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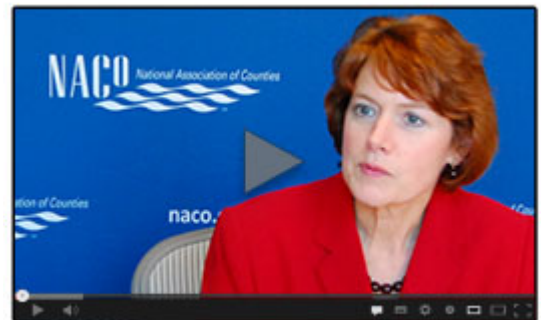
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Congressional testimony underscores local concerns with “waters of the U.S.” proposal

NACo: Proposal would create uncertainty, delays, safety risks

WASHINGTON, D.C. – National Association of Counties (NACo) First Vice President Sallie Clark voiced serious concerns today at a joint congressional hearing on the federal government’s proposal to redefine “waters of the U.S.” Clark, an El Paso County, Colo. commissioner, testified before the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

“NACo supports common-sense environmental protection. Expanded federal oversight and the proposal’s vague language would create more uncertainty and delays in critical work without any proven environmental benefit,” said Clark. “Let me be clear, counties support clean water. Our goal is to ensure public safety and economic vitality while safeguarding water quality. The current proposal falls short of this goal.”



After working closely with county technical experts — county engineers, attorneys, public works directors and stormwater managers — who implement federal and state programs on the ground every day, NACo this past November [called for the proposed rule to be withdrawn](#) until further analysis and more in-depth consultation with state and local officials could be completed.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, Clark discussed the main reasons that contributed to NACo’s decision including the proposal’s impacts on counties; an inadequate consultation process with state and local governments; ambiguous and inconsistent terminology; and ongoing delays with the current permitting process.

“This issue is so important to counties because we build, own and maintain a significant portion of public safety infrastructure. The proposed rule would have direct and extensive implications,” she said.

Local governments own nearly 80 percent of all public road miles and half of the nation’s bridges. Counties also own water quality systems and other infrastructure like roadside ditches, stormwater systems, green infrastructure and drinking water facilities.

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The proposed rule introduces new and unclear 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.

“The proposed rule only adds to the confusion and uncertainty over how it would be implemented consistently across all regions,” said Clark.

She 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 in this discussion — we are key partners in the federal-state-local intergovernmental system,” she said.

“This is an opportunity to reset the clock and work together. NACo looks forward to working with Congress and federal agencies to craft a clear, concise, workable definition of ‘waters of the U.S.’ to achieve our common goal: to protect water quality without inhibiting the public safety and economic vitality of our communities.”

Clark concluded, “In the eyes of county governments, this is not a political issue. It is an issue of practicality and partnership.”

Since the proposal was unveiled in April, NACo has advocated for greater clarity and launched an [online resource hub and action center](#).

To read Clark’s full testimony on behalf of NACo and for more information, visit 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.