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M E E T I N G

CAL-SAG WATERSHED PLANNING COUNCIL MEETING
FOR THE WATERSHED MANAGEMENT ORDINANCE PUBLIC
INFORMATION ON THE PROPOSED AMENDMENT

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Palos Hills City Hall
10335 South Roberts Road
Palos Hills, Illinois

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Wednesday, January 9, 2019
5:44 o'clock P.M.

M E E T I N G

CAL-SAG WATERSHED PLANNING COUNCIL

METROPOLITAN WATER RECLAMATION DISTRICT

OF GREATER CHICAGO

* * * * *

Held on Wednesday, January 9, 2019, commencing
at the hour of 5:44 o'clock P.M., at 10335 South
Roberts Road, Palos Hills, Illinois.

1 PRESENT: (District Personnel)

2 MS. LYNN KOHLHAAS, Senior Civil Engineer

3 MR. ANDRE HAYNES, Senior Civil Engineer

4 MS. JUSTINE SKAWSKI, Principal Civil Engineer

5 MR. BRIAN PERKOVICH, Executive Director

6 MR. ADAM WITEK, Senior Civil Engineer

7 ALSO PRESENT:

8 MS. VICKY MATYAS-SMITH, SCM, Executive Director

9 MR. GERALD R. BENNETT, City of Palos Hills

10 MR. NICK OEFFLING, City of Palos Hills

11 MR. PAUL HARDISON, City of Palos Hills

12 MR. STEVE BARRETT, Village of Oak Lawn

13 MS. MARY WERNER, Village of Worth

14 MS. SUSAN LEHR, City of Hickory Hills

15 MR. MATTHEW ZAREBCZAN, Village of Justice

16 MS. MAGGIE CATANIA, Village of Robbins

17 MR. GEORGE SCHAFER, Village of Lemont

18 MR. RICH RINCHICH, City of Oak Forest

19 MR. KEITH PEKAU, Village of Orland Park

20 MR. JOHN INGRAM, Village of Orland Park

21 MR. KEN DADO, Village of Orland Park

22 MR. STAN BARWOCK, Village of Chicago Ridge

23 MR. SCOTT SMITH, City of Palos Heights

24 MR. JOHN RYAN, Village of Alsip

1 ALSO PRESENT (CONTINUED):

2 MR. MIKE SIBRAVA, Village of Palos Park

3 MR. JIM POELSTERL, City of Blue Island

4 MR. JOHN MCNELIS, Cook County Highway

5 Department

6 MR. GREG BYARD, Illinois State Water Survey

7 MR. CHRIS HANSTAD, Illinois State Water Survey

8 MR. ANDREW PUFUNDT, Christopher Burke

9 Engineering

10 MR. MIKE SPOLAR, Robinson Engineering

11 MR. ERIC FOYTOK, Morris Engineering

12 MR. JOHN HOEFFERLE, Hoeffferle-Butler

13 Engineering

14 MS. CLARE NAWROCKI, AXA Advisors

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17 Members of the Public

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1 MR. BENNETT: Ladies and gentlemen, if we
2 can start this a little early. I want to apologize
3 to everybody. Through my fault, I have a conflict
4 tonight with another meeting at 7:00 o'clock along
5 with Mayor Werner. I had scheduled two meetings on
6 the same night. So I apologize. A couple of us
7 will be leaving, and I'll ask Mayor Pekau to finish
8 off the agenda --

9 MR. PEKAU: Sure.

10 MR. BENNETT: -- after I leave.

11 But we wanted to get started. Welcome,
12 everybody, to the Cal-Sag Watershed Planning
13 Council. This is a special meeting primarily for
14 the purpose of going over the final opportunity to
15 comment on the WMO.

16 And with that, Vick, you want to read the
17 roll call.

18 MS. SMITH: Sure.

19 Alsip.

20 MR. RYAN: Here.

21 MR. BENNETT: Again, mayors and audience,
22 we have a court reporter. So any time you speak,
23 your name.

24 MS. SMITH: And who you represent.

1 Alsip.

2 MR. RYAN: John Ryan, mayor, here.

3 MS. SMITH: Bedford Park.

4 MR. HOEFFERLE: John Hoefflerle, village
5 engineer.

6 MS. SMITH: Blue Island.

7 (No response.)

8 MS. SMITH: Bridgeview.

9 (No response.)

10 MS. SMITH: Burbank.

11 (No response.)

12 MS. SMITH: Chicago.

13 (No response.)

14 MS. SMITH: Chicago Ridge.

15 MR. BARWOCK: Stan Barwock, public works
16 director.

17 MS. SMITH: Crestwood.

18 (No response.)

19 MS. SMITH: Evergreen Park.

20 (No response.)

21 MS. SMITH: Hickory Hills.

22 MS. LEHR: Sue Lehr, public works.

23 MS. SMITH: Hometown.

24 (No response.)

1 MS. SMITH: Justice.

2 MR. ZAREBCZAN: Matt Zarebczan, director
3 of economic development.

4 MS. SMITH: Lemont.

5 (No response.)

6 MS. SMITH: Merrionette Park.

7 (No response.)

8 MS. SMITH: Midlothian.

9 (No response.)

10 MS. SMITH: Oak Forest.

11 MR. RINCHICH: Rich Rinchich, director of
12 public works.

13 MS. SMITH: Oak Lawn.

14 MR. BARRETT: Steve Barrett, public works.

15 MS. SMITH: Orland Hills.

16 (No response.)

17 MS. SMITH: Orland Park.

18 MR. PEKAU: Keith Pekau, mayor.

19 MS. SMITH: Palos Heights.

20 MR. SMITH: Scott Smith, public works.

21 MS. SMITH: Palos Hills.

22 MR. OEFFLING: Nick Oeffling, public
23 works.

24 MR. BENNETT: Jerry Bennett, mayor.

1 MS. SMITH: Palos Park.

2 MR. HARDISON: Paul Hardison, building
3 commissioner of Palos Hills.

4 MS. SMITH: Sorry about that. Thank you.
5 Palos Park.

6 MR. SIBRAVA: Mike Sibrava, public works.

7 MS. SMITH: Robbins.

8 (No response.)

9 MS. SMITH: Summit.

10 (No response.)

11 MS. SMITH: Tinley Park.

12 (No response.)

13 MS. SMITH: Willow Springs.

14 (No response.)

15 MS. SMITH: Worth.

16 MS. WERNER: Mary Werner, village
17 president.

18 MS. SMITH: Unincorporated Cook County.

19 MR. MCNELIS: John McNelis, Cook County
20 Department of Transportation.

21 MS. SMITH: Bremen Township.

22 (No response.)

23 MS. SMITH: Calumet Township.

24 (No response.)

1 MS. SMITH: Lemont Township.

2 (No response.)

3 MS. SMITH: Lyons Township.

4 (No response.)

5 MS. SMITH: Orland Township.

6 (No response.)

7 MS. SMITH: Palos Township.

8 (No response.)

9 MS. SMITH: Stickney Township.

10 (No response.)

11 MS. SMITH: Worth Township.

12 (No response.)

13 MR. BENNETT: Thank you, Vicky.

14 We do have a quorum, and we do have the
15 transcripts distributed from the October 30th
16 meeting, and I will entertain a motion to accept
17 those minutes.

18 MR. PEKAU: So moved.

19 MS. WERNER: Second.

20 MR. BENNETT: Moved by Orland Park,
21 seconded by Worth.

22 Any questions?

23 (No response.)

24 MR. BENNETT: If not, all in favor,

1 signify by a vote of aye.

2 (Chorus of ayes.)

3 MR. BENNETT: Opposed.

4 (No response.)

5 MR. BENNETT: Motion carries.

6 And one other item before we get into the
7 core of the meeting. There's pizza and salad back
8 there. So after the meeting, if you haven't eaten,
9 please go back there and eat. Vicky will hang for
10 that; right? Five minutes.

11 I want to move the schedule a little bit
12 because of the importance of the WMO. So let me do
13 that before we do the capital improvement projects
14 subject.

15 So under the watershed management, who is
16 going to do that?

17 MS. KOHLHAAS: Good evening. I'm Lynn
18 Kohlhaas with MWRD, local sewer section. We are
19 going to be going over the Watershed Management
20 Ordinance. We're actually not having the capital
21 improvement program tonight. If you were interested
22 in it, there's handouts on the table.

