

## **Statutory Background**

The Chicago metropolitan area experienced historic flooding in 1986 and 1987. The Governor and General Assembly enacted PA 85-905 in 1987. PA 85-905 set forth responsibilities for countywide stormwater management in the five collar counties in northeastern Illinois (DuPage, Lake, Kane, McHenry, and Will). Under this Statute, stormwater management planning committees could be formed and could prepare countywide stormwater plans, programs and projects. To provide an equal balance within the stormwater management planning committees, they were to be made up of equal numbers of municipal and county representatives. In the years immediately following enactment, countywide stormwater management plans were adopted under the PA 85-905 authority for DuPage County in 1989; for Lake County in 1990; for McHenry County in 1996; for Kane County in 1998; and for Will County in 1998.

Public Act 86-1463, passed in 1990, extended the stormwater planning authority into Cook County but did not provide a funding mechanism. In 2004, PA 93-1049 consolidated stormwater management in Cook County under the direction of the MWRDGC and provided a funding authority. The development of this Stormwater Plan soon followed. In 2005, PA 94-0675 followed the countywide trend by establishing countywide stormwater authority in nine additional metropolitan counties in northeastern and southwestern Illinois (Boone, DeKalb, Grundy, Kankakee, Kendall, LaSalle, Madison, Monroe and St. Clair.)

Stormwater Program Legislation

<b>Legislation</b>	<b>Date</b>	<b>Counties affected</b>
PA 85-905	1987	DuPage, Lake, Kane, McHenry, and Will
PA 86-1463	1990	Cook
PA 93-1049	2004	Cook
PA 94-0675	2005	Boone, DeKalb, Grundy, Kankakee, Kendall, LaSalle, Madison, Monroe and St. Clair

The listed statutes are similar but were tailored during legislative deliberations to suit the counties covered. The three statutes now covering fifteen Illinois counties all provide for countywide Stormwater Plans; all provide funding mechanisms; all afford authority for executing intergovernmental agreements, require coordination with adjoining counties, dictate meeting minimum state and federal requirements for floodplain management, allow countywide rules and regulations, and allow capital projects to be developed. In all three statutes, a balance is provided between the county and municipal governments. PA 85-905 and PA 94-0675 require the creation of a deliberative stormwater committee composed of equal representation from municipal and county governments. PA 93-1049 acknowledged the large number of municipalities in Cook County and the existing capability of the MWRDGC by authorizing MWRDGC to provide program leadership with advice from municipal governments through Watershed Planning Councils.