

Waters of the U.S. Update

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Waters of the U.S. Proposed Rule

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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



**US Army Corps
of Engineers®**

Streams and Wetlands Matter



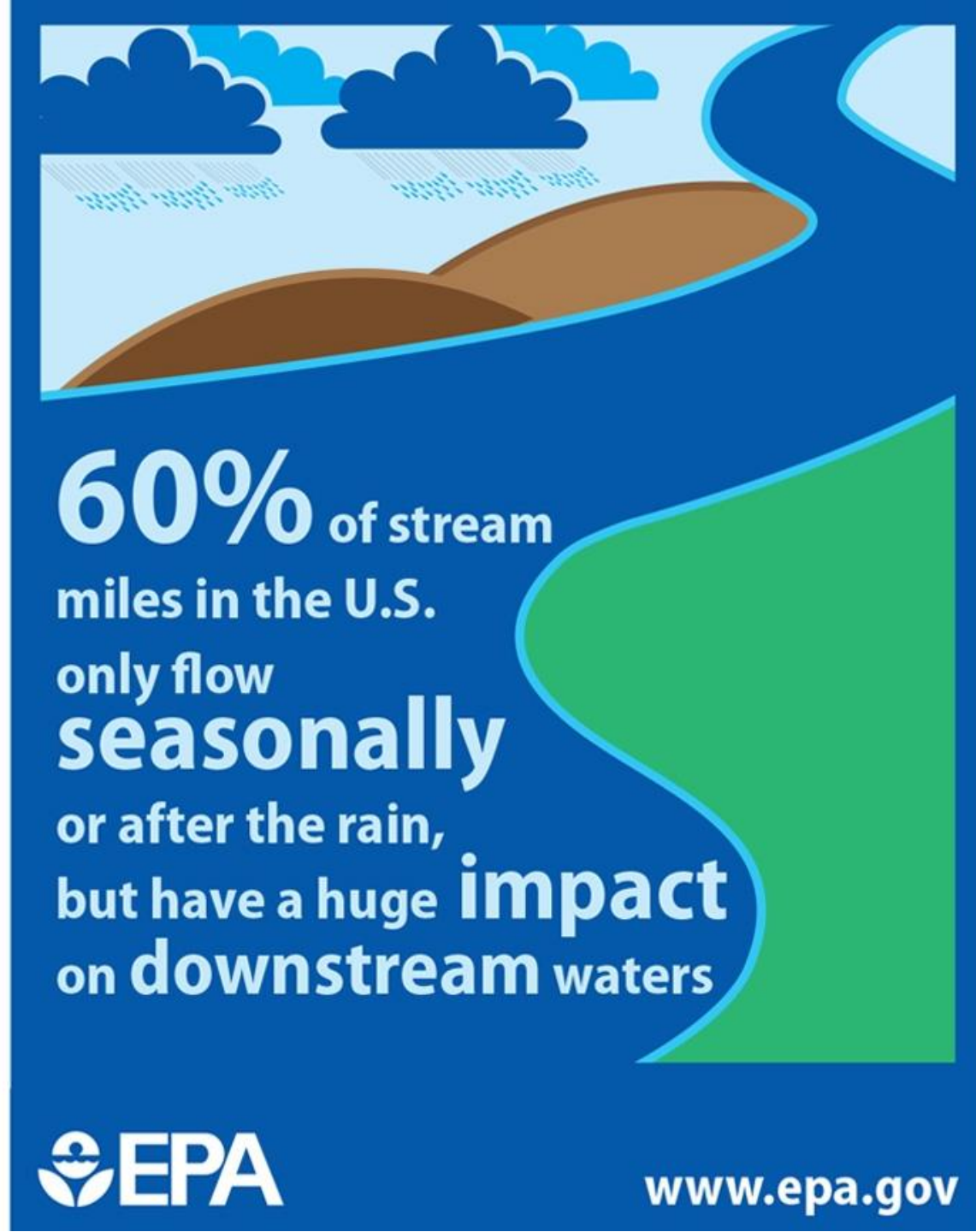
Streams and
wetlands
benefit
communities



