

IDNR/OWR PERMITTING

Dinner Seminar

Presented by

Illinois Association for Floodplain and Stormwater Management
&

Environmental Engineering & Water Resources Group
Illinois Section of ASCE

Guest Speaker

Gary W. Jereb, PE
IDNR, Office of Water Resources

November 10, 2010

OWR's Three Regulatory Sections

- NE Illinois Regulatory Programs Section – Bartlett
- Downstate Illinois Regulatory Programs Section – Springfield
- Lake Michigan Regulatory Programs Section - Chicago

NE Illinois Regulatory Programs Section

- NE Illinois: Cook, DuPage, Kane, Lake, McHenry & Will Counties
- All Rivers, Lakes & Streams in NE IL except:
 - Lake Michigan
 - Chicago River
 - No. Br. Chicago River d.s. (south) of North Ave.
 - So. Br. Chicago River u.s. (north) of Cermak Rd.
 - Calumet River d.s (north) of O'Brien L&D

NE Illinois Regulatory Programs Section

Three Regulatory Programs

- Floodway Management
- Public Water Management
- Dam Safety

Presentation Goals...

- When to Submit a Permit Application
- What to Include in a Permit Application Submittal
- Where to Submit a Permit Application

A photograph of a residential street that has been flooded with murky water. In the background, a brick house is visible, partially obscured by a line of white sandbags that serve as a flood barrier. A large tree stands in the water, its trunk partially submerged. The water reflects the sky and the surrounding greenery. The overall scene depicts a flood event in a suburban neighborhood.

FLOODWAY MANAGEMENT PROGRAM

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Floodway Management Program

Purpose: Minimize the potential for increased damages due to flood stage and/or flood velocity increases through the application of minimum standards for floodway construction activities.

