



**STORMWATER MANAGEMENT COMMISSION**

January 6, 2023

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

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

Dear Sir or Madam:

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

**Please find attached the following Community Certification packet documents:**

1. Community Re-certification Procedure;
2. Re-certification Checklist, includes 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 Contact, Community Legal Counsel;
3. Petition for certification for standard provisions;
4. Petition for certification for wetlands provisions (non-mandatory);
5. Petition for certification for FIL50 (non-mandatory); and

**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).
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.
5. Please note that SMC is not asking communities to re-adopt the Watershed Development Ordinance at this time.

**All executed and signed forms must be provided to SMC by September 30, 2023.**

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 or [bfrank@lakecountyil.gov](mailto:bfrank@lakecountyil.gov).

Sincerely,  
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION

Brian Frank, P.E., CFM  
Chief Engineer



C: Bill Boyd, IDNR/OWR  
Ashley Reimann, 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 and will allow SMC staff to evaluate certification or re-certification status consistently between communities.

SMC revised this CRP on January 5, 2023, to enhance customer service and to equitably enforce the WDO.

### 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, reduce the required paperwork to be submitted, and answer any questions regarding this procedure. During the optional meeting please have items listed in Section 2 available for review and discussion.

Section 1: Communities desiring re-certification shall submit signed by the community's mayor / president, which includes (post in-person optional meeting):

1. Completed copy of the "Re-certification Checklist".
2. Fully executed copy of the Petition for Standard Certification
3. Fully executed copy of the Petition for Isolated Wetland Certification, if desired.
4. Fully executed copy of the Petition for FIL50 Certification, if desired.

Section 2: In addition, if the optional meeting is not completed, the petitioning community shall provide or make available the following (additional documents may be requested as follow-up):

5. Copy of contract document if community has a professional services contract with outside firm(s) to perform engineering and/or wetland services (refer to Section 3).
6. Written detailed description of the permit administration process within your community for the requirements stated in Appendix E (not required for optional in-person meeting).
7. List of permits and/or violations issued since October 01, 2017 that include any of the following:
  - a. Compensatory Storage (including all LOMRs)
  - b. Development within the floodplain, regarding substantial improvement or substantial damage tracking
  - c. Wetland or Waters impact
  - d. Stormwater Detention
  - e. Development that received a WDO variance
  - f. Development that required DECI inspections

List should include property address; PIN or Lat/Long; permit/violation number; project name (if applicable); and permit applicant and/or property owner name.

Section 3: For contracted WDO-related Services (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.

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION  
RE-CERTIFICATION CHECKLIST  
ADOPTED January 6, 2023**

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 Certification
- Contract document for outside EO services or appropriate community authorization
- Contract document for outside CWS services or appropriate community authorization

**C. ENFORCEMENT OFFICER (EO)** (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** (if applicable)

Name \_\_\_\_\_

- Passed EO examination       Attended 2020 EO/CWS training
- Completed continuing education requirements

**E. COMMUNITY CONTACT** (if other than EO)

Name \_\_\_\_\_

Email address \_\_\_\_\_

**F. CERTIFIED WETLAND SPECIALIST (CWS)** (if using a consultant, please attach a copy of the contract)

Name \_\_\_\_\_

- LC CWS number \_\_\_\_\_  Attended 2020 EO/CWS training
- Completed continuing education requirements

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

Name \_\_\_\_\_

PE license number \_\_\_\_\_ Expires \_\_\_\_\_

**H. MUNICIPAL ATTORNEY**

Name \_\_\_\_\_

Email address \_\_\_\_\_

**I. NUMBER OF ADDITIONAL STAFF REVIEWING/INSPECTING PERMITS**

Standard reviewers \_\_\_\_\_  
Isolated wetland reviewers \_\_\_\_\_  
Field inspectors / DECIs \_\_\_\_\_ / \_\_\_\_\_  
Certified Floodplain Managers \_\_\_\_\_

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION  
RE-CERTIFICATION CHECKLIST  
ADOPTED January 6, 2023**

**PERMITTED DEVELOPMENT COMPLIANCE BETWEEN THE DATES OF 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

2. **Is your community MS4 NPDES compliant?**  
 Yes       No

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

**Number of Watershed Development Permits (WDPs) issued \_\_\_\_\_**

5. **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  
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 \_\_\_\_\_

