



September 9, 2014

The Honorable Bill Shuster  
Chairman  
House Transportation and Infrastructure Committee  
2165 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Nick J. Rahall II  
Ranking Member  
House Transportation and Infrastructure Committee  
2163 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Shuster and Ranking Member Rahall:

On behalf of the National Association of Counties (NACo), we are pleased to offer our support for the Waters of the United States Regulatory Overreach Protection Act of 2014, H.R. 5078. NACo is the only national organization that represents the nation's 3,069 counties.

For the past decade, NACo members have been concerned about the scope of what waters fall under federal regulation since many counties own and maintain public safety infrastructure ditch systems—roadside, flood control channels, stormwater, and drainage—which are used to funnel water away from low-lying roads, properties and businesses to prevent accidents and flooding incidences. Counties are responsible for building and maintaining 45 percent of public roads in 43 states. These responsibilities can range from intermittent maintenance, such as snow plowing, debris cleanup, short term paving and surface repairs to maintenance of traffic safety and road signage and major long-term construction projects. Many of these road systems are in very rural areas. Of the nation's 3,069 counties, 50 percent (1,542) serve counties with populations below 25,000 residents. Any additional cost burdens are challenging to these smaller governments, especially since more rural counties have the most road miles and corresponding ditches.

H.R. 5078 requires the EPA and the Corps to work closely with states and local governments to develop a “waters of the U.S.” rule, especially since we are partners with the federal government in implementing and enforcing Clean Water Act programs. NACo believes that states and local governments should be given the opportunity to provide meaningful consultation on rules before rules are formally proposed, especially if the rule will have a significant impact on capital costs, operations and mandates on the people we serve as required under Executive Order 13132: Federalism.

We thank the U.S. House of Representatives for considering H.R. 5078. If you have any questions, please do not hesitate to contact NACo Associate Legislative Director Julie Ufner at 202.942.4269.

Sincerely,

A handwritten signature in blue ink that reads "Matthew D. Chase". The signature is fluid and cursive, with a blue oval scribble above the name.

Matthew D. Chase  
Executive Director  
National Association of Counties

cc: Members of House of Representatives