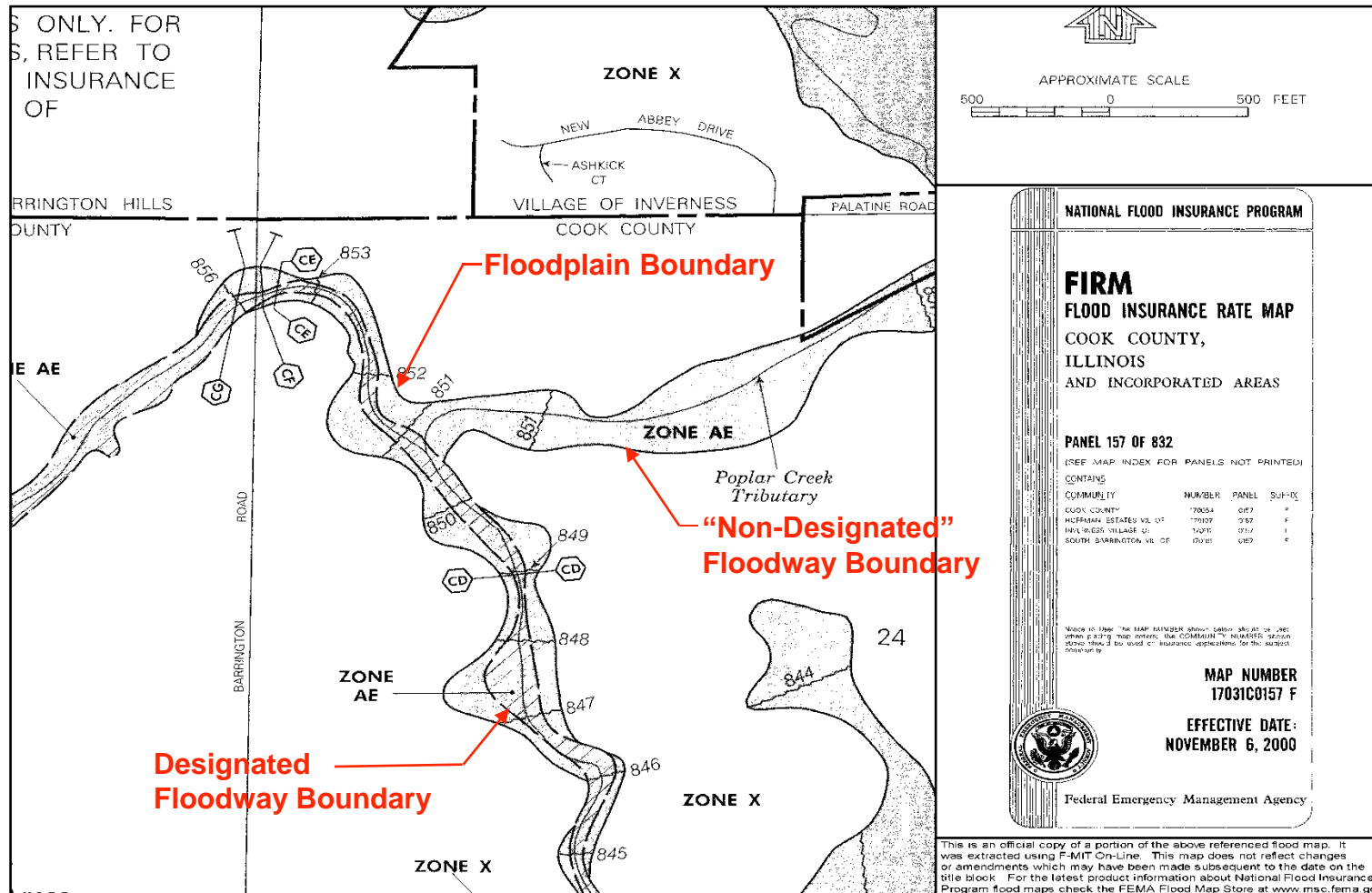
Floodway Management

Floodway Definition: that portion of the channel and floodplain needed to store and convey the 100-year frequency flood event with no more than 0.1 ft. increase in stage due to the loss of flood storage and conveyance, and no more than a 10% increase in velocity

Two Kinds of Floodways in Northeastern Illinois...

- Designated (Regulatory)
Floodways
- “Non-Designated” Floodways

FIRM – Flood Insurance Rate Map



Designated Floodways

- Mapped floodways depicted on the effective Flood Insurance Rate Map and designated by IDNR/OWR
- NE Illinois Only (Cook, DuPage, Lake, Kane, McHenry and Will Counties)

Designated Floodways

Applicable Rules

- “Floodway Construction in Northeastern Illinois”
(*Ill. Adm. Code Part 3708*)
- Northeastern Illinois only (except in City of Chicago)

Part 3708 Rules

- Jurisdictional Limits
- Exempt Activities
- Appropriate Uses
- Permitting Standards
- Floodway Map Revisions
- Delegation

Part 3708 Rules Jurisdiction

- Work is located within the floodway limits as scaled from the effective FIRM, and
- Drainage area is...
 - ≥ 1 sq. mi. in urban/urbanizing area
 - ≥ 10 sq. mi. in rural area

Please note, drainage area limits not in rules

Part 3708 Rules

Exempt Activities

- Repair, remodeling or maintenance of existing buildings or structures

Part 3708 Rules

Appropriate Uses

- Flood, drainage and erosion control improvements
- Water quality and wildlife habitat improvements
- Boating facilities
- Utilities (underground & overhead)

Part 3708 Rules

Appropriate Uses (cont.)

- Bridges and culverts
- Roadways and trails
- Outdoor recreational facilities
- Certain parking lots and airport aprons
- Certain non-habitable accessory structures

Part 3708 Rules

Permitting Standards

(Section 3708.70(d))

- Preserve floodway storage above and below the 10-year frequency flood elevation
- Preserve floodway conveyance
- Not increase channel and floodway velocity
- Special standards for new and replacement bridges and culverts
- Others

Part 3708 Rules

- A project must be an appropriate use of a designated floodway and must meet the applicable standards in the Part 3708 rules to be eligible for a permit.

Part 3708 Rules

Floodway Map Revisions

(Section 3708.80)

Only allowed if...

- Original floodway delineation is in error
- Changed conditions in the watershed
- A public flood control project has been constructed
- Or...

Part 3708 Rules

Floodway Map Revisions

(Cont.)

