



STORMWATER MANAGEMENT COMMISSION

We hope to see you at the next TAC meeting on **Thursday, December 15, 2022** at 9:00 AM.

Meeting Topics:

- General Permit Number 2-T Authorizing Temporary Impacts to Isolated Waters of Lake County
- Review of Community Re-certification Documents



STORMWATER MANAGEMENT COMMISSION

**TECHNICAL ADVISORY COMMITTEE
AGENDA**

**December 15, 2022
9:00 AM – 12:00 PM**



- 1.0 CALL TO ORDER
- 2.0 ADDITIONS TO THE AGENDA
- 3.0 PUBLIC COMMENT
- 4.0 STAFF REPORT
- 5.0 APPROVAL OF THE MINUTES
 - 5.1 October 20, 2022 Minutes
Action Requested: Approval
- 6.0 OLD BUSINESS
- 7.0 NEW BUSINESS
 - 7.1 General Permit Number 2-T Authorizing Temporary Impacts to Isolated Waters of Lake County
Action Requested: Approval
 - 7.2 Review of Community Re-certification Documents
Action Requested: Discussion Only
- 8.0 ADJOURNMENT

Technical Advisory Committee

<p>Kevin Kleinjan (Term Expires May 2026) Planning Manager LC Forest Preserve District 1899 W. Winchester Rd. Libertyville, IL 60048 Phone: 847-968-3429 Fax: 847-367-6649 Email: kkleinjan@lcfpd.org</p>	<p><u>Alternates</u> Pati Vitt Director of Natural Resources LC Forest Preserve Dist. 1899 W. Winchester Rd. Libertyville, IL 60046 Phone: 847-968-3407 Fax: 847-367-6649 Email: pvitt@lcfpd.org</p> <p>Ken Klick Restoration Ecologist LC Forest Preserve Dist. 1899 W. Winchester Rd. Libertyville, IL 60048 Phone: 847-968-3284 Fax: 847-367-6649 Email: kklick@lcfpd.org</p>	<p>Dave Kraft (Term Expires May 2026) Principal Civil Engineer Hey & Assoc., Inc. 26575 W. Commerce Dr., Ste. 601 Volo, IL 60073 Phone: 847-740-0888 Fax: 847-740-2888 Email: dkraft@heyassoc.com</p>	<p><u>Alternate</u> Vince Mosca Hey & Assoc., Inc. 26575 W. Commerce Dr., Ste. 601 Volo, IL 60073 Phone: 847-740-0888 Fax: 847-740-2888 Email: vmosca@heyassoc.com</p>
<p>Mike Zemaitis (Term Expires May 2024) Engineer of Design LC Division. of Transportation 600 Winchester Rd. Libertyville, IL 60048 Phone: 847-377-7400 Fax: 847-362-5290 Email: mzemaitis@lakecountyil.gov</p>	<p><u>Alternate</u></p>	<p>Pat Bleck (Term Expires May 2024) Bleck Engineering Co., Inc. 1375 Western Ave. Lake Forest, IL 60045 Phone: 847-295-5200 Fax: 847-295-7081 Email: pbleck@bleckeng.com</p>	<p><u>Alternate</u> Joy Corona Bleck Engineering Co., Inc. 1375 Western Ave. Lake Forest, IL 60045 Phone: 847-295-5200 Fax: 847-295-7081 Email: jcorona@bleckeng.com</p>
<p>Dan Strahan (Term Expires May 2026) Senior Engineer Gewalt Hamilton Assoc. Inc. 625 Forest Edge Dr. Vernon Hills, IL 60061 Phone: 847-478-9700 Fax: 847-478-9701 Email: dstrahan@gha-engineers.com</p>	<p><u>Alternate</u> Mei Zhu Director Gewalt Hamilton Assoc. Inc. 625 Forest Edge Dr. Vernon Hills, IL 60061 Phone: 847-478-9700 Fax: 847-478-9701 Email: mzhu@gha-engineers.com</p>	<p>Bill Heinz (Term Expires May 2024) Village of Grayslake 585 Berry Ave. Grayslake, IL 60030 Phone: 847-223-2323 Fax: 847-223-4821 Email: wheinz@villageofgrayslake.com</p>	<p><u>Alternate</u> Kurt Baumann Baxter & Woodman 442 N. Cedar Lake Rd. Round Lake, IL 60073 Phone: 815-444-3313 Email: baumann@baxterwoodman.com</p>
<p>Kathy Chernich (Term Expires May 2024) U.S. Army Corp. of Engineers 231 LaSalle St., Ste. 1500 Chicago, IL 60604 Phone: 312-846-5531 Fax: 312-353-4110 Email: Kathy.G.Chernich@usace.army.mil</p>	<p><u>Alternate</u> Aaron Spencer U.S. Army Corp. of Engineers 231 LaSalle St., Ste. 1500 Chicago, IL 60604 Phone: 312-846-5540 Fax: 312-353-4110 Email: aaron.d.spencer@usace.army.mil</p>	<p>Peter Manhard (Term Expires May 2024) Manhard Consulting One Overlook Point, Suite 290, Lincolnshire, IL 60069 Phone: 847-634-5550 Fax: 847-634-0095 Email: pmanhard@manhard.com</p>	<p><u>Alternate</u> Bill Hupperich Manhard Consulting, Ltd. One Overlook Point, Suite 290, Lincolnshire, IL 60069 Phone: 847-634-5550 Fax: 847-634-0095 Email: whupperich@manhard.com</p>

