

Proposed Clean Water Rule – essential to quality of life

Effective enforcement of environmental laws that protect the public depends on clear, well-understood rules. In the absence of coherent standards, legal controversies subvert regulations, and only high-priced lawyers benefit.

Over the past decade, enforcement of the 1972 Clean Water Act (CWA) has suffered from such a lack of coherence, prompting EPA to propose a new rule to improve America's water protection.

Confusion over two U.S. Supreme Court decisions, along with patchwork "guidance" issued in 2003 and 2008, provoked uncertainty about protection of tributaries and wetlands. Resulting disputes have threatened critical water-quality, fisheries, wildlife, and public health. The new rule provides well-substantiated standards for safeguarding public water-resources under the CWA.

Deficient CWA enforcement standards have:

- Threatened drinking-water supplies due to unprotected headwaters and intermittently-flowing streams that connect to public drinking-water sources serving some 117 million Americans.
- Weakened or eradicated protection of 20 million acres of interconnected wetlands that also provide important flood protection and essential wildlife habitat.
- Endangered water-quality in over 60% of all waterways sampled in Georgia.

As proposed, the new rule will:

- Restore regulatory protection to most seasonal and rain-dependent streams as well as wetlands.
- Reduce flooding, filter-out pollution, provide important wildlife habitat, support hunting and fishing, and protect groundwater recharge areas.
- Improve reliable enforcement of the CWA by clarifying which resources are protected.

Since streams and wetlands are tributaries to rivers and lakes that provide drinking-water sources and recreational areas, to ensure public safety all these interconnected hydrological features must be properly protected. Pollution reaching even the smallest streams can flow into major water-bodies. The cumulative damage can cause serious public-health risks, including contaminated fish and water supplies.

In response, a year ago EPA released a 'connectivity report' which was used in determining exactly which waters should be regulated. Before being released, the report was approved by well-qualified scientists from a spectrum of public agencies, universities, and non-profit organizations. Facts about the interconnections among streams, wetlands, and major waterways were carefully incorporated into the proposed rule.

Accordingly, this new rule will strengthen understanding about resources subject to regulation, consistent with the original law, while reducing costly delays and regulatory conflicts by clarifying how the CWA is applied. Even so, farmers, industrialists, developers, and others who need water-related EPA permits are raising alarms about the rule, claiming that it will hamper their activities.

Objections to the rule should be carefully examined to expose errors of interpretation and unfounded claims about the costs of complying. Experts most familiar with it say the rule will actually reduce compliance costs while improving regulatory safeguards.

Opposition to the rule is predictable but unjustified. Contrary to strident protests raised by some who are regulated, the new rule leaves intact existing exemptions for agriculture and forestry, and does not expand regulated waters.

Reliable water protection is essential to our state and nation – increasingly so as growth continues. Because the proposed EPA rule is scientifically based, it strikes a sensible balance by enhancing essential safeguards while reducing regulatory uncertainties.

In coastal Georgia, water quality is imperative to the health of our fisheries and the area’s vibrant eco-tourism industry – which, combined, contribute at least \$2 billion annually to our economy, supporting some 40,000 jobs – about one-fifth of the coastal region’s total.

As development continues throughout the watersheds of the five major rivers flowing to the Atlantic through our region, environmental safeguards will become even more important. The proposed EPA rule will help sustain the diversity and productivity of both ecosystems – including Georgia’s tidal marshes, among the world’s most prolific fishery habitats – and the highly-valued activities that depend on them – such as hunting, fishing, water-recreation, nature photography, and bird-watching.

Georgia’s future depends on reliable water quality, for which cogent, science-based regulations are utterly vital. The underlying logic of the proposed EPA rule is indisputable – all interconnected waters must be uniformly protected.

Readers are urged to learn more about the rule and send comments to EPA at <http://www2.epa.gov/uswaters> .

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