



ENGINEERING RESOURCE ASSOCIATES, INC.
Consulting Engineers, Scientists, & Surveyors

MEETING MINUTES

DATE: November 16, 2007

ATTENDEES: See attached listing

SUBJECT: Public & Private Organization Advisory Committee (PPOAC) Meeting
for the Cook County Watershed Management Ordinance (WMO)

LOCATION: MWRDGC Lawndale Avenue Solids Management Area Facility, 7601
S. LaGrange Road, Willow Springs, IL

Items of discussion:

(Questions or comments from members of the PPOAC are in **bold**. Responses from the District and ERA representatives are in *italics*.)

1. Welcome / Introductions

- a. District representatives welcomed PPOAC members and thanked them for their participation.
- b. Attendee introductions.

2. WMO Overview

- a. District granted stormwater management authority for Cook County in 2004.
- b. No comprehensive ordinance currently exists in Cook County for stormwater management.
 - i. MWRD has detention requirements in separate sewer areas.
 - ii. Current municipal ordinances may or may not address all components of a comprehensive stormwater management ordinance.
 - iii. Collar Counties began stormwater management programs in late 1980's and all have implemented fairly comprehensive ordinances.
 - iv. WMO will establish uniform, minimum, countywide regulations – municipalities will be free to enact more stringent regulations.
- c. Components of a comprehensive ordinance include: drainage and detention, floodplain management, wetland protection, stream habitat and riparian environment protection, soil erosion and sediment control, and water quality.
- d. An overview of the District's countywide stormwater management program can be found in the Cook County Stormwater Management Plan

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(CCSMP). Copies of the CCSMP were distributed and it was indicated that the CCSMP is posted at www.mwrd.org. Chapter 7 talks about WMO aspects. The CCSMP was adopted by the District's Board of Commissioners in February of 2007.

3. Technical Advisory Committee (TAC) and PPOAC Roles in WMO Development

- a. Two committees formed to give stakeholders a chance to comment and give input throughout the development of the WMO.
- b. TAC members are entities that have some regulatory authority in stormwater management or may be responsible for implementing the WMO.
 - i. Twelve municipal representatives – two members from each Watershed Planning Council (WPC).
 - ii. Other agencies: FEMA, IEPA, USACE, North & South Cook Soil and Water Conservation Districts, Cook County Highway Department, representatives from the collar counties.
- c. PPOAC – comprised of interested stakeholders that do not necessarily have a role in implementing or enforcing stormwater regulations.
- d. The role of these two committees is to comment on WMO issues prior to WMO language/standard development.
 - i. The District issues white papers to introduce topics to the TAC and PPOAC. The TAC and PPOAC provide feedback to the District.
 - ii. All input will be appended to the white papers (will include comments from TAC & PPOAC) and then the District will make final determinations.
 - iii. It is not possible to completely satisfy every group, agency or municipality. Ultimately, it is the District's responsibility to develop an ordinance that protects the citizens of Cook County from flooding as well as safeguards our water resources. We will certainly work with all stakeholders during the development of the WMO and will accept all input from the TAC and PPOAC with an open mind.
- e. Lastly, the ordinance language will be drafted. Draft language will be submitted for review and comment to committee. Finally there will be a public comment period. Once all that is taken into consideration, then will be adopted by the District.
- f. The minutes from the first 3 TAC meetings have been disseminated to the PPOAC along with all white papers previously reviewed by the TAC. PPOAC comments and meeting minutes will be disseminated to the TAC. In addition, all white papers and meeting minutes will continue to be forwarded to the municipal conferences for distribution to the WPC membership.
- g. Liaisons: In addition to the TAC and PPOAC being able to read the minutes and comments from the other committee, there will be one liaison from each group that will be invited to attend the other's meetings.



