



U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

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Ranking Republican Member

David Heysfeld, Chief of Staff
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April 18, 2008

James W. Coon II, Republican Chief of Staff

The Honorable Benjamin H. Grumbles
Assistant Administrator
Office of Water (4104M)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Grumbles:

Thank you for appearing before the House Committee on Transportation and Infrastructure hearing on the Clean Water Restoration Act of 2007. I appreciate your participation in this hearing, and your willingness to work with me in crafting a legislative solution to reaffirm the goals of the Clean Water Act to “restore and maintain the chemical, physical and biological integrity of the Nation’s waters.”

This hearing was extremely helpful to the Committee by providing a wide variety of viewpoints on the impact of two recent Supreme Court decisions, *Solid Waste Agency of Northern Cook County v. Corps of Engineers* (“SWANCC”) and *Rapanos v. United States* (“Rapanos”), on the Clean Water Act. However, I heard virtual unanimity on the value of safe, clean water to the nation, and on the importance of ensuring our nation’s waters are protected from unregulated toxic discharges and other impacts to our waters, including our remaining wetlands.

I introduced a bill, H.R. 2421, the Clean Water Restoration Act of 2007, to restore Clean Water Act protection of waters, including wetlands, which were lost as a result of the SWANCC and Rapanos decisions.

As was evident that the hearing, there is a difference of opinion on whether this legislation achieves this purpose, or whether it would also extend protection to waters not subject to the Clean Water Act before the Court decisions. However, it is important to move past the rhetoric and on to addressing legitimate concerns about protecting our nation’s water quality. We must commit ourselves to crafting a legislative solution that restores the level of protection established over three decades ago.

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Therefore, I renew my request that you provide me with your specific legislative suggestions to legislatively restore Clean Water Act protection to waters, including wetlands that were subject to the Clean Water Act prior to *SWANCC* and *Rapanos*.

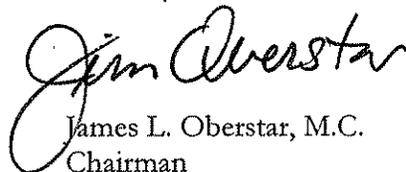
I request that you include language protecting geographically isolated, intrastate waters, and intermittent, ephemeral, and headwater streams, to the extent that these waters were protected before the two Supreme Court decisions. I expect your proposed language to be consistent with the positions articulated by the Solicitor General on behalf of the United States before the Supreme Court in the *SWANCC* decision. If the language differs from those positions, please identify how and why.

Please provide me with your specific legislative suggestions by May 1, 2008.

I remain committed to restoring the protection of waters that existed prior to the actions of the Supreme Court, and that served our country and our environment well for over 30 years. With your assistance, I believe that we can eliminate the regulatory confusion and needless delay caused by the two Supreme Court decisions, and return to our mutual goals of fishable and swimmable waters for the nation.

Again, thank you for your participation in the Committee's hearing. If you have any questions, please feel free to contact Ryan C. Seiger of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Sincerely,

A handwritten signature in black ink that reads "Jim Oberstar". The signature is written in a cursive, flowing style.

James L. Oberstar, M.C.
Chairman