Waters of the U.S. Update

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Administrator McCarthy on Waters of the U.S.
Waters of the U.S. Proposed Rule

Clarifies protection under the Clean Water Act for streams and wetlands
Streams and Wetlands Matter
Streams and wetlands benefit communities.
Streams and wetlands are economic drivers
Upstream waters impact downstream waters.
Streams provide drinking water

1 in 3 Americans get their drinking water from public systems that rely on seasonal and rain-dependent streams.
Rulemaking was requested by many stakeholders

Congress, Industry, Public, State and local government, Agriculture, Hunters and fishermen, Environmental groups
Protection under the law has been difficult
Drinking Water and Edwards Creek, Texas
Recreation in Lake Blackshear, Georgia
Pollution in San Pedro River, Arizona
Supported by latest peer-reviewed science

Scientific assessment of 1,000+ pieces of literature
Reduces confusion about Clean Water Act protection
Streams systems are protected
Waters near rivers and streams are protected
Other types of waters will be evaluated on a case specific basis.
Saves Businesses Time and Money
Provides More Benefits to Public Than Costs

**BENEFITS**

$388 to $514 million

- Reducing flooding
- Filtering pollution
- Providing wildlife habitat
- Supporting hunting & fishing
- Recharging groundwater

**COSTS**

$162 to $279 million

- Mitigating impacts to streams & wetlands from dredged or fill material
- Taking steps to reduce pollution to waterways.
Helps states to protect their waters

36 states have limitations on the ability to protect waters that aren't covered by the Clean Water Act

Source: Environmental Law Institute

www.epa.gov
What the Rule Does Not Do
What the Rule Does NOT Do

Does NOT protect any new types of waters

Does NOT broaden coverage of the Clean Water Act

Does NOT regulate groundwater

Does NOT expand regulation of ditches

Does NOT remove any exemption currently in the statute or regulations
Benefits for Agriculture
Input from agriculture community shaped the proposal
All Exemptions and Exclusions Preserved

- Normal farming, silviculture, and ranching practices.
- Upland soil and water conservation practices.
- Agricultural stormwater discharges.
- Return flows from irrigated agriculture.
- Construction/maintenance of farm or stock ponds or irrigation ditches on dry land.
- Maintenance of drainage ditches.
- Construction or maintenance of farm, forest, and temporary mining roads.
- Artificially irrigated areas that would revert to upland if irrigation stops.
- Artificial lakes or ponds created by excavating and/or diking dry land and used for purposes such purposes as rice growing, stock watering or irrigation.
- Artificial ornamental waters created for primarily aesthetic reasons.
- Water-filled depressions created as a result of construction activity.
- Pits excavated in upland for fill, sand, or gravel.
- Prior converted cropland.
- Waste treatment systems (including treatment ponds or lagoons).
56 conservation practices exempt from dredged or fill permitting

Conservation cover  Wildlife habitat restoration

Wetland enhancement  Riparian forest buffer

Tree/shrub establishment  Stream crossing
Permit not needed for the specific NRCS practices
Input is Important
Public input was considered

4+ years of dialogue

415,000 comments
Outreach is underway across the country
Want Comments and Input on Proposed Rule

90-day public comment period
www.epa.gov/uswaters