



STORMWATER MANAGEMENT COMMISSION

**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 impacts to *Isolated Waters of Lake County* (IWLC). 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.

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 impacts to IWLC meeting the threshold limits of this permit shall not be subject to the wetland mitigation requirements of the WDO.

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.lakecountyiil.gov/2459/Community-Certification>.

This permit does not authorize impacts to *Waters of the United States*, 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* (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.

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 GP #2-T form).
- B. Site location map showing the site relative to major crossroads.
- C. Written jurisdictional determination 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 per the WDO. 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, aka inadvertent returns) for developments involving horizontal directional drilling.
- 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 in IWLC must be removed within 30 calendar days after use is discontinued.
- C. Backfilling of trenches and other temporary excavations in the IWLC 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 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 per the WDO 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 Number 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.



Brian Frank, Chief Engineer
Lake County Stormwater Management Commission

Date: March 3, 2023



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, Lat./Long., 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

stormwater@lakecountyil.gov

Signatures (Required):

_____ Print Name _____ Date _____

Applicant Signature

_____ Print Name _____ Date _____

Certified Wetland Specialist & CWS #