

Water Quality Management Plan Amendment and Procedures Manual

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Introduction

Wastewater collection and treatment systems are important components of the public infrastructure that supports growth and development in the Chicago region. Developments in most communities are built with the expectation that they will be supported by wastewater service, which is generally provided by a municipality or a sanitary district. At the same time, adequate investment in wastewater treatment is a key part of protecting the environment and ultimately quality of life in northeastern Illinois.

Under federal and state law, the Chicago Metropolitan Agency for Planning (CMAP) is charged with reviewing proposed investments in wastewater infrastructure to ensure that they meet regional goals. These proposals require amending the region's long-time strategy for controlling water pollution, the *Areawide Water Quality Management Plan (AWQMP)* and the State's *Illinois Water Quality Management Plan*. More information about these plans can be found in Appendix VI. The investments in question include constructing or modifying wastewater treatment plants or a change in the boundaries that may be provided with wastewater service within a 20 year planning horizon (the "Facility Planning Area"). More background on these responsibilities can be found in Appendix VI.

More broadly, CMAP has worked with an array of partners in local government, business, and other sectors to lay out policies to guide growth and investment in the region in the upcoming decades. The resulting recommendations are contained in the region's long-range plan *GO TO 2040*.¹ CMAP now strives to make programming decisions, including its support for wastewater infrastructure investments, consistent with the recommendations in *GO TO 2040*.

CMAP's reviews are advisory in nature. Although it considers recommendations from CMAP, the Illinois Environmental Protection Agency (IEPA) is ultimately responsible for approval of Areawide Water Quality Management Plan amendments.² Furthermore, Designated Management Agencies (DMA)³ have the responsibility to protect natural resources by controlling both point and nonpoint sources of pollution.

This manual describes the process for CMAP's review of a plan amendment request and outlines what is expected of the applicant. It also includes forms for initiating a water quality amendment request and an application checklist. The manual also provides legislative and regulatory authority under which the Chicago Metropolitan Agency for Planning and the Illinois Environmental Protection Agency conducts water quality reviews. The process is meant to help meet essential regional goals for infrastructure investment while minimizing the burden for applicants.

Administrative Procedures

Amendment requests must be initiated by a DMA or the IEPA. The procedure for handling amendment requests is as follows:

¹ Go To 2040, <http://www.cmap.illinois.gov/2040/main>

² As of September 2, 2010, the IEPA concluded that FPA boundaries do not hinder an applicant's ability to secure a sewer extension permit. Applicants requesting an FPA boundary extension now have the option of going directly to the IEPA to receive a sewer extension permit, thereby eliminating the need for an FPA review.

³ A DMA is an agency identified by the Illinois or Areawide Water Quality Management Plan which has authority for wastewater planning, wastewater treatment and wastewater conveyance rights. Some examples of a DMA include a municipality or a sanitary district.

1. The applicant completes an application package provided on the CMAP website at <http://www.cmap.illinois.gov/water-quality/about-fpa-requests>. The application also includes an accompanying checklist. This application should be made if proposing to do any of the following within the CMAP area:
 - a. Construct or modify a wastewater treatment plant;
 - b. Change the boundaries of a Facility Planning Area; or
 - c. Creation of a new FPA boundary.
2. Upon receipt, CMAP staff issues an electronic 30 day public meeting notice of the requested water quality plan amendment. Notice of the meeting and a copy of the application is sent to affected parties, including sanitary districts, environmental groups, state agencies, watershed planning groups, county and municipalities, local governments, and other interested parties.
3. CMAP staff prepares a review based on the criteria described below and all local comments submitted. On occasion, staff requests that the applicant submit additional information to respond to issues raised or to fill gaps where needed. The staff review indicates whether the amendment request is consistent or inconsistent with each of the criteria, or whether the information provided by the applicant is insufficient to determine. Staff's review is distributed to the applicant at least two weeks prior the Wastewater Committee Meeting. Staff's review is posted on CMAP's website for other affected/ interested parties one week prior to the meeting of the Wastewater Committee. A discussion of the Wastewater Committee is found in Appendix V.
4. The Wastewater Committee considers the requested amendment at its first scheduled monthly meeting following the 30-day processing and public notice period. The Committee's recommendation is to offer support or nonsupport for the requested amendment. If additional submittals are needed, the Committee may defer consideration for one month or until the next scheduled Wastewater Committee meeting (see Appendix II for guidelines on deferral). Both the Wastewater Committee's recommendation and CMAP staff's recommendation formed independent of the Committee are forwarded to the IEPA and the applicant.
5. If the application is approved by the IEPA, the IWQMP plan is updated annually to reflect approval. FPA base maps depicting FPA boundaries are also updated quarterly to reflect approved requests. Maps may be found on CMAP's website at: <http://www.cmap.illinois.gov/water-quality/about-fpa-requests>.

Potential applicants are encouraged to discuss the criteria and the application with CMAP staff before submission. A pre-application meeting may be arranged by contacting CMAP FPA staff at (312) 454-0400.

FPA amendment requests that do not involve policy changes but only changes or corrections in the factual basis of the plan and its supporting tables will take a minimum of 15 days for staff action. These changes usually include 1) redesignation of management agencies; 2) correction of wastewater facility maps; and 3) FPA name changes. These are not considered by the Wastewater Committee, only by CMAP staff.

