



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

TO: Stormwater Management Commission
FROM: Brian Frank, Chief Engineer
DATE: February 27, 2023
SUBJECT: New General Permit #2-T

ACTION REQUESTED: APPROVAL

The WDO authorizes SMC to create general and countywide permits for certain development types under SMC's jurisdiction in order to streamline the permitting process. Countywide Permit 1, General Permit 2 and General Permit 3 were previously approved and are being used extensively. We are proposing a new General Permit #2-T, which would authorize *temporary impacts* to Isolated Waters of Lake County (IWLC) up to certain acreage threshold limits.

The definition of wetland impact in the current WDO does not distinguish between permanent and temporary impacts. Thus, we have considered permanent and temporary impacts cumulatively in our isolated wetland permit reviews to date. This has created some confusion and dissatisfaction from the development community, who have been faced with more complex permitting, higher review fees, and in some cases the additional high cost of providing mitigation for the cumulative wetland impacts (permanent + temporary).

Key Points of GP #2-T:

- SMC may authorize *temporary impacts* up to ½-acre in non-high quality IWLC and 1/10-acre in high quality IWLC, without a requirement for mitigation.
- Applicants must provide advance notification of the proposed development activity to SMC, including a proposed restoration plan for IWLC to be temporarily impacted. SMC has 30 days to review.
- The U.S. Army Corps of Engineers (Corps) has allowed temporary impacts to federal *waters of the United States* for many years, with conditions. The establishment of this GP #2-T will bring SMC's isolated wetland permitting program more into alignment with the Corps' permitting program.

We anticipate the main users of this General Permit will be communities and transportation agencies undertaking infrastructure projects and utility companies installing and replacing lines that traverse IWLC. Many of these development activities fall under SMC's isolated wetland permitting jurisdiction. Our review fee for the GP-2T would initially be set at \$480, which matches the review fee we charge for existing General Permits 2 and 3.

The Technical Advisory Committee (TAC) approved GP #2-T with minor editorial revisions at their December 15, 2022 meeting (vote tally 8-0-0). One minor revision was made to GP #2-T (added latitude and longitude to notification form) in response to a consultant's comment received as follow-up to the TAC meeting. Three additional comments were received from community representatives recommending the WDO be amended to allow IWLC-certified communities to review and approve temporary IWLC impacts during the required 30-day public notice. Staff will consider this during the next WDO amendment process.

We respectfully request your approval of GP #2-T (copy attached). Comments or questions can be e-mailed to bfrank@lakecountyil.gov.