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June 20, 2011

Honorable John Mica
Chair, Transportation and
Infrastructure Committee
U.S. House of Representatives
Washington DC 20515

Honorable Nick Rahall
Ranking Member, Transportation
and Infrastructure Committee
U.S. House of Representatives
Washington DC 20515

RE: H.R. 2018, *The Clean Water Cooperative Federalism Act of 2011*

Dear Chairman Mica, Ranking Member Rahall, Transportation and Infrastructure Committee:

Americans expect and rely on clean water. The nation's rivers, lakes, bays, wetlands and streams are vital to our health and economy. From the Chesapeake Bay to the Great Lakes to the Florida Everglades, our waterways and beaches should be clean enough for us to swim in and fish from, and all Americans should have safe drinking water. H.R. 2018 is an assault on the fundamental water protections the American people rely on and would reverse decades of progress. This is a dirty water bill.

Before the Clean Water Act, there was not an effective federal safety net to ensure the health of our waters. Americans saw rivers catching fire, rivers and streams were essentially treated as sewers, and important sources of people's drinking water were contaminated. Since the passage of the Clean Water Act we have made great strides in restoring our waterways. Now our great waters sustain significant economic drivers. Our waters sustain the activities for 40 million anglers who spend about \$45 billion a year, and about 2.3 million people spend \$1.3 billion per year hunting migratory birds. While states appropriately have the lead role in implementing clean water protections, the law does not function effectively without a backstop that ensures that people have clean water and safe drinking water regardless of what state they live in.

This is not the time to take steps backwards for the health of our environment, drinking water, and economy.

H.R. 2018 is a direct assault on two key components of the Clean Water Act: enforcement of water quality standards and protection of aquatic resources from discharges of dredged and fill material. Water quality standards are aimed at translating the broad goals of the CWA into waterbody-specific objectives. These standards then drive the development of water quality-based discharge permits and determine which waters need protection and which need to be restored. In states where water quality standards are strong, water quality standards act as a powerful force for pollution prevention and water quality improvement. In states where water

quality standards are weak, they may offer little or no defense at all, and, in these states, activities that unacceptably degrade water quality may be perfectly legal.

H.R. 2018 would limit the federal government's ability to compel states to effectively implement or make necessary improvements to their water quality standards to deal with modern pollution challenges. In essence, this bill would deprive EPA of the tool it used to restore Lake Erie and is now being used to clean up the Florida Everglades, Chesapeake Bay and other waters. The bill would also block EPA from objecting to individual permits that fail to comply with water quality standards.

Regarding dredge and fill permits, H.R. 2018 would stymie EPA's ability to stop dredge and fill projects that have "unacceptable adverse effect[s] on municipal water supplies, shellfish beds and fishery areas..., wildlife or recreational areas." Although this "veto" authority has been used only thirteen times in the past 38 years, it is a critical safeguard against the most destructive proposals.

For all of these reasons, we respectfully request that you reject H.R. 2018 and its attempt to undermine vital protections for America's waters.

Sincerely,

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