- The local unit of government concurs with the proposed revision and will either:
 - assume operation and maintenance responsibility of the revised floodway, or
 - agree to assume operation and maintenance responsibility if the property owner fails to do so

Part 3708 Rules

Types of Permits

- Formal Permits
- Regional Permit No. 3

Part 3708 Rules

Delegation

Program where IDNR/OWR has authorized another governmental agency to issue permits on its behalf for work in designated floodways

Part 3708 Rules

Delegation

- Regular
 - 57 municipalities
- Countywide
 - Lake & DuPage Counties

Part 3708 Rules

Delegation

- Voluntary program
- Good standing in NFIP
- Up-to-date ordinance
- Professional Engineer

Regular Delegation

- Minor and some major projects in floodways
- IDNR-OWR approval needed for bridge and culvert hydraulics
- IDNR-OWR permit needed for jurisdictional dams, projects in public waters, and projects proposed by the municipality

Countywide Delegation

- Minor and major projects
- IDNR-OWR approval not needed for bridge and culvert hydraulics
- IDNR-OWR permit needed for jurisdictional dams, projects in public waters, and Lake County SMC and DuPage County EDP projects

IDOT/DOH

- MOA
- DOH projects
- DOH Local Roads and Streets approved projects
- Regulatory floodways in NE Illinois only
- Not applicable in public waters

“Non-Designated” Floodways

- The floodway of any stream that does not have a designated floodway (may or may not be mapped on the effective Flood Insurance Rate Map)
- NE Illinois Only (Cook, DuPage, Lake, Kane, McHenry and Will Counties)

NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP

COOK COUNTY,
ILLINOIS
AND INCORPORATED AREAS

PANEL 157 OF 832
(SEE MAP INDEX FOR PANELS NOT PRINTED)

| COUNTY | NUMBER | PANEL | SHEET |
|----------------------------|--------|-------|-------|
| COOK COUNTY | 70034 | 067 | F |
| HARRISON TOWNSHIP V.L. CT. | 70035 | 067 | F |
| HARRISON TOWNSHIP V.L. CT. | 70036 | 067 | F |
| SOUTH BARRINGTON V.L. CT. | 70037 | 067 | F |

MAP NUMBER
1703IC0157 F

EFFECTIVE DATE:
NOVEMBER 6, 2000

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov.

“Non-Designated” Floodways

Applicable Rules

- “Construction in Floodways of Rivers, Lakes and Streams”
(*Ill. Adm. Code Part 3700*)

Part 3700 Rules

- “Non-designated” floodways in NE Illinois
- All downstate floodways
- Jurisdiction
- Exempt activities

Part 3700 Rules

Jurisdiction

- Work is located within the floodway,
and
- Drainage area is...
 - ≥ 1 sq. mi. in urban/urbanizing area
 - ≥ 10 sq. mi. in rural area

Part 3700 Rules

Exempt Activities (Sect. 3700.30(b))

- Removal of trash, brush, etc.
- Routine maintenance of existing structures
- Bridge deck widening
- Certain culvert extensions
- Removal of bridges and culverts
- Others

Part 3700 Rules

- No appropriate use criteria
- No provisions for floodway map revisions
- No delegation
- Permitting Standards

Part 3700 Rules

Permitting Standards

- “Regular” standards (Section 3700.60)
- Note definition of “worst-case analysis” in Section 3700.20
- Bridges and culverts (Section 3700.70)

Part 3700 Rules

Types of Permits

- Formal Permits
- Statewide Permits



PUBLIC WATER MANAGEMENT

Public Water Management Program

Purpose: Preserve navigability, prevent encroachments and impairments of any natural resources, and protect the public's interests, rights, safety and welfare in the State's public bodies of water.

Public Waters

What is a “public body of water”?

- Waterways that are currently or were historically navigable
- Natural, improved or wholly man-made waterways
- Laterally connected areas

Public Waters

Applicable Rules

- “Regulation of Public Waters”
(*Ill. Adm. Code Part 3704*)

Part 3704 Rules

- Statewide
- Public waters listed in Appendix A of Part 3704 Rules
- Applicable “bank-to-bank”
- No delegation
- Applicable with other OWR rules

Part 3704 Rules

Exempt Activities

- Normal and lawful uses, such as commercial navigation, boating, fishing, hunting, swimming, etc.
- Barge fleeting areas
- Duckblinds
- Trash and debris removal
- Routine maintenance
- Channel marking buoys placed by public agencies

Public Waters OWR Evaluation

Will the project result in...

- An obstruction to navigation?
- An encroachment?
- An impairment of the rights, interests, or uses of the public?
- An impairment of natural resources?

Public Waters (cont.)

