

AMERICA'S COMMITMENT TO CLEAN WATER ACT

SECTION-BY-SECTION SUMMARY

SECTION 1. SHORT TITLE.

America's Commitment to Clean Water Act.

SECTION 2. PURPOSES.

(1) Reaffirm the original objective of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 – restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

(2) Reaffirm the definition of waters of the United States used by the agencies and the courts prior to the Supreme Court decisions in *SWANCC* and *Rapanos and Carabell*, by legislatively overturning those decisions. The decisions are contrary to the intent of Congress.

(3) Define waters of the United States and to provide for their protection as authorized by the powers granted under section 8 of article I (Commerce Clause), section 2 of article II (Treaty Power), and section 3 of article IV (Property Clause) of the Constitution of the United States.

SECTION 3. FINDINGS.

(1) The Supreme Court decisions unduly restricted the scope of the Federal Water Pollution Control Act contrary to the intent of Congress.

(2) Water is unique, precious, and necessary to sustain life.

(3) Water is important for many commercial and municipal uses.

(4) Water moves through interconnected hydrologic cycles, and even geographically isolated waters can affect other waters.

(5) Small and intermittent streams are the majority of stream and river miles, and affect the introduction of pollutants to larger rivers and streams.

(6) Pollution, degradation, and destruction of waters have a substantial relation to and effect on interstate commerce.

(7) More than 117 million people receive drinking water from source water protection areas containing small or intermittent streams.

(8) Millions of people enjoy water related recreational activities.

(9) Protecting water quality is a necessary and proper means of implementing treaties.

(10) Protecting water quality is a necessary and proper means of protecting Federal lands.

(11) Ground water and “waters of the U.S.” have been interpreted differently in administrative and judicial actions, and nothing in this Act affects those interpretations.

(12) America’s Commitment to Clean Water Act does not affect the authority of EPA or the Corps of Engineers as in existence prior to the Supreme Court decisions.

SECTION 4. DEFINITIONS.

Adds a definition of “waters of the United States” that is based upon the current regulatory definition.

Excludes from the definition of waters of the United States waste treatment systems, including treatment ponds or lagoons.

Excludes from the definition of waters of the United States prior converted croplands.

Adds a definition of “waste treatment system” that is based upon the current regulatory definition, allowing new waste treatment systems outside waters of the United States, and explicitly grandfathering existing ones.

Adds a definition of prior converted cropland that is based upon the current regulatory definition of the Department of Agriculture, with determinations being made by the Secretary of Agriculture and final authority remaining with the Administrator.

SECTION 5. CONFORMING AMENDMENTS.

Strikes “navigable waters” and replaces it with “waters of the United States”.