Amendment Request Processing Fees

FPA amendment requests to the IWQMP are assessed a \$10.00 per acre fee⁴ to recover the costs of performing boundary amendments only.⁵ This fee is in accordance with Section 33.5(b) of the Northeastern Illinois Plan Act, as amended (70 ILCS 1705). The fee does not apply to submittals involving the construction and/or expansion of facilities located within existing FPAs, provided no accompanying change in FPA boundary is involved. No fees are charged for FPA name changes or correction of FPA maps.

Payment of Fees must be made by check, independently for each amendment request affecting facility planning area boundaries payable to CMAP, and shall be submitted along with the amendment request application.

Facility Planning Area Review Criteria

There are four criteria for FPA Amendments that delineate necessary prerequisites for any amendment. Staff cannot conduct a thorough review of a requested facility planning area amendment nor can the Wastewater Committee engage in meaningful discussion or issue a recommendation of support without the information relevant to these review criteria. The review criteria are as follows:

Review Criterion No. 1 states that *“The households for which the proposed amendment is designed must fall within the 30-year forecasts most recently produced by CMAP for the relevant area. CMAP staff may agree to harmonize regional and local forecasts as provided in the Water Quality Management Plan Amendment Process and Procedures Manual.”*

CMAP’s 2040 Forecast of Population, Households and Employment (“GO TO 2040 forecast”)⁶ reflect the implementation of the long-range plan GO TO 2040. The forecast was developed by first establishing a reference scenario based on current population and land use trends, then employing mathematical modeling techniques to estimate how the distribution of population and employment would change in response to policies that would increase or dampen the amount of urban activity within a given area.

Unless unforeseen local conditions warrant, the number of households for which the proposed amendment is designed should fall within the 30-year forecasts most recently produced by CMAP for the relevant area. The applicant should provide its service population forecast and compare it to the GO TO 2040 forecast for the same area. If the applicant’s forecast exceeds the GO TO 2040 forecast by ___% or more, then the applicant will need to show that its alternative forecast adheres to CMAP’s Forecast Principles.⁷ These principles include articulating the reasoning and the mathematics behind the alternative forecast. Staff will review the alternative forecast, and validate these forecast assumptions. If CMAP Staff determines it is reasonable for the area, it may accept the alternative and recommend a finding of consistency. However, approved household estimates are not considered revisions to the GO TO 2040 forecasts. Revisions to the official GO TO 2040 forecast will be addressed in the 2014 update of the regional plan.

⁴ This fee was established on June 9, 1994 and has not been increased since that time.

⁵ Section 33.5(a) and (b) of the Northeastern Illinois Planning Act, as amended (70 ILCS 1705) <http://www.ipcb.state.il.us/SLR/IPCBandIEPAEnvironmentalRegulations-Title35.asp> also <http://www.ilga.gov/commission/jcar/admincode/035/03500399sections.html>

⁶ Please note that the GIS files for the GO TO 2040 forecasts are available online at <http://www.cmap.illinois.gov/population-forecast>.

⁷ [Chicago Metropolitan Agency for Planning’s Forecasting Principles](#), (accessed February 20, 2013)

Review Criteria No. 2 states that *“The proposed amendment should not reduce the effectiveness of the water quality improvement strategy contained in the original plan, either for point source or nonpoint source control.”*

Nonpoint Source Control Ordinances

Both the AWQMP and the IWQMP indicate that the control of nonpoint source pollution is necessary to prevent impairment of surface waters and includes specific recommendations for construction site runoff, urban runoff, and other potential pollution sources. The Plans indicate that DMAs, including municipal and county governments, are responsible for the control of nonpoint sources and that areawide planning agencies, such as CMAP, are responsible for providing technical assistance.

In previous versions of this manual, applicants were asked to show that they enforced ordinances consistent with CMAP’s *Model Soil Erosion and Sediment Control Ordinance*, *Model Stormwater Drainage and Detention Ordinance*, *Model Flood Plain Ordinance*, and the *Model Stream and Wetland Protection Ordinance* as a condition for the approval of a new FPA or an FPA modification. Through their countywide ordinances, however, all counties within northeastern Illinois have adopted standards that are generally consistent with CMAP’s model ordinances.⁸ The major exceptions are Will County, whose ordinances have no provisions for stream and wetland protection, and Cook County, which currently has no comprehensive countywide stormwater ordinance.

For amendment areas within Will and Cook Counties, the applicant should fill out the checklist of nonpoint source, drainage, and other standards found in the amendment application. For any standards that are not met, the applicant should provide a village board or city council resolution indicating its intention to pass within six months ordinance requirements that meet these standards. CMAP staff will request a status of this resolution following the six month time frame. Applicants that are sanitary districts should provide such resolutions from the local government units that have land use and building permitting authority within the amendment area. Applicants who decline to provide such a resolution must clearly state their reason for refusal which will be inserted into the public record.

It will not be necessary for the applicant to adopt verbatim the CMAP model ordinance and all relevant technical criteria; rather the local ordinances and/or regulations should be generally consistent with the checklist of nonpoint source standards contained in the CMAP amendment application to receive a recommendation of support for this criterion.

Water Conservation

An objective of the *Areawide Water Quality Management Plan* is the “reduction, by all practical means, of wastewater volumes in the region.”⁹ One way to reduce wastewater volumes includes reducing drinking water usage. Furthermore, CMAP’s regional plans GO TO 2040 and Water 2050 indicate that water conservation is a major need in the region. While consideration of a model use conservation ordinance as part of the FPA amendment process is relatively new, some local governments have already adopted protections comparable to CMAP’s Model Conservation Ordinance.

