Status of Assumable Waters Subcommittee – April 2017

FACA: Federal Advisory Committee Act, 1972

NACEPT: National Advisory Council for Environmental Policy and Technology

Assumable Waters Subcommittee

https://www.epa.gov/cwa-404/assumable-waters-sub-committee

Charge (from EPA): Report to NACEPT [then to EPA] providing advice and recommendations on how to clarify for which waters states and tribes may assume §404 permitting authority, and for which waters USACE will retain permitting authority.

CWA §404(g)(1):

“The Governor of any State desiring to administer its own individual and general permit program for this discharged of dredged or fill material into the navigable waters...

(other than those waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.... including wetlands adjacent thereto)

...within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact.”

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