23 So the only thing that we had -- okay. So
24 they have this questionnaire that they're going to

1 be sending out in two parts. The first is a
2 application SurveyMonkey, and the second is an
3 online GIS tool. Hard copies are going to be
4 distributed so be looking for those shortly.

5 And that's all we have from stormwater.
6 So we'll move right into the WMO.

7 MR. BENNETT: You came all the way out
8 here, Andre?

9 MS. KOHLHAAS: He's here in case you have
10 questions after the meeting.

11 (Slide Presentation.)

12 MS. KOHLHAAS: We are going to do just a
13 quick background. Then we are going to go through
14 the clarifications and document improvements. Then
15 we're going to get into the noteworthy changes which
16 are the GI as nonqualified development,
17 redevelopment of WMO permitted projects, the
18 watershed specific release rates, and then the
19 StormStore application. Then we'll give you the
20 information for public comment, and then we'll all
21 go home, or you'll go eat some more pizza.

22 So just as a background, 2004 the District
23 got stormwater authority for Cook County. From 2007
24 to 2013 we developed the WMO. There were lots of

1 public review and economic impact studies,
2 et cetera. It was adopted in October of 2013, first
3 amended in April 2014, and became effective
4 May 1st of 2014. That's our magic day, May 1st.

5 July 10th, the Inflow Infiltration
6 Control Program was adopted in as Article 8, and
7 then in May 1st of 2015 all the grandfathered
8 projects were done and everything was subject to the
9 WMO from that point forward.

10 If you recall, the last couple of years
11 we've been working on a different amendment. That
12 just got adopted February 15th of 2018. We have
13 been working on this amendment since before that
14 adoption, since last January.

15 So some changes that if you look at the
16 actual red-line document, you're going to see a lot
17 of these, but we are not going to go through them
18 piece by piece tonight, just going to give you a
19 general here's what changed.

20 A lot of provisions were moved within the
21 WMO. Some of them were moved within the same
22 article. Some were moved to a different article
23 wherever they were more appropriate.

24 There's a lot of redundancies that were

1 removed or consolidated.

2 Any guidance details were moved to the
3 Technical Guidance Manual. When the WMO first came
4 out, TGM had not been published yet so a lot of that
5 detail was in the WMO. It has now been moved out to
6 a more appropriate location.

7 And we revised our definitions to either
8 include new ones that are effective because of this
9 amendment, we have modified a bunch of them for
10 clarity, and then deleted ones that don't exist
11 anymore.

12 All right. When you're looking at the
13 public comment draft, green double underlined text
14 means moved within the same article, red text means
15 either it's new, it's a clarification or rewrite of
16 the same provision or it's being moved in from a
17 different location, and the strike-through text is
18 being moved out to a different location, it's being
19 moved to the TGM, again clarifications, or deleted
20 for redundancy.

21 Numerical references that we are going to
22 be talking about throughout this presentation, if it
23 just has the reference, we are talking about what's
24 in the new red-line, that's what's online. We have

1 it both in the messy red-line format and also in a
2 nice clean format without any editing text so you
3 can reference those numbers more easily. If it says
4 "former," that's the February 15th, 2018, version,
5 and usually because that provision is now deleted.

6 So getting into some of the meat, we are
7 not going to go through every time this happens, but
8 in general we are deleting the term "regulatory"
9 quite a bit when we're talking about floodplains and
10 floodways. The regulatory FEMA floodplain and
11 floodway is a defined one. Not every floodplain and
12 floodway is defined. We are still using the term
13 "regulatory" when it does pertain to the
14 FEMA-defined floodways and floodplains.

15 Also "substantial improvement" was causing
16 some conflict because under NFIP substantial
17 improvement could be doing all internal construction
18 to your building, and the WMO does not regulate
19 internal to buildings. So we clarified what we are
20 talking about with the foundation expansion and have
21 removed the term "substantial improvement" from the
22 WMO with the exception of one place where we say
23 it's a local issue.

24 So getting started with articles, 104,

1 that's the last chunk of Article 1, this is where we
2 talk about the relationship to the repealed Sewer
3 Permit Ordinance, we are deleting the phrase "prior
4 to the effective date." This was a section that
5 talked about if your permit was issued prior to the
6 effective date of this ordinance you could still use
7 that old permit. Not every SPO permit was issued,
8 but it is still bound by the SPO. So by removing
9 that phrase, we're saying anything issued under the
10 SPO remains with the obligations and liabilities of
11 the SPO.

12 Then we are deleting former 104.2 which
13 talked about if you have an open SPO application you
14 can still use the SPO. All those applications now,
15 all those projects are either constructed or
16 canceled so there's no more open permits under the
17 SPO.

18 We are consolidating the relationship
19 between the SPO and Article 7, qualified sewer. We
20 said in a couple different places that all of the
21 qualified sewer construction from the SPO is now in
22 Article 7. We are just consolidating that into one
23 place. It's right here in Article 1.

24 Article 2, the applicability and general

1 provisions. This is a new provision for work in
2 Lake Michigan. Specifically, if you are in the lake
3 and your work is covered by the Army Corps and IDNR,
4 the WMO would be double regulation. A lot of times
5 that work is signed off by a professional geologist
6 which the WMO does not allow, it's not going to
7 permit. So to eliminate the double regulation and
8 the issue with signing, we are exempting this work
9 from requiring a permit if it meets those
10 provisions.

11 We are deleting the District land
12 provision for the City of Chicago exemption because
13 all development in the city of Chicago follows the
14 City's stormwater ordinance, not the WMO. So just
15 because you're on District land, what are we going
16 to review? Nothing. Because you're following the
17 City.

18 So under applicability, this is when you
19 need a permit. We have a new exemption for large
20 single-family home parcels. If you are a single
21 family home parcel outside of any flood protection
22 area and you're doing more than a half an acre of
23 development, currently the way the WMO reads, it
24 does make you need a permit. So we are specifically

1 stating that you do not because we are not here to
2 regulate single-family homes. We are just making
3 sure that your elevation is above the flood
4 protection elevation.

5 201.2.G, this is again the District's land
6 thing. We're trying to say the District land
7 follows the same provisions as all other land. You
8 don't need a permit just because you are on District
9 land. You're still bound to your lease requirements
10 through our law department but not through the WMO.

11 Article 3. This one is really messy if
12 you're looking at the red-line because this one had
13 the most stuff moved to the TGM. So don't freak out
14 when you look at it. It's fine.

15 The first part that we did is we are
16 clarifying the responsibility of recording
17 requirements for the unincorporated areas without a
18 permittee. So if you're in incorporated Cook County
19 and you're a stormwater sole permittee, that's where
20 this would apply.

21 And we have a new clause for errors and
22 omission. This is pretty standard language. It
23 just was omitted from the WMO.

24 Under the actual application submittal,

1 the first part is the general narrative. Every
2 section that we talk about, every submittal section
3 has a narrative, floodplain, wetland, sewer
4 construction. We're not actually asking for seven
5 different narratives; it will all be one narrative.
6 But under the general narrative we are asking that
7 if flood protection area is not present, we want
8 that to be stated. So you're doing a denial of the
9 flood protection area. If it is present, that falls
10 under the wetland or the floodplain or whatever else
11 narrative.

12 302.2, we took the Sections 302 through
13 307 and 310 and we combined them into just 302.2.
14 This is all of the submittals, outlining what is
15 needed for each submittal like I just said,
16 wetlands, floodplains, sewer construction,
17 et cetera.

18 A lot of the detailed information that was
19 in all those sections is moved to the TGM so that
20 these are much more condensed.

21 Under 302.2.B(5) we clarified when the
22 Schedule K is required. There's been some confusion
23 on this one. And the following section we clarified
24 when Schedule L is required, again, just to clarify

1 for confusion noted.

2 For the wetland submittal we are deleting
3 the LONO as an option to determine your
4 jurisdictional determination. The Corps will issue
5 a LONO if they have no objection to your work, but
6 that does not actually say whether it's
7 jurisdictional or not. We need to know that. So
8 the only things that you can submit for that is
9 either a jurisdictional determination or your Corps
10 permit.