Applicants should demonstrate that they are taking steps to reduce water consumption by residents and businesses within their service areas. An applicant can demonstrate this either by:

⁸ <http://www.cmap.illinois.gov/water-quality/about-fpa-requests>

⁹ Areawide Water Quality Management Plan, Section 20.02.i

1. Adopting standards comparable to CMAP's *Model Water Conservation Ordinance*,¹⁰ which describes a number of strategies for achieving greater water-use efficiency and conservation (See Appendix IV for a listing of these strategies); or
2. Showing that water conservation programs with water savings similar to the CMAP *Model Water Conservation Ordinance* are being undertaken by the water utility serving the area.

An applicant choosing the first option should provide a copy of its water conservation ordinance language for review, along with any commentary needed. An applicant under the second option should summarize the conservation measures the relevant water utility is undertaking.

It should be noted that water conservation ordinances may need to be updated as local situations change and water efficient technologies continue to advance. Governing bodies in the region may benefit from using the model ordinance as a marketing tool to educate their residents and businesses on the various aspects of water conservation and to form partnerships for addressing sustainable water use.

Regional Green Infrastructure Protection

It is a goal of GO TO 2040 to ensure that wastewater and other “gray infrastructure” expansion does not come at the expense of the regional green infrastructure network.¹¹ This network is an important, strategically planned, interconnected network of natural areas and open spaces that follows waterway corridors, conserves ecosystem-service functions, and expands existing preserves. For background information, please visit: www.cmap.illinois.gov/green-infrastructure.

Using an overlay analysis, the applicant should indicate the extent to which the regional green infrastructure network falls within the proposed amendment (regional green infrastructure data are available at <http://www.cmap.illinois.gov/green-infrastructure/download>). If the amendment area contains at least one green infrastructure patch of ____ acres or greater, then the applicant should describe the local government strategy for ensuring that the regional green infrastructure network is protected from future disturbance. Protection strategies can include such measures as an overlay ordinance for green infrastructure protection, a local open space acquisition fund, a conservation design ordinance that permits higher densities in exchange for protecting sensitive areas, among many options. The applicant should provide a city council or village board resolution indicating the strategies it will adopt (or has already adopted) to protect the regional green infrastructure network. Applications requesting FPA boundary changes less than 50 acres are not subject to a green infrastructure review.¹²

Upon request, CMAP staff will provide technical assistance for identification of green infrastructure within an amendment area and for development of protective measures.

Review Criteria No. 3 states that “The proposed amendment should not adversely affect adjoining units of government.”

¹⁰ The need for *Model Water Use Conservation Ordinance* resulted from various federal acts, advances in water efficiencies as well as from the findings of *Water 2050: Northeastern Illinois Regional Water Supply/Demand Plan* adopted on January 26, 2010. *Water 2050* was the result of a three-year planning effort undertaken by CMAP and the Regional Water Supply Planning Group (RWSPG) in response to Executive Order 2006-1 issued in January 2006 by the Governor of Illinois. For more information, visit http://www.cmap.illinois.gov/moving-forward-in-detail/-/asset_publisher/Q4En/content/model-water-conservation-ordinance?isMovingForward=1

¹¹ For more information please visit: <http://www.cmap.illinois.gov/green-infrastructure>

¹² In an effort to balance the green infrastructure network against a fragmented landscape and protect small landscape blocks for future restoration, a [redacted] acre threshold was selected for woodlands within the green infrastructure network. FPA requests within this threshold will be reviewed.

This review criterion takes into consideration limited impacts on adjacent communities. Applicants should provide a map indicating the proposed FPA as well as the location of boundary agreements with neighboring communities if the FPA has not been annexed. The FPA should be wholly within the boundary agreements. If no boundary agreement exists, then the applicant should produce a letter from the neighboring community indicating that it does not object to the proposed amendment. Staff encourages applicants to meet with adjacent communities as well as county officials and other interested parties to present their proposals and discuss differences prior to submittal of their amendment application.

If the amendment is not consistent with existing boundary agreements, it is not likely that the amendment request will be granted. The position of both CMAP and IEPA is that such boundary agreements should be recognized by the agencies and that the FPA amendment process is not the proper way in which to invalidate a boundary agreement.

Review Criteria No. 4 states that “The proposed amendment should be consistent with other county and regional plans or state policies.”

A decision to invest in a major community facility such as a wastewater treatment plant should be the outcome of a deliberative, participatory local planning process that broadly considers community needs. In evaluating compliance with this criterion, the staff considers all applicable resource protection plans and land use plans from the local, county, regional and state level. The applicant should show that the amendment is directly recommended by, or is at least consistent with, the regional plan, namely the regional Go To 2040 plan¹³ and a recent local comprehensive plan published within the past five years. Consistency among these plans often indicates good planning.

Livable Communities

A critical part of GO TO 2040 is to encourage livable communities – those that are healthy, safe, energy efficient, and that offer choices for transportation, among other things. Public investments should support this goal. Nonetheless, livability takes different forms depending on the community. The applicant should provide a statement describing how the proposed investment in wastewater service promotes livability over the alternative of not making the investment. For example, new wastewater treatment capacity could be needed to support denser redevelopment of a town center. Upfront investment could be needed to improve energy efficiency at a treatment plant. The applicant should engage with the Livable Communities section of GO TO 2040,¹⁴ which recommends a variety of ways that local governments can improve livability through landuse and housing, managing and conserving water and energy resources, expanding and improving parks and open space, and promoting sustainable local food.

