

Reasons We Need the Clean Water Rule

By EPA Administrator Gina McCarthy and Assistant Secretary of the Army Jo-Ellen Darcy

Today, EPA and the U.S. Army finalized the Clean Water Rule to protect the streams and wetlands we rely on for our health, our economy, and our way of life.

As summer kicks off, many of us plan to be outside with our friends and families fishing, paddling, surfing, and swimming. And for the lakes and rivers we love to be clean, the streams and wetlands that feed them have to be clean, too. That's just one of many reasons why this rule is so important. Here are several more:

Clean water is vital to our health. One in three Americans get drinking water from streams that lacked clear protection from pollution without the Clean Water Rule. We're finalizing the rule to protect the health of those 117 million Americans today, and that of our kids and their kids for generations to come.

Our economy depends on clean water. Major sectors of our economy—from manufacturing and energy production to agriculture, food service, tourism, and recreation—depend on clean water to function and flourish. When drinking water in Toledo, Ohio became contaminated and was unsafe to drink for days last year, local small businesses suffered. Maybe that's why a recent poll from the American Sustainable Business Council found more than 80 percent of small business owners support federal rules to protect streams and wetlands.

Climate change makes protection of water resources even more essential. Impacts from climate change like more intense droughts, storms, fires, and floods—not to mention warmer temperatures and sea level rise—threaten our water supplies. But healthy streams and wetlands can help protect communities by trapping floodwaters, retaining moisture during droughts, recharging groundwater supplies, filtering pollution, and providing habitat for fish and wildlife. With states like California in the midst of historic drought, it's more important than ever that we protect the clean water we've got.

Clear protections mean cleaner water. The Clean Water Act has protected our health for more than 40 years—and helped our nation clean up hundreds of thousands of miles of polluted waterways to the benefit of communities and businesses. But Supreme Court decisions in 2001 and 2006 threw protections into question for 60 percent of our nation's streams and millions of acres of wetlands. Using the latest science, this rule clears up the confusion, providing greater certainty for the first time in more than a decade about which waters are important to protect.

You asked for greater clarity. Members of Congress, the Supreme Court, state and local officials, industry, agriculture, environmental groups, scientists, and the public called on EPA and the Army to clarify which waters are protected under the Clean Water Act. With this rule, the agencies are responding to those requests. EPA and the Army held hundreds of meetings with stakeholders across the country, reviewed over a million public comments, and listened carefully to perspectives from all sides. All of this input shaped and improved the final rule we're announcing today.

Science shows us the most important waters to protect. In developing the Clean Water Rule, the Agencies utilized the latest science, including a report summarizing more than 1,200 peer-reviewed, published scientific studies which showed that small streams and wetlands play an important role in the health of larger downstream waterways like rivers and lakes.

Clean water helps farms thrive. Farms across America depend on clean and reliable water for livestock, crops, and irrigation. Activities like planting, harvesting, and moving livestock have long been exempt from Clean Water Act regulation, and the Clean Water Rule doesn't change that. Instead, it provides greater clarity and certainty to farmers, and does not create any new permitting requirements for agriculture. It also doesn't change how ditches are currently treated--in fact, it spells out that only ditches that look, act, and function like tributaries are subject to the rule, because they can carry pollution downstream.

Some things don't change. First, a Clean Water Act permit is only needed if a water is going to be polluted or destroyed—that doesn't change under this rule. The rule only protects waters that have been historically covered under the Clean Water Act. It does not add any new requirements for agriculture and retains all the decades-long exemptions and exclusions for farming, ranching, and forestry. It does not interfere with private property rights or address land use. It does not regulate new types of ditches, apply to groundwater or shallow subsurface flow, cover tile drains, or change policy on irrigation or water transfers. All of those things stay the same as before. Meanwhile, the rule protects our health and the waters we depend on for our health, our economy, and our way of life.

These are just a few of the many reasons why clean water and this rule are important—learn more here www.epa.gov/cleanwaterrule and <http://www.army.mil/asacw>.