



Waters Advocacy Coalition: It's Time For Clean Water And Clear Rules

WASHINGTON – September 12, 2019 –The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) today announced a final rule repealing the unlawful 2015 Waters of the United States (WOTUS) rule, which vastly and unclearly expanded the definition of “Waters of the United States” beyond the limits imposed by Congress and affirmed by the U.S. Supreme Court.

The 2015 WOTUS rule unlawfully infringed on the role of states in protecting local waterways and granted the federal government nearly unlimited authority to regulate any low spot where rainwater collects. This ambiguous rule also resulted in substantial regulatory uncertainty and legal risk for a broad cross-section of the nation’s economy.

The 2015 rule was quickly blocked by the 6th Circuit Court of Appeals based on its legal flaws and the potential for it to cause significant economic and regulatory harm. It was never fully implemented nationwide. Thirty-one states and dozens of agricultural, conservation and industry groups filed legal challenges to the 2015 WOTUS rule for its unlawfully broad expansion of federal jurisdiction.

The Waters Advocacy Coalition, a broad coalition of organizations advocating for clean water and clear rules, thanks EPA and the Army Corps of Engineers for repealing the problematic 2015 WOTUS rule. The group also is encouraging the administration to finalize a new rule that protects the nation’s waters and provides clear rules for states, farmers, ranchers and small businesses to follow.

- Zippy Duvall, president of the American Farm Bureau Federation, said, “This is a huge victory for farmers and ranchers, who share the goal of protecting our nation’s water resources. Farm Bureau appreciates this significant first step. We look forward to the administration and the agencies finalizing a new regulation that will provide clean water and clear rules.”
- Jay Timmons, president and CEO of the National Association of Manufacturers, said, “America is now one step closer to smart and balanced regulation that protects our nation’s precious water resources. Courts already declared the 2015 rule illegal, following years of litigation that included a 9-0 victory for the NAM at the Supreme Court, so manufacturers are pleased to see it officially struck from the books. The old water rule, which sought to regulate dry land, was confusing and counterproductive.

Manufacturers are committed to environmental stewardship, so now we look forward to a new, more effective rule to protect clean water.”

- Marty Durbin, president of the U.S. Chamber’s Global Energy Institute, said, “For decades, America has been making tremendous progress to improve water quality. The 2015 “Waters of the United States” rule significantly expanded the definition of waters, creating great uncertainty for states, local governments, businesses and farmers. In addition, legal challenges have now led to an unworkable patchwork of federal regulations that vary from state to state. Today’s action to restore one national definition provides certainty for stakeholders and ensures that we can build upon existing standards to improve water quality. We look forward to working with the Administration to do just that.”
- Tom Kuhn, president of the Edison Electric Institute, said, “The 2015 WOTUS rule was so broadly written that it created substantial confusion and regulatory uncertainty, which caused customer costs to increase due to new operating requirements and delays for critical infrastructure projects. EEI applauds EPA and the Army Corps of Engineers for repealing the rule, which multiple courts already had found to be unlawful.

“Today’s repeal is a key step toward providing long-overdue clarity for EEI’s member companies, which are making substantial investments to make the energy grid stronger, smarter, cleaner, more dynamic, and more secure for all customers. We look forward to working with EPA, the Army Corps, states, and other stakeholders as the agencies move forward with their efforts to finalize a new, clear WOTUS definition that will protect the integrity of our nation’s waters while offering more regulatory certainty for energy infrastructure permitting.”

- Greg Ugalde, chairman of the National Association of Home Builders and a home builder and developer from Torrington, Conn., said, “NAHB commends the EPA and U.S. Army Corps of Engineers for repealing the 2015 WOTUS rule that vastly expanded federal overreach over water and land use by regulating man-made ditches and isolated ponds on private property. By repealing the 2015 rule, the EPA and Corps have taken an important step forward. Next, they need to finalize a new definition that restores common sense to the regulatory process by respecting states’ rights and balancing economic and environmental concerns.”
- Stephen E. Sandherr, chief executive officer of the Associated General Contractors of America, said, “The administration’s decision to withdraw the deeply flawed Waters of the U.S. rule will provide much-needed clarity for communities and officials who are working to advance vital new infrastructure, development and remediation projects across the country. We are eager to work with the administration as it crafts a replacement rule that will provide the kind of certainty and common sense that the earlier measure lacked while continuing to protect water quality.”

- Jennifer Houston, president of the National Cattlemen’s Beef Association, said, “Cattle producers are the nation’s original environmental stewards – we work hard to ensure that our natural resources remain pristine and implement conservation practices to protect our water resource. The 2015 WOTUS Rule was an illegal effort by the federal government to assert control over both land and water, significantly impacting our ability to implement vital conservation practices.

“After years spent fighting the 2015 WOTUS Rule in the halls of Congress, in the Courts, and at the EPA, cattle producers will sleep a little easier tonight knowing that the nightmare is over. Thanks to President Trump and Administrator Wheeler for their commitment to cooperative federalism farmers and ranchers and restoring the rule of law. NCBA looks forward to the finalization of a practical Waters of the United States definition that will protect our water resource while allowing cattle producers to do their jobs effectively.”

- National Mining Association President and CEO Hal Quinn said, “Today’s repeal turns the page on a deeply problematic regulation that exemplified the last administration’s federal overreach. The 2015 rule unlawfully expanded the scope of federal Clean Water Act jurisdiction and, contrary to its intended purpose, added significant confusion to the question of which waters are federally regulated and which are protected by the states. We look forward to working with this administration as it takes the next step of finalizing the WOTUS replacement rule. The administration’s proposed definition strikes the appropriate balance between state and federal authority over waterways and reduces the uncertainty that has plagued Clean Water Act implementation for decades.”

About the Waters Advocacy Coalition

The Waters Advocacy Coalition is a broad cross-section of small businesses, farmers, ranchers and job creators that represent virtually every segment of the American economy. We rely on clean water and are committed to protecting the environment and the communities in which we live and work.

Our member companies power small towns and big cities, provide the materials for and construct the nation’s roads and family homes, deliver retail goods and services, and produce food, fuel and fiber for families in the U.S. and around the world. Members of WAC are seeking a new rule that provides regulatory clarity, promotes clean water, and protects jobs.

For more information, please visit <https://watersadvocacy.org>