: Revisions include clarifying the riparian environment shall be identified within the specified buffer area.

Article 7 – Requirements for Sewer Construction

Revisions to Article 7 include providing clarification for properties requiring connection impact fees, clarifying what constitutes qualified sewer and non-qualified sewer, referring to lift stations as pump stations for consistency with District standards, consolidating requirements for outfalls, identifying existing requirements for sewer structures in floodplains, clarifying requirements for separating sanitary and storm sewers within property lines and requirements for inspection manholes, adding provisions for bypass pumping and sewer outlet conditions, and adding requirements for stream crossings.

Article 8 – Infiltration/Inflow Control Program

Revisions to Article 8 include providing consistency throughout the Article with non-compliance due dates and penalties.

Article 9 - Maintenance

Revisions to Article 9 include removing bonding requirements for private treatment systems, since these requirements for Sole Permittees are covered in Article 3.

Article 10 - Inspections

Revisions to Article 10 include listing requirements for stormwater facilities separately from sewers and pipes, and clarifying when and how final inspection is scheduled.

Article 11 – Variances

Revisions to Article 11 include clarifying submittal requirements and filing deadlines, and providing consistency with other District hearings. Provisions were added addressing potential repercussions for not complying with requirements and clarifying who shall cover the cost of obtaining a complete record of the variance hearing.

Article 12 – Prohibited Acts, Enforcement, and Penalties

Revisions to Article 12 include referencing Appendix F for fees instead of listing numerical values, providing consistency with due dates and statute names, and clarifying all hearing officers must be in good standing with the State of Illinois.

Article 13 – Appeals

Revisions to Article 13 include allowing flexibility when providing documentation to the Director of Engineering, clarifying District responsibility for certain activities, providing consistency with the WMO and other District hearings, and clarifying all hearing officers must be in good standing with the State of Illinois.

Article 14 - Administration

Revisions to Article 14 include clarifying variances will be heard, but not necessarily granted, which elevation certificates are needed, and adding a provision to avoid conflicts of interest between Authorized Municipality review engineers and project design engineers.

Appendix A - Definitions

Revisions to Appendix A include new definitions for “actual release rate”, “applicant”, “Bulletin 70 (2019)”, “Circular 173”, “control structure”, “detention service area”, “gross allowable release rate”, “net allowable release rate”, “project”, “property holding”, “required detention volume”, and “sewer system owner”. Clarifications were made to several definitions. Other definitions were deleted, as they are redundant, not used in the WMO, or are used solely as defined in the dictionary.

Appendix B – Watershed Specific Release Rates

Appendix B was added to incorporate the results of the Watershed Specific Release Rate Study conducted by the Illinois State Water Survey. The new release rates will go into effect based on the provisions of this Appendix.

Appendix F – Permit Fees to the Watershed Management Ordinance

Revisions to Appendix F include clarifying section titles, moving fees to appropriate sections, and providing direction on inspection fees for underground detention vaults. Detention fees now indicate runoff, volume control, and D-Legacy detention without additional volume do not require fees, and the nomograph method for large developments is no longer a listed fee, in an effort to improve design and storage volume accuracy.