



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

TO: Stormwater Management Commission

FROM: Kelcey Traynoff, Regulatory Supervisor
Brian Frank, Chief Engineer

DATE: July 8, 2024

SUBJECT: Recommendation for WDO Community Certification

ACTION REQUESTED: Approval of Isolated Wetland Community Certification Status

The following community has requested to become a fully certified community (Standard and Isolated Waters of Lake County).

Village of Hainesville:

SMC staff and the Village have discussed and coordinated efforts to bring a non-compliant development into compliance. Mayor Gerry Daley has informed staff that he will provide SMC a report detailing the work that has been completed to address this development. SMC staff recommends the following certification condition:

SMC and the Village will continue coordination to resolve the non-compliant development, located southwest of W. Belvidere Road and S. Hainesville Road (PIN: 0633300008). WDO compliance is required to assure the development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion [WDO Purpose 102.03].

This community has adopted the WDO and submitted the required documentation for certification.

Please see the attached petition for SMC Isolated Wetland Certification.

Please feel free to contact Brian Frank at (847) 377-7704 or Kelcey Traynoff at (847) 377-7711 if you have any questions.

PETITION FOR ISOLATED WETLAND CERTIFICATION

On this 7th day of September, 2023 the Willou
(Month) (Year) (City, Village, County)
of Hainesville, a community adopted an amended ordinance ("ORDINANCE") which includes the provisions of the Lake County Watershed Development Ordinance amended July 11, 2023 ("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:
 - b. 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.
 - c. 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.
 - d. 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. The Isolated Wetland Certified Community shall have a designated community Certified Wetland Specialist (CWS) either as an employee or contracted to administer wetland provisions as specified in the ORDINANCE, under direction by the Enforcement Officer.
5. Provide SMC with the names, addresses and telephone numbers of the community designated Enforcement Officer (EO), the registered Professional Engineer (P.E.) performing permit reviews, Certified Wetland Specialist (CWS) 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.

If a community Enforcement Officer vacates that position, the community shall designate an Interim Enforcement Officer within thirty (30) days. Final designation of a qualified Enforcement Officer shall occur within six (6) months in order for the community to remain certified.

If a community Certified Wetland Specialist vacates that position, the community shall designate a CWS within sixty (60) days, or may utilize SMC CWS staff capabilities on an interim basis prior to final designation. Final designation of a CWS shall occur within six (6) months in order for the community to remain certified for Isolated Waters of Lake County.

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 for the following reasons:
 - i. The community amends the ORDINANCE so that it is less restrictive than the WDO.
 - ii. If a certified community knowingly or consistently 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)

6/25/24

Date

6/25/24

Date