11 Provision 302.2.D(9) is being deleted
12 because it says that you have to submit the
13 District's procurance with your delineation for your
14 wetland boundary. The District doesn't even look at
15 that until after you submitted your permit
16 application. So it's impossible to meet this
17 provision.

18 And similar to wetlands but in the
19 opposite form, for riparian environments this
20 provision 302.2 is talking about if you are in a
21 jurisdictional water, here's what you need to
22 submit. Well, if you're in a jurisdictional water,
23 we don't need a jurisdictional determination. It's
24 already been determined.

1 The next section due to the reorganization
2 now, plan sets is under 303, and we are revising
3 Subsection 2 to include all the plan sheets, the
4 cover sheet requirements, and then all the
5 individual plan sheets as listed. It doesn't mean
6 every plan sheet is required; but if applicable,
7 this is the plan sheet we want to see.

8 We are also adding a new 303.2.M, which is
9 floodplain requirements. All the other flood
10 protection areas are in this section except
11 floodplain for some reason. So we are adding that
12 one in.

13 New 303.3 is a requirements for the plat
14 survey, and the next section is clarifying our
15 Exhibit R requirements. The Exhibit R is what gets
16 recorded at the end of construction with the
17 Schedule R.

18 305 is now the construction time line
19 requirements. We are clarifying the extension
20 information. Currently the WMO reads that you can
21 get an extension if you started construction. You
22 can also get an extension if you haven't started
23 construction if you're within that first year. So
24 we are putting that language in the WMO.

1 Record drawings. We are clarifying
2 information about the as-built calculations and the
3 acreages needed to meet the specific requirements of
4 the WMO. And under recordation we are clarifying
5 the recording obligations for Schedule R and
6 Exhibit R. We have had five years now of practice
7 for people going to the recorder of deeds office and
8 calling us back with feedback. So we have a little
9 more guidance now on that one.

10 Article 4 is erosion and sediment control.
11 So the big change in this one is we are effectuating
12 the erosion sediment is required no matter what
13 you're doing even if you don't need a permit.
14 That's in there right now, it says that, but it just
15 says for your development area. We are saying no,
16 it's actually for your whole project. And we'll get
17 into the definition change later, but your
18 development area is a very specific area. Your
19 project also includes your maintenance areas, your
20 demolition areas, any disturbed areas.

21 So we are saying that erosion and sediment
22 control is required for everything; but if you don't
23 need a permit, there's nothing you have to submit,
24 it's okay. So it's just an overarching requirement

1 for Cook County to provide erosion control.

2 Under the temporary requirements for
3 erosion control, there was this provision that said
4 if you have an unstabilized area anywhere on your
5 property you have to put in erosion control. What
6 that really means is if you have an unstabilized
7 area that your project runoff discharges through, we
8 want that to be stabilized while you're working on
9 your project. If it's upstream, if it's not
10 anywhere close to your project, has no effect on
11 your project, we are not asking you to go out and do
12 erosion control for no reason.

13 Temporary sediment control, we're
14 modifying the water discharge to be consistent with
15 ILR10 which basically means we're not mandating a
16 contaminant analysis. We never asked for that. It
17 was just the reference we were making. We looked
18 into what it was asking for, and we're like, oh, no,
19 no, that's not what we want. We are being more
20 consistent with ILR10.

21 So before I move on and turn this over to
22 Adam, do you have questions on 1 through 4?

23 MR. BENNETT: Questions?

24 (No response.)

1 MS. KOHLHAAS: Okay. I'm going to turn it
2 over to Adam Witek. He's going to take you through
3 5 through 8.

4 MR. WITEK: Thank you very much.

5 Hello, everybody. So I am going to go
6 over the stormwater management changes right now,
7 Article 5, modified for the runoff requirements.
8 We're going to go over those first.

9 Modified 502.1 to indicate the runoff, we
10 will always -- all development must meet runoff
11 requirements whenever a permit is required. So
12 that's just to be consistent with Table 2 and the
13 volume control and detention requirements that was
14 originally omitted in the original WMO.

15 We modified 502.3.B. We indicate what
16 methodology must be used to calculate the design
17 runoff rate.

18 We clarified the bypass routing options
19 with respect to whether or not detention is required
20 or not in 502.7.

21 We modified 502.9. We deleted for major
22 stormwater systems. We updated the reference from
23 SCS method to the NRCS method, and we also added a
24 method that's equally approved by the District to be

1 consistent with 504.10, which are the detention
2 requirements.

3 We modified 502.9.C to indicate that the
4 Huff distributions for when you do modeling have to
5 be used for every model, just not when you're doing
6 the critical duration analysis.

7 Modified 502.11 to remove the base flood
8 provisions from Article 5, and we relocated those to
9 the Article 6 where all of our other base flood
10 provisions are located.

11 And in the 502.17 we clarified the
12 boundaries are measured from the project area, and
13 the development area must route to the waterway. So
14 this is with regard to projects that are in combined
15 sewer areas. If you're within a certain distance to
16 a receiving system that could drain to a waterway,
17 we require that stormwater to be routed to the
18 receiving waterway instead of to the combined sewer.

19 I'm going to go over the volume control
20 requirements now in Article 5.

21 We split 503.2 into two different sections
22 to differentiate between volume control storage,
23 which is the required storage, and the volume
24 control practices, which is the container where

1 you're storing that volume.

2 We deleted former 503.4.B(2) where this
3 used to only require properties that were less than
4 10 acres to look off site for off-site volume
5 control. We are deleting that provision so now all
6 sites, regardless of project size, would have to
7 still look for off-site volume control
8 opportunities.

9 503.4.B(5) we changed subwatershed to
10 watershed, and that's to be consistent with the
11 watershed specific release rate study. Those
12 boundaries are also included in Appendix B and E.

13 We modified 503.4.C(2) to incorporate the
14 flow-through practice requirements for each
15 following subsections.

16 Going over the detention requirements now.

17 So we modified 504.3 to be consistent with
18 the watershed specific release rate. This is where
19 the prescribed .3 cfs per acre was located. So now
20 we are referencing the watershed specific release
21 rates.

22 We have a new provision: 504.4. This has
23 to do with how to calculate gross allowable release
24 rate, net allowable release rates taking into

1 account bypass and unrestricted flows.

2 Modified 504.5.B(2) to clarify that when
3 you have an unrestricted release rate you can deduct
4 that from the gross allowable to mitigate that.

5 We revised 504.8 to include a new
6 definition called required detention involvement.

7 So in 504.11.C we included reference to
8 depressional storage.

9 Clarified 504.12 to include the
10 calculation requirements for tailwater conditions.

11 We clarified 504.14, requirements for
12 backflow prevention. That is for when you open air
13 basins and combined sewer areas that are tributary
14 to combined sewers. We want some kind of backflow
15 prevention device installed downstream of that basin
16 to ensure that if there's any surcharge it doesn't
17 go into the basin.

18 We also, similar to the off-site volume
19 control requirements, we now require all properties,
20 regardless of property size, to look for off-site
21 detention if you can't provide it on site. So we
22 deleted former 504.14.C.

23 Also in 504.15 we changed the word
24 "subwatershed" to "watershed" just to be consistent

1 with the watershed specific release rate planning
2 boundaries included in Appendix B and Appendix E.

3 So I'm going to go over Article 6 now.
4 These are flood protection area requirements.

5 We reverted the title of 602 to the
6 previous version.

7 We also in 602.1 and 602.2, they clarified
8 that the foundation expansion is defined to remain
9 consistent with NFIP requirements.

10 We clarified provision 602.6.A to indicate
11 that comp storage cannot exist between a normal
12 water level within a stream.

13 We also revised 602.13 to tie any required
14 LOMR to our request for a final inspection for
15 permit as opposed to the start of building
16 construction.

17 602.24 was revised to reference the IDNR
18 requirements listed in Title 17, parts 3700 and
19 3708, of the admin code. This is with regard to
20 appropriate uses of work done in the floodway. So
21 this was just copy and paste from their, from this,
22 from the admin code. So we're just referencing it
23 now instead of reproducing it.

24 And the same goes for 602.25. The

1 language included when IDNR would have to approve a
2 model. So we are just referencing the code as
3 opposed to reproducing it.