Technical Advisory Committee

<p>Don Dressel (Chairman) <i>(Term Expires May 2024)</i> Christopher Burke Engineering 9575 W. Higgins Rd., Ste. 600 Rosemont, IL 60018-4920 Phone: 847-823-0500 Fax: 847-823-0520 Email: Ddressel@cbbel.com</p>	<p><u>Alternate</u> Kay Whitlock Christopher Burke Engineering 9575 W. Higgins Rd., Ste. 600 Rosemont, IL 60018-4920 Phone: 847-823-0500 Fax: 847-823-0520 Email: kwhitlock@cbbel.com</p>	<p>Ron Milanesio City of Highland Park 1150 Half Day Rd. Highland Park, IL 60035 Phone: 847-432-0807 Fax: 847-432-9907 Email: rmilanesio@cityhpil.com</p>	<p><u>Alternates</u> Manny Gomez City of Highland Park 1150 Half Day Rd. Highland Park, IL 60035 Phone: 847-432-0807 Fax: 847-432-9907 Email: egomez@cityhpil.com</p>
<p>Eric Steffen <i>(Term Expires May 2024)</i> Operations Manager Lake County Planning Building & Development 500 W. Winchester Rd. Libertyville, IL 60048 Phone: 847-377-2109 Fax: 847-984-5853 Email: esteffen@lakecountyil.gov</p>	<p><u>Alternates</u> Joel Krause Principal Engineer Lake County Planning, Building & Development 500 W. Winchester Rd. Libertyville, IL 60048 Phone: 847-377-2087 Fax: 847-984-5853 Email: jkrause@lakecountyil.gov</p>	<p>Nicholas Leach Village of Gurnee 325 N. O'Plaine Rd. Gurnee, IL 60031 Phone: 847-599-7586 Fax: 847-623-9475 Email: nleach@village.gurnee.il.us</p>	<p><u>Alternates</u> Heather Galan <i>(Term Expires May 2024)</i> Village Engineer Village of Gurnee 325 N. O'Plaine Rd. Gurnee, IL 60031 Phone: 847-599-7582 Fax: 847-623-9475 Email: hgalan@village.gurnee.il.us</p> <p>Dave Ziegler Director of Community Development Village of Gurnee 325 N. O'Plaine Rd. Gurnee, IL 60031 Phone: 847-599-7550 Fax: 847-623-9475 Email: davidz@village.gurnee.il.us</p>
<p>Caitlin Burke Ecologist II Resource Environmental Solutions, LLC 120 West Main St. West Dundee, IL 60118 Phone: 847-772-0161 Email: cburke@res.us</p>	<p><u>Alternates</u> Richard Reineke Landscape Architect 120 West Main St. West Dundee, IL 60118 Phone: 847-315-7399 Email: rreineke@res.us</p>		

TECHNICAL ADVISORY COMMITTEE
MEETING MINUTES
October 20, 2022
Lake County Stormwater Management Commission
MEETING HELD IN PERSON

1.0 CALL TO ORDER 9:06 AM

TAC Members & Alternates	Staff Present	General Public
Kevin Kleinjan	Kelcey Traynoff	Jacob Wellbank
Dan Strahan	Brian Frank	
Dave Kraft		
Kurt Baumann		
Aaron Spencer		
Nick Leach		
Joel Krause		
Don Dressel		
Caitlin Burke (arrived at 9:11am)		
Manny Gomez		

2.0 ADDITIONS TO THE AGENDA – None

3.0 PUBLIC COMMENT – None

4.0 STAFF REPORT – Kelcey Traynoff asked for nominations for the Vice Chair position for TAC. Mr. Dave Kraft nominated Mr. Kurt Baumann and Mr. Baumann nominated Mr. Kraft. Mr. Kraft was approved as Vice Chair by a unanimous voice vote (9-0-0).

5.0 APPROVAL OF THE MINUTES

5.1 Mr. Dan Strahan moved to approve the July 21, 2022 TAC minutes. Motion was seconded by Mr. Kurt Baumann. Approved 8-0-1 (Voice vote, abstain: Gomez).

6.0 OLD BUSINESS – None

7.0 NEW BUSINESS

7.1 Brian Frank began the discussion and took TAC through the site and channel dewatering details. There was discussion on non-erosive bedding and what some examples would be. Mr. Kevin Kleinjan made the suggestion to include examples of non-erosive bedding on the details. This was a discussion item only and Mr. Frank noted that these details would be available on SMC's website.

7.2 Mr. Frank began the discussion on the guidance memo for SMC-approved BFEs. Mr. Frank explained that the guidance memo addresses localized BFEs issued by SMC and not the FEMA studies or the SMC flood studies. Mr. Frank also explained that many of the previously approved BFEs took into account Bulletin 70 rainfall and these are typically the BFEs that are questioned on whether they are still valid. Mr. Frank also pointed out that if the project in question falls within a Certified Community, the Enforcement Officer may choose to not allow the continued use of the previously approved BFE. There was discussion on if SMC was going to be updating any of the previously approved BFEs that used Bulletin 70 to Bulletin 75 or if that was the responsibility of the applicant. Mr. Frank explained that this would be the responsibility of the applicant. There was discussion on the wording of "SMC-approved" flood studies versus "SMC-commissioned" flood studies to avoid confusion. There was also discussion on whether there would be reason to list the SMC-approved flood studies in the guidance memo. Mr. Frank stated that those could either be listed or referenced in the guidance memo. The suggestion was made to make a change in the third paragraph and re-word the memo to say "re-approved" instead of just "approved." Motion to approve the guidance memo, with the revised language, made by Mr. Joel Krause, seconded by Mr. Dan Strahan. Approved 10-0-0 (Unanimous voice vote).

7.3 Kelcey Traynoff asked TAC members if there were any suggestions for future TAC meeting topics. There were no suggestions, but Mr. Frank stated that members could also email SMC staff with any suggested topics.

