



April 26, 2017

Dear Chairman Barrasso, Ranking Member Carper, and members of the Senate Environment and Public Works Committee:

Clean Water Action, on behalf of our nearly one million members, appreciates the opportunity to provide written comments on the April 26, 2017 hearing, “A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule.” We respectfully request that this statement, along with our white paper, *Putting Drinking Water First: Restoring Clean Water Act Protections to Streams and Wetlands*, be submitted into the official record for this hearing.

Clean Water Action and our members have been engaged in the effort to restore critical Clean Water Act protections to small streams and wetlands for over a decade. We believe that the Clean Water Rule, finalized by the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (the Corps) in May 2015, is technically, scientifically and legally sound. The Agencies crafted a rule that is based on a robust review of over 1200 peer-reviewed journal articles on water science and connectivity of water resources. The final Clean Water Rule is also consistent with Justice Kennedy’s “significant nexus” test that has been widely accepted by the U.S. Courts of Appeals following the 2006 *Rapanos* Supreme Court decision.

In addition to being scientifically and legally sound, the Clean Water Rule will better protect the drinking water sources for at least one in three people across the United States. Small streams are not just idyllic water features in a landscape; they provide most of the flow to our nation’s major rivers and recharge critical drinking water supplies. If these streams are not fully protected from pollution or destruction, water quality in downstream rivers will suffer, and that has real economic consequences for the communities that rely on those rivers for fishing, recreation, or drinking water.

1444 Eye Street NW, Suite 400 | Washington, DC 20005

Phone: 202.895.0420 | Fax: 202.895.0438

www.cleanwateraction.org

Clean Water Action believes that the most efficient way to improve water quality is to prevent pollution at its source. Preventing pollution at its source also lessens the burden on downstream water users that may have to pay more to treat water so that it is suitable for drinking. Clean Water Action strongly supports the Clean Water Rule and believes the Agencies finalized a commonsense regulation that balanced the urgent need to better protect critical water resources, including drinking water sources, while addressing concerns raised by regulated industries. We urge this Committee to work with EPA and the Corps to maximize pollution prevention policies under the Clean Water Act to ensure that drinking water and public health are protected.

Sincerely,

A handwritten signature in black ink, appearing to read "JPeters", followed by a horizontal line extending to the right.

Jennifer Peters
National Water Programs Director
Clean Water Action

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