

# MEETING NOTES

DATE: May 17, 2010  
TO: Steering Committee  
FROM: John Wills, P.E.  
Wills Burke Kelsey Associates  
SUBJECT: Steering Committee #11  
(WBK Project 09-0039)

MEETING DATE: April 29, 2010

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We held the eleventh meeting of the Steering Committee for the update of the DuPage County Countywide Stormwater and Floodplain Ordinance on April 29, 2010. The following is a general summary of the major points discussed and does not constitute a verbatim transcript, nor an attempt to capture either the speaker or the exact wording as presented. The following also represents the preparer's understanding of the discussion. If there are any discrepancies, inaccuracies, or major items missed, please notify the preparer.

## **Agenda Item I- Approval of Meeting Minutes**

1. The meeting was called to order by Chairman Klepp at 9:35 a.m. The following were present at the meeting:

Members: Chairman Christine Klepp, David Winklebleck, Clayton Heffter, Karen Laskowski and Chris Vonnahme from DuPage County; Nick Hatfield, Village of Lombard; Vice Chairman Mary Lou Kalsted, Village of Lisle; Roger Hopkins, Choose DuPage.

Members absent: Bill Novack, City of Naperville; Rob Swanson, DuPage County; Erskine Klyce (ex-officio); Dale Durfey.

Alternates: None.

Also Present: John Wills and Kristine Meyer, Wills Burke Kelsey (WBK); Bob Murdock, Baker; and Jedd Anderson and Thomas Burke, Christopher B. Burke Engineering (CBBEL);

A motion was made by Winklebleck and seconded by Hatfield to approve the minutes of the Steering Committee of April 1, 2010. By voice vote, the minutes were approved.

## **Agenda Items II and III- Summary from DMMC Dinner Meeting and Blog Post & Comment Review**

2. A summary was distributed highlighting the comments received from the DuPage Mayors and Managers Conference (DMMC) dinner meeting on April 21<sup>st</sup>. One of the suggestions from the meeting was to make it clearer on the website when new comments are made to specific blog posts. Baker will look into this.

# MEETING NOTES

3. Discussion was held regarding the usefulness of the blog and if it is accomplishing what it was set out to do. There was a general consensus that the blog does provide a means of transparency and the committee also believed once draft language is posted that there will be an increase in participation.
4. There was a miscommunication regarding who could actually make a blog posting versus a comment. Going forward Baker will look at adding a space on the website for suggested blog posts. Baker will then review the suggestion and post it to the blog.
5. A spreadsheet was distributed which summarized the policy issues to date that have been discussed. The purpose of the spreadsheet, is to keep a running log of the policies that are discussed and also to use this as a tool when presenting to elected officials. The first step would be to present this spreadsheet to the Municipal Engineer's for discussion, then to the Stormwater Committee for further review, and finally to the DMMC. A "policy" category will be added to the website so one could search for blog posts/comments under this term. There will be a blog post regarding this topic, also.
6. Due to unforeseen circumstances, a concern was raised if more municipal representatives need to be brought into the steering committee.
7. There was much conversation regarding Water Quality and how best to incorporate it into the ordinance update. It was stated that the DuPage River Salt Creek Workgroup is following along with what we are proposing.
8. Another policy that was discussed was the creation of "countywide permits", which would provide a more streamlined process for smaller projects. The committee seems to agree with this approach and thought it may be best to have the Municipal Engineer's come up with a list of projects that would be suitable and have the Stormwater Committee approve the list. The list could then be updated on a periodic basis.

## **Agenda Item IV- Discussion of Naturalization Language**

1. Revised language (V5.1) was distributed. Brief highlights of the changes were presented which include: clearer language regarding avoidance; alternative analysis versus practical alternatives; more defined submittal requirements; and lastly the riparian requirements have been combined and with wetland buffers. There will be a 50 foot buffer on all waters of the DuPage that will be regulated. It was further discussed that a drainage area needs to be associated with the buffer and that for smaller streams a reduced buffer may be more appropriate. These concepts will be discussed at the next Municipal Engineer's meeting.
2. A draft of the second newsletter was distributed for review.

## **Agenda Item V- Issues from Floodplain Subcommittee**

3. Due to time this item was not discussed.

The meeting ended at approximately 11:50 p.m.