Streams and
wetlands are
economic
drivers



Upstream
waters impact
downstream
waters

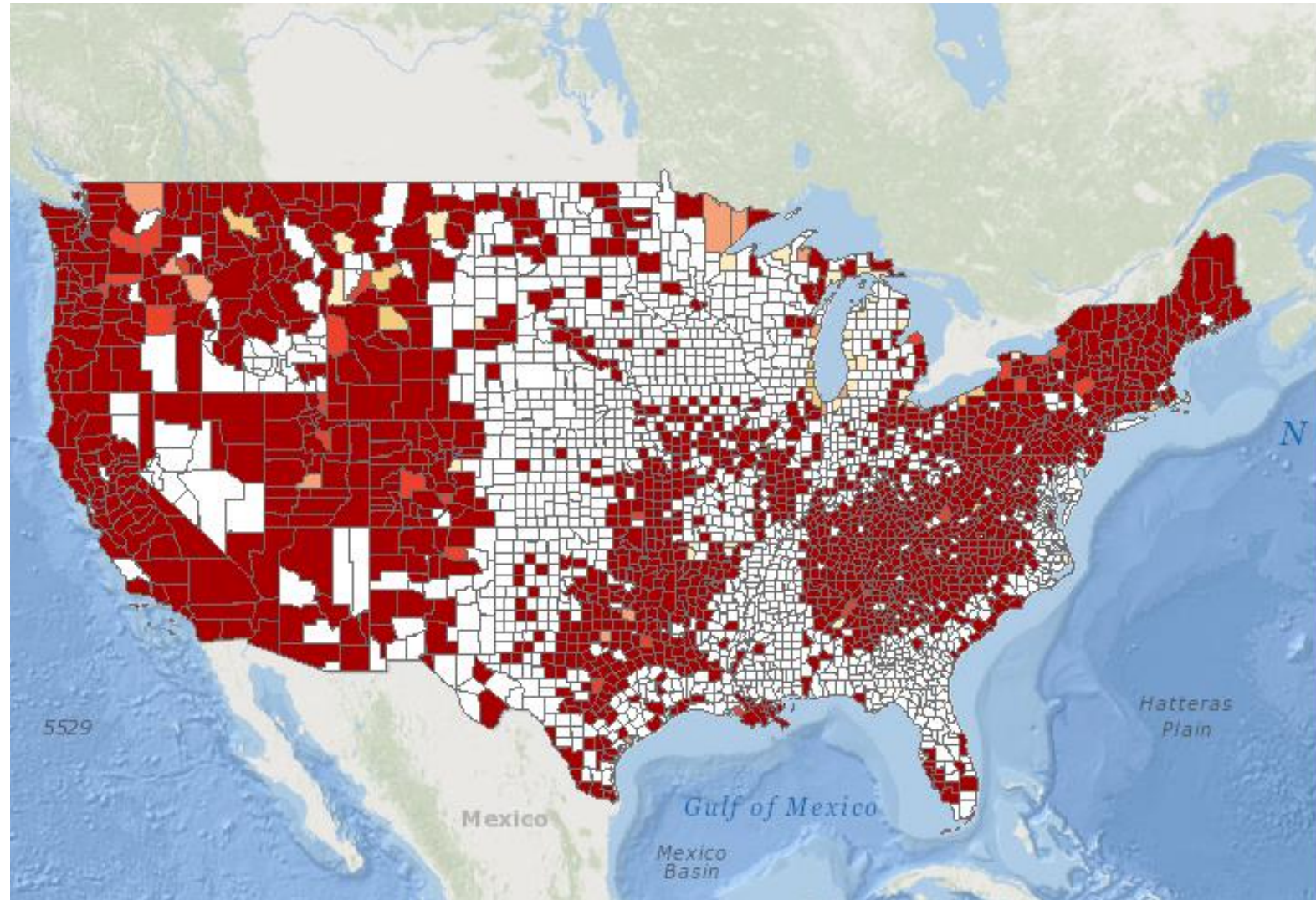


Streams provide drinking water

1 in 3
Americans
get their
drinking
water from
public systems
that rely on
seasonal
and rain-
dependent
streams