8.0 ADJOURNMENT

Motion to end discussion and adjourn made by Mr. Kurt Baumann, seconded by Mr. Dave Kraft. Meeting adjourned at 9:28AM. Vote: Approved 10-0-0 (Unanimous voice vote).



STORMWATER MANAGEMENT COMMISSION

DRAFT

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
GENERAL PERMIT NUMBER 2-T
AUTHORIZING TEMPORARY IMPACTS TO ISOLATED WATERS OF LAKE COUNTY**

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, as amended). This document applies to developments under the jurisdiction of the LCSMC that involve temporary impacts¹ to *Isolated Waters of Lake County* (IWLC).

This permit embodies the specified standards and conditions to meet the performance standards and intended purview of the WDO. Upon the effective date of this permit, temporary impacts¹ to IWLC meeting the threshold limits of this permit shall not be subject to the wetland mitigation requirements of WDO §1007.

II. APPLICABILITY

A. Coverage:

This permit applies only to developments that are under the jurisdiction of the LCSMC.

This permit is not valid within communities that have IWLC Certification. To determine the community certification status, see the LCSMC website:

<https://www.lakecountyil.gov/2459/Community-Certification>.

This permit does not authorize impacts to *Waters of the United States* (WOTUS), which are under the jurisdiction of the U.S. Army Corps of Engineers.

B. IWLC Temporary Impact Threshold Limits:

This permit applies to developments that create temporary impacts to:

- 1) Less than 0.50-acre in non-high quality IWLC, or
- 2) Less than 0.10-acre in IWLC *High-Quality Aquatic Resources* (HQAR, per WDO Appendix L).

C. Combined/Cumulative Development Actions:

Development covered under this permit may be used in conjunction with other permit categories under LCSMC's jurisdiction.

D. Enforcement:

The LCSMC will retain enforcement authority over development covered under this permit. Development in violation of this permit will be required to obtain after-the-fact IWLC impacts approval from the LCSMC. Additional enforcement actions may also be taken, including assessment of fines, as applicable.

¹ For the purposes of this general permit, *temporary impacts* refer to development activities that will not result in permanent adverse effects to the existing topography, hydrology and/or plant community type of the IWLC.

III. NOTIFICATION REQUIREMENTS

Notification to the LCSMC is required a minimum of thirty (30) calendar days before initiating development covered under this permit, except for emergency actions approved in writing by the LCSMC. The 30-day minimum notification shall include the following information:

- A. Completed notification form signed by the Applicant and a Lake County Certified Wetland Specialist (CWS; see attached GP2-T form).
- B. Site location map showing the site relative to major crossroads.
- C. Written jurisdictional determination (JD) for all wetlands/waters on the development site. An approved jurisdictional determination (AJD) can be obtained from the U.S. Army Corps of Engineers-Chicago District (USACE) or a preliminary wetland jurisdictional determination (PJD) can be obtained from the LCSMC (WDO §1001). Review fees will apply for a PJD, per LCSMC's current fee schedule.
- D. Narrative describing the proposed development, including the type (e.g., fill, excavation, etc.) and extent (e.g., acres or square feet) of temporary IWLC impacts. For work involving trenching, the narrative also shall describe the proposed method(s) to prevent draining of the IWLC.
- E. Site development plans showing the boundaries of all wetlands/waters on the development site delineated by or under the supervision of a CWS, with all IWLC temporary impact areas clearly marked.
 - 1) For development involving trenching, construction plans must clearly specify the proposed method(s) to prevent draining of IWLC.
 - 2) On a case-by-case basis, the LCSMC may accept a recent aerial photograph exhibit showing the approximate location and extent of the temporarily impacted IWLC.
- F. Soil erosion and sediment control plan meeting the criteria in Section IV.
- G. Restoration plan for all temporary IWLC impact areas, including the estimated schedule of restoration commencement and completion, revegetation seeding/planting list, and proposed performance criteria. The LCSMC's written approval of the restoration plan is required prior to the commencement of restoration activities.
- H. Contingency plan for inadvertent drilling fluid releases (i.e., frac-outs) for developments involving horizontal directional drilling (HDD).
- I. Applicable permit review fee per LCSMC's fee schedule, inspection deposit (refundable), and restoration surety, if requested by the LCSMC. Failure to complete the approved restoration plan and meet the performance criteria established under Section III.G. may result in forfeiture of all or a portion of the restoration surety.

Authorization Timeframe: If the LCSMC determines that the proposed development does not qualify for authorization under this general permit, the LCSMC shall provide a written response to the applicant within 30 calendar days. If the LCSMC fails to respond within 30 calendar days, the applicant may assume the proposed development is authorized under this general permit, and no further IWLC authorization will be required from the LCSMC.

IV. SEDIMENT AND EROSION CONTROL STANDARDS

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

- A. 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.

- B. Properties and channels located downstream from development sites shall be protected from erosion and sedimentation. At points of concentrated flows appropriate energy dissipation and soil stabilization techniques shall be used.
- C. Soil erosion and sediment control features shall be constructed prior to the commencement of hydrologic disturbance.
- D. 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) calendar days of final grading of the soil. Permanent or temporary vegetation shall not be considered established until sufficient ground cover is mature enough to control erosion.
- E. Revegetation of disturbed buffer areas or wetlands to remain on-site shall be done with the native seed and plant mixes specified in the Restoration Plan (Section III.G.), or as otherwise approved by the LCSMC.
- F. All stormwater management systems that are or will be functioning during construction shall be protected, filtered, or otherwise treated to remove sediment.
- G. Any necessary dewatering shall require the LCSMC's advance approval in writing for a site-specific dewatering plan. If dewatering services are used, adjacent properties shall be protected. Discharges shall enter an effective sediment and erosion control measure.
- H. All temporary erosion and sediment control measures shall be removed within 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.
- I. A stabilized construction entrance of aggregate underlain with filter cloth or other appropriate practice as approved by the Enforcement Officer, shall be located at any point where vehicles will be entering or leaving a development site to or from a public right-of-way, street, alley, or parking area.
- J. The soil erosion and sediment control plan incorporating the above criteria shall be kept at the development site.

