

## RESOLUTION 10-1

### A RESOLUTION OPPOSING EXPANSION OF THE FEDERAL DEFINITION OF "WATERS OF THE UNITED STATES" TO INCLUDE NON-NAVIGABLE DITCHES AND STORMWATER FLOWS IN COMMUNITIES

**WHEREAS**, as Chairman of the Board and duly-elected members of the County Board of Sangamon County, Illinois, 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 to 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 Waters of the United States, and

**WHEREAS**, the proposed rule would expand federal authority to include road ditches and storm water channels in this County, while non-navigable and carrying water only on an intermittent basis, subjecting them to the full range of federal oversight and regulation as though they were year-round naturally flowing streams or rivers, and

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

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

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

**NOW THEREFORE BE IT RESOLVED**, by the County Board of Sangamon County at its **Regular Reconvened Adjourned September Session**, assembled this 14<sup>th</sup> day of October, A.D., 2014, as follows:

**SECTION ONE:** The County opposes provisions contained in this rulemaking which unreasonably and unnecessarily restricts the ability of the County to maintain its roadside ditches and storm water channels in order to protect the life, health, safety, property, and general welfare of its citizens, and by virtue of this Resolution forwards its objections to both federal agencies as part of the rulemaking process.

**SECTION TWO:** The County urges the United States Environmental Protection Agency and the United States Army Corps of Engineers to withdraw the proposed rule of April 21, 2014.

**SECTION THREE:** Appropriate county staff is directed to monitor this regulatory process and report periodically on the progress of this rulemaking.

**FILED**

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*Joe Aiello*  
Sangamon County Clerk

**SECTION FOUR:** The County Clerk is hereby directed to prepare suitably signed copies of this resolution to the Administrator of the United States Environmental Protection Agency, Commanding General of the United State Army Corps of Engineers, United States Senator Richard Durbin, United States Senator Mark Kirk, United States Representative Aaron Schock, United States Representative Rodney Davis, Illinois Senator Sam McCann, Illinois Senator Andy Manar, Illinois Senator Bill Brady, Illinois Representative Rich Brauer, Illinois Representative Sue Scherer, Illinois Representative Raymond Poe, Illinois Representative C.D. Davidsmeyer as well as to the local media.

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Andy Van Meter, Chairman

Attest:

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Joe Aiello, County Clerk

