

Protecting Our Water Environment



Metropolitan Water Reclamation District of Greater Chicago

**STORMWATER MANAGEMENT LEGISLATION
IN COOK COUNTY
(P.A. 093-1049)**

MWRDGC STORMWATER MANAGEMENT

Summary of the Act

- *In November 2004, the responsibility of Stormwater Management* in Cook County was placed under the authority of the MWRDGC by Public Act 093-1049*
- *This Act gave the MWRDGC general supervision of Stormwater Management, wherein the MWRDGC has the authority to plan, manage, implement, and finance activities relating to stormwater management in the county.*

**“Stormwater Management” refers to the management of floods or floodwaters.*

MWRDGC STORMWATER MANAGEMENT

Watershed Planning Councils*

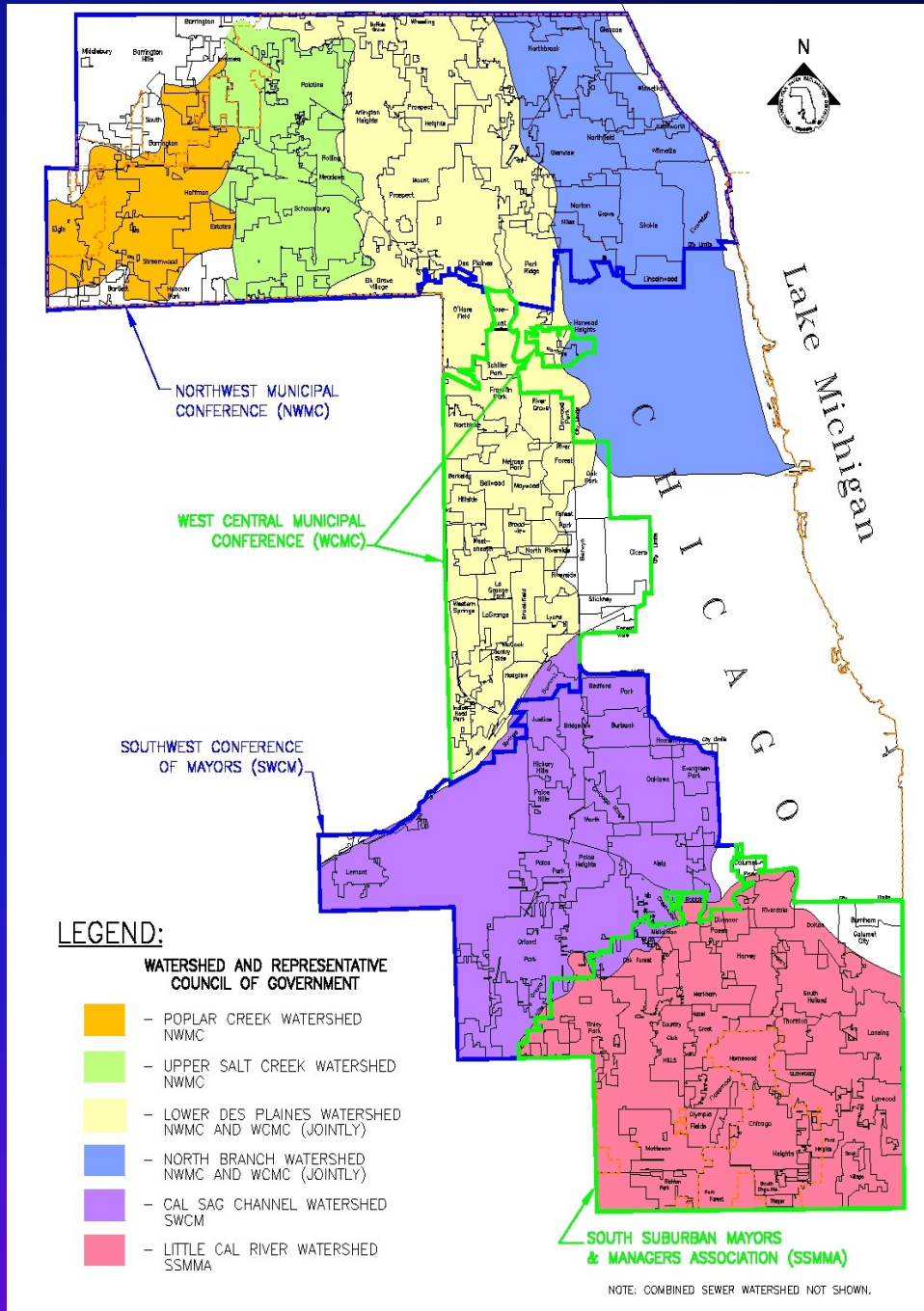
- *Public Act 93-1049 required the creation of seven watershed planning councils which are:*
 - *North Branch of the Chicago River*
 - *Lower Des Plaines River and Tributaries*
 - *Calumet Sag Channel*
 - *Little Calumet River*
 - *Poplar Creek*
 - *Upper Salt Creek*
 - *Combined Sewer Area*

- *MWRDGC may form additional planning councils for other watersheds in Cook County if the need presents itself*

**A “watershed” is defined as a geographical land area that drains to a common waterway.*

MWRDGC STORMWATER MANAGEMENT

Map Of Cook County with Watersheds



Map available for
 download at
www.mwrd.org

MWRDGC STORMWATER MANAGEMENT WATERSHED PLANNING COUNCILS STATUTORY PROVISIONS

- *Principal duty is to contribute to the stormwater management process by advising the MWRDGC and representing the needs and interests of the local governments included within their respective watershed*
- *Must be comprised of one representative (chief elected official or his designee) from each municipality and township within a watershed boundary*
- *County representative required on watershed councils containing unincorporated lands*
- *Municipal representative required on multiple councils where municipality exists in multiple watersheds*