Agricultural Preservation Areas

The *Procedures* manual includes Appendix [redacted], “Procedures and Criteria for Proposed FPA Expansions Affecting Identified Agricultural Preservation Areas.” This Appendix is applicable where the facility planning area amendment request requests conversion of [redacted] acres of prime agricultural preservation land. It enumerates five criteria specifically applicable to Agricultural Preservation Areas and states that “A recommendation by the Committee will be based on the degree to which the proposal satisfies all of the ... criteria.”

¹³ <http://www.cmap.illinois.gov/2040/main>

¹⁴ <http://www.cmap.illinois.gov/2040/livable-communities>

Appendices

The appendices included in the Water Quality Management Plan Amendment Process and Procedures assists applicants in understanding and responding to the review criteria. The appendices also guide CMAP staff and Committee members and the evaluation of the applicant’s fulfillment of the review criteria and in issuing recommendations to the IEPA.

Appendix I: Water Quality Management Plan Amendment Application’s General Information and Documentation Checklist

The FPA amendment checklist was developed to assist the applicant with submitting a complete application for review with the aim of improving the timeframe required for the review process. Applicants should enclose their completed checklist(s) with the application submittal. **Italicized Items are applicable to FPA boundary amendment requests only.**

Checklist Items

	Water Quality Fee for Requested FPA Modification (at \$10 per acre)
	Completed Applicant’s Signature Page with an Original Signature
	Contact Information
	Summary of Type Amendment Requested
	Maps of Existing FPA and <i>Requested Amendment Area</i>
	Identify all Facility Planning Areas Within 1.5 miles
	<i>Legal Descriptions of Existing FPA</i>
	Documentation of Support by All Municipalities and the County Within the Existing FPA and Requested Amendment Area.
	Facility Plan Including Components Required for CMAP’s review (See Appendix III)
	Go To 2040 Forecast for Amendment Area
	Household Forecasts for the 20-year Planning Horizon
	<i>Existing Land Uses and Zoning within and Adjacent to the Amendment Area.</i>
	Most Recent Local Comprehensive Plan, Including Section of Plan Recommending Wastewater Infrastructure Expansion
	Water Resources Ordinance Checklist (applicable for amendment requests within Cook or Will Counties only)
	Applicable Resolutions Including Intent to Adopt Comparable Standards Within Six Months.
	Water Conservation Codes in Force Within Amendment Area Or Description of Conservation Program
	<i>Map Indicating the Presence of Green Infrastructure >50 acres</i>
	<i>List of Protection Strategies Proposed for Amendment Requests Impacting Green Infrastructure >50 Acres</i>
	<i>Resolution Indicating Protection Strategies that have been or will be Adopted for Amendment Requests Impacting Green Infrastructure >50 Acres</i>
	Summary Indicating How the Proposed Amendment Promotes Livability. (i.e. align funding for planning and ordinance updates, review local and state plans)

Appendix II: Deferral Guidelines

Initial deferrals can be given at the discretion of the Wastewater Committee for one meeting cycle (approximately 30 days). Deferrals may be based upon, but not limited to, the following situations:

- Absence of Illinois Department of Agriculture's statutorily required review;
- Request of Applicant;
- If further information is required to ascertain amendment's consistency with prerequisite criteria:
- Request of the designated management agency for the affected facility planning area.
- Request of the adjoining unit of government.

Further deferrals for one additional meeting cycle to accomplish specific tasks will be considered if:

- There is a need for IEPA clarification of a particular point, policy, etc.; and
- Major "new or clarifying" information is submitted that addresses one of the criteria.

Actions to be accomplished and responsible parties would be clearly specified.

Appendix III. Comprehensive Facility Planning Components

Facility plans should address a *20-year* planning horizon. The applicant should show that the location to be served by the proposed amendment is generally consistent with the future land use and infrastructure investment recommendations in the relevant municipal comprehensive plan. A comprehensive facility plan, for the purposes of CMAP's review should include the following components:

- description and maps of the existing FPA, including boundaries, discussion of any necessary modifications, existing and future population, land use, and an assessment of consistency with regional forecasts;
- a description of conditions affecting growth;
- coordination with adopted land use/comprehensive plans description of existing receiving stream water quality and use impairments;
- boundaries for present and future wastewater service, considering watershed boundaries;
- watershed considerations, including nonpoint source control strategies; and,
- analysis of water supply implications
- description of financial, legal, institutional, and management arrangements of the applicant to implement the plan
- documented public participation process
- documented intergovernmental coordination process

Appendix IV: Model Water Conservation Ordinance Components

Municipalities should adopt the entire CMAP Model Water Use Conservation Ordinance and insert it as a chapter in their codes, adopt portions of it, modify existing ordinances to include relevant items, or demonstrate that water conservation and protection measures are being undertaken in at least one of the following ways.

