Dear Senator Lautenberg:

On behalf of the Board of Directors and membership of the National Water Resources Association (NWRA), I am writing to express deep concern about an effort by Senator Russ Feingold to introduce legislation which will amend the Clean Water Act by expanding the definition of “waters of United States.”

As water providers to municipalities and agriculture in the 17 Western States, NWRA members strongly oppose such an expansion of the definition of “waters of the United States.” The proposed amendment will dramatically limit access to water distribution facilities for water quality and safety related maintenance activities. Under the proposed new definition, such necessary water service activities will require National Pollution Discharge Elimination System (NPDES) and/or Section 404 Wetlands permits which may or may not be obtainable in a timely manner, if at all. The economic cost of compliance and disruption of service will be unprecedented. In many instances, the proposed amendments will make it impossible for many water delivery entities to continue to perform their essential functions.

Our country has made great strides in cleaning our nations waterways since the Clean Water Act was first enacted in 1972. While it is possible to improve a successful program, as the Clean Water Act is, the proposal by Senator Feingold is the wrong approach at the wrong time. As population growth in the West continues to strain existing water supplies and infrastructure, the additional restrictions, prohibitions, and limitations which will result from the Feingold proposal, is bad legislation which will do much more harm than any intended good.

Please do not co-sponsor this legislation and encourage your colleagues’ opposition. It is not needed and is an extreme approach which will produce only negative consequences.

Thank you for your consideration of these serious concerns. Your assistance is deeply appreciated.

Sincerely,

Thomas F. Donnelly
Executive Vice President

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