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MCHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE

GENERAL PERMIT NUMBER 1
AUTHORIZING ROUTINE PROJECTS

SW_____-_____ / J-_____

INTRODUCTION

This document is created under the authorities granted to McHenry County and all Certified Communities with respect to the McHenry County Stormwater Management Ordinance (SMO). This General Permit Number 1 embodies the specified standards and general conditions to meet the performance standards and intended development purview of the SMO.

McHenry County Stormwater Management Commission (MCSC) and Certified Communities may authorize regulated development under General Permit Number 1. Specified development covered under this permit may not be combined with other development that by itself or in combination with that activity would create a need for an individual permit. Development not specified in or exceeding the thresholds in this General Permit Number 1 will require an individual permit.

APPLICABILITY AND AUTHORIZATION

This General Permit Number 1 is only applicable when the regulated development meets the following criteria:

1. Regulated developments identified in this permit, which result in less than 20,000 square feet of hydrologically disturbed area, except where the Terms and Conditions for Specified Development explicitly state otherwise.
2. Regulated development within flood hazard areas, except where the Terms and Conditions for Specified Development explicitly state otherwise.
3. Isolated Waters of McHenry County (IWMC) impacts less than or equal to 0.10 acre.
4. Regulated development within Waters of the United States (WOTUS) when a permit or letter of no objection has been obtained from the United States Army Corps of Engineers (USACE).
5. Regulated developments which would not be required to meet the Stormwater Storage Requirements of this Ordinance.
6. Regulated developments which would not adversely impact drainage patterns on adjoining property or increase flood heights on adjoining property.

Applicants seeking authorization by General Permit Number 1 shall demonstrate an ownership interest in the subject property, or written authorization by the property owner to proceed with the development, and shall submit a stormwater management permit application with the required supporting information to the Enforcement Officer prior to commencing a proposed regulated development. The following information is required in support of the stormwater management permit application:

1. A description and depiction of the proposed regulated development demonstrating that it meets the conditions of the General Permit;
2. All applicable consultations, waivers, approvals, and permits from Federal, State, and local authorities shall be submitted; and
3. Payment of the stormwater management permit fee.

If the Enforcement Officer determines that the proposed regulated development complies with the terms and conditions of General Permit Number 1, the Enforcement Officer shall notify the applicant in writing and shall schedule a meeting at the development site for photographic documentation of the site conditions. If the Enforcement Officer determines that the regulated development does not comply with the terms and conditions of General Permit Number 1, the Enforcement Officer shall notify the applicant in writing and provide instructions on the procedures to seek authorization under an individual permit.

No part of a regulated development shall be authorized by a General Permit, unless the entire regulated development meets the terms and conditions of one or more General Permits.

Regulated development not specified in, or not meeting the terms and conditions of, a General Permit shall require an individual permit.

Any regulated development authorized by this General Permit Number 1 shall be completed within 2 years of the date of authorization.

TERMS AND CONDITIONS FOR SPECIFIED DEVELOPMENT

All specified regulated development shall meet the following requirements:

1. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. The Enforcement Officer may add requirements or conditions as necessary to control soil erosion and sedimentation.
2. Any drain tile serving adjoining properties that is damaged as a part of regulated development authorized by this General Permit shall be repaired.
3. This General Permit Number 1 does not authorize the operation of equipment within a channel. To the extent possible, all in-stream work shall be conducted during low-water conditions.
4. This General Permit Number 1 authorizes temporary channel crossings, when necessary, provided that the temporary channel crossing meets the following requirements:

a. Temporary approach roads shall be 0.5 foot or less above existing grade;

b. Fill within the channel shall be at or below existing grade and shall be composed of non-erosive material, such as riprap or gravel; and

c. The temporary channel crossing, including temporary approach roads, shall be removed within 90 days after installation, unless the Enforcement Officer grants an extension of time.

5. Except as specified above and in these Terms and Conditions for Specified Development of this General Permit Number 1, the Application Requirements and Performance Standards of the McHenry County Stormwater Management Ordinance (SMO) are waived for regulated development authorized by this General Permit Number 1.

6. **Decks – To be authorized by this General Permit Number 1, decks shall meet the following criteria.**

   a. **The construction of the deck shall not result in any increase in existing ground elevations within a flood hazard area.**

   b. **If either the existing building or proposed deck is within a flood hazard area, the deck shall be constructed as a stand-alone structure and shall not be attached to an existing building.**

   c. **The deck shall not be enclosed.**

   d. **The deck shall be anchored to prevent lateral movement.**

   e. **The deck must be non-obstructive to flood flows and designed not to catch debris.**

   f. **The deck shall be designed to allow automatic entry and exit of floodwaters.**

INSPECTIONS AND NOTIFICATIONS

A stormwater management permit placard shall be maintained at the site during the progress of the work. Representatives of the MCSC and of any Federal, State and local unit of government are authorized to enter upon any land or water to inspect for development activity that is or appears to be regulated development.

At the completion of the development, the applicant shall contact the McHenry County Department of Planning and Development to schedule a final inspection of the project.

SPECIAL PRECAUTIONS

If at any stage of the construction, the Enforcement Officer determines that the nature of the regulated development is such that further work authorized by an issued stormwater management permit is likely to imperil any property, public way, IWMC, WOTUS, buffer area, or stormwater management system, the Enforcement Officer may require, as a condition of allowing the work to be continued, that reasonable special precautions be taken to avoid the likelihood of such peril. Special precautions may include, but shall not be limited to: constructing a more level exposed slope; constructing additional drainage facilities, berms, or terraces; compaction, or cribbing; temporary or permanent stabilization; or hiring a professional consultant to recommend corrective actions.

Where it appears that damage may occur due to incomplete grading at the development site, work may be stopped and the applicant required to install temporary structures, or take such other measures as may be required to protect adjoining property or the public safety prior to the advent of seasonal rains or winter shut-down. For regulated development disturbing 1 acre or more, or where unusual site conditions prevail, the Enforcement Officer may require that the operations be conducted in specific stages, so as to ensure the completion of protective measures or devices.

VIOLATIONS

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provision of the SMO, including but not limited to: obtaining a required stormwater management permit, violating a condition of an issued stormwater management permit, or violating a stop work order shall be in violation of the SMO and subject to various available legal or equitable actions, remedies and penalties. *(See Article IX §15.60.090 Violation and Penalty in the SMO.)*

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SIGNATURE PAGE

I, _____ (owner or authorized agent, print name), agree to conform to the terms and conditions set forth in the McHenry County Stormwater Management Ordinance, and in the applicable General Permit. I also agree that all work performed under said permit will be in accordance with the project plans and information which accompanied this application, except for such changes as may be authorized by the stormwater division agent/Enforcement Officer.

(Signature of Owner) _____ Date _____