



@NACoTweets  
#NACoLeg

2022 NACo

# LEGISLATIVE CONFERENCE

FEBRUARY 12-16 | WASHINGTON HILTON | WASHINGTON, D.C.



2022 NACo

# LEGISLATIVE CONFERENCE



## Watching WOTUS: How a Change in Definition Impacts Counties

Monday, February 14, 2022

10:45am – 11:45am EST



2022 NACo

# LEGISLATIVE CONFERENCE



## 2022 POLICY BRIEF



### REWRITE OF THE "WATERS OF THE U.S." RULE

#### ACTION NEEDED:

Advocate for the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers (Corps) to rewrite the "Waters of the U.S. (WOTUS)" rule in a way that appreciates counties' role as owners and operators of key public safety and water infrastructure and as an intergovernmental partner in implementing federal regulations under the Clean Water Act.

#### BACKGROUND:

In January 2021, President Biden released Executive Order (EO) 13990: Protecting Public Health and the environment and Restoring Science to Tackle the Climate Crisis. EO 13990 instructed the EPA and Corps to review rules including the 2020 Navigable Waters Protection Rule (NWPR). Subsequently, on December 7, 2021, the EPA and Army Corps published in the Federal Register the proposed rule revising the definition of WOTUS. **Comments must be received on or before February 7, 2022.**

WOTUS is a term used in the Clean Water Act (CWA) to determine what waters and their conveyances fall under federal jurisdiction versus state permitting authority.

Currently, the EPA and Army Corps are enforcing their interpretation of the pre-2015 regulatory framework. Since the agencies announced the new rulemaking process, NACo has engaged in consultations with EPA and the Army Corps under the terms of Federalism, EO 13132.

To learn more about how WOTUS impacts counties, please visit [www.naco.org/wotus](http://www.naco.org/wotus).

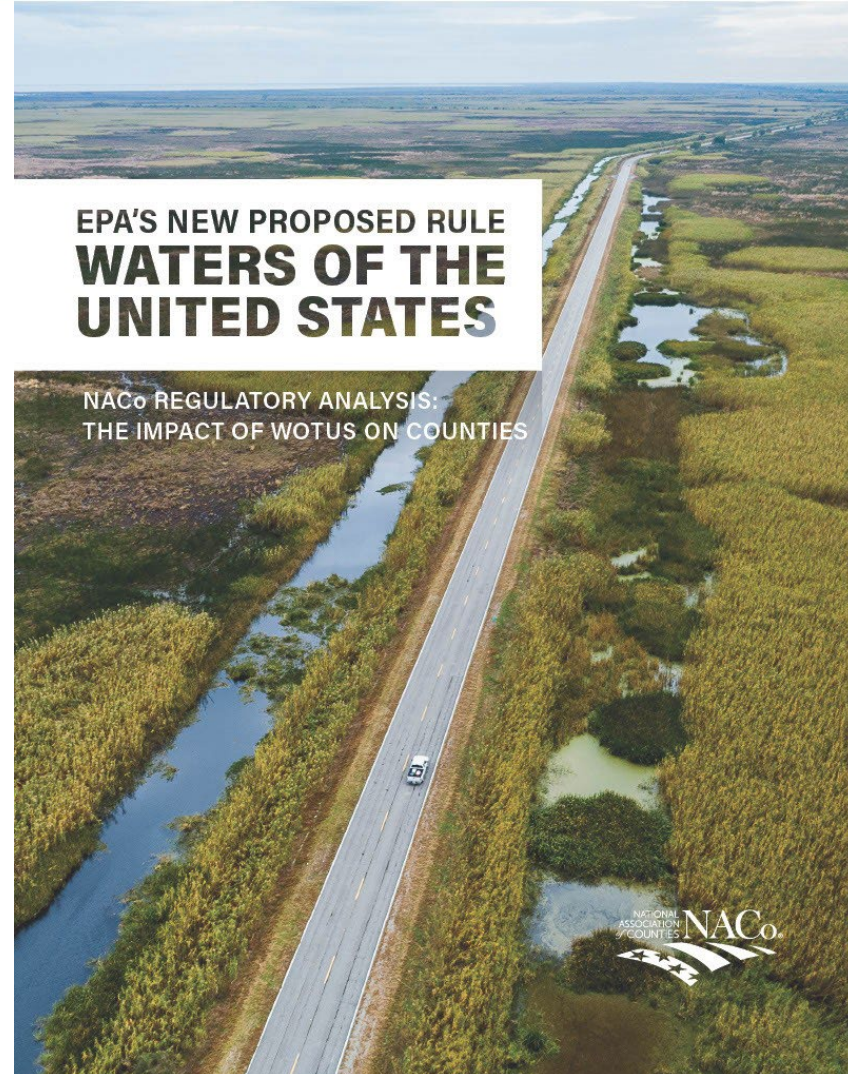
EPA AND THE CORPS ARE WORKING TO REWRITE THE WOTUS RULE FOLLOWING A TWO-STEP PROCESS:

1. **WITHDRAW THE 2020 NAVIGABLE WATERS PROTECTION RULE AND RECODIFY THE REGULATIONS IN PLACE PRIOR TO THE ISSUANCE OF THE 2015 RULE**
  2. **PROPOSE A NEW, DURABLE DEFINITION OF "WATERS OF THE U.S." BASED ON SUPREME COURT GUIDANCE AND LESSONS LEARNED FROM PREVIOUS ITERATIONS OF WOTUS**
- **COUNTIES PLAY AN IMPORTANT ROLE AS BOTH CO-REGULATORS AND REGULATED ENTITIES UNDER THE CLEAN WATER ACT**
  - **COUNTIES OWN PUBLIC SAFETY INFRASTRUCTURE THAT MAY BE IMPACTED BY A WOTUS DESIGNATION**
  - **COUNTIES SUPPORT A DURABLE DEFINITION OF WOTUS THAT PROVIDES REGULATORY CERTAINTY**

SCAN THE QR CODE TO DOWNLOAD THE BRIEF



660 NORTH CAPITOL STREET NW • WASHINGTON, D.C. 20001 • 202.393.6226 • [www.naco.org](http://www.naco.org)  
[fb.com/NACoDC](https://fb.com/NACoDC) • [@NACoTweets](https://twitter.com/NACoTweets) • [youtube.com/NACoVideo](https://youtube.com/NACoVideo) • [linkedin.com/in/NACoDC](https://linkedin.com/in/NACoDC)



## EPA'S NEW PROPOSED RULE WATERS OF THE UNITED STATES

NACo REGULATORY ANALYSIS:  
THE IMPACT OF WOTUS ON COUNTIES



 @NACoTweets  
#NACoLeg



## Panel Speakers

- Navis Bermudez, Deputy Assistant Administrator for Office of Water, U.S. Environmental Protection Agency
- Craig Pedersen, Supervisor, Kings County, California; Chair of NACo's Agriculture and Rural Affairs Steering Committee
- Joel Bousman, Commissioner, Sublette County, Wyoming; Chair of NACo's Public Lands Steering Committee
- Rich Sanders, County Engineer, Polk County, Minnesota; National Association of County Engineers



2022 NACo

# LEGISLATIVE CONFERENCE

## *Questions & Answers*



@NACoTweets  
#NACoLeg







@NACoTweets  
#NACoLeg

2022 NACo

# LEGISLATIVE CONFERENCE

FEBRUARY 12-16 | WASHINGTON HILTON | WASHINGTON, D.C.