- 21-day public notice
- Public water impacts from temporary construction activities (cofferdams, causeways, work barges, etc.) may be more of a concern than those from the principal structure

Part 3704 Rules

Types of Permits

- Formal Permits
- Regional Permit No. 3
- Statewide Permits
- General Permits

DAM SAFETY PROGRAM



Dam Safety Program

Purpose: Minimize the potential for failure of dams through the application of minimum engineering, maintenance and operation standards to the construction, modification and removal of jurisdictional dams.

Dam Safety

Definition

Dam: All obstructions, walls, embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool.

Dam Safety

Applicable Rules

- “Rules for Construction and Maintenance of Dams”

(17 Ill. Adm. Code Part 3702)

Dam Safety

Classification of Dams

- Size

- ♦ Small

- ♦ Intermediate

- ♦ Large

- Hazard

- ♦ Class I (high)

- ♦ Class II (moderate)

- ♦ Class III (low)

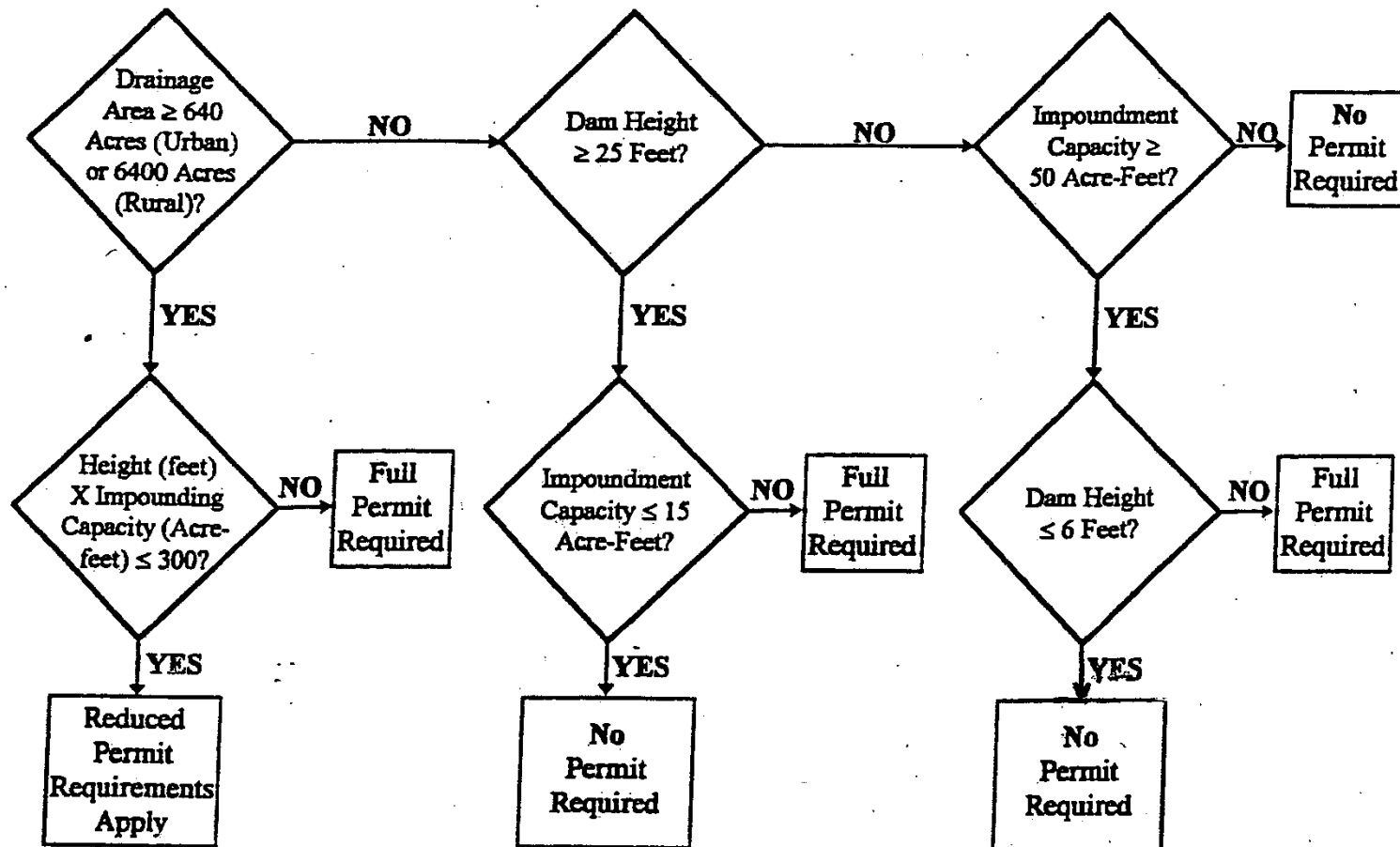
Dam Safety Jurisdiction

Construction, major modification or removal of:

