



STORMWATER MANAGEMENT COMMISSION

COUNTYWIDE PERMIT NUMBER 1

AUTHORIZING CONSTRUCTION OF PUBLIC ROAD AND OTHER SPECIFIED DEVELOPMENT WITHIN PUBLIC ROAD RIGHTS OF WAY

Revised July 27, 2021

I. INTRODUCTION

This document is created under the authorities granted to the Lake County Stormwater Management Commission (LCSMC) with respect to the Lake County Watershed Development Ordinance (WDO) and delegated to LCSMC by the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR). This permit is intended to apply to all development under LCSMC authority specified herein within Lake County Division of Transportation, Municipal, Township and State road rights-of-way in Lake County. (Hereinafter referred to as ROAD AUTHORITY).

This Countywide Permit #1 embodies the specified standards and general conditions of IDNR/OWR applicable Statewide and Regional Permits. Additional criteria, general conditions, and covered activities unique to public road development have been added to meet the performance standards and intended development purview of the WDO. Upon the effective date of this countywide permit, it will not be necessary to submit applications to, or obtain permits from, the LCSMC for individual development which meet the specified standards and general conditions in this permit and have been reviewed and certified under the authority of the ROAD AUTHORITY.

Specified development covered under this permit may not be combined with other development that by itself or in combination with that activity would create a need for an individual permit. Development not specified in or exceeding the thresholds in this countywide permit will require an individual permit. LCSMC will retain enforcement authority over development covered under this countywide permit.

II. APPLICABILITY

Except as noted, this countywide permit applies to construction of specified development within Lake County ROAD AUTHORITY areas as a whole, including *flood-prone* areas, regulatory floodplains and floodways as defined by the IDNR/OWR pursuant to 17 Illinois Administrative Code, Parts 3708. This permit is not valid within Public Bodies of Water or in a High Quality Aquatic Resource (HQAR) area as defined in the WDO. This permit is applicable within non-HQAR Isolated Waters of Lake County when the wetland impact is less than 1,000 square feet and/or in Waters of the United States when a U.S. Army Corps of Engineers permit has been obtained. HQAR assessment (WDO Appendix L) and wetland impact area determination shall be performed and documented by a Lake County Certified Wetland Specialist.

III. SOIL EROSION AND SEDIMENT CONTROL STANDARDS

To be authorized by this permit, the soil erosion and sediment control standards for all specified development shall meet the following criteria:

- (1) Soil disturbance shall be conducted in such a manner as to minimize erosion. Soil stabilization measures shall consider the time of year, site conditions and the use of temporary or permanent measures.
- (2) Properties and channels located downstream from development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a site, stable downstream facilities are required.
- (3) Soil erosion and sediment control features shall be constructed prior to the commencement of hydrologic disturbance.
- (4) Temporary soil stabilization shall be applied to disturbed areas within seven (7) calendar days of the end of active hydrologic disturbance. Permanent stabilization shall be done within seven (7) days of completion of final grading of the soil. Permanent soil stabilization measures shall be applied to channels (including bed and banks) within seven (7) calendar days of the end of primary disturbance of the channel. Permanent or temporary vegetation shall not be considered established until sufficient ground cover is mature enough to control erosion.
- (5) Disturbed areas draining less than one (1) acre shall be protected by a filter barrier (including filter fences or equivalent control measures) for all areas where off-site runoff will occur. Vegetated filter strips, with a minimum width of twenty-five (25) feet, may be used as an alternative only where runoff in sheet flow is expected.

Disturbed areas draining more than one (1) but fewer than five (5) acres shall be protected by a sediment trap or equivalent control measure at a point downslope of the disturbed area.

Disturbed areas draining more than five (5) acres shall be protected by a sediment basin or equivalent control measure at a point downslope of the disturbed area.

