



STORMWATER MANAGEMENT COMMISSION

October 8, 2019

John W. Koffel
100 Old School Road
Mettawa, IL 60045

Subject: Watershed Development Permit No. 14-31-094
Sound Isolation Berm
NOTICE OF ORDINANCE VIOLATION

Dear Mr. Koffel:

Thank you for providing the email with attachment on September 25, 2019 from O'Donnell Callaghan LLC. Comments from our July 12, 2019 and September 9, 2019 letter remain outstanding as included below. In order to allow sufficient review time prior to the November 11, 2019 hearing date, we request the following items by **November 4, 2019**:

1. As requested in Comment No. 1 of our September 9, 2019 violation letter, please provide a single Plat document containing, at a minimum, items 1.a. through 1.e. Comment No. 2 has been added to provide additional information to completely address this comment.
 - a. Boundary survey for property lines adjoining the Tollway right-of-way and Trelka property.
 - b. 1-foot topographic elevations showing the location and limits of the entire berm.
 - c. Due to the tree canopy obstruction in the aerial topography, additional field survey is needed. Please include survey points, elevations, and a delineation of the toe of the berm with setback dimensions along the Tollway right-of-way and Trelka property.
 - d. Certification and signature by an Illinois Registered Land Surveyor, in accordance with State of Illinois requirements.
 - e. Signed statement(s) by Registered Professional Engineer(s) that account for the constructed conditions and the likelihood of damage to adjoining properties.

2. The request for a single plat document in Comment No. 1 above is to verify Ordinance compliance of the as-built constructed conditions and measurements since the project significantly deviated from the permit. Separate documents are incomplete and do not satisfactorily address the reasonable request for a single plat in accordance with required and appropriate standards. Reasonable rules, regulations, and model standards include the following:

- a. [Lake County Watershed Development Ordinance](#) Section 102 Purpose:

- i. 102.02 Prevent additional harm due to periodic flooding, including loss of life and property and threats and inconveniences to public health, safety, and welfare; and
- ii. 102.03 Assure that development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion; and
- iii. 102.04 Create no new financial burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and for flood rescue and relief operations; and
- iv. 102.08 Prevent additional disruption of the economy and governmental services due to stormwater and flood drainage.

- b. [225 ILCS 330/5](#) Practice of Land Surveying:

- i. (b) Photogrammetric certification; and
- ii. (e)(3) Topographic survey; and
- iii. (e)(4&5) Location dependence and measurement from property, easement, and right-of-way boundaries; and
- iv. (f) Horizontal and vertical position or state plane coordinates; and
- v. (j) Horizontal and vertical position certification; and
- vi. (l) Boundary analysis and determination of property, easement, or right-of-way lines on any plat for regulatory review by governmental or municipal agencies.

- c. National Society of Professional Surveyors – Model Standards:

- i. [Section B](#). Model Standard for Property Surveys; and
- ii. [Section C](#). Classification and Accuracy Standard for Property Surveys; and
- iii. [Section E](#). Model Topographic Survey Standards; and
- iv. [Section F](#). Model Standards for LIS/GIS Surveys.

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3. As requested in Comment No. 2 of our September 9, 2019 violation letter, the southern drainage ditch along the Trelka property is outside of your property ownership. A drainage easement is required for the clouded ditch portion shown on the April 22, 2018 photograph below, which connects into the pre-existing mutual drain located more than 100 feet to the east. See WDO "Maintainable Outlet" definition and [70 ILCS 605/2-9](#) unlawful connection.



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4. Comment No. 3 of our September 9, 2019 violation letter remains partially outstanding. The revised September 17, 2019 Global Stability Analysis report, prepared by Wang Engineering, was signed and sealed by an Illinois Registered Professional Engineer and included the unit weights for the cohesive soil profiles on the boring logs. However, the following items remain outstanding:
- a. The report includes slope stability calculations assuming a 1:1.5 (V:H) slope. There appear to be non-uniform slopes steeper than 1:1.5 (V:H) indicated on the July 29, 2019 Contour Exhibit. Please include this exhibit in the report along with additional analyses and re-calculated factors-of-safety, as applicable.
 - b. Please provide SMC a CAD or DGN file of the exhibit.dgn contours (July 29, 2019).
 - c. A failure has occurred in the recent past causing earthen material to collide with and damage Tollway fencing. Localized areas where slopes exceed 1:1.5 (V:H) may have a greater potential for failure than a global slope failure. Please enhance the report to include a narrative section on the berm's potential for localized slides.

Should you have any questions, please feel free to contact me any time.

Sincerely,

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION



Kurt Woolford, P.E., CFM
Chief Engineer / Enforcement Officer

C: Bob Irvin – Mettawa Village Administrator
Dan Krill – Code Enforcement Manager, Lake County
Larry Clark – State's Attorney, Lake County