

April 13, 2015

Myths vs. Facts: EPA and Corps Clean Water Rule
Myth # 5 – EPA and the Corps did not Consult the States

Dear Colleague:

Last April, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) proposed a Clean Water rule to clarify the jurisdictional scope of the Clean Water Act. This proposal was intended to simplify and improve the process for determining what waters (and wetlands) are, and are not, protected by the Act, consistent with the decisions of the U.S. Supreme Court. However, questions and misconceptions about this proposal continue to be raised.

MYTH #5

- During the rulemaking process, EPA and the Corps did not adequately consult with states and did not take local concerns into consideration when developing this rule.

FACTS

- EPA consulted with various stakeholders, particularly with those from the agricultural community, and received over 900,000 public comments. Of these, approximately 19,000 provided substantive comments on the proposed rule.
- In total, EPA held over 400 meetings throughout the country on the proposed rulemaking, and the agencies extended the public comment period twice for a total of 207 days, to listen to concerns and draft a better, clearer rule.
- EPA developed a special process for engaging the states during the public comment period, engaging with Environmental Council of the States, the Association of Clean Water Administrators, and the Association of State Wetland Managers.
- At a March 22, 2015, hearing before the Subcommittee on Water Resources and Environment, the EPA's Deputy Assistant Administrator for the Office of Water characterized EPA's outreach efforts as "unprecedented."
- Further, when describing EPA's meetings with state representatives, the Deputy Assistant Administrator stated, "At the last meeting, which was scheduled for two hours, it was a little over an hour, and that meeting ended because, quite frankly, the states (ran) out of things they wanted to talk about."
- Since 2003, the agencies have received an estimated 1,429,000 total public comments during six separate rulemakings, lasting a total 700 days, or *approximately 2 years*.

- “Quite candidly, I will tell you that there is not a lot of new in the way of issues that are being raised. Many of the issues that are being raised are the same ones that have been raised for several years.” – Quote from Ken Kopocis, EPA Deputy Assistant Administrator for the Office of Water (3/18/15 Hearing of the Water Resources and Environment Subcommittee)

If you have any questions or would like to learn more about the rule, please see (<http://democrats.transportation.house.gov/legislation/waters-united-states>) or call the Subcommittee on Water Resources and Environment at 202-225-0060.

Sincerely,

Eleanor Holmes Norton
Member of Congress