- (6) All storm sewer facilities that are or will be functioning during construction shall be protected, filtered, or otherwise treated to remove sediment.
- (7) If dewatering services are used, adjacent properties and discharge locations shall be appropriately protected from erosion and sedimentation. Discharges shall be routed through an approved anionic polymer dewatering system or a similar measure as approved by the Enforcement Officer. (e.g., sediment trap, sediment basin or other appropriate measure). The Enforcement Officer, or approved representative, must be present at the commencement of dewatering activities. If installed erosion and sediment control measures do not minimize sediment leaving the development site, addition measures such as anionic polymers or filtration systems may be required by the Enforcement Officer.
- (8) All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas shall be permanently stabilized.
- (9) A stabilized mat of aggregate underlain with filter cloth (or other appropriate measure) shall be located at any point where traffic will be entering or leaving a development site to or from a public right-of-way, street, alley or parking area. Any sediment or soil reaching an improved public right-of-way, street, alley or parking area shall be removed

by scraping or street cleaning as accumulations warrant and transported to a controlled sediment disposal area.

- (10) The erosion control plan incorporating the above criteria shall be kept at the development site.
- (11) Development sites with disturbed areas greater than one (1) acre shall also be subject to meeting the Illinois Environmental Protection Agency, National Pollutant Discharge Elimination System program requirements.
- (12) Areas or embankments having slopes greater than or equal to 3H:1V shall be stabilized with staked in place sod, mat or blanket in combination with seeding, or appropriate measures as approved by the Enforcement Officer.

IV. SPECIFIED DEVELOPMENT

A. Underground and Overhead Utilities

To be authorized by this permit, underground and overhead utilities shall meet the following criteria:

- (1) The construction of the utility shall not result in any increase in existing ground elevations.
- (2) The construction of the utility shall not involve the placement of above ground structures below the base flood elevation or within the floodway boundaries other than support poles or towers with singular posts for overhead utilities.
- (3) In the case of underground directionally bored or jacked channel crossings, the top of the pipe or encasement shall be a minimum of three (3) feet below the existing ground surface (or a minimum of five (5) feet below the channel thalweg) within the area inundated by the base flood or wetland boundary, whichever is greater.
- (4) In the case of overhead utilities, supporting towers are not to be placed in the channel and shall be designed not to catch debris.
- (5) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. Refer to Section III. of this permit for soil erosion and sediment control standards performance standards.
- (6) A utility crossing carrying material that, may cause water pollution as defined by the Illinois Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed and shall be encased.
- (7) If blasting is to be utilized in the construction of the crossing, the permittee shall notify the Illinois Department of Natural Resources, Office of Resource Conservation at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
- (8) Overhead utilities shall be constructed above the known or estimated base flood elevation or attached to an existing bridge. If attached to an existing bridge, the utility shall be constructed above the low chord elevation and shall not obstruct any opening that could be accessed by flood flows below the base flood elevation.
- (9) All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements for clearance shall be met.
- (10) All drain (field) tiles encountered shall be properly reconnected so they remain functional. It is recommended that the ROAD AUTHORITY retain a maintenance surety for a minimum of two years to ensure drain (field) tile functionality.

B. Storm Sewer Outfalls and Outlet Channels

To be authorized by this permit, storm sewer outfalls and outlet channels shall meet the following criteria:

- (1) The outfall shall not project riverward or lakeward of the existing adjacent natural bank slope or bulkhead.
- (2) Construction of outfalls and outlet channels shall not result in an increase in ground elevation (no fill) in a floodprone area greater than 100 acres of tributary area, regulatory floodplain or floodway.
- (3) The outfall or outlet channel shall not cause or be a source of stream erosion at the discharge location. Refer to Section III. of this permit for soil erosion and sediment control standards.
- (4) The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
- (5) Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
- (6) The outlet jet shall not be a hazard to navigation.
- (7) The outlet discharge capacity shall not exceed 10% of the base flood flow in the receiving channel.
- (8) Bank erosion shall be prevented by aprons, energy dissipaters or drop structures as necessary.
- (9) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. Refer to Section III. of this permit for soil erosion and sediment control standards.