**Steering Committee Meeting #11 Agenda**

*April 29, 2010, 9:30 a.m. ~ Room 3500B*

- I. Approval of Steering Committee Meeting #10 Minutes
- II. Summary from DMMC dinner meeting
- III. Blog Post & Comment Review
- IV. Discussion of Naturalization Language
- V. Update from Floodplain Subcommittee
- VI. Reminder - Next Meeting: Thursday, May 27<sup>th</sup> at 9:30 a.m.



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## MEMORANDUM

DATE: April 28, 2010

TO: Steering Committee

FROM: John Wills, P.E.  
Wills Burke Kelsey Associates

SUBJECT: DuPage Mayors and Managers Conference  
Stormwater Ordinance Update (WBK Project 09-0039)

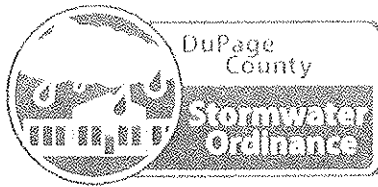
MEETING DATE: April 21, 2010

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At the monthly business dinner meeting, a presentation was given to the DuPage Mayors and Managers Conference. Stormwater Committee Chairmen Jim Zay provided the welcome and introduction prior to the presentation. The presentation gave an overview of the ordinance update process focusing on communication and opportunities for input. After the presentation, comments were taken from the audience. Provided below is a summary of these comments.

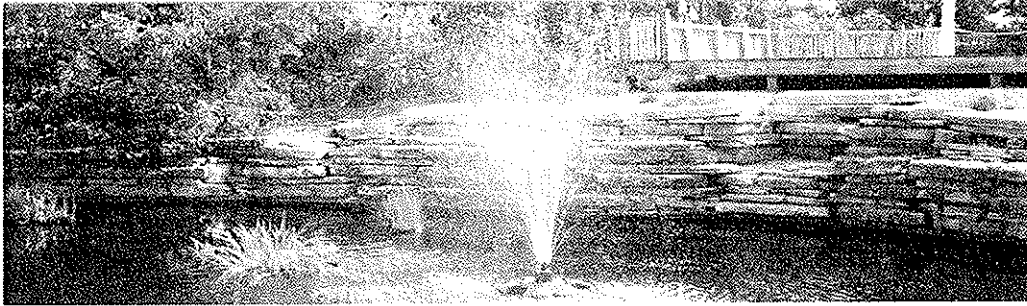
1. Can the website be modified so that there is a better way for users to tell when new comments are made and to what blog posts they are made too?
2. It was asked again that we continue to think of ways to make the permitting process faster and simpler.
3. A village mayor commented that his engineer is very complimentary of the website, blog and monthly municipal engineer's meeting. However, the engineer had expressed to the mayor the importance of getting in on the policy decisions now. It was also pointed out that while the east side of the County has seen much progress in the way of flood protection, the west side of the county still has work to be done.
4. It was asked that we look at the compensatory storage requirements (1.5:1). The member noted, at this point the County has paid enough for past sins and the requirements could possibly be reduced. It was noted that we will look at these requirements and present the pro's and con's of changing them.
5. Would there be any effect/changes to full or partial waiver community requirements? Would there be any language regarding stormwater utility fees?
6. Finally, could we present project scenarios that compare the old versus new ordinance requirements.

