July 9, 2007

The Honorable Russell D. Feingold  
United States Senate  
506 Hart Senate Office Building  
Washington, D.C. 20510-4904

Dear Senator Feingold:

I am writing in support of the Clean Water Restoration Act of 2007, which was introduced by Representatives Oberstar, Ehlers, and Dingell; and I understand will soon be introduced by you, Senator Feingold.

This legislation is necessary to re-establish the Clean Water Act’s jurisdiction to protect all waters of the United States. U.S. Supreme Court decisions in recent years have questioned and jeopardized the fundamental purpose of the Clean Water Act. At the heart of the issue is the statutory definition of the term “navigable waters,” which the U.S. Congress broadly defined in 1972 as “the waters of the United States, including the territorial seas.” Congress was trying to deal with widespread and severe water pollution problems across the country. The law was meant to ensure that every community in the nation had access to clean, safe water.

The state of Wisconsin remains a committed partner in implementing the Clean Water Act’s primary goal: to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” To meet this challenge, all waters traditionally covered by the Clean Water Act must continue to be protected, just as they have been for the last three decades.

The Clean Water Restoration Act of 2007 accomplishes this with a simple, straightforward fix. To clarify Congress’ original intent in passing the Clean Water Act in 1972, the bill defines “waters of the United States” using the categories of waters that have been expressly covered by EPA and Corps of Engineers regulations since the 1970s.

By once again establishing protection for those waters that have historically been protected, this bill removes the uncertainty and confusion for the regulated community and the State and federal agencies who implement the Clean Water Act and related laws. The Clean Water Restoration Act of 2007 neither adds new jurisdictional waters nor alters the permitting process, but rather restores Clean Water Act protections to those that existed for decades before the SWANCC and Rapanos Supreme Court decisions.
Furthermore, it is essential to maintain a federal “floor” for water pollution control in order to achieve relative parity throughout the nation. In response to the SWANCC decision, Wisconsin adopted more protective standards, however, many states have not filled the gap in federal jurisdiction. The Clean Water Act was meant to prevent a state-by-state approach, because all water flows downstream and the discharges in one state can significantly hamper water quality protection in another. Having a basic federal standard is essential for safeguarding economic values such as public water supplies, fisheries, and recreation—the Great Lakes and the Mississippi River, which border Wisconsin, are prime examples of how one state alone cannot protect water quality.

I urge you to do all that you can to support passage of the Clean Water Restoration Act of 2007. The U.S. Congress must act to maintain the Clean Water Act’s important protections for our nation’s lakes, rivers, streams, and wetlands.

Sincerely,

Jim Doyle
Governor