



washington dc update

date

Clean Water Act Guidance Letter from Eastern Municipal Water District

The deadline for public comment on the Clean Water Act Draft Guidance is July 1st. But arid west water agencies such as the Eastern Municipal Water District are already well advanced in the process of educating their Congressional delegations with regard to the potential impact of this Guidance.

We appreciate the kind permission of Jolene Walsh of Eastern MWD to share her agency’s letter with other WESTCAS members. When dealing with issues such as the Clean Water Guidance and the soon to be released Executive Order on P&G, agencies must ask themselves; “how will these actions affect us?” We believe that Eastern does a very good job of this through highlighting seven different areas of concern including:

1. Guidance extends the definition of “waters of the US” to ditches such as those used to lay pipeline.
2. Dry channels which are a major part of most agencies in the arid west would now be “waters of the US.”
3. The Guidance could affect wetlands that are component parts of water reuse projects?
4. Causes uncertainty when agencies move water supplies through their systems which could create a nexus with navigable waters.
5. Although being billed as “guidance” this has the impact of an USEPA Rule.
6. EPA/Corps should therefore conduct a formal Rule-making process.
7. Draft Guidelines are a substitute for the refusal of the 111th Congress to pass legislation that would have had essentially the same impact.

We urge you to open the attached letter and go to pages 2 and 3 to review each of the seven concerns. We hope that you will think of what the folks at Eastern MWD are saying and ask yourselves how these concerns might apply to your agency. Every WESTCAS member should develop their own perspective and their own voice with regard to Clean Water Guidance and also P&G. But it is very helpful to see how other agencies like Eastern are approaching this issue.

Thanks again, Jolene Walsh, for your permission to share the Eastern letter.

Summary & Take-Away .

CWA Guidance Letter

Comments on this Guidance will be a focus of the Legislative Workshop in San Diego. The Eastern MWD letter is an excellent example of “how will these actions affect us” type letter.

Take-Away

Every WESTCAS member should develop their own perspective and their own voice with regard to Clean Water Guidance and also P&G. But it is very helpful to see how other agencies like Eastern are approaching this issue.



See you in San Diego!



WESTCAS
Western Coalition of Arid States