V. SPECIAL CONDITIONS

- A. Temporary fills in IWLC must be limited to the minimum necessary to complete the activity and shall consist of clean, non-toxic materials. All temporary fills in IWLC must be removed in their entirety to an upland area and the disturbed areas returned to preconstruction contours within 30 calendar days following the completion of construction activity, unless an extended time frame is authorized in writing by the LCSMC
- B. Temporary structures must be removed within 30 calendar days after use is discontinued.
- C. Backfilling of trenches and other temporary excavations shall be with native soil or other clean, non-toxic materials as approved by the LCSMC. All backfills shall restore the ground surface to preconstruction contours, including a minimum of six (6) inches of topsoil at the surface.
- D. Utility line installations must not adversely affect the existing hydrology of IWLC. Trenches shall be lined with clay or other impervious materials or structures (such as cut-off walls) to avoid drainage of the IWLC.
- E. Temporary work in IWLC streams shall be performed during dry-season conditions to the extent practicable.
- F. Fill used for temporary IWLC stream crossings must be composed of non-erodible materials and be constructed to withstand expected high flows.

VI. GENERAL CONDITIONS

- A. This permit is granted under the authority of the WDO.
- B. The LCSMC retains the right to require a full IWLC impact submittal (WDO §1005.01) for developments that exceed the temporary impact threshold limits of this permit or require permanent impacts to IWLC above the threshold limits specified in LCSMC's General Permit 2.
- C. This permit does not relieve the permittee of the responsibility to obtain a Lake County Watershed Development Permit, in accordance with the WDO, and other federal, state, county, or local authorizations required for the development activity. If the permittee is required by law to obtain approval from any federal, state, county, or local agency to do the work, authorization granted by this permit is not effective until the other approvals are obtained.
- D. 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.
- E. The permittee shall, at their own expense, remove all temporary structures, fill, pilings, cofferdams, false work, and other materials incidental to the development, from the IWLC in which the work is done.
- F. In issuing this permit, the LCSMC does not approve the adequacy of the design or structural strength of the structure(s) or development authorized by this permit.
- G. This permit shall remain in effect until such time as it is modified, suspended, or revoked by the LCSMC.

VII. EFFECTIVE DATE

This permit is effective on the date signed below.



Date: XX/XX/XX

Brian Frank, Chief Engineer
Lake County Stormwater Management Commission



STORMWATER MANAGEMENT COMMISSION

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION

500 W. Winchester Road, Libertyville, IL 60048

Telephone: 847-377-7700

GENERAL PERMIT #2-T – NOTIFICATION FORM

(To be completed and submitted to LCSMC a minimum of 30 calendar days prior to the development activity)

Project Name _____ Certified Wetland Specialist _____

Project Location (PIN, Address, Intersection, etc.) _____

Applicant Name & Address _____

Applicant Phone # & E-mail _____

IWLC INFORMATION REQUIRED:

(Check the items provided with this notification form. Failure to provide applicable information invalidates this permit authorization.)

- Site location map (show site relative to major crossroads)
- Narrative describing the project
- Written AJD from USACE or PJD from LCSMC for all delineated wetlands/waters onsite
- Site Plan showing delineated boundaries of wetlands/waters and temporary IWLC impact areas
- Restoration Plan, including schedule, revegetation seeding/planting list, and proposed performance criteria
- Soil Erosion & Sediment Control Plan
- Contingency Plan for projects involving horizontal directional drilling (e.g., frac-outs)
- Permit review fee and inspection deposit (Coordinate with LCSMC for a payment invoice.)
- Restoration surety (if requested by the LCSMC)

PROJECT INFORMATION:

(Enclose plan(s) showing proposed IWLC impact(s) and erosion control measures to be employed.)

Description of Activity _____

Estimated Total Area of Temporary IWLC Impacts (ac. or ft²) _____

Project Start Date _____ Project End Date _____

Restoration Schedule: Est. Start Date _____ Est. Completion Date _____

SEND THIS NOTIFICATION FORM AND REQUIRED INFORMATION TO:

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION

Attention: Chief Engineer

500 W. Winchester Road, Suite 201, Libertyville, IL 60048

Signatures (Required):

_____ Print Name _____ Date _____

Applicant Signature

_____ Print Name _____ Date _____

Certified Wetland Specialist & CWS #



STORMWATER MANAGEMENT COMMISSION

JanuaryOctober 6, 20232017

To: Community Chief Elected Officials
Community Administrators/Managers
Community Clerks
Enforcement Officers

Subject: Watershed Development Ordinance
Start of 60-day Application Period for Community Re-certification

Dear Sir or Madam:

Per the Lake County Watershed Development Ordinance, all communities shall petition for re-certification every five (5) years. Please consider this notification as the official start of the ~~60-day~~ application period for community re-certification.