- Availability of water use efficiency goals for various classes/categories of users either through a community-wide water conservation plan or through the use of water budgeting processes.
- Implementation of universal metering for all new and existing services.
- Implementation of irrigation water audits to detect leaks for private water lines.
- Rainwater harvesting for either landscape irrigation or indoor nonpotable use (e.g., toilet flushing).
- Adoption of irrigation landscape ordinances that limit irrigation on areas that causes substantial water to fall on impervious areas.
- Adoption of irrigation ordinances that limit landscape irrigation (using automatic sprinkler systems) to twice a week and two hours per irrigation day.^[1]
- Implement conservation pricing that encourages suitable water management practices.
- Adoption of landscape ordinances that limit turf area or that recommend low-water-using plants (e.g., native plants).
- Implementation of an annual water audit by the utility that follows the American Water Works Association protocol.^[2]
- Implementation of public information programs that increase awareness on the benefits of water use conservation including the use of native planting or low-water-use plants.^[3] Examples of such programs include development of indoor and outdoor water conservation literature and employing various means of dissemination such as utility bill inserts, distribution by governing body to customers applying for a building permit and those initiating new service, distribution by retail plant nurseries, landscape contractors and architects, etc.
- Implementation of water budgeting for large users.^[4]
- Collaborations with landscape contractors, retailers and other relevant bodies to promote water efficiencies.

^[1] More information on this requirement, as well as on Variances, can be found in the Model Water Use Conservation Ordinance, CMAP, 2010. <http://www.cmap.illinois.gov/plans-and-guides>

^[2] <http://www.awwa.org/Resources/WaterLossControl.cfm?ItemNumber=48055&navItemNumber=48162>

^[3] Plants that, generally, once established can survive on 2 irrigations per month during the summer months. See EPA, Green Landscaping, Green Acres, Plant List, Midwest: <http://www.epa.gov/greenacres/nativeplants/plants.html#plant lists>

^[4] *Ibid* 1.

Appendix V: State and Regional Responsibilities

Illinois Environmental Protection Agency

The IEPA is the state's lead agency for federal and state environmental protection programs and initiatives. The Illinois Environmental Protection Act designated the Illinois Environmental Protection Agency as the pollution control agency for the State of Illinois for all purposes of the federal Clean Water Act. In addition, the Act specifically authorized the Agency "to engage in planning processes and activities to develop plans in cooperation with units of local government, other state agencies and persons, and to promulgate procedural regulations for the holding of public hearings on the planning process."

IEPA works with a variety of state agencies, local governments, and the United States Environmental Protection Agency (USEPA) to monitor pollutant discharges and to assist in the enforcement and formulation of environmental standards and policies. IEPA has the authority to issue National Pollutant Discharge Elimination Systems (NPDES) permits for pollution sources and ensure compliance with permit requirements.

Chicago Metropolitan Agency for Planning

The Chicago Metropolitan Agency for Planning (CMAP) is the official areawide regional planning organization for the northeastern Illinois counties of Cook, DuPage, Kane, Kendall Lake, McHenry, and Will, and portions of DeKalb and Grundy Counties under its enabling legislation.

The responsibility of water quality management planning is shared between the Illinois EPA and CMAP as the areawide planning agency while plan implementation is the responsibility of DMAs such as municipalities or sanitary districts. As such, subsequent to the completion of the IWQMP, the Governor designated the areawide planning agencies as the continuing planning agencies to undertake the planning and coordination process and areawide review of the IWQMP and to oversee revisions to the plan. CMAP's predecessor, NIPC was designated as the areawide water quality planning agency for the six- county northeastern Illinois Metropolitan area by an Executive Order by Governor Walker on May 13, 1975. CMAP now assumes this role for the seven-county northeastern Illinois region, including portions of DeKalb and Grundy Counties.

CMAP maintains and provides IEPA with annual updates of facility planning area boundaries, designated management agency status, and the current and planned treatment capacity for permitted discharges located in the seven county northeastern Illinois area. CMAP also develops and issues consistency reviews and recommendations, respectively, to IEPA, "without constraint or obligation the counsel of the Wastewater Committee." (IEPA/CMAP Financial Assistance Agreement No. FAA604121). A discussion of the Wastewater Committee and its role is described below.

Wastewater Committee

CMAP's enabling legislation¹⁵ requires that the CMAP Board create a Wastewater Committee. The Wastewater Committee has the responsibility of recommending directly to the Illinois Environmental Protection Agency (IEPA) the appropriateness of the following:

- Requests for modifications and amendments to the established boundaries of FPAs;
- Requests for the creation of new FPAs;
- Requests for the elimination of existing FPAs;
- Requests for new or expanded sewage treatment facilities; and,

¹⁵ Regional Planning Act, 70 ILCS 1707

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2731&ChapAct=70%26nbsp%3BILCS%26nbsp%3B1707%2F&ChapterID=15&ChapterName=SPECIAL+DISTRICTS&ActName=Regional+Planning+Act>

- Any other amendments to the State of Illinois Water Quality Management plan required under the federal Clean Water Act

The CMAP Wastewater Committee shall consist of the following:

- One CMAP Board Member appointed by either DuPage, Kane/Kendall, Lake, McHenry or Will Counties;
- One CMAP Board Member appointed from the City of Chicago;
- One CMAP Board Member appointed by Cook County, outside of the City of Chicago;
- One Person appointed by the President of Metropolitan Water Reclamation District of Greater Chicago (MWRDGC); and,
- One person appointed by the resident of the largest statewide association of wastewater agencies.

Chairmanship of the Wastewater Committee rotates every 24 months between the MWRDGC and the largest statewide association of wastewater agencies appointees.