4 We clarified 603.4. The wetland submittal
5 and delineation is required for all projects with
6 wetlands, and the Corps jurisdictional determination
7 is required for wetlands within a hundred feet of
8 the project.

9 We added a new provision: 604.10.B(3).
10 This is how to mitigate disturbances to wetlands;
11 and wetland creation is also mitigation, which is
12 not included in the original ordinance, so we are
13 adding it in.

14 Also 606.2, we clarified that for it to
15 evaluate. For the evaluation in zone also includes
16 the riparian buffer.

17 Now Article 7 is our requirements for
18 sewer construction.

19 We clarified the connection impact fees in
20 700.8, and we referenced Appendix F, which is where
21 all of our fees are contained.

22 We clarified 701.2.A to clearly indicate
23 when single-family home service sewers are exempt
24 from permitting requirements.

1 We also clarified 701.2.D to indicate our
2 requirements for septic systems with sewers that
3 discharge to the District are not exempt from
4 permitting. You still need a permit from us if the
5 flow comes to us.

6 Clarified 701.2.G. This is an exemption
7 for footing drains to protect structure foundations.
8 Originally this was included as a qualified sewer,
9 but it is not a qualified sewer. We are exempting
10 it in this provision.

11 We are clarifying 701.2.H to remove the
12 reference exempting volume control since any type of
13 volume control that you want credit for you have to
14 get a permit from us. So there would be no point to
15 exempt it in this provision.

16 We modified 701.3 to clearly indicate that
17 certain types of inspections and televising of
18 sewers as well as certain types of rehabilitation
19 are not considered qualified sewer. So you would
20 not need a permit to do that work.

21 We clarified 702.1.C(2) to indicate that
22 sewage cannot be discharged into any stormwater
23 facility that's tributary to a waterway.

24 Similarly, we clarified 702.1.F to

1 indicate that stormwater cannot enter into a
2 sanitary sewer.

3 We modified 702.2.C to incorporate
4 language that was originally located in Article 5.
5 We felt that this was a more appropriate location
6 because this gives us the requirements for any type
7 of project would have to provide separate sanitary
8 and storm sewers on site and also explains what
9 types of flows can enter in those types of sewers.

10 We added a new provision, 702.2.E, to
11 indicate that any type of proposed sanitary sewer
12 has to connect to a system that will not promote a
13 septic condition. So your proposed sanitary sewer
14 has to have an adequate outlet.

15 We added another new provision, 702.2.F,
16 for bypass requirements. So when you're doing sewer
17 construction and you have to install a bypass system
18 to route flow to install or rehab new or existing
19 sewer, we have requirements for those types of
20 bypasses themselves.

21 This article was greatly reorganized. So
22 all of -- any type of qualified sewer construction
23 requirement is now under this new provision: 702.3.

24 Underneath that provision, 702.3.A, we

1 consolidate all of our manhole inspection
2 requirements under one provision.

3 And under 702.3.B we have all of our
4 requirements when industrial waste is produced from
5 proposed building.

6 We revised 702.3.C(2), and we consolidated
7 all of our pump station requirements in this
8 provision, and we also made that consistent with
9 Title 35 and the recommended standards for
10 wastewater facilities.

11 We added a new provision, 702.3.D, for
12 when you have a proposed sewer crossing a stream.
13 We have all the requirements listed in this
14 provision now.

15 And we revised 702.3.F to consolidate all
16 of our new outfall requirements under one provision
17 instead of just having it all scattered throughout
18 the ordinance.

19 We have a new provision, 702.3.G(3). This
20 is where if you're -- if you want to utilize
21 existing sewers that are -- that used to be
22 tributary to a septic system that's going to be
23 removed and you want to reuse those sewers to
24 connect to the receiving system, we just have a few

1 requirements that are listed now under this
2 provision.

3 Also we have a new provision, 702.3.H, to
4 be consistent with the requirements listed in
5 Article 3. This is for when there's no public sewer
6 that you can connect your proposed qualified sewer
7 to and you have to do a private-to-private
8 connection, we require written permission from the
9 adjacent owner as well as the maintenance agreement
10 to be recorded and submitted with the permit
11 application.

12 So I'm going to go over Article 8, which
13 is our infiltration and inflow control program
14 requirements. There's a couple changes here.

15 We clarified 808.7 to update the
16 noncompliance time frame from 45 days to 60 days
17 just to be consistent with other provisions.

18 And we also clarified 811.8.A. We revised
19 the show cause penalties to be consistent with
20 808.7.

21 So I'll take any questions anyone has on
22 Articles 5 through 8, if there are any.

23 UNIDENTIFIED SPEAKER: How far along are
24 you in the watershed specific release rates

1 determination?

2 MR. WITEK: Illinois State Water Survey is
3 here today. They're going to go over the
4 methodology that they used to conduct their study.
5 So it's done. And then I think Justine is going to
6 go over those release rates for the watersheds.

7 MS. SKAWSKI: Six more minutes.

8 MR. WITEK: It's like 20 slides down.
9 Are there any other questions?

10 (No response.)

11 MR. WITEK: Great.

12 MS. KOHLHAAS: All right. So go through
13 the rest of the articles and the appendices. Then
14 we'll get to the watershed release rates.

15 Article 9, there's just one change. We
16 pulled out this section that talked about private
17 treatment systems bonding requirements. Also
18 permittee bonding requirements are in Article 3. So
19 it was a redundancy.

20 Article 10, inspections, we split into two
21 sections, one for pipes and trenches and one for
22 underground detention facilities. That's the only
23 thing we did in 1001.4.

24 Clarified 1003.2 that the District is

1 responsible for scheduling final inspection, not the
2 applicant.

3 Articles 11, 12, and 13 were reviewed by
4 our Law Department. These are their
5 recommendations.

6 We clarified 1101.3.D and E that the
7 entire property surveyed is required. The applicant
8 must identify persons within 250 feet of the
9 property line, not project boundary. This is for in
10 case you have a large site within 250 feet of your
11 project, it's still your property. You don't have
12 to notify anybody. That's not what we want to see.

13 1102, notice of petition, we add a notice
14 that various administration rules will be available
15 on our website.

16 Clarified 1102.4 and 5, certificate of
17 publication and notice must be filed, and the
18 deadline changed to provide consistency with the
19 time line for other requirements. Under notice of
20 petition, new provision saying that any failure to
21 file the required documents can be a basis for
22 denying the variance petition.

23 And in standards, the District can only
24 grant the minimum variance necessary. It's not

1 necessarily whatever is being asked for; it's just
2 the minimum necessary.

3 For submission of written comments, we're
4 clarifying the written comment period to ensure that
5 it's open for no less than 21 days after notice is
6 sent. That's because the way it's written notice
7 can be sent any time within a time period, and so we
8 want to make sure there's at least 21 days there in
9 case it's sent too early.

10 New provision, 1104.3, make clear that all
11 public comments will be provided to the applicant so
12 everyone is on the same page.

13 Under determination by the District, we
14 have administrative change to make clear the
15 variance will be heard by either the Board or their
16 designee. This is consistent with other WMO
17 procedures.

18 In that same frame, 1105.3 and 4 are
19 deleted to effectuate this. They're all kind of
20 rolled together.

21 We clarified 1105.6.A. The report must
22 contain the basis for the recommendation, and we
23 added a cost provision for who bears the cost if a
24 court reporter transcript is requested.

1 New provision 1105.8 indicates that the
2 final decision for the variance does rest with the
3 Board of Commissioners.

4 And we clarified 1105.9 that requires the
5 provisions of the Board's final order.

6 Article 12 is our enforcement article.
7 Under administrative proceedings, we changed the
8 deadline in 1201.7. This is to comply with the time
9 line indicated at 1201.3.

10 Under show cause hearing, the range of
11 penalties to be assessed, it was rewritten a little
12 bit. The actual dollar amounts have not changed.
13 It's just clarifying the language so it makes more
14 sense.

15 Our article on appeals, if you're
16 appealing to the Director of Engineering, we amended
17 the deadline to allow flexibility for time-sensitive
18 appeals. We now allow it to be at the discretion of
19 Director of Engineering if you make that request.

