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## 2015 WOTUS RULE REVOKED BY TRUMP ADMINISTRATION

The 2015 Obama-era Waters of the United States Rule (WOTUS) has been a contentious issue given its broad reach in defining those waterways subject to federal regulation. Environmental Protection Agency Chief Andrew Wheeler and R.D. James, Secretary of the Army for Civil Works, signed a document overturning the rule, in turn re-enacting the earlier regulatory system which came to fruition after a 2006 Supreme Court Decision.

The Rule was long held as unreasonable by developers and farmers because they believed it hindered economic development and infringed upon their property rights. Others believe that the Rule appropriately shielded the country's wetlands and waterways from further pollution. Few environmental regulations, since the advent of the modern environmental regulatory arena, have been so contentious.

The Clean Water Act requires landowners to obtain federal permits before developing or polluting navigable waterways such as rivers and lakes. Disputes have long persisted over what other waters are subject to regulation - particularly wetlands that don't have a direct connection to those larger waters, plus small headwater streams and channels that only flow during and after rainfall. Environmentalists contend many of those smaller seemingly isolated waterways are tributaries of the larger waterways and can have significant effects on the quality of entire watersheds. Many environmentalists believe that headwaters should be protected. EPA Administrator Wheeler said regulators have gone far beyond the intent of Congress under the 1972 Clean Water Act. During the last four years, some states indicated that they lack sufficient personnel to permit and enforce these broad regulations, and there were significant concerns over the challenges presenting environmental regulators at the same time they are required to run their regular programs.

Zippy Duvall, President of the American Farm Bureau Federation indicated that the 2015 rule had generated a greater sense of urgency among its membership than any other issue:

*"When you take the private property rights from a man that's worked all his life...to grow the food and fiber for all of us to sit down and enjoy three times a day, it's something that just can't stand", - Duvall*

A new rule is planned to be adopted under the Trump Administration by the end of 2019, and it is expected to narrow the definition of those waters that are subject to federal regulation.

- Justin Lauterbach, QEP  
Vice President

(Excerpts from Associated Press, Philadelphia Inquirer 9-13-2019)



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