



April 29, 2015

The Honorable Bill Shuster
Chairman
Transportation and Infrastructure Committee
2251 Rayburn HOB
Washington, DC 20515

The Honorable Peter DeFazio
Ranking Member
Transportation and Infrastructure Committee
2163 Rayburn HOB
Washington, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

I am writing on behalf of the American Public Works Association (APWA) in support of H.R. 1732, the Regulatory Integrity Protection Act of 2015. We appreciate the committee's attention to the pending rule from the Environmental Protection Agency (EPA) and the Army Corps of Engineers (USACE) regarding the Definition of "Waters of the United States" under the Clean Water Act, Proposed Rule, 79 Fed. Reg. 22188 (April 21, 2014). APWA believes that this common-sense legislation will preserve the effective federal-state partnership under the Clean Water Act (CWA) that has led to considerable achievements in ensuring our nation's water is clean and safe.

Protecting the nation's surface water and groundwater is essential to public health and the quality of life our citizens enjoy. APWA's 29,000 members play a critical role in providing clean and safe water to their communities which are large and small, urban and rural. Chief among their responsibilities are to plan, design, build, operate and maintain water supply and wastewater treatment systems, stormwater management programs, and drainage and flood control infrastructure, among numerous other public assets. Our members include public works professionals from cities, counties and special districts, as well as their private sector partners. Our members take their responsibilities under the CWA seriously and are committed to a partnership with federal, state, regional and local partner to assure a sustainable future.

As representatives of local governments, our members will only be successful in meeting the goals of clean water if federal regulations are clear and concise, are free of unfunded mandates and resources are available for effective implementation. We are particularly concerned about the impacts of the proposed rule on smaller communities throughout the United States. Unfortunately, the proposed rule is neither clear nor does it address the practical realities of implementation.

We believe the proposed rule can be interpreted to expand the types of waters that will be considered jurisdictional and subject to additional CWA regulations. As a result, adoption of the rule as proposed will drastically impact project development and operations for public works departments across the country.

Our members have identified two specific areas as cause for concern, including (1) expanded jurisdiction over ditches, and (2) the need to assure that the proposed rule is clear that municipal separate storm sewer systems (MS4s) and other stormwater management programs are excluded from regulation as waters of the United States.

While the EPA and USACE maintain that the proposed rule will not increase jurisdiction over ditches, we disagree and believe further clarification and meaningful consultations with state and local stakeholders is imperative. Our members currently experience inconsistent interpretation of existing regulations under Section 404 by federal agency districts and are especially concerned about the permitting process due to the expense, its cumbersome nature and delays that occur.

On behalf of public works professionals nationally, we thank you for your leadership in protecting our nation's water resources. We are committed to working with you during the 114th Congress on our common goal of clean water. If you have any questions, please contact Josh Reiner at JReiner@apwa.net, or (202) 218-6734.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Stevens". The signature is fluid and cursive, with a large initial "L" and "S".

Larry Stevens, PE PWLF
President, APWA