www.epa.gov





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

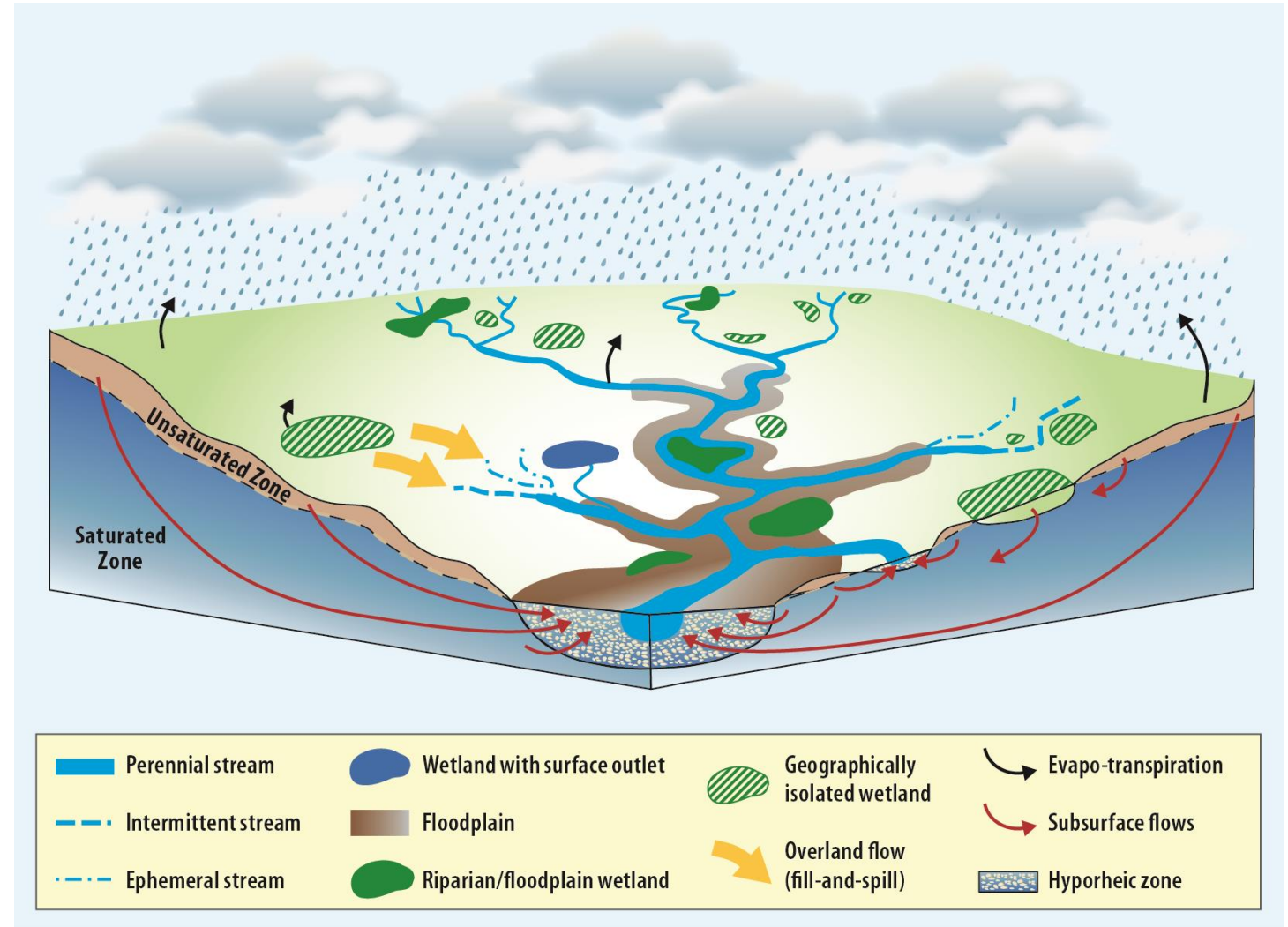


Pollution in San Pedro River, Arizona