Please find attached the following Community Certification packet documents:

1. **Re-certification Checklist, includes** ~~Community Certification Information Form~~ (Enforcement Officer & Co-Enforcement Officer (copy of contract if applicable); Professional Engineer for permit reviews (copy of contract if applicable), Certified Wetland Specialist (copy of contract if applicable), Community Legal Counsel;
2. Petition for certification for standard provisions;
3. Petition for certification for wetlands provisions (non-mandatory);
4. **Petition for certification for FIL50 (non-mandatory);**
- 4.5. Community Re-certification Procedure; and
5. ~~Self-audit Checklist for Re-certification.~~

Instructions for Communities who are requesting Certification or Re-Certification by SMC

If the community was certified during the last certification period or is requesting to become certified by SMC for standard and/or isolated wetland reviews **and/or a FIL50 Certification:**

1. Complete the **Re-certification Checklist and attach any additional supporting documentation (refer to the Community Re-certification Procedure document).**~~Certification Information Form.~~
2. Fill out the Petition for SMC Certification and have the Community Corporate Authority execute the petition. The form content is prescribed by Ordinance and cannot be changed. It is being sent to you in PDF format.
3. If the community was previously certified for isolated wetlands or would like to become certified for isolated wetlands, please complete the Petition for Isolated Wetland Certification and have the Community Corporate Authority execute for petition. The form content is prescribed by Ordinance and cannot be changed. It is being sent to you in PDF format.
4. **If the community was previously certified for FIL50 or would like to become certified for FIL50, please complete the Petition for FIL50 Certification and have the Community Corporate Authority execute for petition. The form content is**

prescribed by Ordinance and cannot be changed. It is being sent to you in PDF format.

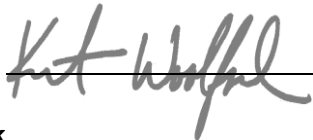
- ~~4. Complete the Self Audit Checklist for Re-certification and attach any additional supporting documentation (refer to the Community Re-certification Procedure document).~~
5. Please note that SMC is not asking communities to re-adopt the Watershed Development Ordinance at this time.

All original executed and signed forms must be returned to SMC by September 30, 2023~~December 5, 2017.~~

The SMC would like to see all communities certified and implementing the ordinance effectively. However, we understand that there are reasons a community may not wish to become certified; and in those circumstances, SMC will undertake the development review and inspection process.

We would like to be of assistance. If you have any questions, please feel free to contact me at 847-377-7704 ~~7720~~ or ~~bfrankwoolford~~ bfrankwoolford@lakecountyil.gov.

Sincerely,
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION



Brian Frank
~~Kurt Woolford~~, P.E., CFM
Chief Engineer



C: ~~Bill Boyd~~ ~~Mark Hoskins~~, IDNR/OWR
~~Ashley Reimann~~ ~~Frank Shockey~~, FEMA

Encl



STORMWATER MANAGEMENT COMMISSION COMMUNITY RE-CERTIFICATION PROCEDURE

This document contains the Lake County Stormwater Management Commission's (SMC) Community Re-certification Procedure (CRP). The Lake County Watershed Development Ordinance (WDO) §201 allows SMC to certify communities to enforce the provisions of the WDO. Certified Communities must be re-certified every five (5) years. This procedure standardizes the certification process, ~~includes a "self-audit" procedure,~~ and will allow SMC staff to evaluate certification or re-certification status consistently between communities.

SMC revised this CRP on **January 5, 2023**, ~~March 6, 2008~~ to enhance customer service and to equitably enforce the WDO.

A-Required Information

SMC staff will be sending out in-person meeting requests to all Communities. The purpose of these optional meetings to go over the Communities WDO-related Services while reducing the required paperwork to be submitted.

Communities desiring re-certification shall submit **signed by the community's mayor/president, which includes (post in-person meeting):** ~~a fully~~

1. Completed copy of the "Re-certification Checklist".
2. Fully executed copy of the Petition for Standard Certification
- 1.3. Fully ~~and, if Wetlands Certification is desired, a fully executed copy of the Petition for Isolated Wetland Certification, if desired. (if appropriate) [WDO §201.02.B.], signed by the community's mayor/president, which includes:~~
4. Fully executed copy of the Petition for FIL50 Certification, if desired.

1. ~~The community is participating in the regular phase of the National Flood Insurance Program [WDO §201.01.A.].~~
2. ~~The community has adopted and is enforcing the provisions of the WDO, at a minimum [WDO §201.01.B.].~~
3. ~~The community forwards appropriate portions of the Regulatory Floodway Development applications to SMC and/or IDNR/OWR for concurrent review and approval [WDO §201.01.C.].~~
4. ~~The community shall maintain records and provide SMC with certain portions of these records as described in Appendix E (L) [WDO §201.01.D.].~~
5. ~~The community shall require all engineering information and plans prepared by a Registered Professional Engineer, to be reviewed under the supervision of a Registered Professional Engineer under the employ or contract of the community for conformance with this Ordinance prior to permit issuance [WDO §201.01.E.].~~

In addition, **if the optional meeting is not completed**, the petitioning community shall provide the following **(additional documents may be requested as follow-up):**:

6. Completed Community Certification Information Form.

- 2.5. Copy of community Ordinance adopting, at a minimum, most recent WDO provisions.
- 3.6. Copy of contract document if community has a professional services contract with outside firm(s) to perform engineering and/or wetland services.
- 4.7. ~~Short written~~ **Written** description of the permit administration process within your community for the requirements stated in Appendix E.
8. **List of permits and/or violations issued that include any of the following:**
[List should include property address; PIN or Lat/Long; permit/violation number; project name (if applicable); and permit applicant and/or property owner name]
 - a. **Compensatory Storage (including all LOMRs)**
 - b. **Development within the floodplain (regarding substantial improvement or substantial damage tracking)**
 - c. **Wetland or Waters impact**
 - d. **Detention (as required by WDO 300.06)**
 - e. **Development that received a variance**
 - f. **Development that required DECI inspections**
7. ~~Completed copy of the "Self-Audit Checklist for Re-certification".~~

For contracted WDO-related Services (~~Item 8 Above~~ Enforcement Officer, **Professional Engineer Review**, Wetland Specialist, etc.), the following issues/questions will be addressed:

1. SMC staff will specifically review the scope of services to ensure coverage of Appendix E duties including, but not limited to:
 - New subdivision site design review.
 - Inspection services during construction.
 - Review and approval of all necessary maintenance plans and deed and plat restrictions as defined in the WDO.
 - “As-built” or “Record Drawing” review.
 - FEMA required CLOMR and LOMR review.
2. Is there allowance for the contract employee to implement enforcement actions against site violations on:
 - Development that is currently under construction.
 - Existing or previously developed sites that create a new violation.
3. Is there contract allowance to review additions to existing homes and other development? This issue is critical in Regulatory Floodplain and Floodway.
4. If the contract between the community and the contract employee does not cover all EO requirements, as described in Appendix E, a Co-Enforcement Officer from the community will be required.