- i. Several TAC members volunteered to sit in on the PPOAC meeting. Today, John White from the Village of Streamwood is here as the TAC liaison. At the end of this meeting we will ask for volunteers from this group to sit in on the TAC meetings. We would like to rotate that role through as many members that may be interested as we can.
- ii. Purpose of the liaison is to represent the viewpoints of a particular committee (which themselves may be divergent) to the other committee on a particular issue. In this way there can be some more immediate feedback between the committees than what takes place in writing. Also, the liaison will be able to report back to their own committee firsthand about the workings of the other meeting/thoughts of their members.
- h. Comments on these papers open until December 21st. Please email your comments to John Murray at john.murray@mwr.org.
- i. General Questions and Discussion on Introduction
 - i. **How will District implement this ordinance? Will the district allow the municipalities to administer it?** *This will be a topic of an upcoming white paper. The District would like to involve the local municipalities in the implementation, but the method of enforcement has not been determined as of yet.*
 - ii. **What is the schedule?** *The timeline depends on how long it takes to discuss various issues. Based on where we are with the TAC, we intend to develop a comprehensive ordinance and plan to present proposed standards for some components at the next TAC meeting. Then the WMO draft language will follow. The plan is to begin submitting language for comment to the TAC and PPOAC next spring. In early 2009, we should have a complete draft ready for public review.*
 - iii. **How detailed do you want our feedback to be? The white papers are general recommendations; do you want specific feedback on what the requirements should be?** *We started by gaining consensus on an issue, for now, high level components, and in future we will look at the details and standards, but feel free to suggest specific requirements at any point in this process.*
 - iv. **Is the District required to seek input from the public in the development of the WMO?** *The enabling legislation for the District's program requires the District to involve the WPCs in the development of the WMO. The WPCs are free to make recommendations for standards. The WPCs meet quarterly and include elected municipal officials. The members on the TAC from the WPC represent the entire council. The District does go to the WPC and discusses what goes on at the TAC.*
 - v. **How will the WPC be able to comment?** *The TAC members should be representing their respective WPC, the information from the TAC and PPOAC meetings are distributed to the entire WPC*



but they should use their TAC representative to convey their comments to us.

4. White Paper #1: Comprehensive Ordinance

- a. Overview: This paper answers the question of what should be contained in a comprehensive ordinance. Ordinances from the collar counties were evaluated and it was determined that a comprehensive ordinance is the best approach. It is far more cumbersome and expensive to develop a watershed management ordinance in a piecemeal fashion. The comprehensive ordinance framework allows for it to be a living document and makes future additions or revisions less complicated.
- b. Discussion
 - i. **Is the purpose of the WMO to standardize stormwater management? What about local control issues?** *These are minimum standards to minimize the degradation of water quality, and to protect resources from flooding. As stated previously, municipalities will be permitted to adopt more stringent standards than those of the WMO.*
 - ii. **A comprehensive ordinance is more efficient and the best way to address the issues.**

5. White Paper #2: Stormwater Drainage & Detention

- a. Overview: This paper provides an overview of stormwater drainage and detention practices and approaches, including stormwater runoff volume considerations, stormwater conveyance, depressional storage, detention design standards, detention release rates, modeling and methodology, maintenance considerations, and fee-in-lieu-of detention.
- b. Discussion
 - i. **Is this paper just about concepts? There is nothing very specific here.** *This paper establishes which standards will be regulated in the WMO, it is not specific to what these standards will be.*
 - ii. **The City of Chicago ordinance has a release rate as well as volume control standards, will the District do this?** *A release rate will be specified in the WMO and volume control is under consideration.*
 - iii. **The background provided in these papers is only from local sources, can you consider looking at programs elsewhere in the country? We have found some good ideas from programs in Minnesota, as well as others. I can bring some of these ideas to the discussion. We do look at other things, but local programs best address local issues because of similar geology, poorly drained soils, etc. Any ideas you have from areas with similar characteristics are certainly welcome.**

6. White Paper #3: Floodplain Standards

- a. Overview: Floodplain management consists of the relation of floodways, flood fringe areas, and site-specific or depressional storage areas. This paper explores how the WMO should address floodplain standards. It should be noted that a countywide ordinance does not supersede the local municipal ordinance that is required for participation in the NFIP.
- b. Discussion



- i. **Will this require the local municipality to update their ordinance?** *The local ordinances can have anything as long as it is at least as restrictive as the WMO. The municipalities may use their zoning ordinance to address some floodplain issues. The District will not dictate local zoning.*
- ii. **The paper lists the ways collar counties have exceeded standards; does it cover everything?** *The papers were researched in depth and we do believe every occurrence was noted.*

