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County commissioner echoes local concerns about “waters of the U.S.” proposal
Proposal would increase uncertainty, safety risks, costs

WASHINGTON, D.C. – On behalf of the National Association of Counties (NACo), a county commissioner from rural Pennsylvania today added his voice to the discussion on Capitol Hill on the federal government’s proposal to redefine “waters of the U.S.”

Six weeks after NACo First Vice President Sallie Clark expressed serious concerns at a joint congressional hearing, Clinton County, Pa. Commission Chairman Pete Smeltz testified on the proposed rule’s potentially harmful impacts on rural America before the U.S. House Committee on Agriculture’s Subcommittee on Conservation and Forestry.

“NACo — including rural counties — supports common-sense environmental protection,” said Smeltz. “Our concerns stem from the proposal’s unclear language and its failure to consider real-world, on-the-ground impacts in localities across the country.”

He added, “This proposal would amount to extended federal oversight, greater delays in critical work, public safety risks and additional financial costs without benefiting the environment.”

After working closely with county technical experts who implement federal and state programs every day — county engineers, legal staff, public works directors and stormwater managers — NACo this past November called for the proposed rule to be withdrawn until further analysis and more in-depth consultation with state and local officials could be completed.

At today’s hearing, Smeltz discussed the main reasons that led to NACo’s decision:
• The proposal’s vast impacts on counties
• An inadequate consultation process with state and local governments
• Ambiguous and inconsistent terminology, and
• Ongoing delays with the current permitting process.

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Local governments own nearly 80 percent of all public road miles and half of the nation's bridges. Counties also own and maintain public safety infrastructure designed to keep rising water away from people and property. These and other systems include flood control channels, roadside ditches, green infrastructure and drinking water facilities.

The proposed rule introduces vague definitions for terms like “tributary,” “significant nexus,” “adjacency,” “riparian areas,” “floodplains” and “neighboring.” Depending on how these terms are interpreted, additional types of public infrastructure could fall under federal jurisdiction.

Smeltz emphasized the importance of the local, state and federal partnership in crafting practical rules and implementing Clean Water Act programs on the ground.

“Counties are not just stakeholders or a special interest group. We are key partners in our nation’s intergovernmental system,” he said.

Smeltz remarked that this is not a partisan issue for counties. “In the eyes of county governments, this is not a political issue. It is an issue of practicality and partnership.”

“NACo looks forward to working with Congress and federal agencies to craft a rule that makes sense. Together, we can create a rule that will achieve our common goal: to protect clean water while protecting public safety and the economic vitality of our communities.”

Since the proposal was unveiled in April 2014, NACo has advocated for greater clarity and launched an online resource hub and action center.

Watch Smeltz discuss the rule, read his full testimony on behalf of NACo and find more information at www.naco.org/WOTUS.

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The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo assists America’s 3,069 counties in pursuing excellence in public service to produce healthy, vibrant, safe and resilient counties. NACo promotes sound public policies, fosters county solutions and innovation, promotes intergovernmental and public-private collaboration and provides value-added services to save counties and taxpayers money. More information at: www.naco.org.