Supported by latest peer-reviewed science

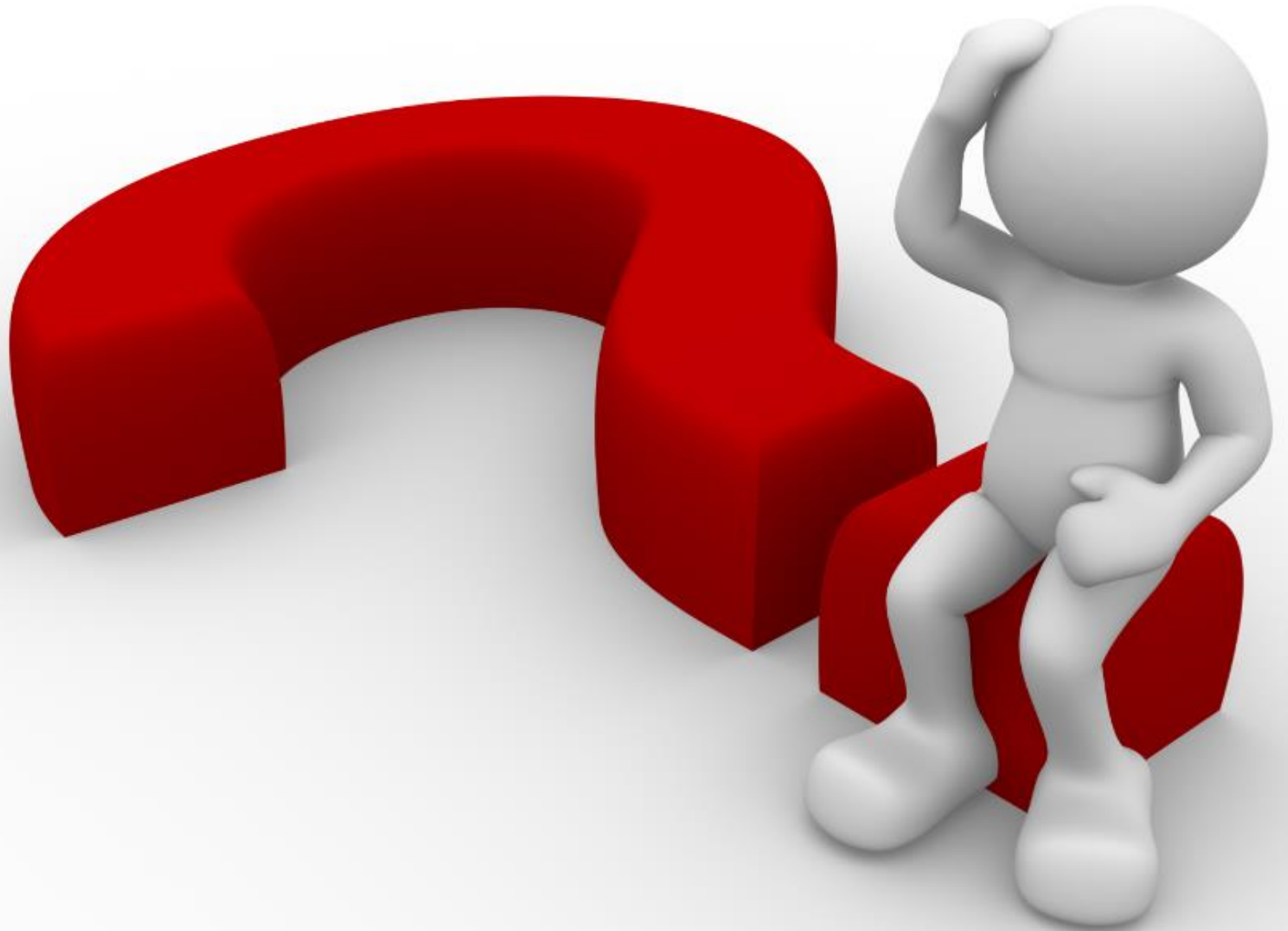
Scientific
assessment of
1,000+
pieces of
literature