20 For appeals to the Board of Commissioners,
21 this is kind of the same thing we did in Article 11,
22 making clear that can be heard by either the Board
23 or their designee, and again with the who bears the
24 cost court reporter transcripts in the 1302.7.

1 Article 14 is our final article. That's
2 the administration. This one has a lot to do with
3 the authorized municipality program. So we
4 specified under the section that says authorized
5 municipalities must provide this documentation when
6 requested. There was this thing called elevation
7 certificate. It was a defined term. This is the
8 only place it was used. So we put the definition
9 language right in the body, covered the definition.

10 A new provision, 1402.3.D, is a conflict
11 of interest provision. It states if there is a
12 conflict of interest, if it does exist, between the
13 design engineer and the authorized municipality's
14 engineer who is reviewing the permit, then that
15 permit cannot be issued by the authorized
16 municipality. It has to be issued by the District.

17 Any questions on Articles 9 through 14
18 from anyone?

19 (No response.)

20 MS. KOHLHAAS: Okay, great.

21 We'll go to the appendices. We have A
22 through G are appendices. As you see here, C, D,
23 and G do not have any changes to them. So we won't
24 be talking about those tonight.

1 Appendix A is the long one. It's got the
2 most changes. It's our definitions appendix. We
3 are going to go through the new definitions that are
4 because of this amendment.

5 Actual release rate. There's a lot of new
6 release rate definitions. They're all replacing
7 allowable release rate, and this helps clarify the
8 detention requirements in Article 5.

9 Applicant is a new term that covers all
10 parties that are responsible for a permit. Some
11 permits don't have a copermitttee. Some don't have a
12 permittee or copermitttee. Pretty much all the
13 submittal requirements are submitted by a design
14 engineer. So this is just to roll all that
15 together.

16 Circular 173 is used a little bit in the
17 WMO. So we are defining that and giving a author,
18 publication, and all that.

19 Control structures is a new definition.
20 That's referring to the restrictor of a detention
21 facility.

22 Detention service area is new, and that's
23 added to clarify the redevelopment provisions of
24 505. We'll be talking about those a little bit more

1 later.

2 Gross allowable release rate is another
3 one that replaces allowable release rate.

4 Net allowable release rate, same thing.

5 Project is our new definition. We briefly
6 touched on Article 4. Project includes all areas
7 that you're working on, your development,
8 maintenance, demolition, all disturbed areas. The
9 WMO was using development kind of willy-nilly
10 everywhere. It didn't always mean development. So
11 we've added this new project definition, and it
12 helps clarify when we are talking about your
13 specifically defined development and when we're
14 talking about just the work you are doing now.

15 Required detention volume is new to help
16 clarify Article 5, Detention.

17 Sewer system owner is added for Article 7
18 and 8. Regardless of who may own the sewer, this is
19 referring to whoever is responsible for the
20 maintenance.

21 Those are our new definitions. We'll move
22 quickly on to the modified definitions.

23 Accessory structure. The current
24 definition is straight out of NFIP which is

1 referring to single-family homes so there's always
2 an associated building. The WMO is broader than
3 that. There's not always an associated existing
4 building. So we are removing that existing building
5 provision.

6 Appellant. We're adding the permittee as
7 someone who can appeal a permit.

8 Connection impact fee. We are just
9 clarifying when this fee applies. It's for areas
10 that are annexed to the District after July of 1998.

11 Critical duration analysis is now
12 indicating the actual storm events for which this
13 should be analyzed, just pointing out exactly what
14 you need to do.

15 Design runoff rate is including critical
16 duration analysis.

17 For existing detention facility, the
18 current WMO refers to this for detention facilities
19 that were permitted and built under the SPO. It
20 does not account for anything that has since been
21 built under the WMO. However, with our
22 redevelopment provisions and pretty soon WMO permits
23 are going to start being redeveloped, we need to
24 kind of expand this thinking a little bit. So this

1 definition has been modified to include even those
2 post-WMO existing facilities.

3 Major stormwater system. We are
4 indicating that this is calculated based on the
5 critical duration event.

6 For native plant and conservation areas,
7 these are currently limited to use just for
8 unrestricted flows, but we want to encourage this
9 use throughout so we are not limiting the use of
10 these areas.

11 For nonqualified development we're
12 expanding the list of what can be considered
13 nonqualified. This is consistent with the new
14 provision in Article 5 we are going to talk about in
15 just a minute.

16 Offsite detention facility and offsite
17 volume control practice. These are specifically
18 defined to be the offsite practices that are for
19 trading purposes the areas that you are not
20 tributary to. If there is a regional basin that
21 you're tributary to but it's not on your property,
22 that is a detention facility located off site.
23 That's not an offsite detention facility. So we
24 have to -- these bolder terms are very important

1 when it comes to some of this stuff.

2 So we are clarifying to distinguish them
3 from regional facilities and for volume control
4 practices. We don't want to do any double credit.
5 So you have to actually -- instead of picking up
6 development area, you actually have to pick up
7 existing impervious area because we don't want to
8 double count that impervious area.

9 For permittee, we're just clarifying who
10 serves as the permittee when it comes to like
11 actually submitting the permit. Sewer projects
12 versus development and stormwater projects have
13 different permittees sometimes.

14 And property interest, this is taking the
15 terms "interest," "parcel," and "ownership" and
16 combining them all into one. There was a lot of
17 confusion. We used the term "parcel." Parcel can
18 be a very colloquial term. That just means your
19 PIN. But parcel under the WMO means everything that
20 you have interest in. It can be multiple PINs.
21 This is causing a lot of confusion so we are
22 revamping that whole thing. You don't have to
23 search through four definitions now to figure out
24 what we are talking about.

1 Qualified sewer. We removed the word
2 "construction." So the defined term now is
3 qualified sewer. We still talk about qualified
4 sewer construction but construction part is not
5 defined.

6 For underdrains, we are clarifying this
7 does not include the footing drains that we just
8 told you were except in Article 7. This is all
9 other underdrains, just not the foundation ones.

10 In unrestricted flow we are indicating the
11 requirement to include the net allowable release
12 rate calculations for this.

13 So those are all the modified definitions.
14 This list of 12 definitions is all the ones that
15 were taking up space in the WMO and not actually
16 being used. Existing development plans list and
17 substantial improvement were used. They are no
18 longer used after this amendment.

19 Here's the redundant definitions. They
20 were in here, very similar to another definition or
21 somehow -- like for example, jurisdictional
22 wetlands. We also have a definition called Corps
23 jurisdictional wetlands. Definitions were
24 identical. So we don't need to have all of these

1 redundant definitions.

2 These unnecessary definitions, we looked
3 at where these are used in the WMO, and they're used
4 in the same manner as the dictionary would use them.
5 There's no need for us to define them special.

6 And the list here at the bottom is these
7 particular things are actually defined in the body
8 of the WMO where they're being used. They're
9 usually only used one or two places. So there's no
10 need to have a definition if it's already defined in
11 the body.

12 So these are the deleted definition that
13 have a reason. Allowable release rate, as we said,
14 was replaced with net allowable, gross allowable,
15 and actual release rate.

16 Appropriate use is an IDNR definition, and
17 with referencing IDNR's statutes that are
18 reproducing all of their things, we don't need to
19 talk about a defined appropriate use anymore. We
20 just say must meet IDNR.

21 Building envelope is causing a lot of
22 confusion with plumbing code because plumbing code
23 goes up to 5 feet outside the building. The WMO
24 does not. We go right at the building foundation.

1 So we looked at everywhere we used this in the WMO.
2 We clarified what we mean as the foundation wall and
3 we got rid of this definition.

4 Disturbed area was merged in with the new
5 project definition.

6 Ownership was merged in with new property
7 interest definitions. So was parcel.

8 And site was kind of merged into both of
9 them and disappeared.

10 So that's it for Appendix A. I know I
11 went through that really quickly.

12 Appendix E is the watershed planning
13 areas. This is that map that showed different
14 watersheds in Cook County. It was really pretty and
15 in color on the website. When you would print it,
16 it was impossible to read. So we revised the map.
17 It includes now all areas of Cook County, not just
18 the defined watershed lines. Every inch of Cook
19 County has a planning area now. This is to
20 effectuate the watershed release rates. It's now
21 nice printer friendly black and white scheme with
22 different hatchings so you can tell what area is
23 what.

