

Alliance for the Great Lakes · American Canoe Association · American Rivers · BlueGreen Alliance · Bluestem Communications · California River Watch · Central Ohio Watershed Council · Clean Water Action · Clean Up the River Environment · Coastal Environmental Rights Foundation · Defenders of Wildlife · Earthjustice · Endangered Habitats League · Environment America · Florida Wildlife Federation · GreenLatinos · Greenpeace · Gulf Restoration Network · Illinois Council of Trout Unlimited · Kentucky Waterways Alliance · Lake Champlain International · League of Conservation Voters · Massachusetts Rivers Alliance · National Parks Conservation Association · Natural Resources Defense Council · Nature Coast Conservation · New Jersey Audubon Society · Northwest Environmental Advocates · Ohio Environmental Council · Ohio River Foundation · Prairie Rivers Network · River Network · Roots & Shoots, University of Tampa · Sierra Club · Southern Environmental Law Center · Surfrider Foundation

October 29, 2015

Dear Senator:

The undersigned organizations, and our millions of members and supporters, oppose S. 1140, the so-called “Federal Water Quality Protection Act.”

Contrary to its title, this legislation attacks clean water protections. In fact, this legislation would prevent implementation of a recently finalized rulemaking to clarify and restore Clean Water Act protections for countless water bodies, including streams that contribute to the drinking water of one in three Americans. The Army Corps of Engineers and the Environmental Protection Agency have completed their Clean Water Rule, but S. 1140 would prevent this important, scientifically rigorous rule from being implemented.

The agencies undertook a very transparent and thorough process in developing the Clean Water Rule, holding more than 400 stakeholder meetings and providing more than 200 days for public comment on the proposal, and conducting a detailed and open analysis and peer review of the science on which the rule is based. All stakeholders, including the over 800,000 members of the public who commented in support of these protections, should be given the opportunity to see the final rule implemented.

This troubling legislation blows up the completed rulemaking and forces the agencies to go back and solicit input from stakeholders they have already consulted, consider factors they have already considered, and then propose a rule (as they have already done). The Clean Water Rule has essentially been in the making for more than a decade and stakeholders from all sides of the issue have asked for a rule to provide certainty and reliability in the permitting process for waters covered by the Clean Water Act. There is nothing to gain by forcing the agencies to repeat years of analysis and consultation concerning this rule. Rather, this bill is simply a last-minute and thinly-veiled attempt at blocking these crucial protections and leaving our nation’s waterways at continued risk of pollution and destruction.

This legislation would not only prevent the recently completed rulemaking from being implemented, but also would create new impediments to protecting important waters and creates far more confusion than it resolves. The legislation would make it harder to protect streams and wetlands and would outright direct the agencies to exclude so-called “isolated waters” from being covered by the Clean Water Act. All of these new limitations on the Act’s coverage ignore the copious scientific evidence revealing the important role of headwaters and seasonal and rain-dependent waters on downstream water quality. The bill also includes new vague provisions that would add to the confusion, rather than clarify which waters are protected.

This legislation is also a waste of taxpayer money. It requires the agencies to jump through numerous procedural hoops as a new rule is created – to no evident purpose. The legislation also directs the agencies to map all protected waters in the country, even though most water bodies never need a determination of their status under the law; that typically becomes necessary only when a discharger seeks to release pollutants into water bodies.

Finally, the legislation lays out a timeframe that is all but certain not to be met, thereby setting the agencies up to fail.

For all of these reasons, we oppose this legislation.

Sincerely,

Alliance for the Great Lakes
American Canoe Association
American Rivers
BlueGreen Alliance
Bluestem Communications
California River Watch
Central Ohio Watershed Council
Clean Water Action
Clean Up the River Environment
Coastal Environmental Rights Foundation
Defenders of Wildlife
Earthjustice
Endangered Habitats League
Environment America
Florida Wildlife Federation
GreenLatinos
Greenpeace
Gulf Restoration Network
Illinois Council of Trout Unlimited
Kentucky Waterways Alliance
Lake Champlain International
League of Conservation Voters
Massachusetts Rivers Alliance
National Parks Conservation Association

Natural Resources Defense Council
New Jersey Audubon Society
Northwest Environmental Advocates
Ohio Environmental Council
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