MWRDGC STORMWATER MANAGEMENT WATERSHED PLANNING COUNCILS STATUTORY PROVISIONS

- ***Councils shall meet at least quarterly and hold at least one public hearing during the preparation of the countywide stormwater management plan***
- ***MWRDGC will give careful consideration to the councils' recommendations and concerns***
- ***Recommended projects shall not adversely affect stormwater flow in any inter-county watersheds***
- ***MWRDGC will include cost benefit analysis and evaluate project priorities from watershed to watershed***
- ***MWRDGC will annually publish a report identifying steps taken to accommodate watershed council recommendations and concerns.***

STORMWATER MANAGEMENT WATERSHED PLANNING COUNCILS DETAILED WATERSHED PLANS

- *These will be detailed plans performed by the MWRDGC focusing on specific needs of the watersheds*
- *The Watershed Planning Councils will present their concerns during the Study Phase*
- *The Watershed Planning Councils will also advise the MWRDGC in regards to the development and implementation of the plan*

MWRDGC STORMWATER MANAGEMENT

Additional Powers and Responsibilities:

- *MWRDGC has authority to plan, manage, implement, and finance activities related to stormwater management in Cook County*
- *This authority extends throughout Cook County, and is not limited to territorial and jurisdictional area of MWRDGC.*
- *MWRDGC may use resources of other organizations and agencies, including watershed councils and NIPC. The MWRDGC may fund those organizations on a contractual basis as well.*
- *MWRDGC may enter into agreements with any county for the management of stormwater runoff.*
- *MWRDGC may enter into intergovernmental agreements with Cook County or other units of local government to implement a stormwater plan, and to provide stormwater services, for areas not included within the MWRDGC's boundaries.*

MWRDGC STORMWATER MANAGEMENT

Additional Powers and Responsibilities (continued)

- *MWRDGC may assume responsibility for maintaining any stream within Cook County*
- *MWRDGC may after 10 days written notice enter upon any land or water within the county to inspect stormwater facilities, or to remove obstructions to an affected watercourse. MWRDGC is responsible for any resulting damages.*
- *MWRDGC shall annually report to the public on activities and expenditures under this act and plan.*

MWRDGC STORMWATER MANAGEMENT COUNTY WIDE STORMWATER MANAGEMENT PLAN AND REGULATIONS

- **MWRDGC shall prepare and adopt by ordinance a countywide stormwater management plan for Cook County.**
- **MWRDGC may prescribe rules and regulations by ordinance:**
 - **For floodplain and stormwater management**
 - **For governing the location, width, course, and release rate of stormwater runoff channels, streams, and basins in Cook County**
- **Rules and Regulations at a minimum shall meet the standards for**
 - **Floodplain management established by the Office of Water Resources of the Illinois Department of Natural Resources**
 - **Federal Emergency Management Agency (FEMA) for participation in the National Flood Insurance Program**

MWRDGC STORMWATER MANAGEMENT COUNTYWIDE STORMWATER MANAGEMENT PLAN

- *A high level “organizational” plan that identifies the goals and objectives for the program.*
- *The Watershed Planning Councils will advise the MWRDGC with regards to the development and implementation of the plan*
- *The Watershed Planning Councils will review the plan before adoption*
- *The plan will identify absolute criteria for performing projects as well as include a prioritization scheme to identify the order in which projects may receive funding*

MWRDGC STORMWATER MANAGEMENT FINANCING THE PROGRAM

- ***Tax Levy and Bonds***
 - ***MWRDGC corporate tax levy limit is reduced from 0.46% to 0.41% for 2005 and thereafter.***
 - ***Tax levy proceeds may be used for development, design, planning, construction, operation, and maintenance of regional stormwater facilities provided for in the plan.***
 - ***The MWRDGC may issue bonds to fund stormwater management projects***
- ***MWRDGC may impose fees on areas outside the MWRDGC but within Cook County to mitigate the effects of runoff from new development.***
- ***Fees shall be used to finance activities that mitigate the effects of urban runoff by providing regional retention or detention facilities.***

MWRDGC STORMWATER MANAGEMENT CAPITAL IMPROVEMENT PROJECTS

- *MWRDGC will provide for public review and comment on proposed projects*
- *For projects receiving State or Federal Funds, the MWRDGC shall conform to State and Federal requirements for public information, environmental assessments, and environmental impacts.*
- *Use of Forest Preserve District Property is not allowed unless Forest Preserve District consents to its use*

MWRDGC STORMWATER MANAGEMENT EXISTING DRAINAGE DISTRICTS

MWRDGC may petition the circuit court to dissolve drainage districts that are located entirely within the MWRDGC

- **If the active drainage district has a plan that is consistent with or at least as stringent as the county plan, the drainage district may petition the MWRDGC, and subsequently the circuit court, as necessary, to not dissolve**
- **The MWRDGC will assume all property and obligations of the former drainage district – and all debts must be discharged as soon as practicable**

For drainage districts partly within the MWRDGC

- **MWRDGC may petition the circuit court to disconnect that portion of a drainage district that is located within MWRDGC limits.**
- **Should the drainage district be dissolved, the MWRDGC will then assume and manage the newly disconnected property, and assume a portion of the drainage district's debt, based on the portion of the taxable property that is disconnected.**

A drainage district that continues to exist within Cook County shall conform its operations to the countywide stormwater management plan.

MWRDGC STORMWATER MANAGEMENT HOME RULE UNITS

- *Home rule units with a population less than one million may not regulate stormwater management in a manner inconsistent with the MWRDGC's plan and ordinances.*
- *Stormwater management in a municipality with a population over one million (i.e., City of Chicago) will be conducted by that municipality, or by the MWRDGC subject to an intergovernmental agreement.*