



STORMWATER MANAGEMENT COMMISSION

October 6, 2017

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. 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. 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:

1. Complete the Community 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. 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 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 847-377-7720 or kwoolford@lakecountyil.gov.

Sincerely,
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION

A handwritten signature in black ink, appearing to read "Kurt Woolford". The signature is fluid and cursive, written over the printed name.

Kurt Woolford, P.E., CFM
Chief Engineer

C: Mark Hoskins, IDNR/OWR
Frank Shockey, FEMA

Encl



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

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, 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 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, 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 recurrently 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



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 March 6, 2008 to enhance customer service and to equitably enforce the WDO.

A. Required Information:

Communities desiring re-certification shall submit a fully executed copy of the Petition for Standard Certification and, if Wetlands Certification is desired, a fully executed copy of the Petition for Isolated Wetland Certification (if appropriate) [WDO §201.02.B.], signed by the community's mayor/president, which includes:

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, the petitioning community shall provide the following:

6. Completed Community Certification Information Form.
7. Copy of community Ordinance adopting, at a minimum, most recent WDO provisions.
8. Copy of contract document if community has a professional services contract with outside firm(s) to perform engineering and/or wetland services.
9. Short written description of the permit administration process within your community for the requirements stated in Appendix E.
10. Completed copy of the "Self-Audit Checklist for Re-certification".

For contracted WDO-related Services (Item 8 Above - Enforcement Officer, 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.

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

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
- 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

- 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

E. CERTIFIED WETLAND SPECIALIST (for Isolated Wetland Certification)

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

F. PROFESSIONAL ENGINEER

Name _____

PE license number _____ Expires _____

G. 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
ADOPTED MARCH 6, 2008**

**PERMITTED DEVELOPMENT COMPLIANCE
BETWEEN THE DATES OF FEBRUARY 2, 2012 AND OCTOBER 1, 2017**

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. **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 _____

4. **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 _____

5. **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

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 _____

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

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
ADOPTED MARCH 6, 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
 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 _____