Policy Issue...	In the Stormwater ordinance now...	Proposed policy direction...	Why change what we do now?	What are we trying to address?
1 What circumstances, or what threshold of development, will require that a stormwater permit be obtained?	A permit is required for 5000 sq. ft. of any kind of disturbance, with very few exceptions. If the property has a Special Management Area on it, the area of disturbance does not matter and a permit is required in all cases.	instead of area of "disturbance", we will trigger permitting when <u>new</u> impervious area is added. A stormwater permit will be required if 500 sq ft of new impervious area is proposed. We suggest that the existing building permit program in each community be used to monitor whether or not the proposed construction constitutes new impervious area, and how much. The County can supply a GIS data base of existing impervious area for each site. Note that what is required in projects that increase impervious area from 500-5000 sq. ft is best management practices, and not detention.	The Policy proposal attempts to target the projects most likely to create problems with stormwater, by linking requirements and thereby the need for a permit directly to the most easily measured factor known to change stormwater characteristics. Small projects, say the addition of a garage, are the most frequent cause of neighbor on neighbor drainage complaints, requiring the use of best management practices will address the changed runoff characteristics and quality.	There are a number of comments and complaints that indicate that "area of disturbance" as the permit threshold can focus permitting costs on projects which have only a very minimal effect on either flood damage potential or the health of the stream on a sunny day.
2 Should we have a "tiered" permitting program, one that does not require the same level of application or review, for the more minimal permitting issues?	we only have one form of permit, and the submittal must address all aspects of the ordinance.	create an abbreviated permit application that a homeowner can sign for simple cases of stormwater permitting. Municipal Engineers committee can help advise as to what should be on the list of "simple cases" and each full and partial waiver community can be allowed to add or subtract from the "countywide" list.	The cost of engaging professionals to develop and submit applications is high, and some types of projects can be addressed by a menu of acceptable practices that the homeowner can implement on his own without the need of a professional. The current trend in the county is and will be toward "redevelopment". This approach incentivizes reducing impervious areas, requiring only the much smaller water quality control volume in the majority of such cases. Currently, detention would be required which very often creates very unworkable and expensive plans, particularly in "downtown redevelopments".	Simplify the application and review of projects.  aging downtown areas need to be made more attractive as redevelopment sites than undeveloped areas. The Federal EPA already recognizes and promotes watershed scale reduction of impervious area for both runoff volume reduction and pollutant reduction.
3 Should we replace distinctions between projects based on "zoning" with a comparison of existing intensity of development to proposed intensity of development?	we do not consider the current development intensity, as measured by how "impervious" the site is, in any way when evaluating the proposed project.	requirement for detention is triggered by increasing impervious area compared to the impervious area that existed on a site before proposed development. Detention and water quality control volume requirements are on a sliding scale depending on the impervious area on a site after the proposed development.	The current trend in the county is and will be toward "redevelopment". This approach incentivizes reducing impervious areas, requiring only the much smaller water quality control volume in the majority of such cases. Currently, detention would be required which very often creates very unworkable and expensive plans, particularly in "downtown redevelopments".	aging downtown areas need to be made more attractive as redevelopment sites than undeveloped areas. The Federal EPA already recognizes and promotes watershed scale reduction of impervious area for both runoff volume reduction and pollutant reduction.
4 Should we introduce the concept of regulating for more frequent events (somewhere between a one-half inch and one-inch rainfall) than the single "extreme event" (100-year) approach we have now, in order to redirect some of the funds spent on stormwater infrastructure in development to mitigating stormwater volume and quality? Should this requirement apply to a project that involves only resurfacing? Should it apply to projects that involve reconstruction, but without an increase in impervious area? Should it be applied only to new and increased impervious areas, like a completely new development or a parking lot expansion?	our regulations are directed almost exclusively towards the 100-yr event. The infrastructure built to meet rules for storms of that magnitude are not always effective in reducing runoff volumes or addressing pollutant loadings.	exempt projects which do not include at least 5000 sq. ft of new impervious area from providing the water quality control volume. Otherwise provide a water quality control volume on a sliding scale depending on how intensely developed the site is.	The current trend in the county is and will be toward "redevelopment". This approach incentivizes reducing impervious areas, requiring only the much smaller water quality control volume in the majority of such cases. Currently, detention would be required which very often creates very unworkable and expensive plans, particularly in "downtown redevelopments".	the National/Local Ordinance review shows that DuPage goes well beyond other jurisdictions in "quantity" issues but needs a different approach if it is going to comply with EPA mandates already in their MS4 permits, or to really begin to turn rivers and streams into attractive places. Stormwater infrastructure costs can be rebalanced to address both ends of the spectrum.



# Quarterly Ordinance Update

Volume 1 | Issue 2 | May 2010



## Inside this Issue

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Volume Requirements

Wetlands, Buffers and  
Natural Areas

Floodplain Update

Response to Public  
Comments

## Breaking News

### Mayor and Managers Conference

DuPage County and its Consultant team of WBK-Burke-Baker presented a status report on the Ordinance Update to the DuPage Mayors and Managers Conference at its April Business Meeting. County Board Stormwater Committee Chair James Zay provided an introduction to the process, followed by John Wills of WBK, who detailed the major components of the current Ordinance under review for potential modification. The addition of water quality requirements was of special interest to many in attendance. Ample time was provided for questions and answers, and all members of the Conference were encouraged to provide feedback through the Project Web site, as well as through direct contact with DuPage County's Stormwater Management Division. Minutes of the meeting can be found on the DuPage Stormwater Ordinance Update web site at: <http://ec.dupage.co.org/StormWaterUpdate>.