24 Appendix F is our permit fees. This one

1 looks kind of messy but really is just
2 reorganization a little bit, moving some stuff
3 around. And we also are adding in our zero fee
4 stuff in there. So, for instance, the single-family
5 home permit doesn't require a fee, but we are
6 putting it in there as one of our permit types so it
7 says zero dollars.

8 In Section 2 is our stormwater. We added
9 the zero fee in there. We also clarified that when
10 we are talking about small and large, we are not --
11 it's not the development area, it's the area
12 tributary to the detention facility because that's
13 what calculations are based on. And then we are
14 removing large nomograph as an option because of
15 accuracy concerns when you get to a large tributary
16 area that drains in nomograph.

17 Section 5 is our other fees section. We
18 are just clarifying our recordation deposit on that
19 one. We are adding a asterisk note to Section 4,
20 our sewer inspection fee, because we are clarifying
21 that in the combined sewer area while your storm
22 sewer is qualified, it's tributary to a waterway,
23 you do not have to pay the inspection fee.

24 Then also how to calculate the underground

1 detention vaults, we are seeing a lot of those now,
2 and what we are asking for is the longest
3 dimensional length.

4 So any questions on the appendices before
5 we move into the good stuff? Yes.

6 UNIDENTIFIED SPEAKER: Since you are
7 talking about the recordation fee, I assume you are
8 still available to record the documents?

9 MS. KOHLHAAS: If it's impossible for us
10 to get to the engineer and owner applicant to do the
11 recording, we have the ability to keep that deposit
12 and do the recording; but that is definitely not
13 preferred. We do issue refunds for those almost
14 daily. People are having success with recording
15 those now.

16 UNIDENTIFIED SPEAKER: Good.

17 MS. KOHLHAAS: Other question?

18 (No response.)

19 MS. KOHLHAAS: All right, great. I'm
20 going to turn it back over to Adam. He's going to
21 talk to you about some big changes in Article 5, and
22 then we'll get to the release rates.

23 MR. WITEK: So one of the major changes to
24 our stormwater management requirement is located in

1 501.3. This is a new provision to handle the idea
2 of where if you take -- let's say you have an
3 existing parking lot and if you were just to go and
4 do maintenance on that parking lot that would be
5 considered just mill and pave or -- under the WMO
6 that would be considered maintenance so you would
7 not require stormwater detention for that. However,
8 if you were to take that parking lot and you were to
9 put permeable pavers throughout the whole parking
10 lot, that would be considered development and we
11 would require a stormwater detention for that. So
12 it seemed kind of like counterproductive and
13 unnecessary.

14 So in a situation like this, if you were
15 going to otherwise do in-kind replacement and do
16 green infrastructure type replacement, that would be
17 considered nonqualified development, and you would
18 not need stormwater detention for that type of
19 project.

20 Are there any questions on that aspect?

21 (No response.)

22 MR. WITEK: Great. So the more
23 interesting one here is the requirements we have for
24 development or redevelopment tributary to an

1 existing permitted detention facility. Currently
2 the WMO only considers the adequacy of the volume
3 that's provided for your development and
4 redevelopment. So you just compare runoff
5 coefficients or curve numbers, and if your new
6 development is less than what the design was, you're
7 good to go. But considering that we have these new
8 release rates coming, we have to rethink this type
9 of allowance that we are doing with WMO. So we are
10 revising them to consider those release rates for
11 the redevelopment area, which I'll talk about in the
12 next slide.

13 So right now our current allowance is if
14 you have -- if your redevelopment -- if your
15 existing detention basin was within .1 acre foot or
16 within 2 percent of what was required, we would
17 exempt the additional detention. So we are deleting
18 that and we are replacing it with a new allowance
19 for control structures for the restricted
20 structures.

21 We added 505.2.A to just be consistent
22 with our current policies with getting permits for
23 utilizing existing detention facility. You have to
24 go out there and verify that the control structure

1 is there and it meets the original design
2 requirement.

3 Also we just clarified 505.2.B. That's
4 when we also ask you if you're utilizing existing
5 basin to go out there and survey it or demonstrate
6 to us that that basin is still there and it's
7 adequately designed to provide the volume as
8 required.

9 So on to the new provision for
10 redevelopment. Any development or redevelopment
11 that's going to be tributary to an existing
12 detention facility, they must provide additional
13 detention volume at the new release rate using both
14 rainfall Bulletin 70 rainfall data and whatever
15 design methodology was used under the issued permit.
16 So if it was a permit that was issued under the SPO,
17 you could still use modified rational method. If
18 it's under the WMO and there is a hydraulic model or
19 the nomograph method, you can still continue to use
20 those methods. But the idea here is that we need to
21 consider not just the runoff coefficient comparison
22 but if we need a compared required volume with
23 respect to the release rate.

24 So in this example, if west side you had

1 an existing WMO permit, you're in the .3 cfs per
2 acre area, you designed your pond with 1.5 cfs
3 release rate you provided volume there.

4 Now, for the new provisions if you had
5 this redevelopment area here, you're adding a
6 parking lot, and let's say you are in a new specific
7 watershed release rate of a .25 cfs per acre area,
8 you would have to provide the additional volume at
9 that release rate for that area and that pond. If
10 that pond has it, great. You demonstrate it to us,
11 that's fine. If it doesn't, you have to provide
12 additional storage volume for that.

13 Now, that's going to occur on different
14 ways considering the detention service area. So if
15 this is a 5-acre site and this redevelopment is
16 1 acre, we'll just require you to put the additional
17 volume there in the basin or verify that it's there.
18 But if this redevelopment exceeded 40 percent of the
19 original service area, we are going to require that
20 control structure to be replaced to comply with the
21 new composite release rate for that site.

22 So anything that is not being touched can
23 still maintain whatever release rate was permitted,
24 but anything new would have to comply with that new

1 release rate.

2 So and those are explained a little in
3 this slide. So we are adding when you have to
4 actually replace that control structure in 505.4.
5 We are requiring that to be done when the
6 redevelopment of the service area is 40 percent and
7 at 80 percent and eventually at 100 percent or if
8 any individual redevelopment exceeds 25 percent of
9 the detention service area.

10 And then 505.5, this new provision just
11 explains that calculation.

12 And so 505.4 tells you when you have to
13 change the control structure, and 505 just tells you
14 how to calculate the release rate from that control
15 structure.

16 Are there any questions on that?

17 (No response.)

18 MR. WITEK: All right, great. Well,
19 Illinois State Water Survey is going to come up, and
20 they're going to talk to you guys about the release
21 rate study.

22 MR. BYARD: Greg Byard. I'm with the
23 Illinois State Water Survey's coordinated hazard
24 assessment mapping program. I have here my

1 colleague Chris Hanstad. He is the FEMA letter of
2 map revision reviewer at Illinois State Water
3 Survey. So depending when there's a map revision,
4 those will go through Chris. You can introduce
5 yourselves afterwards if you have any questions
6 about those.

7 The goal of our study was to determine
8 release rates that mitigate the impacts of future
9 development specifically on the 1 percent annual
10 chance, the 100-year water surface elevations,
11 mitigating those at or below the current levels that
12 we see today.

13 MWRD asked us to develop the methodology
14 and to analyze the effectiveness of various
15 management strategies within each of the watershed
16 planning areas in Cook County. First we developed
17 the methodology throughout this process. We have
18 been in constant coordination with the Technical
19 Advisory Committee to keep them abreast of the
20 updates of how we're doing the study, types of
21 assumptions that were made consistent with
22 engineering practice within this community, as well
23 as the literature that we found.

24 The study was divided into two phases.

1 The first phase we developed the methodology looking
2 at two pilot study areas. This methodology was
3 evaluated and then applied to each of the watershed
4 planning areas throughout Cook County. Those two
5 pilot study areas, one was the Upper Salt Creek
6 Watershed. The second was the Stony Creek
7 Subwatershed within the Cal-Sag Watershed.

8 We were really looking to capture the
9 breadth of land use types within Cook County so from
10 both very dense urban development as well as capture
11 look -- capture when those developments occurred,
12 some occurring earlier in the century before
13 stringent stormwater management practices to more
14 recent ones under more stringent requirements. This
15 also covers various land uses as well as slopes and
16 soil types within the county.

