



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

June 2, 2008

To Whom It May Concern:

I am writing to express concerns about the regional stormwater management facility proposed for Ackerman Park in the Village of Glen Ellyn, Illinois. This proposed development has the potential to impact three wetlands totaling nearly one acre, which are designated "special management areas" under the DuPage County Stormwater and Flood Plain Ordinance ("Stormwater Ordinance"). To preserve the integrity and function of these important wetland areas, the Village and the Glen Ellyn Park District must ensure that all applicable legal requirements are met before allowing construction on this proposed facility to go forward.

Given the two documented wetlands violations on Park District lands in the Village of Glen Ellyn, it is imperative that the Village take every precaution to avoid further damages to wetlands in the area. Wetlands and their vegetated buffers serve a vital function of storing floodwater, improving water quality, and providing important fish and wildlife habitat. These functions are particularly valuable where stormwater runoff may contain pollutants from nearby pavement or buildings. Full compliance with the provisions of the DuPage County Stormwater and Flood Plain Ordinance is an essential step toward protecting the wetlands values threatened by this proposed development.

The Village and the Glen Ellyn Park District should especially note the following provisions of the Stormwater Ordinance:

Section 15-166

"It shall be unlawful for any person to undertake any development within the County or a waiver community without first securing a Stormwater Management Permit as required by this Ordinance or the applicable waiver community ordinance."

A Stormwater Management Permit is required for any proposed development that involves one or more special management areas. Stormwater Ordinance 15-147(1)(a). Special management areas include wetlands and wetland buffers. Stormwater Ordinance 15-131(1). The proposed facility would involve 0.38 acre of wetland buffer impacts, according to the Village's wetland assessment. Therefore, the Village must secure a Stormwater Management Permit prior to development.

Although the Village of Glen Ellyn is a complete waiver community under the Stormwater Ordinance and is responsible for issuing itself a permit for this proposed facility, the Village

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must produce a thorough and complete permit application that is adequately supported by documentation specified in Section 15-148 of the Stormwater Ordinance. The DuPage County Stormwater Ordinance sets a high standard for stormwater management in the State of Illinois. Full compliance with its provisions is necessary to help ensure that local water quality, natural resources and community health are well protected.

Section 15-151

According to the Village's documentation, the proposed development may affect three regulatory wetlands totaling more than 0.10 acre. Under Section 15-151 of the Stormwater Ordinance, if development will impact a critical wetland or a regulatory wetland larger than 0.10 acre, a Wetland Submittal must be produced that includes:

- (a) A wetland delineation;
- (b) A characterization of the wetlands as either critical or regulatory;
- (c) A mitigation plan, if mitigation is required;
- (d) A plan for continued management and maintenance of mitigation measures;
- (e) A completed NCR Form 426, Protecting Illinois Waters.

To my knowledge, the Village has completed a Wetland Submittal. However, one piece that appears to be missing from the Village's Wetland Submittal is the NCR Form 426. This form allows for input from the U.S. Army Corps of Engineers, Illinois Department of Natural Resources, and the Illinois Environmental Protection Agency, and it ensures that all applicable permits or approvals from these agencies are secured before construction begins. If these agencies have not already been consulted, they should be informed of the proposed development and given an opportunity to comment on its potential environmental impacts.

Section 15-135(15)

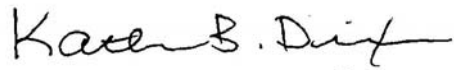
"To the extent practicable, development within a wetland buffer shall not, without mitigation...destroy or damage vegetation that stabilizes wetland fringe areas or provides overland flow filtration to wetlands."

The proposed development will involve the removal of 24 trees and 10 shrubs within wetland buffer areas. The Village must ensure that the destruction of this vegetation will be mitigated to stabilize the soil, provide habitat for wildlife, and maintain adequate filtration functions to remove sediment and pollutants from stormwater run-off.

The Village has provided little assurance that replacement vegetation will actually preserve the function of the nearby wetlands. Trees of 2-inch DBH are likely not as effective at controlling soil erosion or performing filtration functions as the 40-inch DBH trees they will replace. Further, the Village must take appropriate steps to control any erosion resulting from the removal of the existing trees and shrubs in the buffer area, including erosion caused by machinery and ground disturbance. The Village must also ensure that new trees and shrubs are established successfully to achieve real long-term wetlands benefits. All of these steps are necessary to ensure that the mitigation required by the Stormwater Ordinance is effective.

I urge the Village of Glen Ellyn and the Glen Ellyn Park District to work with a wetlands expert to ensure that all potential impacts to wetlands and wetland buffer functions are fully and effectively mitigated. To the extent that these impacts cannot be effectively mitigated, I urge the Village of Glen Ellyn and the Glen Ellyn Park District to reconsider their proposal.

Thank you for your time and consideration.



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