

Waters of the United States

Enforcing the Clean Water Act



Evangelical Lutheran Church in America

God's work. Our hands.

Why should we enforce the Clean Water Act?

For more than four decades, the Clean Water Act of 1973 has made our rivers, lakes and streams safe for fishing, swimming and drinking. Until recently, it also provided protection for small and seasonal streams and wetlands that feed into larger water bodies in our interconnected system of waters. But two recent Supreme Court cases created uncertainty about whether such small wetlands and streams are “waters of the United States” and deserving of the full protection of clean-water regulations.

In 2014, the U.S. Environmental Protection Agency (EPA) proposed a rule that would make clear which streams and wetlands are considered “waters of the United States” because of their connection to larger watersheds. The EPA's proposed rule clarifies that the Clean Water Act protects:

- ◆ Most seasonal and rain-dependent streams.
- ◆ Wetlands near rivers and streams.

Under the proposal, other types of waters that have more uncertain connections with downstream bodies of water will be evaluated on a case-by-case basis to determine if their connection to overall water quality is significant. The rule will not create new restrictions on land use, and existing permit exemptions for certain farming practices will be preserved and even expanded. Finally, the rule will not, as some have claimed, require Clean Water Act protections for ditches or create new protections for groundwater.

The EPA is expected to issue a final rule protecting the “waters of the United States” later this year. However, in legislation to fund the federal energy and water programs for the 2016 fiscal year, which begins in the fall of 2015, the House of Representatives has included a policy “rider” that would block the Army Corps of Engineers, which issues most clean-water permits, from finalizing or enforcing this new rule.

We ask Congress to:

- ◆ **Allow the Environmental Protection Agency to issue its rule clarifying which bodies of water are protected by the Clean Water Act of 1973.**
- ◆ **Allow the U.S. Army Corps of Engineers to begin issuing permits under the new rule, without interference through policy riders attached to appropriations bills for the 2016 fiscal year.**

Our faith response

I the God of Israel, will not forsake them. I will open rivers on the bare heights and fountains in the midst of valleys; I will make the wilderness a pool of water and the dry land springs of water. (Isaiah 41:17-18)

Water is gift from God that is both essential to life and to our spiritual life as Christians. Water quenches our thirst, serves as a symbol of the beginning our journey as Christians and nourishes and renews all life on earth. Stewardship of water resources is a critical part of our call to care for God's creation. (Genesis 2:15)

Take action now! www.ELCA.org/advocacy  ELCA Advocacy  @ELCAadvocacy

122 C Street NW, Suite 125, Washington, DC, 20001 - washingtonoffice@elca.org

Waters of the United States

Enforcing the Clean Water Act



Evangelical Lutheran Church in America

God's work. Our hands.

Why is the “Waters of the United States” rule important?

- ◆ About 60 percent of stream miles in the United States flow only seasonally or after rain but have a considerable impact on the downstream waters.
- ◆ One in three Americans – more than 117 million people – get their drinking water from sources fed by these small and seasonal streams.
- ◆ Small streams and wetlands provide numerous benefits, including trapping floodwaters, recharging groundwater supplies, removing pollution, and providing habitat for fish and wildlife.
- ◆ Economic benefits of healthy streams and wetlands include support for fishing, hunting, agriculture, recreation, energy and manufacturing.

Our nation's water quality is endangered if the Clean Water Act is not enforced

Since the Supreme Court “muddied the waters” on which bodies of water are protected by the Clean Water Act, the EPA and Army Corps of Engineers have been forced to evaluate many permits on a case by case basis, slowing the process down. In addition, the confusion over protection of small streams and wetlands has made it more difficult for federal and state agencies to enforce the Clean Water Act, potentially endangering our nation's water quality.

Economic benefits of the rule significantly outweigh costs

According to the EPA's cost/benefit analysis, the proposed rule will provide an estimated \$388 million to \$514 million annually in benefits to the public, including reducing flooding, filtering pollution, providing wildlife habitat, supporting hunting and fishing, and recharging groundwater. The public benefits significantly outweigh the estimated cost of the rule – about \$162 million to \$278 million per year – for addressing impacts to streams and wetlands, and taking steps to reduce pollution to waterways.

Learn more:

- ◆ [“Caring for Creation: Vision, Hope, and Justice” social statement](#)
- ◆ Learn more from the EPA's page on [the proposed “Waters of the United States” rule](#).