County flood control expert testimony warns against unintended consequences of proposed “Waters of the U.S.” definition

WASHINGTON, D.C. – An expert representing the National Association of Counties (NACo) and the National Association of Flood and Stormwater Management Agencies, today testified on Capitol Hill regarding the potential impacts of the proposed changes to the Clean Water Act’s definition of “Waters of the U.S.”

Earlier this year, the Environmental Protection Agency and the Army Corps of Engineers released a proposal – Definition of Waters of the U.S. Under the Clean Water Act – that would dramatically expand the range of waters that fall under federal regulation. The new definition would unnecessarily exacerbate project delays and increase costs for flood safety and prevention work at the local level.

Warren “Dusty” Williams, General Manager and Chief Engineer for Riverside County, Calif., Flood Control & Water Conservation District, outlined the proposal’s potential problems before the U.S. House Transportation and Infrastructure Committee Subcommittee on Water Resources and Environment.

“These delays are extremely significant to local agencies responsible for maintaining public infrastructure, such as roadside ditches, flood control channels and stormwater systems designed to protect public safety by funneling water away from low-lying roads, properties and businesses to prevent accidents and flooding,” Williams said.

“Expanding the number of ditches that are regulated will increase necessary public infrastructure projects’ budgets and timelines,” he continued. “The cost of operations and maintenance for public infrastructure, such as existing flood damage reduction systems, will also be increased and will take more time to accomplish than it should for an existing facility – potentially putting public safety at risk and increasing flood damages.”
Earlier this month, NACo launched a new web page designed to be one location where county officials and others can obtain information about the proposed federal definition of “Waters of the U.S.”

If the proposal is adopted, counties across the country would be significantly affected because they are often responsible for public safety water systems that would fall under the extended jurisdiction. The federal permitting process would add to the cost of projects and cause greater delays.

The proposed rule, published in the Federal Register, is open for public comment until October 20, 2014.

NACo’s new information hub is available at: naco.org/wous.

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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.