



## Legislation Text

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### Resolution to Oppose Expansion of Federal Control under the Clean Water Act

**From:**

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**Summary:**

The United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (USACE) have released a proposed rule change concerning the proposed definition of “Waters of the United States” as published in the Federal Register, Volume 79, Number 76 dated April 21, 2014. This proposed rule would modify existing regulations regarding which waters fall under federal jurisdiction through the Federal Water Pollution Control Act (Clean Water Act). The modification represents a significant expansion of the historical scope of federal jurisdiction.

**Previous Council Action:**

N/A

**Background:**

The Federal Water Pollution Control Act of 1948 was the first major U.S. law to address water pollution. Growing public awareness and concern for controlling water pollution led to sweeping amendments in 1972. As amended in 1972, the law became commonly known as the Clean Water Act (CWA). The Clean Water Act covers “navigable waters,” defined in the statute as “Waters of the United States including the territorial seas”. The statute does not further define “Water of the United States, but leaves it open to USACE and EPA determination to add detail through rulemaking. The current regulatory definition has essentially been unchanged since the late 1970s. The EPA and the USACE have released a proposed rule change concerning the proposed definition of “Waters of the United States”. This proposed rule modification represents a significant expansion of the historical scope of federal jurisdiction.

**Financial Implications:**

Under the proposed rule, if a water is determined to be a “Water of the United States”, the proposed rule could subject local governments to increasingly complex and costly federal regulatory requirements under the proposed rule which would apply to all Clean Water Act programs.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

Council could vote to not approve the Resolution.

**Proposed Motion:**

Motion to approve the Resolution to oppose expansion of federal control under the Clean Water Act.

N/A