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EPA AND THE ARMY CORPS PROPOSED RULE TO DEFINE WATERS OF THE UNITED STATES (PAPERBACK)



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Createspace, United States, 2014. Paperback. Book Condition: New. 279 x 216 mm. Language: English . Brand New Book ***** Print on Demand *****.On March 25, 2014, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) jointly proposed a rule defining the scope of waters protected under the Clean Water Act (CWA). The proposal would revise regulations that have been in place for more than 25 years. Revisions are proposed in light of 2001 and 2006 Supreme Court rulings that interpreted the regulatory scope of the CWA more narrowly than previously, but created uncertainty about the precise effect of the Court s decisions. According to the agencies, the proposed rule would revise the existing administrative definition of waters of the United States consistent with legal rulings and science concerning the interconnectedness of tributaries, wetlands, and other waters and effects of these connections on the chemical, physical, and biological integrity of downstream waters. Waters that are jurisdictional are subject to the multiple regulatory requirements of the CWA. Non-jurisdictional waters are not subject to those requirements. This report describes the proposed rule and includes a table comparing the existing regulatory language that defines waters of the United States with the proposed revisions. The proposal is particularly focused on clarifying the regulatory status of waters located in isolated places in a landscape. It does not modify some categories of waters that currently are jurisdictional by rule (traditional navigable waters, interstate waters and wetlands, the territorial seas, and impoundments). The proposed rule would replace EPA-Corps guidance that was issued in 2003 and 2008, which has guided agency interpretation of the Court s rulings but also has caused considerable confusion. Beyond the categories of waters that would be categorically jurisdictional under the proposal are other waters. The regulatory term other waters applies...

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