17 The basis of our methodology is a
18 comparative analysis. We are starting with detailed
19 watershed plan models. Those were developed in
20 early 2000, about 2005 through 2010. Those have
21 been updated for some stormwater projects. For this
22 analysis we also incorporated any recent major
23 stormwater projects that could impact selection of a
24 release rate.

1 For each of these models, there's three
2 different scales in which we were looking at, the
3 watershed scale, Cal-Sag watershed management area.
4 We are looking at the subbasin -- or subwatershed
5 scale. This would be things like Stony Creek,
6 Tinley Creek within the Cal-Sag watershed. And then
7 the subbasin scales in order of a few acres up to a
8 few hundred acres depending on where we are in the
9 county. And subbasin scale is the scale in which we
10 are applying our land use changes as well as the
11 applying the management strategies under the WMO.

12 The goal of phase one was to identify both
13 methodology as well as coming up with a strategy to
14 select those watersheds which were going to be key
15 to controlling release rate selection within each
16 watershed planning area.

17 Brief overview of the methodology. We do
18 have a lot more detail. The report will be
19 available. There's a link at the end of MWRD's
20 presentation. You can request a copy of this
21 report. I believe it's too large to put on the
22 website right now. So if anyone would like that,
23 please feel free to request that, or I can answer
24 questions after this meeting.

1 So as I mentioned, the base of our study
2 was the detailed watershed plans. These are
3 unsteady state hydrologic hydraulic models. We've
4 incorporated the recent major stormwater projects.
5 Future development in these watersheds were studied
6 using a uniform 40 percent development/redevelopment
7 rate. We have made adjustments for areas with
8 significant amounts of forest preserve land. So any
9 subbasin that had more than 20 percent of that
10 subbasin in forest preserve has had their
11 development levels reduced. This was consistent
12 with two different land use analyses we have done,
13 one internal to the Illinois State Water Survey. We
14 got a second land use study done by the Department
15 of Urban Planning at the University of Illinois,
16 their planned evolution and impact assessment model
17 looking for the types of development rates. And
18 this is the WMO's definition of development, which
19 includes both new development as well as
20 redevelopment subject to the WMO.

21 The detention model was using the 100-year
22 24-hour storm. That may be different than the
23 critical duration storm in some of these watersheds,
24 particularly within the Cal-Sag watershed planning

1 area using the linear hydrograph method. This is
2 consistent with both the literature and with
3 requests from the consulting community within Cook
4 County.

5 Our study looked at release rates between
6 .15 cubic feet per second per acre and .3 cubic feet
7 per second per acre. We looked at four of those
8 with .15, .2, .25, and .3. Any area that fell
9 outside of the watershed management regulatory area
10 was subject to the release rate that is effective
11 within those communities. So outside in Will County
12 as well as Lake and DuPage, those requirements have
13 been applied in the course of our modeling.

14 Focusing tonight on the Cal-Sag
15 watershed -- the report itself covers the other five
16 watershed planning areas in Cook County. I'll talk
17 a little bit about how the results from the Cal-Sag
18 watershed relate to those other five watershed
19 planning areas at the end.

20 As I mentioned before, we were looking for
21 which subwatersheds were expected to be critical to
22 the selection of a release rate within a watershed
23 planning area. There's three basic mechanisms by
24 which we have a watershed release rate impact water

1 surface elevations under future development.

2 The first of those is comparing the base
3 conditions peak runoff rate, basically the runoff
4 rate during a hundred year storm under today's
5 conditions with these different management
6 strategies. For watersheds that have a base
7 conditions release rate below any of these suggested
8 management strategies, those tended to require a
9 more restrictive release rate in order to mitigate
10 future increases in water surface elevation.

11 Watersheds with very high natural discharge rates
12 tended to be mitigated by some of the most
13 permissive rates, closer to .3.

14 If we look across the range of the base
15 conditions, the runoff rates within the Cal-Sag
16 watershed, all of these are greater than the
17 .3 cubic feet per second per acre management
18 strategy. So in general we would expect that even
19 the higher release rates could be effective
20 management tools.

21 Another key factor is related to the
22 critical duration event. Critical duration storms
23 are the storm event that causes the largest amount
24 of flooding. Most of the critical durations within

1 the Cal-Sag watershed are subject to the 12-hour
2 critical duration. Because that's shorter than the
3 24-hour critical duration, when subbasin detention
4 facilities are designed for the 24-hour storm, we're
5 getting a little bit of additional benefit; and that
6 also makes these more permissive release rates an
7 effective management strategy.

8 In selecting our subwatershed, we selected
9 Stony Creek as well as Tinley Creek. These had some
10 of the lowest base conditions peak runoff rates and
11 therefore were the most likely to require more
12 restrictive release rate analysis.

13 As I mentioned before, we incorporated any
14 major stormwater projects. The appendix of the
15 report details how we've treated each stormwater
16 projects that the District provided to us. We have
17 incorporated these two District projects here, but
18 the appendix talks about the rest as well.

19 For each of the subwatersheds that we
20 analyzed, we produced a series of maps. Each of
21 these maps have -- see these lines across them?
22 These are hydraulic cross sections of that survey
23 and the development of the detailed watershed plan
24 models. These were our valuation points, looking at

1 whether we were seeing increases or decreases in
2 flooding throughout the models under various
3 management strategies.

4 So the color scales we have up here at the
5 top, the darker green colors are showing significant
6 decreases in water surface elevation under a
7 different management strategy. From Stony Creek one
8 we are seeing that throughout on this particular
9 map. Some of the other watershed planning areas, if
10 you're looking at those in the report or if you're a
11 community that has -- a multijurisdiction community
12 between the two watershed planning areas, you'll see
13 some of these other colors come into play with,
14 those are increases in water surface elevation.

15 We were looking for increases in the
16 100-year water surface elevation greater than a
17 tenth of a foot. This is consistent with the FEMA
18 definition of significant rise due to projects in
19 the floodplain.

20 So this particular management strategy is
21 for the .15 cubic feet per second per acre for Stony
22 Creek. We see across the watershed we are having
23 decreases in some cases on the order of feet of
24 decreases under that management strategy. As we

1 move to the .3 cubic feet per second per acre
2 release rate, we are seeing very similar patterns,
3 decreases across Stony Creek. You'll see some of
4 the decreases in water surface elevation there that
5 looks like lighter colors of green. Those are
6 coming closer to parity, closer to no change in
7 water surface elevation. But in general the .3
8 cubic feet per second release rate is an effective
9 management strategy in the Stony Creek Watershed.

10 We see very similar patterns. This is the
11 Tinley Creek Watershed. Again we're seeing these
12 green cross sections throughout Cal-Sag Watershed.
13 We didn't see increases even at the most permissive
14 release rate of .3 cubic feet per second per acre.
15 The .3 is the currently effective release rate for
16 the WMO.

17 This is moving to the .2 and .25 and the
18 .3, and looking at those we are not seeing increases
19 in water surface elevation. So not much to report
20 on the maps within the Cal-Sag Watershed planning
21 area.

22 We also summarize these results by
23 percentage of the stream line with increases of a
24 tenth of a foot. Again, Cal-Sag Watershed wasn't

1 showing increases even with the most allowable
2 release rate.

3 As we compare that to the other watershed
4 planning areas within Cook County, we see that the
5 Cal-Sag Watershed and the North Branch Chicago River
6 Watershed, the .3 cubic feet per second per acre
7 were effective management strategies of mitigating
8 the impacts of future development.

9 As we moved to the Poplar Creek and the
10 Little Cal Watershed, we see that when you're
11 looking for an effective management strategy, we are
12 having significant increases on portions of those
13 streams at the .3 cubic feet per second per acre.
14 We're looking then at the difference between a
15 management scenario using .25 versus .3 having an
16 impact on the water surface elevation increases
17 under future development.

18 Then looking at the Upper Salt Creek and
19 the Des Plaines River Watershed, that moves even
20 earlier. We are seeing impacts of release rate
21 selections between the .2 and .25 indicating that a
22 more restrictive release rate will be required to
23 mitigate the impacts of future developments within
24 those watersheds.

