

April 18, 2018

The Honorable John Barrasso
Chair
Senate Committee on Environment
and Public Works
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Senate Committee on Environment
and Public Works
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

We, the undersigned associations that collectively represent a diverse group of industries from across the country, write to express our appreciation to the Committee on Environment and Public Works for convening the April 18 hearing on “The Appropriate Role of States and the Federal Government in Protecting Groundwater,” which will examine the U.S. Environmental Protection Agency’s (EPA or Agency) recent request for comment, “Clean Water Act Coverage of ‘Discharges of Pollutants’ via a Direct Hydrologic Connection to Surface Water.”¹ We believe that EPA’s request for stakeholder input on this important matter provides the Agency with an unparalleled opportunity to squarely address an issue that has been troubling the courts for years.

The Clean Water Act’s “National Pollutant Discharge Elimination System” permit program simply does not regulate discharges that reach navigable waters via groundwater that has a direct hydrologic connection to those waters. Mechanisms already exist at both the federal and state levels to address this issue.

The undersigned associations thank you for your oversight of this important matter. We believe Congress and EPA should work together to address this issue to protect stakeholders from duplicative and overly-burdensome regulation, and to provide the regulated community, the courts, and the public with clarity on this issue.

Sincerely,

American Coke and Coal Chemicals
Institute
American Exploration & Production Council
American Farm Bureau Federation
American Forest & Paper Association
American Fuel and Petrochemical
Manufacturers
American Iron and Steel Institute
American Petroleum Institute
Edison Electric Institute

Independent Petroleum Association of
America
Industrial Minerals Association – North
America
National Association of Chemical
Distributors
National Association of Manufacturers
National Association of REALTORS®
National Cattlemen’s Beef Association
National Industrial Sand Association
National Mining Association

¹ 83 Fed. Reg. 7,126.

National Renderers Association
National Rural Electric Cooperative
Association
Portland Cement Association
Society of Chemical Manufacturers &
Affiliates (SOCMA)

The Fertilizer Institute
Treated Wood Council
U.S. Chamber of Commerce
Utility Water Act Group

cc: Members of the Senate Environment and Public Works Committee