~~B. Self-Audit Procedure (Self-Audit Checklist for Re-certification Form)~~

~~SMC shall require each community to perform a self audit as part of the re-certification procedure in order to improve all communities’ understanding of their administrative obligations of the WDO. This helps to ensure that the WDO is being properly and equitably enforced, while minimizing the audit burden to communities.~~

~~The “Self Audit Checklist for Re-certification” form, to be filled out by the petitioning community, will summarize all permitting work performed with respect to the WDO for the period between re-certifications. SMC will use the results of this process in the following ways:~~

- ~~Serve as a standardized format for reporting recertification recommendations to the Commission~~
- ~~Evaluate the provisions of the WDO and make future revisions to the WDO, as necessary~~
- ~~Work with each community to ensure understanding and consistent enforcement of the WDO.~~
- ~~Evaluate ordinance administration performance and determine need of individual site compliance audit~~

~~In the case of serious non-compliance issues, including, but not limited to, floodway, floodplain, inadequate detention, and wetland impacts, SMC will require investigation and enforcement, through the Community Notification Procedure, to bring those violations into compliance with the WDO.~~

PETITION FOR SMC CERTIFICATION

On this _____ day of _____, _____ the _____
(Year) (City, Village, County)

of _____, a community participating in the regular phase of the National Flood Insurance Program, adopted an amended ordinance ("ORDINANCE") which includes the provisions of the Lake County Watershed Development Ordinance amended October 13, ~~2020~~2015 ("WDO") and is on file with the Lake County Stormwater Management Commission ("SMC"). According to the provisions of the ORDINANCE and WDO we agree to:

1. Forward appropriate portions of the Regulatory Floodway Development applications to SMC for transmittal to the Illinois Department of Natural Resources/Office of Water Resources ("IDNR/OWR") or its designee for concurrent review and approval.
2. Maintain records and provide SMC with certain portions of these records as described below:
 - a. Maintain records of every Watershed Development Permit application, permit variance, hydrologic and hydraulic data, and enforcement action, and shall allow periodic inspections of the records by SMC, FEMA, or IDNR/OWR personnel.
 - b. Maintain an Elevation Certificate and flood-proofing certificate file to certify the elevation of the lowest floor (including basement) of a residential or non-residential building or the elevation to which a non-residential building has been flood-proofed, for all buildings constructed in the Regulatory Floodplain.
 - c. Maintain for public inspection and provide copies upon request of; base flood data and maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, elevation and floodproofing certificates, other watershed development permit related materials, available "as-built" elevation and floodproofing records for all buildings constructed subject to the provisions of this ordinance.
3. Require all engineering information and plans prepared by a registered professional engineer, to be reviewed under the supervision of a registered professional engineer under the employ or contract of the community for conformance with the ORDINANCE prior to permit issuance.
4. Provide SMC with the names, addresses and telephone numbers of the Community Official designated as the Enforcement Officer, the registered professional engineer performing permit reviews, and community legal counsel. Notify SMC should any changes in these positions occur. The Enforcement Officer shall be responsible for the administration and enforcement of the ORDINANCE and duties as specified in Appendix E of the WDO.

5. Community Recertification

- a. Certified Communities shall petition for recertification every five (5) years.
- b. Within the five (5) year certification period, the SMC Director shall periodically review the community's ordinance enforcement records and performance and make remedial recommendations to the community, -if necessary. Review findings will be used in the assessment of petitions for recertification from Certified Communities.

6. Community Decertification

- a. The SMC shall after following the community notification procedure and holding a public hearing presided by SMC, have the authority to rescind the community's certification.
- b. The SMC shall rescind a community's certification for the following reasons:
 - i. The community is no longer a participant in the National Flood Insurance Program.
 - ii. The community amends the ORDINANCE so that it is less restrictive than the WDO.
- c. The SMC may rescind or place conditions on a community's certification if the certified community recurringly issues permits not in accordance with, or fails to adequately enforce, the ORDINANCE.
- d. If the community issues a regulatory floodway development permit not in accordance with §703 of the WDO, SMC shall rescind the community's authority to administer the IDNR/OWR regulatory floodway permit program for appropriate uses.

We agree to the provisions and responsibilities herein and therefore respectively petition SMC for Certification and the resulting authority to issue all permits and variances required by the ORDINANCE.