- All Class I and Class II dams require a permit
- Certain Class III dams requires a permit depending on the height, impounding capacity and drainage area

Flow Chart for Class III Dams

FLOWCHART FOR CLASS III, SMALL SIZE DAMS ONLY



Dam Safety Jurisdiction

An operation and maintenance permit is needed when there is a change in ownership of a jurisdictional dam

Dam Safety Permitting Standards

- Structural and Geotechnical
- Hydrologic and Hydraulic
- Freeboard
- Erosion Protection
- Operation and Maintenance Plans
- Emergency Action Plans

Dam Safety

Types of Permits

- Formal Permits
- General Permits

Dam Safety

Formal Permits

- Required for Class I and II dams
- Required for Class III dams that cannot be authorized by a general permit
- “Reduced-requirement” Class III dams
- 21-day public notice

Dam Safety

General Permits

Class III Dams ONLY

- General Permit No. 98-01
- General Permit No. 02-01
- No public notice needed

Dam Safety

Other Documents

- Procedural Guidelines for Preparation of Technical Data to be Included in Applications for Permits for Construction and Maintenance of Dams
- Guidelines and Forms for Inspection of Illinois Dams

Dam Safety

Jurisdictional Determinations

- Preliminary Design Report (pages 2 & 3 of “Procedural Guidelines” document)
- Location Map
- Dam type, height, impounding capacity, etc.
- Drawings
- Information describing “downstream” area (drawings, aerial photos, maps, photographs)

IDNR/OWR

Permits

Types of OWR Permits

- Formal Permits
- Regional Permit No. 3
- Statewide Permits
- General Permits

Formal Permit

- An individual authorization for any project that cannot be authorized by Regional Permit No. 3, a statewide permit, or a general permit

Formal Permits (cont.)

- Class I and II dams, and some Class III dams
- Large projects in designated and “non-designated” floodways
- Large projects and activities in public waters

Formal Permits (cont.)

- Must submit a completed permit application form
- Must submit all maps, drawings, computations, documents, and other information needed to show how the project meets the applicable OWR rules
- A public notice may be needed

Sample Permit

PERMIT NO. NE2003042

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) This permit is granted in accordance with the Rivers, Lakes and Streams Act "615 ILCS 5."
- 2) This permit does not convey title to the permittee or recognize title of the permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the activity or any part thereof will be located, or otherwise grant to the permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
- 3) This permit does not release the permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.
- 4) This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approvals from any federal or state agency to do the work, this permit is not effective until the federal and state approvals are obtained.
- 5) The permittee shall, at the permittee's own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project. If the permittee fails to remove such structures or materials, the Department may have removal made at the expense of the permittee.
- 6) In public waters, if future need for public navigation or other public interest by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or the permittee's successors as required by the Department or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
- 7) The execution and details of the work authorized shall be subject to the review and approval of the Department. Department personnel shall have the right of access to accomplish this purpose.
- 8) Starting work on the activity authorized will be considered full acceptance by the permittee of the terms and conditions of the permit.
- 9) The Department in issuing this permit has relied upon the statements and representations made by the permittee; if any substantive statement or representation made by the permittee is found to be false, this permit will be revoked; and when revoked, all rights of the permittee under the permit are voided.
- 10) In public waters, the permittee and the permittee's successors shall make no claim whatsoever to any interest in any accretions caused by the activity.
- 11) In issuing this permit, the Department does not ensure the adequacy of the design or structural strength of the structure or improvement.
- 12) Noncompliance with the conditions of this permit will be considered grounds for revocation.
- 13) If the construction activity permitted is not completed on or before December 31, 2006, this permit shall cease and be null and void. When all work is constructed, the permittee shall notify the Department so that a final inspection can be completed.

