

GOP lawmakers push EPA to rethink clean water rule

By Chris
Adams



An example of wetlands in Erie County, Ohio

BOB DOWNING — MCT

WASHINGTON — In a year the Republican-controlled Congress is expected to take a significant whack at President Barack Obama's environmental agenda, GOP lawmakers on Wednesday told top environmental officials they should scrap what was once a fairly obscure proposal to define what is and isn't considered a body of water by federal law.

In an unusual joint hearing involving the Senate Environment and Public Works Committee and the House Transportation and Infrastructure Committee, the Republican majority that now controls both houses of Congress showed it is intent on trying to derail the president's environmental agenda in his last two years in office.

Rep. Bill Shuster, R-Pa., ran the hearing, tightly holding senators and representatives to their time limits – and noting that a potential of 79 lawmakers could be on hand to ask questions.

And while not all did so, the ones who did generally followed party lines. Republican lawmakers expressed outrage at what they called a "power grab," while Democrats countered that opposition to the rule was built on a tower of misconceptions.

“I’m confused because I think people are arguing against some mythical rule,” said Sen. Barbara Boxer, D-Calif.

Responding to one of the key claims – that government was seeking to regulate tiny and inconsequential bodies of water – Boxer noted, “We don’t want to regulate a puddle. That’s ridiculous.”

The so-called “ [Waters of the United States](#)” rule was proposed by the Environmental Protection Agency and the Army Corps of Engineers to simplify and clarify the meaning of the 1972 Clean Water Act. That law covers rivers, lakes and year-round wetlands, but there’s been longstanding confusion about whether certain waterways – streams that dry up part of the year and wetlands that are only wet during springtime – are covered.

The Clean Water Act requires permits for developing or discharging into covered waters, making the rule of vital importance to farmers, developers and other landowners.

Since the proposal was announced in 2014, farm interests have strongly opposed it, and officials in many states pushed back as well.

Beyond that, the EPA and the Corps of Engineers received more than 1 million comments from the public on the proposal; while most of the comments were part of mass-mailing campaigns, they did reflect the widespread interest in the highly technical federal proposal.

The two agencies hope to finalize the rule this spring.

But congressional Republicans plan to push hard, saying they will introduce legislation to prevent the administration from finalizing the rule – thus setting up a potential veto showdown with the president.

“If this rule goes into effect, it will open the door for the federal government to regulate just about any place where water collects – and in some cases regulate land-use activities,” Shuster said, reflecting the views of farm and other interests opposed to the rule. He called it an “end run around Congress – another example of overreach by this administration.”

In the hot seat Wednesday was EPA Administrator Gina McCarthy, who again and again returned to two central themes: The proposal was not an attempt to expand the federal government’s jurisdiction, she said, but instead to merely clarify it. And the proposal is just that – a proposal; federal officials are reviewing all those comments that have come in and will respond to the widespread concerns that have been expressed.

Contact Chris Adams: cadams@mcclatchydc.com or [@CAdamsMcClatchy](https://twitter.com/CAdamsMcClatchy) on Twitter.

[Copyright](#)

© 2015 www.fresnobee.com and wire service sources. All Rights Reserved. <http://www.fresnobee.com>