(Community Chief Elected Official)

(Clerk)

Date

Date

PETITION FOR ISOLATED WETLAND CERTIFICATION

On this _____ day of _____, _____ the _____
(Year) (City, Village, County)

of _____, a community adopted an amended ordinance ("ORDINANCE") which includes the provisions of the Lake County Watershed Development Ordinance amended October 13, ~~2020~~2015 ("WDO") and is on file with the Lake County Stormwater Management Commission ("SMC"). According to the provisions of the ORDINANCE and WDO we agree to:

1. Require all applicants proposing a wetland impact to submit a jurisdictional determination request to the U. S. Army Corps of Engineers (Corps) or to SMC. The authority to perform jurisdictional determinations is not conveyed to communities as part of this certification process.
2. Maintain records and provide SMC with certain portions of these records as described below:
 - a. Maintain records of every Watershed Development Permit application, permit variance, hydrologic and hydraulic data, mitigation plans and specifications, and enforcement actions. Community shall allow periodic inspections of the records by SMC.
 - b. Maintain for public inspection and provide copies upon request of variance documentation and "as-built" plans for wetland mitigation constructed subject to the provisions of this ordinance.
 - c. Provide SMC a copy of the wetland mitigation bank payment receipts whenever wetland mitigation bank credits are sold for developments within the certified municipality.
3. For Category III developments, the Enforcement Officer shall issue a Technical Notification to USACE, IDNR, IEPA, USFWS and the SMC requesting comments with respect to the proposed wetland impacts and request comments within 15 working days. The Enforcement Officer shall receive the comments and copies of the comments shall be forwarded to the applicant for response.
4. Require all plans and specifications prepared by a certified wetland specialist, to be reviewed under the supervision of a certified wetland specialist under the employ or contract of the community for conformance with the ORDINANCE prior to permit issuance.
5. Provide SMC with the names, addresses and telephone numbers of the community designated Enforcement Officer, the registered professional engineer performing permit reviews, Certified Wetland Specialist and community legal counsel. Notify SMC should any changes in these positions occur. The Enforcement Officer shall be responsible for the administration and enforcement of the ORDINANCE and duties as specified in Appendix E of the WDO.

6. Community Recertification

- a. Certified Communities shall petition for recertification every five (5) years.
- b. Within the five (5) year certification period, the SMC Director shall periodically review the community's ordinance enforcement records and performance and make remedial recommendations to the community, if necessary. Review findings will be used in the assessment of petitions for recertification from Certified Communities.

7. Community Decertification

- a. The SMC shall, after following the community notification procedure and holding a public hearing presided by SMC, have the authority to rescind the community's certification for isolated wetland certification.
- b. The SMC shall rescind a community's certification if the community amends the ORDINANCE so that it is less restrictive than the WDO.
- c. The SMC may rescind or place conditions on a community's certification if the certified community recurringly issues permits not in accordance with, or fails to adequately enforce, the ORDINANCE.

We agree to the provisions and responsibilities herein and therefore respectively petition SMC for Isolated Wetland Certification and the resulting authority to review and issue permits for isolated wetland permit applications and variances as required by the ORDINANCE.

(Community Chief Elected Official)

(Clerk)

Date

Date

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
SELF-AUDIT CHECKLIST FOR RE-CERTIFICATION CHECKLIST
ADOPTED January MARCH 6, 2023 2008

RE-CERTIFICATION CHECKLIST FOR THE COMMUNITY OF _____

PLEASE CHECK ALL BOXES THAT APPLY ON THE FOLLOWING ITEMS

A. COMMUNITY IS REQUESTING:

- Standard Certification
- Isolated Wetland Certification
- Fee-in-lieu of On-site Stormwater Storage (FIL50) Certification**

B. COPIES OF THE FOLLOWING ARE INCLUDED FOR RE-CERTIFICATION:

- Fully executed copy of the Petition for Standard Certification
- Fully executed copy of the Petition for Isolated Wetland Certification
- Fully executed copy of the Petition for FIL50 Community Certification Information Form**
- Ordinance adopting, at a minimum, most recent WDO provisions**
- Contract document for outside EO services or appropriate community authorization
- Contract document for outside CWS services or appropriate community authorization

C. ENFORCEMENT OFFICER INFORMATION (if using a consultant, please attach a copy of the contract)

- Name _____
- Passed EO examination
 - Attended EO training
 - Completed continuing education requirements

D. CO-ENFORCEMENT OFFICER INFORMATION (if applicable)

- Name _____
- Passed EO examination
 - Attended EO training _____ Completed continuing education requirements
 - ~~Completed continuing education requirements~~

E. CERTIFIED WETLAND SPECIALIST (if using a consultant, please attach a copy of the contract for Isolated Wetland Certification)

- Name _____
- LC CWS number _____
- Attended CWS training _____ Completed continuing education requirements
 - ~~Completed continuing education requirements~~

F. PROFESSIONAL ENGINEER (if using a consultant, please attach a copy of the contract)

Name _____

PE license number _____ Expires _____

G. MUNICIPAL ATTORNEY

Name _____

Email address _____

HG. NUMBER OF ADDITIONAL STAFF REVIEWING/INSPECTING PERMITS

Standard reviewers _____

Isolated wetland reviewers _____

Field inspectors / DECIs _____ / _____

Certified Floodplain Managers _____

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
~~SELF-AUDIT CHECKLIST FOR RE-CERTIFICATION CHECKLIST~~
ADOPTED January MARCH 6, 2023 2008**

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
SELF-AUDIT CHECKLIST FOR RE-CERTIFICATION CHECKLIST
ADOPTED January MARCH 6, 2023 2008**

PERMITTED DEVELOPMENT COMPLIANCE

PERMITTED DEVELOPMENT COMPLIANCE

BETWEEN THE DATES OF FEBRUARY 2, 2012 AND OCTOBER 1, 2017, AND March 18, 2023

FOR ALL ANSWERS MARKED "NO", PLEASE ATTACH A SEPARATE SHEET TO CLARIFY FURTHER

1. Is your community NFIP compliant?

- Yes No N/A
 ~~No~~
 ~~N/A~~

2. Is your community MS4 NPDES compliant?

- Yes
 No

3. Has your community adopted the latest amended WDO (October 13, 2020)?

- ~~3~~ Yes No

4. Have copies of all applicable plans, reports, engineering calculations, cost estimates, maintenance plans, deed/plat restrictions, etc. been kept for each development permitted?