6. **Do all appropriate sites have a Designated Erosion Control Inspector assigned, and do you have records of such?**  
 Yes       No

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       No       No variances issued from major development provisions of the WDO

**Number of sites issued variances \_\_\_\_\_**

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  
Date of last CAV \_\_\_\_\_  
Number of potential violations cited in the CAV \_\_\_\_\_  
Number of potential violations resolved as noted in the CAV \_\_\_\_\_

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION  
RE-CERTIFICATION CHECKLIST  
ADOPTED January 6, 2023**

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 \_\_\_\_\_

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

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 (optional).**

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION  
RE-CERTIFICATION CHECKLIST  
ADOPTED January 6, 2023**

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
- 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
- N/A

Number of CNPs received by community \_\_\_\_\_

Number of CNPs resolved \_\_\_\_\_

Number of CNP points assessed \_\_\_\_\_



## 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 ("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 recurrently 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 ("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

PETITION FOR FEE-IN-LIEU OF STORAGE ABOVE 50-YEAR, 24-HOUR DETENTION  
VOLUME (FIL50) 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 ("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 the following:

1. The Enforcement Officer may require, or the applicant may submit, a written request for the payment of a fee-in-lieu of on-site stormwater storage to fulfill all or part of the on-site detention requirement above the 50-year, 24-hour detention volume using Appendix I: Rainfall Depth Duration Frequency Tables for Lake County. A request for fee-in-lieu of on-site stormwater storage shall be either rejected or approved within forty-five (45) days of the written request unless additional engineering studies are required.
2. Approval of a request for fee-in-lieu of on-site stormwater storage on a development site above the 50-year, 24-hour detention volume shall be determined by the Enforcement Officer.
3. Fee-in-lieu of on-site stormwater storage shall be the fee computed for each acre-foot or part thereof of stormwater storage approved in accordance with the procedures and schedules as approved by the SMC.
4. Communities petitioning for FIL50 Certification shall provide SMC with the proposed policies and procedures that will be used to administer the FIL50 program. The policies and procedures will be reviewed and approved by SMC.
5. Upon written request by the applicant, the Enforcement Officer will verify the volume difference between the required and approved design storage and inform the applicant of the required fee-in-lieu volume. All required fees, including applicable permit review fees and fee in-lieu payment, will be due to FIL50 Certified Community in accordance with the Community ordinance and procedures, as approved by SMC [WDO 201.02.J.].
6. The following requirements must be met before a fee-in-lieu of on-site stormwater storage will be approved:
  - a) The downstream stormwater management system has "adequate downstream stormwater capacity" (see Appendix A: Definitions of the WDO ); and
  - b) The Enforcement Officer has verified that SMC has an adopted fee-in-lieu of on-site stormwater storage program.

7. Fee-in-lieu of on-site stormwater storage revenues shall be used to design, maintain, or construct an upgrade to existing or future stormwater management systems if the upgrade is consistent with a basin plan, floodplain study, or stormwater system improvement.
8. The Enforcement Officer of a community with FIL50 Certification shall provide SMC an annual report summarizing FIL50 fees received, project expenditures and status, categorized by watershed.
9. Provide SMC with the names, addresses and telephone numbers of the community designated Enforcement Officer (EO), the registered Professional Engineer (P.E.) 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.

If a community Enforcement Officer vacates that position, the community shall designate an Interim Enforcement Officer within thirty (30) days. Final designation of a qualified Enforcement Officer shall occur within six (6) months in order for the community to remain certified.

10. FIL50 Community Recertification
  - a. FIL50 Certified Communities shall petition for FIL50 recertification every five (5) years.
  - b. Within the five (5) year certification period, the SMC Director shall periodically review the community's annual report 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.
11. FIL50 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 FIL50 Certification.
  - b. The SMC shall rescind a community's FIL50 Certification if the community amends the FIL50 provisions of the ORDINANCE so that it is less restrictive than the FIL50 provisions of the WDO.

We agree to the provisions and responsibilities herein and therefore respectively petition SMC for FIL50 Certification and the resulting authority to review and issue permits for FIL50 applications, collect FIL50 revenues, and expend funds to design, maintain, or construct an upgrade to existing or future stormwater management systems as required by the ORDINANCE.

\_\_\_\_\_  
(Community Chief Elected Official)

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date