### Water Quality Control Volume Requirements

Investigation by the DuPage Steering Committee of national trends in stormwater management has shown that impervious area of development and redevelopment is one of the foremost important factors influencing the effect of stormwater runoff on water quantity (affecting flooding) and water quality (affecting stream health). As such, many progressive communities across the nation are tying stormwater requirements to impervious area for defining when stormwater best management practices (BMPs) are required, and for determining the

detention regulations that must be met. BMPs range from simply filtering the runoff by forcing it to run across grassed and pervious surfaces, to actually capturing a certain volume (known as the Water Quality Control Volume WQCV) that is then treated and either infiltrated onsite or released slowly over time. For more information, see the National Ordinance Review Technical Memorandum on the DuPage Stormwater Ordinance Update web site at <http://ec.dupage.co.org/StormWaterUpdate>. *(continued on page 2)*

### Wetlands, Buffers, and Natural Areas

The Steering Committee has been working diligently on updating the wetland and wetland buffer sections of the Ordinance. These changes have involved a great deal of conversation between the various stakeholders. On one hand, consultants and applicants desire a "black and white" and predictable process, which allows for an early prediction of permitting success. On the other hand, black and white can in certain

instances hand cuff unique or non-traditional projects. The Sub-Committees of the Steering Committee are working hard through what has proven to be a very collaborative process at melding together the two positions. This collaboration should result in improvements in the understanding and processing of applications. Some of these changes include the following. *(continued on page 2)*

### Floodplain Update

In the review of the floodplain/floodway ordinance language, there are a number of items the floodplain Sub-Committee is reviewing in the update process. Some of the sections include:

- Identifying when FEQ modeling is required
- Reviewing the list of appropriate uses in the floodway
- Defining floodways in the absence of a mapped regulatory floodway or a Zone A area
- Compensatory storage requirements
- The requirements for a CLOMR
- Projects exempt from hydrologic/hydraulic modeling
- Requirements for depressional storage areas
- Maximum allowable flood elevation increases
- Utilization of the flood of record

There are additional floodplain sections that will be brought before the Sub-Committee and Steering Committee for review. In addition

to reviewing the floodplain and floodway requirements, the Sub-Committee has begun discussions regarding changes to the Streambank Stabilization "Fast Track" policy.

It is the intent of the updated Ordinance to incorporate the current policy in the Ordinance and modify the requirements to better meet the needs of the municipalities.

Some of the modifications include:

- Clarification of when hydraulic modeling is required
- Allowable and net cut/fill requirements
- Relocating current sections of the policy to the wetland and buffer sections of the updated Ordinance
- Floodplain compensatory storage requirements
- Acceptable vegetative techniques

## Quarterly Newsletter Information

This is the second Quarterly Newsletter for the DuPage County Stormwater Ordinance Update. To reference the first newsletter, please visit the web site at <http://ec.dupageco.org/StormWaterUpdate>.

Newsletters will be published on a quarterly basis for the duration of the project.



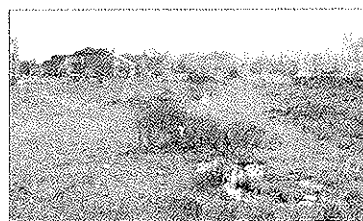
Raingarden



Water Quality BMP



McKenzie Station Retention Basin



Willow Glen Detention Basin



Ours to Protect

## Water Quality (continued from page 1)

As part of the Stormwater Ordinance Update, the Steering Committee is currently considering requirements to provide BMPs and the WQCV for new permit applications. The WQCV is targeted to smaller but more frequent storms and is effective in reducing the annual volume of stormwater runoff and pollutants. Most contamination from runoff is attributed to these more frequent events. Stream stability increases and stream bank erosion decreases to some degree as well through the application of the WQCV requirement.

The Committee recognizes that if impervious area (IA) is a key factor that drives stormwater effects, then development should be incentivized in such a way to reduce IA when possible. Therefore, the Committee is considering linking the detention requirement of the current ordinance to the IA proposed for

## Wetlands (continued from page 1)

Removal of non-native vegetation for the purposes of restoration or enhancement has always been an awkward subject. Do we really want to mitigate for the loss of buckthorn? Under the current version of the Ordinance, both sides were hand cuffed with having to mitigate for its removal. Under the proposed language, removal of non-native vegetation would be allowed and no mitigation would be necessary, though a management plan would be required so that a document exists defining the goals of the work.