THIS PERMIT IS SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- a) Any cofferdams, temporary work barges, etc. needed to construct the permitted project shall not be constructed or installed in a way which will interfere with navigation or create a hazard to boating safety.

Regional Permit No. 3

- “Blanket” pre-authorization of minor projects
- Designated floodways in NE Illinois
- May be applicable in public waters

Regional Permit No. 3

- Application submittal not needed
- Letter, drawings, etc. not needed
- No IDNR/OWR record keeping

Regional Permit No. 3

- Minor bank stabilization
- Outfalls
- Utility and pipeline crossings
- At-grade sidewalks and trails
- Minor boat docks

Statewide Permits

- “Blanket” pre-authorization of minor projects
- “Non-designated” floodways in NE Illinois & Downstate floodways
- May be applicable in public waters

Statewide Permits

- Application submittal not needed
- Letter, drawings, etc. not needed
- No IDNR/OWR record keeping

14 Statewide Permits, including:

- No. 4 Aerial Utility Crossings
- No. 5 Minor Boat Docks
- No. 6 Minor, Non-Obstructive Floodway Construction
- No. 7 Outfalls
- No. 8 Underground Pipeline and Utility Crossings

Statewide Permits (cont.)

- No. 9 Minor Bank Stabilization
- No. 10 Accessory Structures
- No. 11 Minor Maintenance Dredging
- No. 12 Certain Replacement Bridges & Culverts
- No. 13 Temporary Construction Activities

Regional Permit No. 3 and Statewide Permits Recap

- Automatic authorizations
- No submittal to IDNR/OWR is needed
- Formal permit needed if project does not meet all applicable terms and conditions of the regional or statewide permit

General Permits

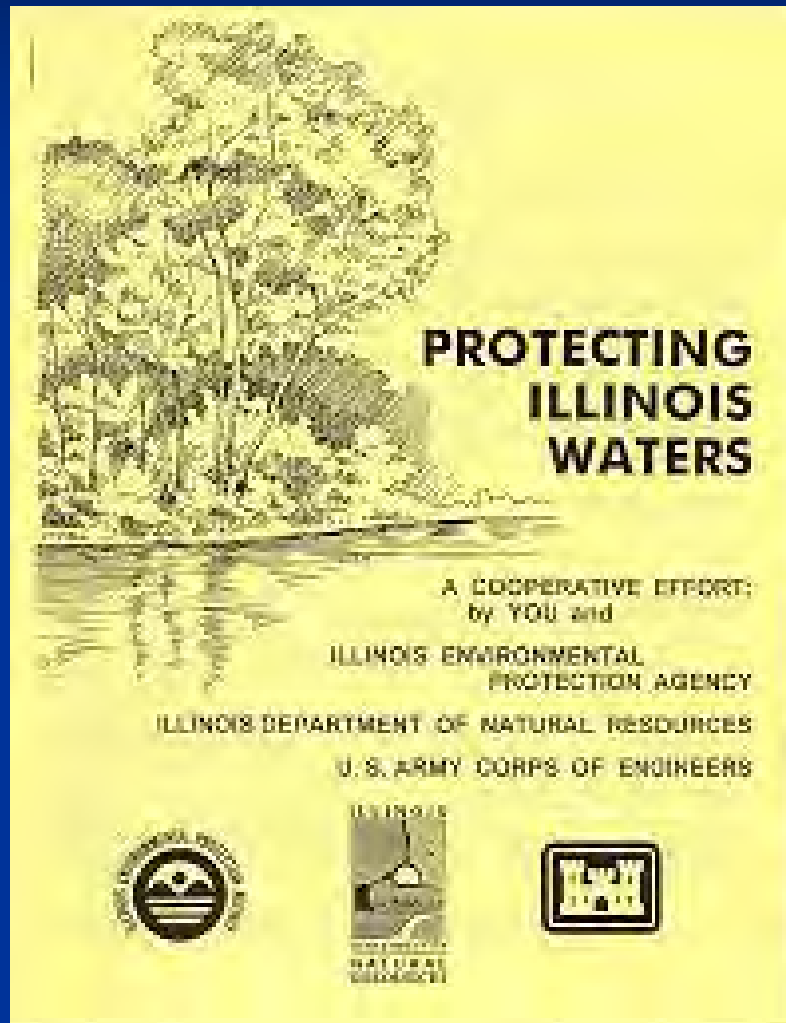
(see above dam safety section)

- An individual authorization for certain Class III dams
- GP 98-01 and GP 02-01
- No public notice needed

The Permit Application Process

(formal & general permits)

Joint Application Packet



Please Note...

