File #:	14-6510	**Version:** 1	**Name:**	Waters of the United States Resolution
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File created:	11/7/2014	**In control:**	Environmental Control Committee (Inactive)
On agenda:	11/19/2014	**Final action:**	11/21/2018
Title:	PROPOSED RESOLUTION		

A RESOLUTION OPPOSING EXPANSION OF FEDERAL JURISDICTION OVER NON-NAVIGABLE WATERS OF THE UNITED STATES

WHEREAS, Cook County includes numerous navigable waters, including the Chicago River, Calumet River, Des Plaines River and the Chicago Sanitary and Ship Canal; and

WHEREAS, we recognize the critical importance of protecting the quality of surface water resources for the protection of health, public safety, economic security, and the environment of the region; and

WHEREAS, we support reasonable public investments and work practices that ensure adequate protection of water resources in the area; and

WHEREAS, the United States Army Corps of Engineers and the United States Environmental Protection Agency on April 21, 2014 proposed in the Federal Register what is described as a clarification of the legal definition of the term "Waters of the United States"; and

WHEREAS, the proposed rule provides that tributaries, ponds, drainage ditches, ephemeral streams, and surface depressions which are non-navigable and only carry or hold water on an intermittent basis, are subject to the full range of federal oversight and regulation of the United States Environmental Protection Agency and United States Army Corps of Engineers as though they were year-round naturally flowing streams and waters (Part 328-Definitions §328.3); and

WHEREAS, in two prior attempts to expand federal jurisdictional waters, Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 2011 and Rapanos v. United States, 2006, the United States Supreme Court reaffirmed the Clean Water Act's limit on federal jurisdiction at "navigable"; and

WHEREAS, the expansion of federal control over local activities within normally dry ditches could significantly impact routine maintenance and repair of County infrastructure, including the installation of signs and culverts, removal of storm debris, cleaning of ditches, mowing, and chemical treatments to remove unsightly vegetation along roads; and

WHEREAS, the proposed rule would be an unfunded federal mandate and could significantly increase the cost to the County and its citizens without any additional compensation; and

WHEREAS, the proposed rule would require expensive, time-consuming federal permits in order to develop private or government property near bodies of water, not just those which are navigable; and

WHEREAS, the proposed rule would give federal agencies de-facto zoning authority and thus would override the zoning authority granted to the County by the State of Illinois, and

WHEREAS, the urgency and seriousness of the proposed rule cannot be overstated.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners hereby urge

the United States Army Corps of Engineers and the United States Environmental Protection Agency to withdraw the proposed rule of April 21, 2014; and

BE IT FURTHER RESOLVED, that on behalf of the Board of Commissioners, the Secretary to the Board shall prepare and deliver a suitable copy of this Resolution to the Administrator of the United States Environmental Protection Agency, the Commanding General of the United States Army Corps of Engineers, United States Senators Dick Durbin and Mark Kirk, and each Member of the Cook County Congressional delegation.

Sponsors: JOAN PATRICIA MURPHY, PETER N. SILVESTRI, JOHN P. DALEY, JEFFREY R. TOBOLSKI, EARLEAN COLLINS, JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, STANLEY MOORE, EDWIN REYES, TIMOTHY O. SCHNEIDER, DEBORAH SIMS, ROBERT STEELE

Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
11/21/2018	1	Board of Commissioners	receive and file	
11/19/2014	1	Board of Commissioners	waive the rules	Pass
11/19/2014	1	Board of Commissioners	refer	Pass