Appendix VI. Legal Background

Clean Water Act and the Environmental Protection Act

The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), also known as the Clean Water Act, and subsequent amendments set forth the framework for establishing water quality management programs in each state. The goal of Clean Water Act is “to restore and maintain the chemical, physical and biological integrity of the Nation’s waters.” (Clean Water Act, Section 101(a)) State programs to implement the Clean Water Act address both point source discharges (such as wastewater treatment plants) and nonpoint source runoff from land (such as urban stormwater runoff from streets and parking lots). Section 208 of the Clean Water Act required that states develop comprehensive areawide water quality management plans that address all sources of pollution generated within an urban-industrial area such as the Chicago metropolitan area. These 208 plans also were required to include alternatives for waste treatment management. It is under these requirements and other sections of the Clean Water Act that both the Areawide Water Quality Management Plan and the Illinois Water Quality Management Plan are rooted (an overview of both plans is in sections below).

The Illinois Environmental Protection Act addresses all aspects of environmental protection in the State of Illinois, including water pollution. This Act states that “air, water, and other resource pollution, public water supply, solid waste disposal, noise, and other environmental problems are closely interrelated and must be dealt with as a unified whole in order to safeguard the environment”. (Environmental Protection Act, Section 2(a) (3)) Section 2(b) of the Environmental Protection Act further states that

It is the purpose of this Act ... to establish a unified, state-wide program supplemented by private remedies, to restore, protect and enhance the quality of the environment, and to assure that adverse effects upon the environment are fully considered and borne by those who cause them.

The Illinois Environmental Protection Act designates the Illinois Environmental Protection Agency (Illinois EPA) as the pollution control agency for the State for all purposes of the federal Clean Water Act. While federal laws and regulations set forth the minimum requirements for Illinois EPA’s programs and activities, State laws and regulations are, in some instances, more stringent than federal requirements and are, in all cases, designed to coordinate with and implement all federal requirements.

Areawide Water Quality Management Plan

In accordance with the provisions of Title II of the Clean Water Act, the former Northeastern Illinois Planning Commission (NIPC) assumed certain responsibilities under the Clean Water Act. Section 208(b)(1)(A) of the Clean Water Act states that “[n]ot later than one year after the date of designation ... [NIPC] shall have in operation a continuing areawide waste treatment management planning process

consistent with section 201 of this Act.”¹⁶ Section 208 further states that all areawide waste treatment plans “prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved.” As such, NIPC developed the *Areawide Water Quality Management Plan for Northeastern Illinois (AWQMP)*, which was approved on May 1, 1980. While having been written over 30 years ago, the plan’s goals are aimed at reducing water pollution in northeastern Illinois including restoring and maintaining the quality of the regions waters, eliminating pollutant discharges, improving and/or protecting water quality habitat, and eliminating waste discharges into Lake Michigan. The goals of the plan remain valid for northeastern Illinois today.

The AWQMP contains river-basin-specific water quality management plans for the river basins wholly or partially within a six-county area in northeastern Illinois. The basin plans all contain similar information, including: description of the basin (physical and socio-economic characteristics), impacts of projects (such as dams), water quality (applicable state standards and designations, existing conditions and results of modeling), existing point sources (including dischargers and local facilities planning), existing nonpoint sources, disposal of residuals, existing management programs, modeling processes (future conditions), problem assessment, recommendations (for point sources, nonpoint sources, residuals, groundwater and mining), costs of the recommended plan and anticipated water quality conditions in 1983. These elements are specified in 40 CFR Part 130, Water Quality Planning and Management.¹⁷

Objectives of the AWQMP aimed at addressing water quality issues in the region are specified in Section 2.03 of the plan and include:

- A) maintenance of present levels of quality in all waterways in which water quality is better than state standards;
- B) elimination of all discharges of toxic pollutants in toxic amounts;
- C) compliance with appropriate effluent standards established by the USEPA and the State of Illinois, as soon as it is technologically and financially possible to achieve compliance until recommendations for changes are developed in the course of 208 planning efforts;
- D) compliance, with in-stream water quality standards oxygen, a temporary standards be authorized accepting 5.0 mg/l for 95 of the time in water bodies classified for General Use;
- E) compliance, in all underground waters, with Illinois Standards for General Use and Public Food Processing Water Supplies, except with standards are violated as a result of natural conditions;
- F) reduction of urban and rural stormwater runoff, and pollution carried into waterways by runoff, by all practical means;
- G) provision of Best Management Practices for all nonpoint sources of pollution according to the implementation schedules recommended in the Plan;
- H) introduction of wastes into wastewater systems only when such wastes can be adequately treated without adversely affecting the systems;
- I) reduction, by all practical means, of wastewater volumes in the region;

¹⁶ Section 201(a) states that it “is the purpose of this title to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of this Act.” Subsections (b) through (f) further specify those waste treatment management practices that are to be encouraged: (b) application of best practicable waste treatment technology, including reclaiming and recycling of wastewater; (c) “To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution”; (d) waste treatment management that results in the construction of revenue producing facilities that recycle potential pollutants through agricultural production, reclamation of wastewater and ultimate disposal of sludge; and (f) “waste treatment management which combines “open space” and recreational considerations with such management.”

¹⁷ Section 130.1(a) states that 40 CFR Part 130 “applies to all State...areawide and regional and local CWA water quality management planning and management activities. Including all updates and continuing certifications for approved Water Quality Management (WQM) plans developed under section 208 and 303 of the Clean Water Act.”