7. White Paper #4: Riparian Environments

a. Overview

- i. Riparian environments and buffers are important components of stream quality. These terms are difficult to define, however. This paper discusses the riparian environments and buffer requirements that can be included in regulatory programs.
- ii. Riparian environments provide shade, habitat, water quality benefits, and buffers. The District would like some standards to protect these areas. The standards may not be as stringent as wetlands.

b. Discussion

- i. **Have you picked a standard?** *No, not yet. We need to research programs around the country for this because it will be tricky. We need a defensible standard.*
- ii. **When you look at the collar county ordinances, the most recently adopted ones have more on this topic. It seems Cook will be the most evolved.** *We need to consider what makes sense and what is defensible. Kane has sliding scale; Lake's is fixed. Long term we may develop a mapping tool, but that may not make this first draft.*
- iii. **Another consideration here is issue of re-development.**
- iv. **Can you talk about what you see in terms of allowing for exemptions?** *The key will be in defining the term riparian. On the enforcement side, that might be something that the District keeps control of, if we go the certified community route, and therefore can limit the variances and exemptions.*
- v. **So, this will address new development and then will address redevelopment; but will not ask current structures to comply, correct?** *The WMO will only apply to new development or redevelopment*
- vi. **What about protection of riparian areas from the streams themselves?** *That will be looked at in the watershed plans we have initiated.*

8. White Paper #5: Wetlands Overview

a. Overview

- i. Wetlands provide valuable hydrologic, water quality, biologic, and social and economic functions. This paper provides an overview of the wetland requirements that can be included in regulatory programs.



- ii. Wetlands have become an important topic with the NPDES Phase II requirements and as public interest has increased. Isolated wetlands are no longer under the USACE jurisdiction. The state is considering taking jurisdiction, which would remove that power from many counties who currently regulate isolated wetlands. The driving force behind wetland regulation is that they are critical to water quality. The questions to be considered here are how best to analyze and determine what is worth protecting.

b. Discussion

- i. **Some wetlands function as BMPs while others are natural areas. There should be some distinction.** *Noted.*
- ii. **How will these requirements be developed? What is the timeline?**
The next step is to develop standards and put them out for review by the TAC. We will start presenting proposed standards on various components at the next TAC meeting.
- iii. **Did the TAC did support regulating isolated wetlands?** *Yes.*

9. White Paper #6: Construction Erosion Control Practices

- a. Overview: This paper addresses erosion control as it relates to water quality and protection of the storm sewer system and waterways from debris and sediment loading. The WMO will be a minimum standard and will address issues as related to development. The collar county ordinances all have these requirements, as do most municipalities. The National Pollutant Discharge Elimination System (NPDES) Phase II program also has many of these requirements. Although the local municipalities already have these requirements, the District must also include them in the WMO in order to have the authority to enforce these regulations.

b. Discussion:

- i. **Actually including these in the WMO will help local municipalities to meet the Phase II requirements.**

10. White Paper #7: Regulating Open Space

a. Overview

- i. Open space can be undeveloped lands, though it is more commonly considered to be parks, forest preserves, and athletic fields. Development can occur in open space areas and sometimes this development can result in watershed improvements. This paper considers how the WMO should regulate development in open spaces.
- ii. Other ordinances have attempted to write language to regulate open spaces, but they have proven to be cumbersome to administer. A fair standard should be set. It is possible that this type of activity could be exempt from the regulation when runoff characteristics are improved. Open space development in special management areas is not covered under this discussion.

b. Discussion



- i. **How will this integrate into what the Forest Preserve is doing?** *The Forest Preserve is subject to the WMO and will be required to meet these standards. The District has reviewed the Forest Preserve's policy.*
- ii. **Can the District incorporate the Forest Preserve's policy into the WMO?** *The District is reviewing that possibility.*
- iii. **Setting a threshold seems in conflict with the statement in the redevelopment paper which states that small activities have a cumulative effect.** *Here, we are talking about open space compared to redevelopment which is usually in urban and very developed areas. Ideally, the WMO will have a standard that says you cannot increase runoff from any property.*
- iv. **Will this be listed as an exemption?** *It could be a standard found under stormwater runoff and detention.*
- v. **It is concerning to see a list of exemptions. In those specific situations, which are usually more sensitive areas, maybe we should do a case by case basis review. These may be worth the attention.** *This section will be narrowly defined for things like that. We will develop some scenarios that will be included in this section and will circulate to the TAC and PPOAC for feedback.*