**What the
Rule Does**



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



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



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 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**

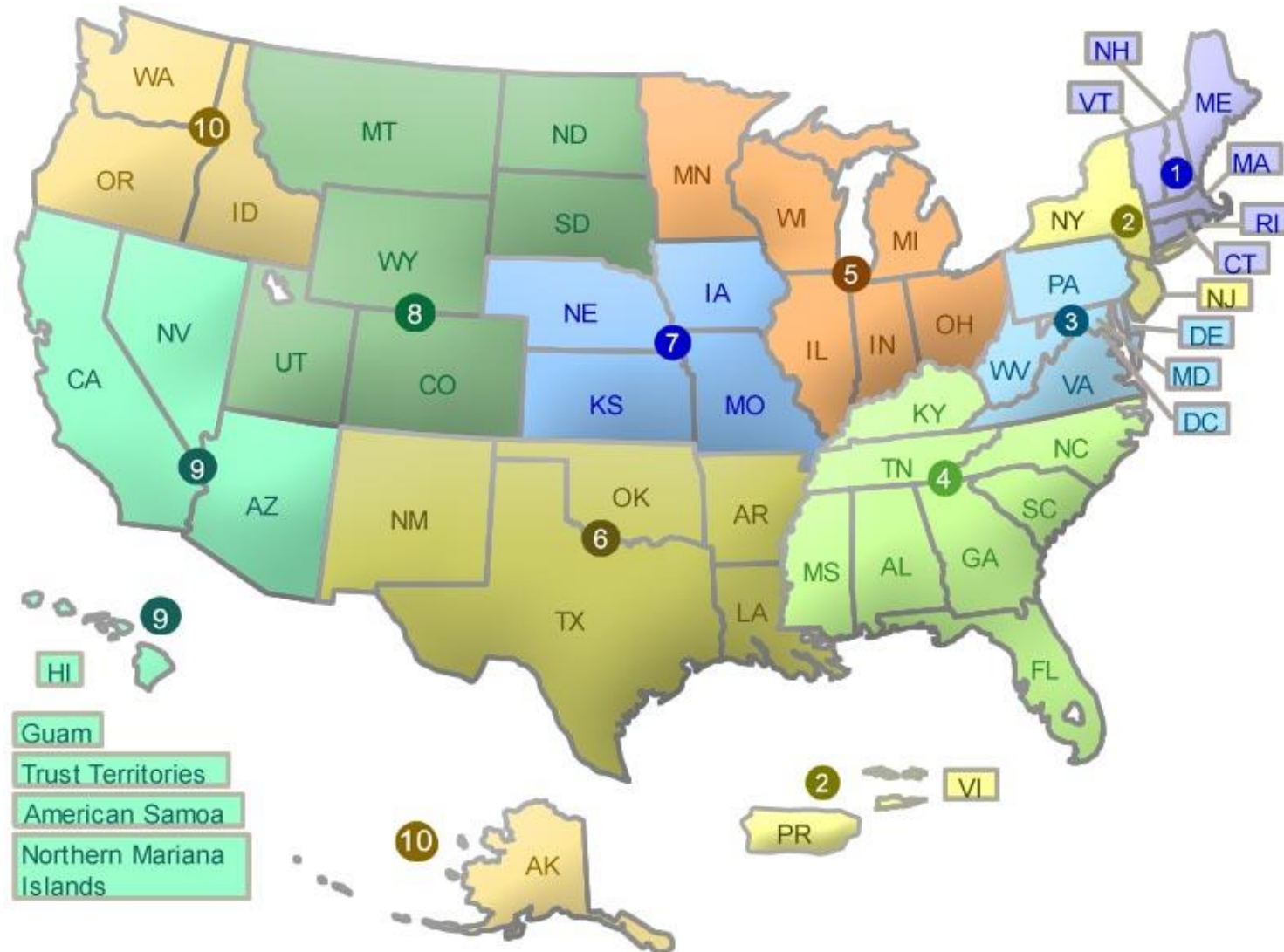


Public input was considered

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