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NEWS RELEASE

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Clean Water Restoration Act of 2007 Will Trump State Authority

“The so-called ‘Clean Water Restoration Act of 2007’ [H.R. 2421] is just the opposite. It attempts to trump the authority of States and State water law primacy by expanding control of the federal government into all aspects of water use, reaching far beyond the protective programs of the Clean Water Act as it currently stands,” said Scott Campbell, Chairman of the National Water Resources Associations (NWRA) Water Quality Task Force.

The Clean Water Act has been one of the most successful environmental laws ever adopted in our nation's history. Millions of miles of rivers, lakes, streams, wetlands, estuaries, ponds, and other water-courses are cleaner, more healthy, and functioning in an ecologically natural way thanks to the Clean Water Act. This environmental success story has achieved more in its 35 years than any other environmental law.

Representative Oberstar's proposal will unleash a torrent of litigation and conflict because of the expansive overreach of H.R. 2421's language. No longer will the Clean Water Act be limited to the historic federal concern with navigable waters and Commerce Clause authority under the Constitution. Instead, this proposal will expand federal control over every possible type of water body, puddle, moist land area, man-made waterway, storage facility, conveyance system, holding facility, or re-regulating reservoir. The new definition of "waters of the United States" would include everything from swimming pools and hot tubs to stock watering ponds on private property. In addition, any land use activity which has any possible impact upon any of these "waters of the United States" will be regulated and subject to fines and environmental activist lawsuits. None of this will help the environment, but it will produce more environmental lawyers who will make more money and cause more conflict in our society.

“The sponsors of this legislation claim: ‘This bill restores Clean Water Act authority to what existed prior to the Supreme Court's decisions - it does not expand authority.’ This false statement is either predicated upon a fundamental misunderstanding of the Clean Water Act or is an intentional fabrication of the truth in an attempt to garner support of the uninformed, who lack a sufficient comprehension of the wide-ranging consequences of this unconscionable effort to expand federal control over the lives of our citizens and the authority of the States,” concluded Campbell.

NWRA is a federation of state water organizations representing agriculture and municipal water users in the 17 Western States.