11. White Paper #8 Regulating Roadway and Linear Developments

- a. Overview: Projects such as roadway construction and improvement are unique because they occur in narrow public right of ways. Since most of the available right of way is taken up by the roadway and any utilities associated with the project, land area is typically not available to provide for the requirements called out in a typical stormwater ordinance. It is worthwhile to consider requirements that are better tailored to these types of projects; however such requirements must still adhere to the primary goal of the stormwater program.
- b. Discussion
 - i. **Will there be a different standard for public and private roadways?** *No.*
 - ii. **Have you considered a fee in lieu of or mitigation approach?** *Yes, the District is considering these options.*
 - iii. *The state and tollway authority will not be subject to the WMO as they are a higher level of government. We hope to work on an agreement with these agencies that will encourage them to meet the requirements of the WMO as best they can.*

12. White Paper #9 Regulating Development and Redevelopment

- a. Overview: The WMO must identify and define those activities that will be subject to regulation. This requires a clear and consistent definition as to what constitutes "development." Development is generally considered to be any land disturbance that affects the discharge characteristics of stormwater and any activity in a wetland or regulatory floodplain. This includes so called redevelopment activities. The collar counties' stormwater programs contain



varying values for the thresholds at which development activities are subject to regulation.

b. Discussion

- i. **Why distinguish development from redevelopment?** *That is a great point. Our goal is to write a definition of development that includes redevelopment activities.*
- ii. **Some definitions are based on whether or not there is an impact.** *Right, defining “impact” is part of the difficulty*
- iii. **Will this not apply to single lots?** *There will be a minimum threshold. The threshold for most collar counties is the single lot. We all know the prevalence of tear-downs and have concerns, but the question is how far do we want to meddle in local issues? Schaumburg is currently working on this. Impervious area is doubling in some neighborhoods and will result in flooding.*
- iv. **I was wondering if teardowns will be included as that is a major issue.** *It is definitely important, but could be difficult to enforce.*
- v. **Consider saying that post construction infiltration must equal pre-construction infiltration.** *The District is looking at those measures.*
- vi. **Review the Wisconsin state requirements. They have performance criteria for pollutants and infiltration.**
- vii. **What if maintenance changes the permeability? Will that still be excluded from the definition of development?** *We need to define terms carefully in order to catch that. Statements that prohibit increases in rates of runoff or volume of runoff can address this issue. This is a real issue, will be hard to enforce but if we have help from locals, it will make this much easier.*
- viii. **Utilities often do not comply and leave developers the mess to clean up.** *Collar counties have been able to get the utilities to follow the erosion control requirements. On private property, it is a legal issue – it falls back on the property owner.*

13. White #10 Alternative Design Approaches

a. Overview

- i. Alternate design approaches are often considered to be BMPs. While that can be true, it is important to distinguish between alternate design approaches and BMPs. BMPs are preventive measures aimed at protecting and improving water quality and are incorporated into stormwater, wetland, and soil and erosion regulations. Alternate design approaches are site-oriented design features and practices that protect the natural environment and improve drainage system performance. They are generally not included in regulations; they are typically presented as recommended design approaches and included in technical guidance manuals. This paper explores to what extent alternate design approaches should be incorporated into the WMO and TGM.



