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WESTCAS

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March 17, 2015

The Honorable Bill Shuster, Chair
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington DC 20515

The Honorable Bob Gibbs, Chair
Subcommittee on Water and the Environment
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington DC 20515

RE: Waters of the U. S. Proposed Rule (WOTUS)

Dear Chairman Shuster:
Dear Chairman Gibbs:

The Western Coalition of Arid States (WESTCAS) is an association of over 100 public water and wastewater agencies, consulting engineers, and legal firms whose mission is to support sound water policy for the Arid West. We deeply appreciate the joint Waters of the US [WOTUS] hearing that you and Chairman Inhofe held on February 4. This letter is directly related to the issues identified during that hearing.

In the Arid West, WOTUS impacts issues ranging from isolated waters, ephemeral streams, man-made conveyances, water reuse facilities, stormwater systems, agricultural and roadside ditches to other waters that are highly impacted by drought. The members of WESTCAS are familiar with the unique aspects of western hydrology and water resources management. Our concerns relative to the WOTUS Rule are to make sure that they are fully addressed before the Rule becomes final.

As you and other Committee Members have observed during the February 4, 2015 Joint hearing, both EPA Administrator McCarthy and Assistant Secretary of the Army Darcey acknowledged that there are problems with the proposed rule. Additionally, they both admitted the need to correct these problems before the rule becomes final. Despite the Administrator's recognition that there are flaws, unless the Congress acts to clarify these issues and their solutions, there can be no guarantee that EPA will address them before it continues to move forward to finalize the rule.

The Voice of Water Quality in the Arid West

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It is our understanding your intention is to continue oversight of WOTUS and that this might include legislation requiring that problems with the WOTUS rule be fully addressed before it becomes final. WESTCAS is aware that many would prefer to scrap the proposed rule and go back to square one with regard to the rule development process. We believe that a more practical approach at this stage of the process would include legislation requiring that issues Administrator McCarthy and Assistant Secretary Darcey have admitted are problem areas be resolved before the process moves forward to a final rule. WESTCAS strongly supports this effort which is to identify problems with the proposed rule, fix those problems, and then complete the rule.

The major concerns of our members with this rule are associated with problems found in the Arid West. WESTCAS offers its assistance in helping to identify and quantify the problems in the proposed rule from an arid west perspective. We can suggest reasonable approaches to some of the challenges. As an organization whose membership is familiar with the water resources issues of the Arid West, we also offer our assistance to the Committee in helping to educate Members of Congress concerning the need for current and future certainty and clarity with regard to the scope of federal jurisdiction.

Areas in which WESTCAS is prepared to develop specific ideas or language include, but are not limited to: the definition of waters of the U.S. related to subsurface hydrologic connections, stormwater and groundwater recharge basins, non-tidal roadside stormwater and agricultural ditches, as well as isolated impoundments and the upland tributaries connected to them. We are prepared to offer real world examples and **practical [BHI]** solutions based on the experiences of our member agencies.

Please feel free to contact us at the e-mail address above or phone number below to discuss how we may assist. We thank you for your consideration of our request.

Sincerely,

Ed Curley
President

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