C. Sidewalks and Trails

To be authorized by this permit, sidewalks and trails shall meet the following criteria:

- (1) No fill shall be placed below the base flood elevation within floodprone areas having greater than 100 acres of tributary area.
- (2) No fencing shall be placed within the regulatory floodway or overland flow paths as part of the project.
- (3) Sidewalks and trails shall be built at or below existing ground surface when constructing below the base flood elevation within tributary areas greater than 100 acres.
- (4) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. Refer to Section III. of this permit for soil erosion and sediment control standards.
- (5) No sidewalks or equipment shall project riverward or lakeward of the bank or shore.
- (6) The impervious area created shall be less than 1.5 acres/mile for this work alone or in any combination with other proposed construction.
- (7) No new floodprone area crossings may be constructed in floodprone areas with equal to or greater than 20 acres of tributary area.

D. Shoreline and Streambank Protection

To be authorized by this permit, construction of shoreline and streambank protection shall meet the following criteria:

- (1) Vegetative streambank and shoreline protection is strongly encouraged. Where vegetative protection cannot be used, materials specifically designed for bank erosion protection shall be used. No construction debris or other materials not designed for this application shall be used.
- (2) The length of any singular shoreline or streambank to be protected shall not exceed one hundred (100) feet.
- (3) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
- (4) Materials shall be placed in a way, which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- (5) Materials shall not be placed higher than the existing top of bank.
- (6) Materials shall be placed so that the modified cross-sectional area of the channel will conform to that of the natural channel upstream and downstream of the site.
- (7) In no location shall the cross-sectional area of the natural or original channel be reduced.
- (8) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. Refer to Section III. of this permit for soil erosion and sediment control standards.
- (9) In the case of seawalls and gabion structures on lakes the structure shall be constructed at or landward of the water line as determined by the normal pool elevation. Compensatory storage shall be provided, per the WDO for all fill placed below the base flood elevation and above normal pool elevation.
- (10) This countywide permit does not authorize fillings for the purpose of increasing the developable area of the floodplain.

E. Signposts, Fencing and Guardrails

To be authorized by this permit, signposts and guardrails shall meet the following criteria:

- (1) No fill except posts and supports may be placed below the base flood elevation when the tributary area is greater than 100 acres as part of the project.
- (2) No fencing may be placed below the base flood elevation of an overland flow path or a floodprone area.

F. Removal of Obstructions and Dredging

To be authorized by this permit, removal of obstructions and dredging shall meet the following criteria:

- (1) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. Refer to Section III. of this permit for soil erosion and sediment control standards.

- (2) Stockpiled materials resulting from the dredging operations shall be protected from soil erosion according to the performance standards of Section III. of this permit.
- (3) Dredging shall not include the construction of any new channel or culvert; all work shall be confined to the existing channel or culvert for the purpose of reestablishing normal flows.
- (4) Dredged material shall not be disposed of in a wetland or water body and shall not be placed below the base flood elevation.
- (5) Obstructions removed from the channel or culvert shall not be placed below the base flood elevation.

G. Rehabilitative Maintenance of Roadways, Culverts, Storm Sewers, and Bridges

To be authorized by this permit, rehabilitative maintenance of roadways, culverts, storm sewers and bridges shall meet the following criteria:


- (1) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. Refer to Section III. of this permit for soil erosion and sediment control standards.
- (2) Resurfacing, rehabilitative and routine maintenance of a roadway shall not increase the number of the traffic lanes or increase the roadway elevation within a floodprone area that has greater than 20 acres of tributary area.
- (3) In-kind bridge deck replacement shall not change the road grade below the base flood elevation or modify the wingwall, pier or abutment configuration within floodprone areas having greater than 100 acres of tributary area.
- (4) Culvert, storm sewer or bridge replacement shall have a hydraulically equivalent cross sectional area, shape and slope except as noted below in G.(6). Reach length increase for culverts of up to 50% are permissible provided the culvert has equivalent conveyance capacity. Calculation of reach length shall include addition of end sections if applicable. This standard applies to all in-kind replacements of flow structures having greater than or equal to 20 acres of tributary area except within Regulatory Floodways. An individual permit is required for this activity within Regulatory Floodways.
- (5) Fill of less than 100 cubic yards below the base flood elevation associated with culvert or bridge replacements shall be allowed, provided the fill volume is compensated for, per the WDO. This standard applies to flood-prone areas with greater than 100 acres tributary area.
- (6) Culverts and storm sewers may be increased in size to provide a higher level of inundation protection to the roadway and adjoining properties. A written determination of adequate downstream stormwater capacity as defined in the WDO shall be submitted to LCSMC a minimum of 30 calendar days prior to start of construction. Addendum A, "Downstream Capacity Checklist", to this permit shall be submitted to LCSMC, for each culvert or storm sewer outlet modified, to fulfill this requirement. This standard applies to floodprone areas having up to 100 acres of tributary area. Culvert and storm sewer capacity changes for areas with greater than 100 acres of tributary area shall require an individual review or permit from LCSMC.