- ii. Alternate design approaches can aid in protecting and improving water and air quality, and providing volume control. These various ideas were reviewed and while they may not be appropriate for the WMO, many of these approaches are good ideas that should be examined in this process. Cluster developments are one example of an alternate design approach, but it is not really a stormwater issue, but more of a land use or zoning issue. Green roofs are also reviewed. While they may provide air quality benefits, their affect on stormwater is questionable. Rain barrels provide stormwater management benefits, but are difficult to regulate.
- b. Discussion
- i. **If the single family development is using rain barrels, minimizing runoff, will that meet the ordinance?** *If you make rain barrels part of the permit, then they always have to be there. This is hard to enforce especially when property is sold.*
 - ii. **The other problem with rain barrels is that people don't always empty them.**
 - iii. **These practices are complementary to traditional stormwater management practices, and should not be considered as an either / or.** *You are correct; they are complementary and should be encouraged, but just do not belong as a countywide requirement. The local village can require, but the District will set minimum standards.*
 - iv. **Encouraging municipalities to do this may not be enough. Keep in mind that you should include an incentive to get these in as encouraging is often ignored.** *One incentive would be for the village and the developer to reduce imperviousness in order to reduce the size of the required detention. However, it is not within the District's purview to dictate the use of Low Impact Design techniques to over 130 Cook County municipalities.*
 - v. **Will rooftop detention and parking lot storage affect size of required pond?** *Rooftop detention and parking lot surface detention are currently allowed by the District.*
 - vi. **Could you encourage by allowing a fee in lieu grant program? Give award?** *Perhaps we could use any funds collected from fee-in-lieu-of programs to create an incentive program for property owners to construct rain gardens, etc. on their properties.*
 - vii. **Are other counties doing this?** *In DuPage, the single family lots are the single worst source of pollution. The owner can install a BMP, but DuPage encourages a fee-in-lieu-of due to the difficulty of enforcement, etc.*

14. White Paper #11 Best Management Practices Overview

- a. Overview – There is a lot of public interest in best management practices (BMPs). The term BMP has a very broad definition. Stormwater management itself is a BMP (detention, etc.). NPDES Phase II has requirements that make the application of BMPs necessary. The WMO will include a minimum standard and it will be related to development and construction issues only. It will not



address zoning or pollutant loading. All the collar counties address BMPs to some extent, such as detention ponds, in their ordinances. Currently, DuPage County is revising their standards to make them stricter. No quantitative testing will be required; all that will be required is that the BMP be put in place.

b. Discussion

- i. **Consider looking beyond the collar counties for some better examples.** *Yes, as mentioned previously, we'd like to hear about practices being implemented in areas with similar characteristics.*
- ii. **Require an inventory of BMPs and a maintenance schedule for each project. Use as a way to link over to the maintenance portion of the ordinance.**
- iii. **Require an endowment or funding mechanism to deal with BMP maintenance. Lake County is looking into this. May require the developer to set this up.** *The District will require a maintenance plan as part of the permit. Items will include who is responsible, what is to be done, where the money comes from, etc.*
- iv. **This will need an enforcement mechanism to back it up. The homeowners' association is the one who should be held accountable for maintenance and upkeep of BMPs.**

15. White Paper #12 Fee in Lieu of Programs

a. Overview

- i. Stormwater detention will be required in the WMO, however it is not always feasible to provide the required detention or wetland mitigation within the limits of the site. In order to meet the purposes of the ordinance, it is worthwhile to consider fee-in-lieu-of programs to allow for providing detention and wetland mitigation elsewhere in the watershed for these special cases.
- ii. This concept came about in the collar counties as there were some frequently occurring variances and it was decided to collect fees for these variance activities to try to mitigate. This fee-in-lieu-of idea can be applied to detention, wetlands, and BMPs. These programs have worked well for communities. There are different ways to go about it. The District can collect for everyone and local communities can apply for funds like a grant, or the municipalities may be able to collect it themselves. Some are variance based, some are not considered a variance just a fee program. Some municipalities like having the variance to keep the fee in lieu program from being abused. Works legally because it is an optional program; if you do not want to pay, then adhere to the ordinance.

b. Discussion

- i. **Will the District or the local municipality collect the fee?** *It could be done either way.*
- ii. **It would be good to make sure the funds collected are invested back into the same watershed.** *Yes. Watershed boundaries will need to be well defined for this purpose.*



- iii. **It is important that this does not just become a way to buy out of requirements and then flooding results. Maybe the fee is part of the hierarchy of actions.** *The funds could be used as an incentive for homeowners to do projects. The fee in lieu would be the last thing on the hierarchy; it would only be permitted if there is no other way to meet the WMO's requirements. The District could maintain control over this program to ensure it is only used as a last resort.*
- iv. **Some communities use this money for other things. Hopefully the District would specifically use the funds for mitigation.**
- v. **Will there be a set time frame that will be required for spending the money?** *By law, the government cannot collect with out spending. The required time frame is usually between 7 – 10 years. In DuPage it is 10 years. There should be an emphasis on having a plan to spend.*

