

Green Infrastructure:

P.A. 096-0026 Study

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 - Research
 - Advocacy
 - Demonstration projects
 - Scaling up, replication
- Green Infrastructure agenda
 - Planning/Analysis Toolbox
 - Policy
 - Education
 - Practice



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History of P.A. 096-0026:
“The Green Infrastructure
for Clean Water Act”

**Feb. 2009: SB 1489 filed by Senator Iris
Martinez**

**As introduced, the bill required IEPA to
adopt comprehensive stormwater
management rules by 2012, with the
following elements:**

History of P.A. 096-0026:
“The Green Infrastructure
for Clean Water Act”

- (a) Performance standards for private and public land-disturbing activities that preserve minimum water quality standards, maximum detention release rates, and the pre-development groundwater recharge and infiltration rates on site.

History of P.A. 096-0026: “The Green Infrastructure for Clean Water Act”

- (b) A preference for green infrastructure best management practices, strategies, and techniques to comply with the performance standards.
- (c) A requirement to demonstrate, post-development, that the storm water management practices implemented comply with the performance standards, and that post-development peak discharge rates do not exceed pre-development peak discharge rates.

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History of P.A. 096-0026 (cont)

As introduced, the bill also required IEPA to

- **Implement storm water permit fee program**
- **Establish statewide standard for storm water management programs, similar to Illinois “Renewable Energy Portfolio Standard”, to transition all such programs toward use of green infrastructure as the predominant strategy**

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History of P.A. 096-0026 (cont)

As introduced, the bill also required IEPA to

- **Review its rules on distributions from the Water Revolving Fund and establish new criteria prioritizing the use of green infrastructure in all projects involving storm water management and water efficiency**

History of P.A. 096-0026 (cont)

Interested Parties:

1. Organizations concerned about impact on operations (Aggregate Producers, Truckers, Home Builders)
2. Drainage Districts, MWRD – concerned about integration with their rules
3. IEPA – concerned about current state of knowledge of green infrastructure

History of P.A. 096-0026 (cont)

March 25, 2009: Amendment filed by Senator Martinez – required a study instead of a regulation

Requires IEPA to submit a report to the General Assembly and Governor that reviews the latest available knowledge relating to storm water management. Requires the report to address certain issues.

History of P.A. 096-0026 (cont)

- **April 2, 2009: SB 1489, as amended, passed Senate Floor (58-0)**
- **May 14, 2009: SB 1489 passed House Floor (114-0)**
- **June 30, 2009: SB 1489 signed by Gov. Quinn into law, becoming P.A. 096-0026**

Language of Act

Section 15. IEPA Study. By June 30, 2010, IEPA, in consultation with IDNR, IDOT, CDB, Stormwater Mgt. Agencies, and other interested parties shall report on:

- (a) Nature and extent of urban stormwater impacts on water quality in watersheds in Illinois

Language of Act

Section 15 (cont)

- (b) Potential stormwater mgt. performance standards to address flooding, water pollution, stream erosion, habitat quality, and the effectiveness of green infrastructure practices to achieve those standards

- (c) Prevalence of GI use in Illinois

Language of Act

Section 15 (cont)

- (d) Costs and benefits of green vs. grey infrastructure

- (e) Existing and potential new urban programs; integration of a state program with existing and potential regional and local programs in Illinois

Language of Act

Section 15 (cont)

- (f) Findings and recommendations for adopting an urban regulatory program in Illinois, which includes performance standards and encourages the use of GI to achieve them

- (g) Feasibility and consequences of devoting 20% of the Water Revolving Fund to green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities on a long-term basis.

IEPA Study

- Illinois EPA contracted with
 - University of Illinois at Chicago
 - Chicago Metropolitan Agency for Planning
 - Center for Neighborhood Technology
 - Illinois-Indiana Sea Grant College Program
- UIC, CMAP, CNT and IISG developed their work programs and budgets during the summer, and began work on the study in September (research now about 1/3 complete)

IEPA Study

Green Infrastructure Portfolio Standard

- Not mentioned in Act, but was in original bill, and is included in IEPA's work plan
- Federal Bill H.R. 4202 – contains provision for funds and other assistance for jurisdictions that establish a green infrastructure portfolio standard.

IEPA Study

We'd appreciate your advice concerning:

- whether we're looking at the right things
- whether some of the things we're looking at should be emphasized over others