1 Just to summarize, we feel that the
2 methodology provides a robust tool, an objective
3 tool for evaluating the impacts of watershed
4 specific release rates. We have found that the
5 results are very consistent with the 1991 NIPC
6 study. Many of you may be familiar with that study.
7 It's the basis for some of the communities within
8 Cook County. It's also the basis for some of the
9 surrounding collar counties release rate strategies.
10 We found that a lot of the same types of results,
11 the effectiveness of this detention decreases as
12 watershed size increases.

13 We did do a study with looking at the
14 impacts of urbanization without detention control.
15 We were seeing dramatic increases in water surface
16 elevations when release rates were not being applied
17 to these and that runoff volume is not substantially
18 impacted by the selection of release rate. We are
19 modeling volume control, and that has some impact;
20 but the detention itself has an impact on timing,
21 not on total volume.

22 So we provided these results to Technical
23 Advisory Committee and to MWRD to help them evaluate
24 selection of watershed specific release rates moving

1 forward. MWRD is going to comment on the selections
2 in just a moment, but if there's any questions on
3 the study itself now, I'd be happy to answer any of
4 those.

5 (No response.)

6 MR. BYARD: Thank you.

7 MS. SKAWSKI: My name is Justine Skawski,
8 and I'm with MWRD.

9 In the current ordinance in Article 5, the
10 release rate is .3 cfs per acre, and it said that
11 that would be in effect until May 1st of 2019 and
12 that allowed us to conduct this study and determine
13 what the watershed specific release rates would be.

14 So here is a list of them, and this is in
15 a map view. Poplar Creek, .25; Upper Salt, .2;
16 Des Plaines, .2; North Branch of the Chicago River,
17 .3; here at Cal-Sag, .3; and Little Cal is .25.

18 Now, just like we had with the original
19 ordinance and projects that were in design, we had
20 an existing development plans list. For this, we
21 will have in our ordinance that these are the
22 release rates; however, they will not become
23 effective until January 1st of 2020, and that is to
24 give some time for any projects that are in the

1 planning design phase to be able to transition and
2 submit the permit with required release rates in
3 next January.

4 Are there any questions on the release
5 rates?

6 (No response.)

7 MS. SKAWSKI: Then I will move into our
8 last noteworthy change, which is we call it
9 StormStore. That's an off-site and volume control
10 trading program.

11 Currently the WMO does allow off-site
12 volume control and trading; however, there has to be
13 site limitations and constraints be demonstrated,
14 and the off-site storage must be located within the
15 same subwatershed, and then a hierarchy has to be
16 followed. And Adam had mentioned before how we are
17 switching that to the watershed planning area
18 instead of in the same watershed. And then there
19 are -- for volume, I'll go over later about when you
20 can do off-site volume control and detention.

21 And the way StormStore came about was
22 there was a feasibility study conducted by the
23 Metropolitan Planning Council, the Nature
24 Conservancy, and MWRD, and it determined that there

1 is ample supply and demand for this stormwater
2 credit trading market across Cook County.

3 So in the volume control trading and
4 detention trading portion of the current ordinance,
5 there will be a few modifications for this change;
6 and we also have created a Technical Guidance Manual
7 Appendix H, and that is on our website to review to
8 walk through how this trading program would work.

9 I mentioned about the changes in the
10 boundary and the former 10-acre threshold was
11 removed, and this is to be consistent with large
12 sites and small sites.

13 So for volume control requirements, you
14 can trade up to 50 percent of your required volume
15 control storage. So you would have to at a minimum
16 have 50 percent on the development site, that's
17 where you're doing your project, and then you can
18 have 50 percent at an off-site location. However,
19 if you're -- if the area where you have your
20 development site constraints exist, then you would
21 be able to do 100 percent of your volume control in
22 an off-site location.

23 And then this provision already exists in
24 the WMO, but just to emphasize that the development

1 site where you would be utilizing off-site volume
2 control you would have to put through -- you would
3 have to install a flow-through practice when you're
4 tributary to a waterway. And for the detention
5 trading off site, for the development site you must
6 demonstrate that there's no adverse impacts, and
7 that would be done by conducting a site analysis or
8 a sewershed analysis, and the off-site detention
9 location needs to be located in an area where
10 there's local flooding or a known problem where this
11 off-site detention would create a benefit.

12 So this would be an example of the
13 off-site project. A municipal right-of-way
14 improvement project would need to have a WMO permit.
15 They would have to construct a surplus detention and
16 volume control. And so whatever volume control
17 storage needed to be captured for the right-of-way
18 improvement project if there's new impervious
19 right-of-way, the volume that could be used for
20 volume control and detention would have to be above
21 and beyond the requirements for this project. And
22 then there has to be an equivalent capture area from
23 an existing impervious area. In this case it would
24 be an existing right-of-way.

1 There has to be a maintenance agreement.
2 The permit has to be recorded with maintenance
3 agreements recorded, and the off-site volume control
4 or detention must be functional before the applicant
5 for the development site requests final inspection.
6 We want to make sure that the stormwater facilities
7 are in place before the development is finished.

8 The new provisions added to implement this
9 exchange or credit trading is that a performance
10 bond, which would be held by the municipality, would
11 have to be provided by the off-site location where
12 the off-site volume control or detention is. Now,
13 if this happens to be a municipality off-site volume
14 control facility or detention facility, then the
15 performance bond wouldn't be needed. This would
16 only be for a private entity, and that is just to
17 ensure that the maintenance would be -- that
18 maintenance would continue and if for some reason
19 that site, they defaulted, there would be a
20 mechanism to be able to maintain that facility and
21 then certification of yearly inspections for the
22 first three years, and then inspecting the
23 facilities once every three years after that.

24 And also we want the off-site storage to

1 remain -- both on the development side and the
2 off-site side if there were change in ownership,
3 that that agreement of the off-site storage amount
4 that is being utilized will still -- will transfer
5 with ownerships. So it doesn't matter which site
6 changes ownership, that the volume will still be
7 there for those.

8 And does anybody have any questions about
9 the proposed StormStore? One thing I would like to
10 note in our WMO red line in the comment section, any
11 of the changes in Article 5 to effectuate this is --
12 they're listed as StormStore. So if you want to
13 know exactly which provisions were modified, that's
14 how to find them in Article 5.

15 MS. KOHLHAAS: All right. So we are in
16 public comment right now. It started Monday. It
17 goes until February 5th. We have meetings all
18 across the county, and we are likely going to have
19 another one down in area at the end of the month.

20 The draft amendment, as we have been
21 saying, is posted on our website both in a really
22 messy red-line form and a nice clean new draft copy.
23 So if you are having trouble reading it, you can
24 always look at the clean one.

1 If you have any comments, we ask that you
2 can e-mail those to us at wmocomments@mwr.org or
3 you can mail them to the local sewer section. We
4 are in the 111 Erie building.

5 And we will be working on our technical
6 guidance manual once this amendment goes through.

7 Here is what our WMO home page looks like.
8 If you haven't gone there already, it's
9 wmo.mwr.org. As you can see, the second link down
10 is our draft amendment page. It gives the details
11 for all of the meetings and then of the links which
12 includes the TGM Appendix H and a summary of all
13 these comments. These slides will be posted up
14 there by Friday. So if you do want to reference the
15 slides, they will be up there as well.

16 Does anyone have any final questions?

17 (No response.)

18 MS. KOHLHAAS: Great. Thank you very
19 much.

20 MR. PEKAU: Thank you very much. There's
21 no old or new business. The next meeting is
22 January 30th of this month, 5:30 refreshments,
23 6:00 o'clock Cal-Sag meeting, and then followed by
24 the Southwest Conference business meeting at

1 7:00 o'clock at Bedford Park Village Hall.

2 With that, I'll take a motion to adjourn.

3 MR. RYAN: Second.

4 MR. PEKAU: And all in favor, aye.

5 (Chorus of ayes.)

6 MR. PEKAU: All opposed, nobody here, so
7 we are adjourned.

8 (WHEREUPON, at 7:01 P.M. the
9 proceedings were adjourned.)

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stenographically reported the proceedings had at the
meeting, as aforesaid, and that the foregoing
transcript is a true and accurate record of the
proceedings had therein.

IN WITNESS WHEREOF, I do set my hand at
Chicago, Illinois, this 22nd day of January, 2019.



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