



Dear Senator X,

Waterkeeper Alliance and the undersigned Waterkeeper Organizations write to urge you to stand strong and defeat the multiple dirty water bills and riders in Congress that jeopardize our right to clean water. Waterkeeper Alliance is a coalition of more than 115 grassroots Waterkeeper organizations working to ensure that the 1,058,546 square miles of watersheds we work to protect in the United States of America are clean, safe, and healthy for the communities and wildlife that depend on them. Waterkeeper Alliance's proudest accomplishment is the depth and breadth of its member organizations and the unity of their vision for clean water. Local Waterkeeper organizations and activists play a unique and sophisticated role within the environmental community – serving as the investigator, advocate, scientist, educator and legal advocate for their waterbody. But most importantly, they are concerned citizens, tax payers, voters and members of their communities who are devoted to protecting local water resources on a full-time basis. Our members strongly support the basic premise of the Clean Water Act that every US Citizen has a right to water that is Swimmable, Drinkable and Fishable.

Our waterways are the lifeblood of our communities. They provide us with our drinking water, move our cargo, provide million of jobs and nourish our souls. It was almost 40 years ago now that we as a nation decided regulating the discharges into our crucial waterways made sense. The Clean Water Act of 1972 has greatly improved our rivers and streams.

The EPA, through the authority of the Clean Water Act, uses a system of checks and balances to review and adjust State water pollution controls, using this oversight to assure citizens of the United States that good, current scientific data and enforceable State laws will protect downstream water users in other States.

We the undersigned, on behalf of the 177,855 citizen members of Waterkeeper Alliance and its 115 Waterkeeper programs in the United States, are gravely concerned about the aggressive movement currently underway to dismantle federal laws and the federal agencies that protect our rivers, sounds, bays, lakes, estuaries and ourselves from pollution. The Clean Water Cooperative Federalism Act (H.R. 2018), which recently passed through the House of Representatives and is now pending before the Senate, proposes to gut the Clean Water Act and jeopardize the environmental health and economic engine of waterways across the country.

HR2018 does this by attacking two fundamental elements of the Clean Water Act: Water Quality Standards and the Dredge and Fill permit process.

In attempting to undermine National Water Quality Standards, HR2018 would:

- Restrict EPA's ability to revise an existing water quality standard or promulgate a new one, unless the state concurs.

- Prohibit EPA from rejecting a water quality certification granted by a state.
- Prohibit EPA from withdrawing approval of a state water quality permitting program (National Pollutant Discharge Elimination System), or from limiting federal financial assistance for the state program if a state is not in compliance with water quality standards.
- Prohibit EPA from objecting to a state's issuance of an NPDES permit that it believes does not comply with Water Quality Standards.

In an effort to gut national dredge and fill permits, H.R. 2018 would:

- Restrict EPA's ability to veto a Corps 404 permitting decision unless the state concurs with the veto.
- Allow a state to assume and administer only parts of the 404 permit program; under current law, states are required to assume the entire program or none of it.
- Limit the EPA, U.S Fish and Wildlife Service and other agencies to 30 days to submit environmental impact comments to the Corps on a proposed section 404 permit.

Proponents of H.R. 2018 wrongly claim the federal government shouldn't have oversight of the states and their water programs, which vary greatly in standards and enforcement. Individual states would be free to use and abuse our rivers returning us to the pre-Clean Water Act days when our rivers caught fire, sewage flowed untreated and beaches were littered with trash and hypodermic needles. They could choose to ignore the needs of those downstream and in neighboring states despite the consequences. No consideration is even given to the conflicts that would arise when rivers are shared between 2 states.

Furthermore, these same misguided proponents are claiming this rule would help "save taxpayer money." They claim this will streamline processes and make permitting move through faster. We wish to point out that rivers shared by two or more states, where one state is polluting the river upstream and affecting the health and safety of residents in another state further downstream, will quickly be tied up in lengthy and costly legal battles costing, not saving, taxpayers' money.

The proponents of this bill are trying hard to protect their fiscal interests in coal mining projects, a goal which is clearly stated in their "determination of need for the bill." Their short-sighted desires to protect their monetary interests will effectively hog tie all of the progress happening on our rivers, and lead us down a path of state vs. state legal battles for years to come. It will be a race to the bottom as state after state agrees to lower their water quality standards to attract new industries. This bill is cronyism at its worse, and we, the citizens, are the ones that are going to lose. Please work to defeat HR 2018 and make sure it does not pass the Senate.

In addition to HR 2018, there are several other dirty water bills that will also pollute our water and kill the jobs that depend on healthy, clean water:

### **Drinking Pesticides Act**

The Reducing Regulatory Burdens Act of 2011 (HR 872) would exempt pesticide applications in and around public waters from the protections and safeguards of the Clean Water Act. Yet, treating pesticides as pollutants is common sense. Pesticides are designed to be toxic to living things, are responsible for significant harm to waterways, and have caused real harm to public health and ecosystems. Pesticides discharged into our waterways directly harm fish and amphibian life in particular. They also move up the food chain and contaminate drinking water. On March 31, 2011, the U.S. House approved the bill, and now waits for action in the Senate.

### **Dead Salmon, Dirty Streams and Dangerous Landslides Act**

Sediment-laden stormwater from logging roads is the leading cause of water pollution from forestlands, and is known to suffocate salmon spawning habitat and degrade drinking water. Much of this sediment is delivered directly to streams from pipes and ditches that the Clean Water Act requires be controlled through the same kind of permit system applicable to other industries. A recent court ruling from the U.S. 9th Circuit Court of Appeals has confirmed that some sediment sources from logging roads are subject to stormwater discharge requirements, even though these requirements have not generally been recognized in the past. In response, a few Senators, including Oregon's Ron Wyden, introduced the Silviculture Regulatory Consistency Act (S 1369) in July to turn back the clock on clean water protection, and exempt erosion and sediment from logging roads from closer scrutiny under the Clean Water Act. Worse, this special interest exemption for logging road sediment also applies to a host of other industrial timber sources, undermining recovery efforts for Pacific salmon.

### **Department of the Interior, Environment, and Related Agencies Appropriations Act**

HR 2584 includes extremist ideological and political provisions that not only harm the environment but will also kill the jobs that depend on clean water. The unnecessary and improper dirty water components of this bill should be stripped because they unfairly gut:

- the EPA operating budget;
- the Land and Water Conservation Fund;
- State Revolving Funds;
- State Categorical Grants;
- Greenhouse Gas (GHG) Programs;
- Great Lakes Restoration Initiative;
- High Priority Ecosystems Funding like clean up of the Chesapeake Bay, our country's largest estuary;
- Responsible Energy Development and Oil Spill Response;
- Council on Environmental Quality;
- Mountain Top Mining Reform; and
- our ability to maintain many of our National Wildlife Refuges and protect the Grand Canyon and its waterways.

Of particular concern is Section 435 of this bill. It seeks to prevent the federal government from providing clarity about which water bodies are governed by the Clean Water Act.

In summary, the Waterkeeper Alliance and our undersigned member programs are deeply concerned about all these bills. They represent an all out attack on clean water by certain members of the House of Representatives and the Senate. The strength of the Clean Water Act lies in its balance of shared authority between the federal government and the states, which too often face pressure by special interests to weaken water quality in the name of short-term financial gain -- and with long-term damage to our waterways.

By every objective measure, the Clean Water Act works. Let's not deny Americans the basic right to clean water that is Swimmable, Drinkable and Fishable. We urge the Senate to stand strong and defeat these dangerous bills and riders that are nothing more than an industry backed dirty water crusade.

Sincerely,

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