16. White Paper #13 Stormwater Facility Maintenance:

- a. Overview: A challenge for all stormwater management programs is to ensure that the constructed facilities are properly maintained so as to provide the intended benefits. This is difficult due to other funding priorities, a lack of organized inventories, and the lack of personnel required to maintain the facilities and to enforce the required activities. The issue is further complicated when looking at it from a countywide perspective: it is necessary to include, but need to provide the local municipalities some autonomy to implement strategies that work in their communities.
- b. Discussion
 - i. **Important to focus on preventative maintenance rather than waiting until the facility fails.**
 - ii. **Look at different management practices. Homeowners' Associations often do not have personnel qualified to maintain these facilities. Consider having requirements that help identify who can be hired to do this work.**
 - iii. **Has any thought been given to incentives – less developed means less to maintain.** *That will be handled in the public education and outreach.*
 - iv. **Provide information that shows how natural landscaping saves money.**
 - v. **Easements should be granted for oversight. Provide a conservation easement for the homeowners' association with an underlying SSA.**
 - vi. **Would the government agency do this?** *Yes, whoever issues the permit would require this easement.*
 - vii. **Some conservation easements are held by a third party.**
 - viii. **The program needs to be well defined to ensure there is authority to enforce.**
 - ix. **Easements can be granted to more than one party. In this case, both the municipality and the persons appropriate to perform the maintenance would be granted access.**



17. Suggestions on PPOAC Meeting Location / Time / Date

- a. TAC meets on the last Thursday of every month. December is an exception; the next TAC meeting is Friday, December 14, 2007.
- b. The next PPOAC meeting will be in early February.
- c. There were no suggestions for alternate meeting locations and the PPOAC felt that the LASMA facility was conveniently located and meetings should be conducted during the day.

18. New Business

- a. Liaisons:
 - i. Sheila Schultz, Kevin Chaffin, and Steve Wise volunteered to act as liaisons to the TAC. Only one liaison will attend each TAC meeting; the representative will rotate and/or be based on availability.
 - ii. The PPOAC members not present today will have the opportunity to volunteer as liaisons to the TAC as well.
- b. Comments regarding the WMO and white papers are encouraged and should be sent to John Murray at John.Murray@mwrdd.org. The white papers will eventually be updated to incorporate comments and feedback.
- c. Next Meeting: Thursday, February 7, 2008
Location: LASMA
Time: 1:00 PM



ATTENDEES**AGENCIES**

Name	Agency
Kevin Chaffin	Riverview Builders, Southwest Suburban Home Builders Association
Paul Colgan	Attainable Housing Alliance, Home Builders Association of Greater Chicago
Jessica Dexter	Environmental Law and Policy Center
Stacy Meyers-Glen	Openlands
Karen Miller	Kane County, Fox River Ecosystem Partnership
Jean Sellar	Chicago Wilderness
Bob Newport	U.S. EPA Region 5, NPDES Programs Branch
John Quail	Friends of the Chicago River
Lynn Rotunno	Lower Des Plaines Ecosystem Partnership
Sheila Schultz	Upper Des Plaines River Ecosystem Partnership
Cindy Skrukud	Sierra Club Illinois Chapter
John White	TAC Liaison, Village of Streamwood
Sean Wiedel	North Branch of the Chicago River Ecosystem Partnership
Steve Wise	Center for Neighborhood Technology

PROJECT CONSULTANT TEAM

Name	Company
Margaret Clark	Black & Veatch
Bruce Maki	Engineering Resource Associates
Erin Pande	Engineering Resource Associates
Jon Steffen	Engineering Resource Associates

METROPOLITAN WATER RECLAMATION DISTRICT

Name	Title
Ann Fritz	Assistant Civil Engineer, Stormwater Management
John Murray	Senior Civil Engineer, Stormwater Management
Bill Sheriff	Supervising Civil Engineer, Stormwater Management
Nick Venuso	Assistant Chief Engineer, Infrastructure
Patricia Young	MWRD Commissioner