The permit application form is a joint document between IDNR/OWR, COE, and IEPA, but the OWR reviews, authorizations, waiver of authorizations, etc. are generally separate and independent from the other agencies.

What to Submit to OWR...

- Properly completed IDNR/OWR copy of application form
- Permit application package that is tailored to obtaining an IDNR/OWR permit
 - One size does not fit all

When to Submit...

An application submittal is only needed for jurisdictional construction activities that require a formal or general permit.

When NOT to Submit...

An application submittal is not needed for construction activities that:

- are not jurisdictional (OWR permit not needed)
- are authorized by Regional Permit No. 3 or a statewide permit
- are an exempted activity per administrative rules
- can be permitted by a delegated community
- can be authorized by IDOT/DOH per MOA

Please Note...

It is not necessary to submit the IDNR/OWR copy of the joint application form for projects that do not require a formal or general permit.

The instructions in *Protecting Illinois Waters* are misleading. They suggest that a copy of the permit application submittal must always be sent to IDNR/OWR. This is not true. Be selective about when you make a permit application submittal to IDNR/OWR.

Also, it doesn't make sense to submit to IDNR/OWR the same information that is submitted to the COE and to IEPA. The rules and requirements of the agencies are different. IDNR/OWR only needs information that addresses its rules.

Application Form

1. Application number.
2. Date (day/month/year).
3. Applicant's name with contact person.
4. Agent's name.
5. Brief project description.
6. Section, township, range.
7. Name of local governing community.
8. Signature.

| JOINT APPLICATION FORM | | | | |
|---|--|--|--|--|
| 1. Application Number (to be assigned by Agency) | | 2. Date Day Month Year | | 3. For agency use only (Date Received) |
| 4. Name and address of applicant | | 5. Name, address, and title of authorized agent | | |
| Telephone no. during business hours A/C () | | Telephone no. during business hours A/C () | | |
| 6. Project Description and Remarks: Describe in detail the proposed activity, its purpose, and intended use. Also indicate the drainage area at the watershed to the downstream limit. Use attachments if needed. | | | | |
| 7. Names, addresses, and telephone numbers of all adjoining and potentially affected property owners, including the owner of the subject property if different from applicant. | | | | |
| 8. Location of activity | | Legal Description 1/4 Sec. Twp. Rge. P.M. | | |
| Name of waterway at location of the activity | | UTM (Universal Transverse Mercator): | | |
| Address: Street, road, or other descriptive location | | If available Zone North East | | |
| In or near city or town | | Name of Local Governing Community | | |
| County | | State | | Zip Code |
| 9. Date activity is proposed to commence | | Estimated Time of Construction | | |
| 10. Is any portion of the activity for which authorization is sought now complete? Yes No If answer is "Yes" give reasons in item 6. Month and Year the activity was completed Indicate the existing work on drawings. | | | | |
| 11. List all approvals or certifications required by other federal, interstate, state, or local agencies for any structures, construction, discharges, deposits, or other activities described in this application. If this form is being used for concurrent application to the Corps of Engineers, Illinois Department of Natural Resources, and Illinois Environmental Protection Agency, these agencies need not be listed. Issuing Agency Type Approval Identification No. Date of Application Date of Approval | | | | |
| 12. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes No (If "Yes", explain in item 6.) | | | | |
| 13. Application is hereby made for authorizations of the activities described herein. I certify that I am familiar with information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. Signature of Applicant or Authorized Agent Typed or Printed Name of Applicant or Authorized Agent | | | | |

Narrative

- Recommended for most projects
- Essential for complex projects
- Detailed project description
- Explain how project meets applicable rules
- Include support information for computations and modeling

Location Map

- 8 ½” x 11” in size
- Show site of proposed work
- Include road names
- Show stream with name
- Show/name nearby municipalities
- Include scale
- North arrow

FIRM

- Submit a copy of the effective FIRM showing the project site
- Include road names
- Show stream with name
- Include scale
- North arrow

Site Plan

- Show property lines
- Show stream channel (if located on subject property)
- Show regulatory floodway limits as scaled from FIRM/FBFM, or “non-designated” floodway limits
- Include scale
- North arrow

