

Watershed Management Ordinance January 9, 2025 Amendment Summary

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 are 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 specifies 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 specifies that development on property holdings immediately adjacent to designated waterways is not subject to the detention provisions.

Volume Control Provisions: A new provision removes 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 allows 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.

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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 with an exhibit depicting designated waterways for which immediately adjacent developments are no longer subject to stormwater detention requirements, and for which permits are required for new or reconstructed outfalls.

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.