

NEWS RELEASE

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CONTACT: Brian Namey, bnamey@naco.org, 202.942.4220

NACo urges feds to withdraw and clarify “Waters of the U.S.” proposal

Local groups unite in urging revisions to proposal

WASHINGTON, D.C. – After voicing serious concerns and pushing for clarity on the federal proposal to redefine “Waters of the United States,” the National Association of Counties (NACo) today called for the proposal’s withdrawal until further analysis has been completed. NACo submitted its official [comments](#) to the Federal Registry summarizing more than a dozen areas of concern important to the nation’s counties.

“NACo supports common-sense environmental protection; but expanded federal oversight and more ambiguity would create delays in critical work, draining local budgets without any environmental benefit,” NACo Executive Director Matthew D. Chase said. “We urge the EPA and the Corps to withdraw and modify this proposal. We should work together to create a rule that achieves a common goal: to protect America’s water resources for generations to come.”

In a [19-page letter](#), NACo emphasized the importance of the local, state and federal partnership in crafting practical rules to ensure clean water without impeding counties’ fundamental infrastructure and public safety functions. Counties are responsible for the construction and maintenance of roads, bridges, water quality systems and other infrastructure like roadside ditches, stormwater systems, green infrastructure and drinking water facilities.

“Clean water is essential to all of our nation’s counties, who are on the front lines of ... preserving local resources and maintaining public safety,” Chase wrote. He echoed the need “for a clear, concise and workable definition for ‘Waters of the U.S.’ to reduce confusion — not to mention costs — within the federal permitting process. ... This proposed rule falls short of that goal.”

While acknowledging recent dialogue with the EPA and the Corps, NACo remains deeply concerned about the far-reaching effects and unintended consequences of the proposed rule.

Among many issues, the letter described a flawed consultation process; an incomplete analysis of economic impacts; ongoing delays with the current permitting process; and inconsistent definitions implemented in different regions and by different federal agencies. NACo’s comments included a series of recommendations to address these concerns.

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In addition to submitting its own comments, NACo, along with six other associations representing local governments and agencies, jointly submitted [comments](#) to the Federal Registry. The groups called for key adjustments and an additional review period to be certain that concerns are adequately addressed.

“The health, well-being and safety of our citizens and communities are top priorities for us,” the groups wrote. “As partners in protecting America’s water resources, it is essential that state and local governments have a clear understanding of the vast impact that a change to the definition of ‘Waters of the U.S.’ will have on all aspects of the Clean Water Act.”

The [joint letter](#) stressed the need for greater collaboration with local and state governments and stated the proposed rule “would create more confusion, not less, for local governments and ultimately for agency field staff responsible for making jurisdictional determinations,” they wrote.

“If an additional comment period is not granted, we respectfully call for the withdrawal of this proposed rule and ask the agencies to resubmit a proposed rule at a later date that addresses our concerns.”

The joint comments were submitted by:

- American Public Works Association
- National Association of Counties
- National Association of County Engineers
- National Association of Flood & Stormwater Management Agencies
- National Association of Regional Councils
- National League of Cities, and
- U.S. Conference of Mayors.

Since the proposal was unveiled in April, NACo has advocated for greater clarity and strongly encouraged counties to submit their comments. The association launched an [online resource hub and action center](#) and released a [video](#) urging counties to take action.

Hundreds of counties have passed resolutions and submitted comments. In total, more than 12,000 unique public comments have been submitted. The deadline to submit comments is today, Nov. 14 at 11:59 p.m. EST.

For more information, visit www.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.