

FREQUENTLY ASKED QUESTIONS

What is the purpose of this ordinance?

This ordinance was developed pursuant to state legislation granting powers to certain counties to regulate the discharge of stormwater. This power was granted in recognition of the fact that stormwater management problems are generally regional in nature and impacts to stormwater management systems often go across typical government boundaries. The purpose of this ordinance is to unify the stormwater management framework throughout the county and to establish a set of minimum standards that will apply to all new development throughout the county.

Who has to obtain permits under this ordinance?

The ordinance defines a developer who must obtain a permit for development. This ordinance will apply to individuals, corporations and units of local government who propose new development after the effective date of the ordinance.

When does this ordinance go into effect?

The ordinance is planned to be adopted in January of 2001. After a time period for municipalities to establish their status under the program certain elements of the ordinance will become effective as soon as May of 2001, with the entire ordinance being effective by January of 2002.

What happens to projects that are in process at the adoption and effective dates?

The status of a project is for the most part a matter between the community in which the development is occurring and their process and the developer up until the adoption date. Provided that the community has stormwater management ordinances addressing such basic factors as detention and sediment and erosion control then a project may be carried through to completion depending on what stage of development the project is in. After the January 1st 2002 effective date of the ordinance all new projects must comply with the stormwater management ordinance except for the few minor exceptions to the ordinance. Projects that have been granted grandfathered status in accordance with the ordinance may proceed under the current stormwater management ordinances under which the planning design and construction has begun.

What types of activities are addressed by this ordinance?

Development activities which effect the discharge of stormwater are regulated under this ordinance. These include addressing such requirements as detention/retention, sediment and erosion control plans, floodplains and wetlands not regulated by the Corps of Engineers (COE).

What are some of the technical requirements of this ordinance?

1. Release rates from new developments are restricted to .1 cfs per acre per one hundred year 24 hour duration rainfall event on the site. Stormwater detention must be provided to meet this requirement.
2. An amount of retention or extended detention must be provided that is equivalent to a $\frac{3}{4}$ inch depth multiplied by the directly connected impervious area. This requirement addresses the need to protect agricultural infrastructure and addresses the impact of development on frequent flood events that are the cause of stream instability or often the cause of downstream streambank instability.
3. Agricultural land uses are regulated under this ordinance in their own section which recognizes the unique needs and features of agricultural production. Certain land uses that have traditionally fallen under agricultural zoning will have to comply with the full stormwater management ordinance requirements for new development. These are generally land uses that are very similar to commercial and industrial land uses for

compensatory storage for floodplain and floodway fill will be required at a rate of 1 ½ to 1 at a ratio of 1 ½ to 1 x the volume of floodplain filled. Further floodplain storage lost below the ten year flood elevation must be replaced below the ten year flood elevation and floodplain storage lost above the ten year flood elevation must be replaced above the ten year flood elevation up to the 100 year flood elevation. All existing on site wetlands must be protected with buffers of ____ varying based on the quality of the wetland and the size of the wetland For the purposes of determining buffers a distinction is made between linear waters of the U.S. (rivers , streams, creeks, and _____) and isolated wetlands with linear waters of the U.S. varying the buffer with based on the drainage area which they serve.

Who administers this ordinance and issues permit?

The authority for permitting originates with the county and is delegated to communities willing to accept the responsibility by adopting the ordinance and agreeing to use qualified review specialists to review permit submittals. These are known as certified communities who will designate and administrator charged with implementation of the ordinance with in that community. Overall the program is administered at the county level by the director of the Department of Environmental Management. The unincorporated county is a separate community under this ordinance and designates its own administrator for those portions of the county under their jurisdiction. The agricultural section of the ordinance is not delegated to communities but remains the responsibility of the county to administer.

What else is different in this ordinance?

The ordinance requires the establishment of special services areas with new development for the purpose of funding the maintenance of stormwater management facilities. The special service areas are there to be implemented if necessary to perform the tasks required to keep the systems functioning as designed. The ordinance will allow for the establishment of a homeowners association to perform these tasks but upon failure of the homeowners association then the community may have the work done and paid for through the special service area.

The ordinance sets up a program run by the county where review specialists are maintained a status as qualified. To become a qualified review specialist qualifications are maintained in two categories : 1. Engineering, 2. Wetland review. There is no test required at this time and qualifications are based on training and experience. All reviews for a permit must be performed by a qualified review specialist.

Does this ordinance overlap a lot of other permitting jurisdictions?

There are certain areas in which communities state local, state and federal agencies have already adopted ordinances and rules governing stormwater management.

Is the intent of this ordinance to remain consistent with the rules and requirements of higher units of government such as state and federal agencies?

For those cases where a federal permit is required for disturbance of a wetland this ordinance does not apply and the permitting requirements of the federal agencies do. In cases where the nature of the activity is such that the federal jurisdiction would not apply then requirements for buffers would. Floodplain management sections mirror those adopted by most municipalities within northeastern Illinois and are based on model ordinances prepared by the Illinois Department of Natural Resources Office of Water Resources in the Northeastern Illinois Planning Commission. Other stormwater requirements are developed as minimum standards. Communities are free to adopt standards more _____ but in cases where their standards are less _____ than the county minimum standard would have to be met for issuance of the stormwater management permit. Finally, there are many areas of development designed that this ordinance does not cover. For instance this ordinance is not a landscaping ordinance dictating the use of certain plant species in communities, although it gives preference to native plants. It is also not a subdivision control ordinance and does not set designed standards related to such issues as design of the minor stormwater system, curb and gutter, sizing of driveway culverts, regulation of dust at construction sites or mud tracked on the roads from construction sites and alike.