V. GENERAL CONDITIONS

- A. This permit is granted in accordance with an act entitled, "AN ACT in relation to the regulation of rivers, lakes and streams of the State of Illinois," approved June 10, 1911, as amended (615 ILCS 5.) and the Lake County Watershed Development Ordinance.
- B. This permit does not convey title to ROAD AUTHORITY or recognize title of ROAD AUTHORITY to any property, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the project or any part thereof will be located, or otherwise grant to ROAD AUTHORITY any right or interest in or to the property whether the property is owned or possessed by the State of Illinois or by a private or public party or parties.
- C. This permit does not release any permittee from liability for damage to persons or property resulting from any activity covered by this permit, and does not authorize any injury to private property or invasion of private rights.
- D. This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required to obtain approval from any federal or other state agency to do the work, authorization granted by this permit is not effective until the federal, state and local approvals are obtained and copies of such approvals are provided to LCSMC, upon request, as evidence of compliance.
- E. In issuing this permit, LCSMC does not approve the adequacy of the design or structural strength of the structure or improvement authorized by this permit.
- F. This Countywide Permit shall remain in effect until such time as it is modified, suspended, or revoked by LCSMC.

VI. EFFECTIVE DATE

This permit is effective on the date signed below.



Date: September 2, 2021

Brian Frank, Chief Engineer
Lake County Stormwater Management Commission

ADDENDUM A - CWP #1 NOTIFICATION & DOWNSTREAM CAPACITY CHECKLIST

(Submit this form to the LCSMC a minimum of 30 calendar days prior to start of construction)

Project Name _____

Project Engineer _____

**FOR CULVERT AND STORM SEWER SIZE CHANGES (CONDUITS) (0-100 Acre Tributary Area)
CONDUIT LOCATION**

Road Name _____

Cross Road/Reference _____

1/4S _____ S _____ T _____ R _____

Distance from Reference _____

Waterway Name _____

Direction from Reference _____

EXISTING CONDUIT DATA

Diameter _____

Material _____

Total Length _____

Inlet Elevation _____

Inlet End Treatment _____

Outlet Elevation _____

Outlet End Treatment _____

Conduit Slope _____

Existing Conduit Capacity _____

PROPOSED CONDUIT DATA

Diameter _____

Material _____

Total Length _____

Inlet Elevation _____

Inlet End Treatment _____

Outlet Elevation _____

Outlet End Treatment _____

Conduit Slope _____

Proposed Conduit Capacity _____

DOWNSTREAM CONTROL SECTION

Description _____

Location _____

Estimated Capacity of Control Section _____

Is Control Section Capacity > Proposed Conduit Capacity? _____

ESTIMATION OF DOWNSTREAM IMPACTS

Residences/Structures Downstream _____

Existing Flooding Problems Downstream _____

Projected Impact of Conduit Size Change _____

WETLAND DOCUMENTATION (IF APPLICABLE)

HQAR Determination by Lake County Certified Wetland Specialist (CWS) : _____

Non-HQAR IWLC impact: _____ square feet

Section 404 Permit (as applicable) _____

SEND TO:

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
500 W. WINCHESTER RD, SUITE 201 LIBERTYVILLE, IL 60048
ATTENTION: CHIEF ENGINEER

Signatures (if applicable):

Applicant _____ Print Name _____ Date _____

CWS _____ Print Name _____ Date _____