Grading Plan

- Full-size
- Existing and proposed contour lines clearly shown and labeled
- Proposed grades must “tie in” with existing grades on the plans
- Reference marks and elevation datum
- Show regulatory floodway limits as scaled from FIRM or “non-designated” floodway limits

Plotted Cross Sections

- Existing and proposed grades on same plot
- Must match grading plan
- Properly labeled
- Not necessarily the same as the sections used in the hydraulic modeling

Engineering Report

- Not required, but usually very helpful
- Do not bury application form in report
- Include narrative, maps, summary tables, computations, models, photographs, other support information

Summary Tables

Compare existing and proposed...

- Water surface elevations
- Channel and floodway velocities
- Floodway conveyance
- Floodway storage

Design Drawings

- Plan, elevation, cross-section views of bridges, culverts and other structures
- Size, length, width, type of structure

Hydraulic Modeling

- Not always needed
- Only the affected reach needs to be included
- Work map showing cross-section locations with labels
- Include 100 year flood event and other events, such as 10 year and 50 year flood events

Do Not Submit...

- More than one copy of the application form, engineering report, etc., however, 2 copies of drawings are preferred
- Corps of Engineers, IEPA, and Applicant's copy of the application form to OWR
- Wetland reports needed by COE
- Full sets of engineering drawings
- Soil boring reports*
- Contract documents

* *May be needed for a dam safety submittal.*

Public Notices

Needed for:

- Projects that involve revisions to the regulatory floodway or flood profile
- Projects in public waters that are not authorized by Regional Permit No. 3 or a statewide permit
- Formal permits for dams

Public Notices (cont.)

- Names and addresses of adjacent and potentially affected property owners on mailing labels (box 7 of application form)
- Black and white copy of annotated floodway map and/or flood profile
- 21 day duration
- Sometimes, joint public notice with COE for work in public waters

Resubmittals

- Reference the assigned Permit Application No.
- Do not submit new application form or copy of original application form
- Include copy of IDNR/OWR request letter and/or provide point-by-point response
- Partial re-submittal is often acceptable to continue review while awaiting other information
- Respond to requests soon

Design Changes

- During permit review stage, contact IDNR/OWR ASAP
- After permit is issued, a formal permit revision may be needed

Permit Revisions

- Request permit revision by letter (application form not needed)
- Reference Permittee's name and Permit No.
- Revised drawings are required
- Revised modeling/computations may be needed

Permit Extensions

- Generally, formal and general permits expire December 31st three years after the year they are issued
- Request extension of time by letter 2 to 3 months before permit expires
- Include desired time extension

Common Problems

- Application form not dated or signed
- Drainage area of stream not clearly indicated
- Explanation of why project not permissible by Regional Permit No. 3 or a statewide permit
- Submittal not tailored to meet OWR requirements
- No clear indication of how the project meets OWR's rules and requirements

Common Problems (cont.)

- No summary tables
- Only the 100-year frequency flood events was analyzed (need at least 10 and 50-yr events, too)
- No names and addresses of adjacent property owners when a public notice is needed
- No community concurrence or maintenance agreement submitted when the floodway and/or flood profile is being revised

Common Problems (cont.)

- Grading plan not consistent with plotted cross sections
- Sections in hydraulic modeling not consistent with grading plan
- No narrative

Common Problems (cont.)

For a bridge/culvert replacement project, no determination if the existing structure is a source of upstream flood damage. Needed for both:

- Part 3700 Rules (Section 3700.70(b)(2))
- Part 3708 Rules (Sections 3708.70(d)(2) and (3))
- Note: opening an existing restrictive roadway crossing is permissible under both Rules (downstream impacts not an issue with OWR).

Where to send your IDNR/OWR submittal

- For projects located in NE Illinois (except those handled by the Lake Michigan Section), send the submittal to IDNR/OWR, 2050 West Stearns Road, Bartlett, IL 60103

For projects handled by the Lake Michigan Section, send the submittal to IDNR/OWR, 36 South Wabash, Suite 1415, Chicago, IL 60603

For projects in all downstate counties, send the submittal to IDNR/OWR, One Natural Resource Way, Springfield, IL 62702-1271

Handouts

- NE Illinois Regulatory Programs
Summation (6 sheets)



Questions?