



September 4, 2014

**American
Public Power
Association**

2451 Crystal Drive
Suite 1000
Arlington, VA 22202-4801

Ph: 202.467.2900
Fax: 202.467.2910
www.PublicPower.org

The Honorable John Boehner
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, D.C. 20510

The Honorable Bill Shuster
Chairman
House Committee on Transportation
and Infrastructure
Washington, D.C. 20515

The Honorable Nick Rahall
Ranking Member
House Committee on Transportation
and Infrastructure
Washington, D.C. 20515

Dear Mr. Speaker, Madam Leader, Chairman Shuster, and Ranking Member Rahall:

On behalf of the American Public Power Association (APPA), I am writing to express support for H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act, and to urge swift passage of the legislation. APPA is the national service organization representing the interests of over 2,000 community-owned, non-for-profit electric utilities. These utilities include state public power agencies, municipal electric utilities, and special utility districts that provide electricity and other services to over 47 million Americans.

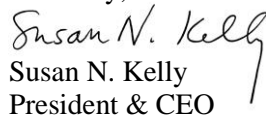
APPA supports this bipartisan legislation, which would prohibit the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) from developing, finalizing, adopting, implementing, applying, administering, or enforcing the proposed waters of the U.S. (WOTUS) rule. H.R. 5078 would also prohibit EPA and the Corps from using the rule as a basis for future administrative actions, and from issuing any "guidance" that would expand the scope of waters covered by the Clean Water Act (CWA). This bill is a good faith effort to end this improper WOTUS rulemaking process and find a real solution.

APPA is encouraged that the bill would create a consultation process with state and local officials to formulate a consensus proposal to identify which waters should be federally regulated under the CWA and which waters should be left to the states to determine how to regulate. APPA believes that EPA and the Corps should suspend consideration of the proposed WOTUS rule until the EPA's Science Advisory Board finalizes its views on the draft connectivity report. We also believe that public power utilities and other political subdivisions impacted by the proposed rule should have an opportunity to review that report, provide comments on it, and participate in redrafting the proposed rule to ensure that it addresses the full economic impact for all sections of the CWA, not just Section 404.

APPA is prepared to work with the federal agencies and Congress to craft a consensus rule that adds clarity and certainty to the CWA and its implementing regulations, fulfilling the essential statutory purposes of the CWA while respecting local needs, acknowledging the efficacy of local solutions, and achieving an appropriate cost/benefit balance.

Thank you for your leadership on this important issue affecting public power utilities. I hope you will feel free to contact me or the APPA government relations staff with any questions.

Sincerely,


Susan N. Kelly
President & CEO