- Yes No
 ~~No~~

Number of Watershed Development Permits (WDPs) issued _____

54. Have records been kept for all field inspections performed (before, during, and at final walk-through)? Please briefly describe on an additional sheet of paper each site that violations have not been resolved.

- Yes No
 ~~No~~

Number of development sites placed in violation _____

Number of sites where violations have been resolved _____

Number of sites that have received a stop work order _____

65. Do all appropriate sites have a Designated Erosion Control Inspector assigned, and do you have records of such?

- Yes
 No

~~**6. Does your community have a fee-in-lieu-of detention requirement for developments that are below the WDO threshold? Please provide a copy of the community's ordinance allowing fee-in-lieu-of detention for developments. Please provide a copy of the procedures for assessing fee-in-lieu-of detention for developments.**~~

- ~~Yes
 No~~

~~8~~

7. Have all major developments receiving variances followed the requirements as stated in the WDO? Please describe on an additional sheet of paper all permits receiving variances for WDO provisions. Please include verification that the 30-day review process was followed for major developments.

- Yes

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
~~SELF-AUDIT CHECKLIST FOR RE-CERTIFICATION CHECKLIST~~
ADOPTED January MARCH 6, 2023 2008

- No
- No variances issued from major development provisions of the WDO
Number of sites issued variances _____

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
SELF-AUDIT CHECKLIST FOR RE-CERTIFICATION CHECKLIST
ADOPTED January MARCH 6, 2023 2008**

8. Has an IDNR Community Assessment Visit (CAV) been performed in the community? Please provide a copy of the community's response letter addressed to the IDNR regarding the CAV. Please enclose documentation of all follow-up action taken to resolve CAV issues.

Yes No Unknown

No

Date of last CAV _____

Number of potential violations cited in the CAV _____

Number of potential violations resolved as noted in the CAV _____

9. Has the community administered all CLOMRs and LOMRs appropriately?

Yes

No

Have the revisions been submitted to SMC, IDNR/OWR, and FEMA for acceptance, as appropriate?

Number of sites with submitted CLOMRs _____

Number of sites with submitted LOMRs _____

10. Has the community followed the WDO provisions when issuing permits for Regulatory Floodplain?

Yes

No

Number of permits issued with Regulatory Floodplain _____

Number of elevation certificates obtained as part of a permitting process _____

Number of flood-proofing certificates obtained _____

Number of sites permitted with Regulatory Floodway appropriate uses _____

Number of permits issued with riverine floodplain areas >640 tributary acres _____

Number of permits issued with riverine flood-prone areas 100-640 tributary acres _____

Number of permits issued with depressional floodplain areas >20 tributary acres _____

Number of permits issued with depressional floodplain areas <20 tributary acres _____

11. Has the community required all applicable local, state and federal permits and approvals?

Yes

No

Number of sites with USACE permits: required _____ permitted/approved _____

Number of sites with IEPA NOI requirements: required _____ permitted/approved _____

12. Have all applicable stormwater components (wetlands, buffers, mitigation areas, detention basins, overland flow paths, emergency spillways, etc.) been placed in deed/plat restricted areas and recorded?

Yes

No

Number of sites with deed/plat-restricted wetlands, buffers, and mitigation areas that have been inspected for encroachments and development-related violations _____

Number of developments with recorded maintenance plans that have been assessed for Compliance _____

13. Have as-built plans and calculations been approved as applicable for all completed permitted projects?

Yes

No

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
SELF-AUDIT CHECKLIST FOR RE-CERTIFICATION CHECKLIST
ADOPTED January MARCH 6, 2023 2008**

14. FOR IWLC COMMUNITIES ONLY: Have copies of all applicable wetland reports, maintenance plans, deed/plat restrictions, etc. been kept for each development approved for wetland provisions?

- Yes
- No
- N/A

Number of Isolated Wetland Provisions applications approved _____
Acreage of wetlands impacted (isolated) _____
Acreage of wetland mitigation (isolated) _____
Acreage of wetlands mitigated on-site _____
Acreage of wetland credits purchased in banks _____
Acreage of wetland credits purchased through the SMC WRF _____

15. Please provide on an additional sheet of paper an overall assessment of the community's performance over the past re-certification period including any recommendations for future improvement in the permitting process and WDO improvements/recommendations.

I have completed the Community Recertification Procedure to the best of my knowledge.

Signature _____ Date _____

Printed name _____

Company/Agency _____

REGULATORY ADMINISTRATIVE PERFORMANCE - SECTION TO BE FILLED OUT BY SMC

FOR ALL ANSWERS MARKED "NO", COMMUNITY SHOULD ATTACH A SEPARATE SHEET TO CLARIFY FURTHER

16. Have all development-related SMC Citizen Inquiry Responses (CIRS) been documented and responded to?

Please provide each CIRS form received by community throughout re-certification period.

- Yes No
- No
- None Received

Number of CIRS received by community _____
Number of CIRS responded to _____

17. Have all SMC Community Notification Procedure (CNP) issues been documented and resolved? Please provide each CNP form received by community throughout re-certification period.

- Yes No
- No
- N/A

Number of CNPs received by community _____
Number of CNPs resolved _____
Number of CNP points assessed _____



STORMWATER MANAGEMENT COMMISSION

COMMUNITY CERTIFICATION INFORMATION FORM

- 1) Name of Community _____

- 2) Name and address of Community Official to be designated as Enforcement Officer & Co-Enforcement Officer, if applicable (if using a consultant, please attach a copy of the contract)

- 3) Name and address of professional engineer responsible for permit reviews (if using a consultant, please attach a copy of the contract)

- 4) Name and address of Certified Wetland Specialist responsible for isolated wetland reviews (if using a consultant, please attach a copy of the contract)

- 5) Name and address of the municipal attorney

