

Reject the Latest Attack on Clean Water!

Tell EPA not to weaken the Clean Water Act.

To fast-track construction of pipelines and other dirty energy infrastructure projects, the U.S. Environmental Protection Agency (EPA) wants to block states and tribes from protecting their own water resources. **Tell EPA not to sacrifice water quality to benefit corporate polluters.**

The Clean Water Act is our nation's fundamental water law passed by Congress in 1972 to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." States and tribes have vital roles in protecting water quality within their borders. An important provision in the Clean Water Act — Section 401 — authorizes states and tribes to review applications for federally licensed or permitted projects to assess potential impacts to water quality. Pipelines, fossil fuel export terminals, dams, and other large projects can harm water quality in many ways, including by filling in wetlands, damming rivers, and digging trenches through streams and other water bodies. After completing their review, a state or tribe can approve, reject, or request modifications to the terms of an application for a water quality certification in order to protect water resources. **But now EPA wants to make it harder for states and tribes to protect their own water resources by restricting their Clean Water Act authority in the following ways:**

Limiting Review Time — Limits time states and tribes have to review a water quality certification request to a "reasonable" period of time, not to exceed one year. The clock would start once a request is made, not when an application is complete. Certain projects, such as for a dredge and fill permit, will be limited to six months. If a state or tribe fails to act upon a request within that time frame they lose their right to certify that project.

Shrinking Scope of Review — Strips states and tribes of their authority to consider the overall health and biological integrity of water bodies when reviewing a certification request. Instead 401 certification decisions can only consider harm caused by discharges of pollution from a point source—not erosion, sedimentation, or low stream flow — all factors that can also impact water quality.

Giving Federal Government Final Word — Allows federal licensing/permitting agency the final say on whether a state's or tribe's decision to approve, reject, or set conditions on a permit is "reasonable" and "consistent with the scope" of the Clean Water Act. If the permitting agency does not agree with a state's or tribe's decision it can override it, placing the burden on the state or tribe to file a legal challenge to overturn the agency ruling, all while allowing the project to proceed.

Restricting how states and tribes review projects could invite industry to game the system by submitting minimal data and ignoring a state's or tribe's request for any additional information. This will make it harder to protect their water resources and safeguard communities from pollution. **Tell EPA to drop this reckless proposal!**



Tell EPA to drop this reckless proposal!

SAMPLE COMMENT LETTER

Re: EPA-HQ-OW-2019-0405

Dear Administrator Wheeler,

I strongly oppose the U.S. Environmental Protection Agency (EPA)'s proposal to limit the ability of states and tribes to protect their own water resources. Section 401 of the Clean Water Act is a vital tool states and tribes use to safeguard streams for fish and to protect drinking water sources for communities.

Restricting how states and tribes review complex projects that can harm water quality only benefits corporate polluters seeking to fast-track dirty energy infrastructure projects.

Please withdraw your reckless proposal and uphold the longstanding authority states and tribes have to protect water resources within their borders.

Thank you for considering my views.

Sincerely,

Name, Address, City, State, Zip Code

