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June 15, 2009

The Honorable Barbara Boxer, Chair  
Committee on Environment and Public Works  
U.S. Senate  
Washington, DC 20515

Dear Chairwoman Boxer:

The National Association of Clean Water Agencies (NACWA) appreciates your ongoing commitment to address confusion regarding the jurisdictional scope of the Clean Water Act created by recent U.S. Supreme Court rulings in *Solid Waste Agencies of Northern Cook County v. U.S. Army Corps of Engineers*, *Rapanos v. U.S.* and *Carabel v. U.S. Army Corps of Engineers*. These decisions have the potential to delay important permitting decisions and provoke more legal challenges. Therefore, as the leading advocacy organization representing the nation's municipal wastewater treatment agencies, NACWA supports the compromise amendment to the *Clean Water Restoration Act* and its goal of providing clarity on jurisdictional waters of the U.S.

Specifically, NACWA supports the amendment with language included that codifies the regulatory waste treatment exemption for man-made treatment structures contained in the EPA and Army Corps of Engineers regulatory definition of "waters of the United States" (40 CFR 122.2, 33 CFR 328). Without this explicit and binding exemption, NACWA members would be concerned that certain components of their treatment systems, including some conveyance ditches, treatment lagoons, and manmade, effluent-dominated impoundments could be subject unnecessarily to the National Pollutant Discharge Elimination System (NPDES) permit requirements despite this long-standing exemption.

NACWA applauds your continuing leadership on this issue and looks forward to working with you on the *Clean Water Restoration Act* and other critical clean water issues going forward.

Sincerely,



Ken Kirk  
NACWA Executive Director

Cc: Members of the Senate Committee on Environment and Public Works