



MEMORANDUM OF SUPPORT *Clean Water Restoration Act*

Amend the Federal Water Pollution Control Act to clarify the jurisdiction over waters of the United States.

BACKGROUND

The Clean Water Act (CWA) was passed 35 years ago, with the goal of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA has done a great deal to protect the nation's lakes, rivers, streams, and wetlands from unregulated pollution and destruction. Despite progress since the adoption of the CWA, the health of our waters remains threatened by pollution and habitat destruction.

Supreme Court decisions (*SWANCC 2001*, *Rapanos/Carabell 2006*) and subsequent federal guidance changes, have limited and confused the scope of federal protection for our nation's waters. The *SWANCC* decision and subsequent administrative guidance required prior permission to apply CWA protections to virtually all so-called "isolated" waters. This policy directive far exceeds the scope of the *SCWANCC* ruling, effectively denying protection to many waters that still warrant it under existing regulations. The *Rapanos and Carabell* cases looked at whether the CWA protects non-navigable tributaries and their adjacent wetlands. These Supreme Court decisions generated further ambiguity as to what waters are protected by the CWA.

JUSTIFICATION

Today, our waters are threatened from the lack of federal protection, and are being filled, polluted, or destroyed with no legal consequence. Across the nation:

- 20 million acres of the nation's remaining wetlands are at risk from irreversible destruction by draining, filling, or degradation
- Nearly 2 million river miles, representing almost 60% of America's stream miles outside of Alaska, could be compromised
- Drinking water supplies for more than 110 million people are potentially threatened as a result of relaxed protections for small streams.
- More than 14,000 industrial facilities may be exempt from pollution permits if facilities are discharging into CWA-exempt wetlands and streams.

EXAMPLES OF NEW YORK AND CONNECTICUT WATER BODIES IN DANGER:

- 66% of wetlands near eastern Lake Ontario;
- 22% of the wetlands in the NYC water supply watershed;
- 34% of waterways in the Croton watershed; and
- 22,400 acres of wetlands in Connecticut, and approximately 442,000 acres throughout New England.

The Clean Water Restoration Act (CWRA) restores the traditional definition of "waters of the United States" intended by Congress when the CWA was passed in 1972. The law simply provides for the regulatory status quo that had been used since 1972. Americans need these safeguards to achieve the goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters.

Citizens Campaign for the Environment is an 80,000 member, non-profit, non-partisan advocacy organization working to protect public health and the natural environment in New York State and Connecticut.

**CITIZENS CAMPAIGN FOR THE ENVIRONMENT STRONGLY SUPPORTS THE ADOPTION
OF THE CLEAN WATER RESTORATION ACT**