- J) cost-effective operation of all technical and management components of the region's wastewater system;
- K) regionalization of wastewater treatment systems wherever economies of scale can be achieved and benefits of regionalization outweigh negative impacts;
- L) assignment of costs for wastewater collection and treatment primarily to those generating the need for such service;
- M) assessment of management and implantation responsibilities to general purpose units of local government, whenever possible, in order to insure maximum accountability to the electorate;
- N) participation of all implementing agencies, directly or by representative, in the continuing development of areawide polices for water quality management;
- O) reliance on local governments to implement the plan, with state or federal sanctions to be imposed only when local governments fail to meet their responsibility as primary management agencies;
- P) equitable assignment of all costs for water pollution control;
- Q) basinwide consistency in: regulatory and performance standards for water quality; performance under these standards; and enforcement of these standards;
- R) consideration, in all decisions on water quality planning and implementation, of environmental impacts of proposed actions;
- S) reduction, to a minimum, of adverse environmental impacts that cannot be avoided as a result of the implantation of this areawide plan;
- T) compatibility among local, county, areawide and state plans for air, water, land and other resources;
- U) incorporation of uniform forecasts of pollution, employment and land use, based on the GCP, into areawide clean water planning and all other elements of the regional planning program;
- V) consistency, in areawide planning and implementation with the CGP and supporting functional plans of NIPC;
- W) flexibility in the water quality management system sufficient to respond to changing conditions, problems and opportunities;
- X) adequate funding for implementation for the areawide plan and for the continuing planning program established by the plan; and,
- Y) citizen involvement in continuing planning for water quality management.

The objectives of the AWQMP also remain valid for northeastern Illinois today.

Illinois Water Quality Management Plan

The Illinois Environmental Protection Agency (IEPA) is the planning agency for the non designated areas of the State, as specified in Section 208(a) (6) of the Clean Water Act. As such, IEPA developed the water quality management plan for all non-designated areas of the State. After IEPA and the three designated areawide planning agencies in Illinois (including NIPC) completed their respective areawide water quality management plans, IEPA determined that the four plans should be combined into one statewide plan, simplifying administration and implementation of these plans. The four areawide planning agencies (IEPA, NIPC, Greater Egypt Regional Planning and Development Commission and the Southwestern Illinois Metropolitan and Regional Planning Commission) as well as other governmental entities and interested parties engaged in a lengthy process that resulted in the *Illinois Water Quality Management Plan* (IWQMP), which was certified by the Governor in May 1983 and submitted to the U.S. EPA for approval. The statewide IWQMP was approved in May 1984.

The IWQMP is to be used to direct implementation of water quality management activities, which includes identifying priority point and nonpoint source water quality problems, considering alternative solutions for those problems and recommending control solutions. (40 CFR 130.6(b)).

The IWQMP “addresses the control of pollution sources, maintenance of stream uses and water quality standards, protection of groundwater resources, and control of hydrographic modifications.” (Illinois EPA, IWQMP Amendment Application Package, page 1) It is also intended to assure “sound economical and environmental decision making.” (Illinois EPA, IWQMP Amendment Application Package, page 1). The plan identifies the following items as base data for water quality consistency reviews that will ensure effective implementation of the IWQMP:

- Geographic location of wastewater facility planning areas (FPA) boundaries;
- Designated management agencies for collection, treatment and transport within each facility planning area; and
- Current and planned facility treatment capacity, including the identification of all facility locations and discharge points.

IEPA conducts annual updates and amendments to the IWQMP and publishes these in its Division of Water Pollution Control Program Plan. The Facility Planning Area process and amendments to FPA boundaries serve as a vehicle to implement amendments to this plan.

Legislative and Regulatory Authority Cites

1. *The population and employment for which the proposed amendment is designed must fall within the 30-year forecasts most recently produced by CMAP for the facility planning area. CMAP staff may agree to adjustments as provided in the Process and Procedures Manual.*

Supporting Legislation, Regulations and Relevant Plans and Policies

- **Illinois Water Quality Management Plan**, Used to direct implementation of water quality management activities, which includes identifying priority point and nonpoint source water quality problems, considering alternative solutions for those problems and recommending control solutions.
 - **Ill. Administrative Code**, Title 35, Subtitle C, Chap. II, Part 351, Subpart A, Section 351.103(i)
 - **Demographic Forecasts Reflecting Regional Planning Efforts: CMAP GO TO 2040**, The CMAP 2040 Forecast of Population, Households and Employment, which was developed in support of the GO TO 2040 comprehensive regional plan adopted on October 13, 2010. These forecasts will be updated to reflect plan updates, the availability of more recent data, etc.
2. *The proposed amendment should not reduce the effectiveness of the water quality improvement strategy contained in the original plan, either for point source or nonpoint source control.*

Supporting Legislation, Regulations and Relevant Plans and Policies;

- **Illinois Water Quality Management Plan** (Revised July 1991), CMAP policies and procedures for determining consistency with point and nonpoint management policies is delineated in Appendices IV and V.)
- **Clean Water Act**, Section 402(p), Construction Site Runoff, Urban Runoff,
- **Illinois Water Quality Management Plan**, (Stormwater/Nonpoint Source Management)
- **Illinois Administrative Code** (Floodplain Management), *An Act Related to the Regulation of the Rivers, Lakes and Streams of the State of Illinois (615 ICLS 5/5)*, Ill. Admin. Code, Title 92, Chap. I, Subchap. i, Pt. 706
- **Illinois Water Quality Management Plan and the U.S. Clean Water Act**, These documents provide guidelines to ensure Stream and Wetland Protection, *U.S. Clean Water Act - § 401 & 404, Illinois Interagency Wetland Protection Act and the Illinois Water Quality Management Plan*
- **CMAP's Water 2050 and Water Conservation Model Ordinance**, The documents include a compilation of the best available information for consistent groundwater protection, CMAP's *Water 2050: Northeastern Illinois Regional Water Supply/Demand Plan*.