A new component that is proposed is a differentiation between temporary and permanent wetland impacts. Under the current Ordinance, there is no true distinction. Consequently, in many cases temporary wetland impacts result in mitigation (wetland creation) being required. Under the proposed language, temporary impacts would not require wetland creation. Temporarily impacted wetland areas would be restored and minimal follow-up would be required to verify that the restoration was

## Response to Public Comments

To date, there have been approximately 25 comments posted on the Public Comment Tool on the web site. These comments range over many topics, including Best Management Practices, Redevelopment, Easements and Deed Restrictions, Roadways and several others. A blog posting was created specifically to respond and acknowledge the comments received, and to the extent feasible, to let commenters

know what is being done about the comment. Similar postings will be created as more public comments are posted to the web page. To post a comment, please visit the web site at <http://ec.dupageco.org/StormWaterUpdate> and click on the Provide Us Your Comments link on the left side of the page. The project web site is also an up-to-date source of project information.

site development and redevelopment. Under the new proposed ordinance, reductions in IA for redevelopment, and very small percentages of IA for a new development, would not be subject to a requirement for added detention. Conversely, all development and redevelopment greater than 500 square feet would require incorporation of BMPs, and development in excess of 5000 square feet would trigger the Water Quality Control Volume requirement.

The Stormwater Committee believes that this approach balances expenditures for stormwater infrastructure between frequent events, which are associated with volume and pollutants, and extreme events associated with peak discharge. Water quality measures, as well as detention volume for water quality, are linked to the easily measurable parameter of IA.

The Steering Committee looks forward to reviews and testing of the draft Ordinance language to further improve its quality. Conceptually, the riparian section would be eliminated. A final determination as to this concept is still in discussion.

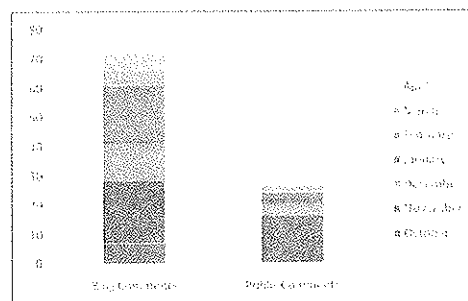
Finally, much conversation has centered on taking the important aspects of the riparian section and incorporating those critical elements into a revised wetland buffer section. Conceptually, the riparian section would be eliminated. A final determination as to this concept is still in discussion.

The Steering Committee looks forward to reviews and testing of the draft Ordinance language to further improve its quality.

know what is being done about the comment. Similar postings will be created as more public comments are posted to the web page. To post a comment, please visit the web site at <http://ec.dupageco.org/StormWaterUpdate> and click on the Provide Us Your Comments link on the left side of the page. The project web site is also an up-to-date source of project information.

## Web Site Comment Counter

The Steering Committee members and Community stakeholders are users of the blog and they are encouraged to provide comments. There is also an opportunity for the general public to provide comments on the web page. Public comments will be reviewed and are a valued source of input. There is an average of 2,500 web site visits per month.



# STEERING COMMITTEE MEETING

DATE: 4/29/10

<u>NAME</u>	<u>ORGANIZATION</u>	MEM.	ALT.	GUEST/ OTHER
1. <u>Jodee Anderson</u>	<u>CRBC</u>			✓
2. <u>Kristine Meyer</u>	<u>WBK</u>			✓
3. <u>JOHN WILLS</u>	<u>WBK</u>			✓
4. <u>ROGER HOPKINS</u>	<u>CHASE DUPAGE</u>	✓		
5. <u>NICK HATFIELD</u>	<u>LOMBARD</u>	✓		
6. <u>Clayton Heffter</u>	<u>DuPage Co.</u>	✓		
7. <u>Christine Klepp</u>	<u>DuPage Co.</u>	✓		
8. <u>David Winklebleck</u>	<u>DuPage Co.</u>	✓		
9. <u>KAREN KASKOWSKI</u>	<u>DUPAGE CO</u>	✓		
10. <u>CHRIS VONWITHE</u>	<u>DUPAGE CO</u>	✓		
11. <u>Mary Lou Kalster</u>	<u>Lisle</u>	✓		
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