

## **Congress to clarify what is covered by Clean Water Act**

May 22 -- The Obama administration is asking Congress to pass legislation clarifying which bodies of water are covered by the Clean Water Act.

Nancy Sutley, chairwoman of the White House Council on Environmental Quality, EPA Administrator Lisa Jackson, and the heads of the U.S. Army Corps of Engineers, the Agriculture Department and the Interior Department signed a letter to Sen. Barbara Boxer, D-Calif., expressing the administration's desire for Congress to eliminate confusion stemming from two U.S. Supreme Court decisions.

"Supreme Court decisions in 2001 and 2006 narrowed the prior interpretation of the scope of waters protected by the Clean Water Act," the administration members wrote to Boxer. "Federal agencies have faced significant challenges implementing these recent decisions. In addition, U.S. Circuit courts of Appeal have taken different positions in interpreting the Supreme Court decisions, further complicating implementation."

The administration officials were referring to the 2001 ruling in the Solid Waste Agency of Northern Cook County v. the U.S. Army Corps of Engineers and the 2006 decision in Rapanos v. the United States. Those rulings narrowed the scope of the 37-year-old Clean Water Act as it applies to smaller bodies of water and wetlands.

The result, according to the administration's letter, has been confusion over which bodies of water are protected by various pollution programs under the Clean Water Act.

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