<http://www.cmap.illinois.gov/water-2050> and CMAP's Model Water Use Conservation Ordinance. <http://www.cmap.illinois.gov/regional-water-supply-planning>

- **Local Watershed Plans.** These documents assess watershed conditions and outline a course of action to protect both the quality and quantity of water resources within a specific geographic area, *IEPA Watershed Management* <http://www.epa.state.il.us/water/watershed/index.html>
3. *The proposed amendment should not adversely affect adjoining units of government and should be consistent with local boundary agreements.*

Supporting Legislation, Regulations and Relevant Plans and Policies;

- **Illinois Water Quality Management Plan and Ill. Admin. Code:** Provides procedures and requirements for conflict resolution in revising water quality management plans, Ill. Adm. Code Title 35, Subtitle C, Chap. II, Part 351, Subpart B, Section 351.202, 5. <http://www.ipcb.state.il.us/SLR/IPCBandIEPAEnvironmentalRegulations-Title35.asp>
4. *The proposed amendment should be consistent with other county and regional plans or state policies.*

Supporting Legislation, Regulations and Relevant Plans and Policies;

Agricultural/Farmland Protection – Farmland Protection Policy Act (7 USC 4201 et seq.), the Illinois Farm Land Preservation Act (Public Act 82-945) (505 ILCS 75/1), and 8 Illinois Administrative Code 700.10 et seq. (CMAP Procedures and Criteria for Proposed FPA Expansions affecting Identified Agricultural Protection Areas is delineated in Appendix .)

Regional Planning: The Chicago Wilderness Green Infrastructure Vision (GIV) was the basis of the open space recommendations in GO TO 2040. GO TO 2040 recommends that “sewer service should not be permitted in especially sensitive areas of the green infrastructure network. These especially sensitive areas should be precisely defined and identified in a refined version of the GIV, after which they should be specifically excluded from the incremental new area added to expanding facility planning areas” (p. 134).

Water Supply Planning. CMAP's Water 2050 and CMAP's Model Water Use Conservation Ordinance: The documents provide guidance on the best available information for consistent groundwater protection, provides numerous studies on water demand and supplies, and provides over 240 recommendations for water efficiency. <http://www.cmap.illinois.gov/water-2050>.

CMAP's Go To 2040 Regional Comprehensive Plan. A comprehensive regional plan to help the region and its communities plan for sustainable region <http://www.cmap.illinois.gov/2040/main>.

Appendix. VII Commonly Used Acronyms

AWQMP	Areawide Water Quality Management Plan
CMAP	Chicago Metropolitan Agency for Planning
DMA	Designated Management Agency
FPA	Facility Planning Area
IDOA	Illinois Department of Agriculture
IEPA	Illinois Environmental Protection Agency
IWQMP	Illinois Water Quality Management Plan
NIPC	Northeastern Illinois Planning Commission
NPDES	National Pollution Discharge Elimination System
WWTP	Wastewater Treatment Plant

VIII. Helpful Planning Resources

AVAILABLE FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Clean Water State Revolving Loan Fund, http://water.epa.gov/grants_funding/cwsrf/cwsrf_index.cfm

AVAILABLE FROM THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Illinois Water Quality Management Plan, revised annually

Illinois Water Quality Report, <http://www.epa.state.il.us/water/water-quality/>

Procedures and Requirements for Conflict Resolution in Revising Water Quality Management Plans (35 Ill. Administrative Code, Title 35, Ch. II, Part 351)

Procedures and Requirements for Contested Case Hearings (35 Ill. Administrative Code, Title 35, Ch. II, Part 168)

AVAILABLE FROM THE CHICAGO METROPOLITAN AGENCY FOR PLANNING

- *Areawide Water Quality Management Plan for Northeastern Illinois*, January 1979 (Available for examination in CMAP library and on CMAP's website at <http://www.cmap.illinois.gov/water-quality/about-fpa-requests>).
- Facility Planning Area (FPA) boundary Maps for northeastern Illinois (updated quarterly) with accompanying tabular listings show permitted wastewater facilities and facility planning area boundaries as contained in the Illinois Water Quality Management Plan. Tabular tables also delineate designated management agencies by FPA with current and planned public and private treatment facilities and discharge points (updated annually).
- *Population, Households and Employment in Northeastern Illinois for 2010*, <http://www.cmap.illinois.gov/population-forecast>
- *Model Floodplain Ordinance*, 1989; *Model Soil Erosion and Sediment Control Ordinance*, 1991; *Model Stormwater Drainage and Detention Ordinance*, updated 1994; *Model Stream and Wetland Protection Ordinance*, 1988
- *Regional Septage Disposal Plan, An Element of the Areawide Water Quality Management Plan for Northeastern Illinois*, September 1981
- *Stormwater Detention for Water Quality Benefits*, 1986
- *Strategic Plan for Land Resource Management*, June 1992
- *Urban Stormwater Best Management Practices for Northeastern Illinois, A Course Notebook*, 1993
- *Water Quality Management Plan – Amendment Application of the Chicago Metropolitan Agency for Planning*, revised 1996, <http://www.cmap.illinois.gov/water-quality/about-fpa-requests>