FOR IMMEDIATE RELEASE: May 16, 2013
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NACo thanks House, Senate members for introducing logging roads runoff bill

WASHINGTON, D.C. – The National Association of Counties (NACo) today applauded introduction of bipartisan legislation that would reaffirm that forest roads runoff should be regulated as nonpoint source pollution through states’ best management practices rather than through the federal Clean Water Act (CWA)’s National Pollution Discharge Elimination System program.

Senate Energy and Natural Resources Committee Chairman Ron Wyden (D-Ore.), Sen. Mike Crapo (R-Idaho), and Reps. Jaime Herrera Beutler (R-Wash.) and Kurt Schrader (D-Ore.) introduced the Silviculture Regulatory Consistency Act today.

The bill is in response to U.S. Supreme Court’s Decker v. Northwest Environmental Defense Center decision which overturned a May 2011 U.S. Court of Appeals for the Ninth Circuit ruling that required logging companies and state and local governments to obtain industrial Clean Water Act (CWA) permits from the U.S. Environmental Protection Agency (EPA) for stormwater runoff from forest roads. The Supreme Court said that EPA’s longstanding interpretation that stormwater runoff from logging and forest roads is not an “industrial activity.” The ruling means companies and state and local governments are not required to secure federal CWA permits for forest road run-off.

While the ruling was a partial win for counties, the court did not address whether forest road run-off is considered a point source under the CWA, which may have significant impacts for counties.

“For over 37 years, EPA has held that forest roads should be regulated as nonpoint sources through states best management practices,” said NACo Executive Director Matt Chase. “NACo thanks Senators Wyden and Crapo and Representatives Beutler and Schrader for introducing this important bill as well as the other original cosponsors.”

Chase said 44 percent of the roads and highways in the U.S. are owned and maintained by counties. County-owned roads run through federal, state and private lands where logging activities may occur.
“These roads are multipurpose in nature, used by residents, emergency responders and wildfire teams,” Chase said. “To require federal permits for ‘industrial activities’ that may or may not be occurring on the roads and may not be the responsibility of the local government is unnecessary and burdensome on local government. If federal permits were required for county-owned forest or recreational roads this would create additional burdens on local governments and would preempt local government authority without necessarily improving water quality.”

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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 provides essential services to the nation’s 3,069 counties. NACo advances issues with a unified voice before the federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.