

- One of President Trump's earliest acts in office was an executive order directing EPA and the Army Corps to review and replace the Obama EPA's definition of the "waters of the United States."
- The previous administration's 2015 rule wasn't about water quality. It was about power – power in the hands of the federal government over farmers, developers, and landowners.
- The 2015 rule would have greatly expanded Washington's control over local land use decisions.
- The agencies' new proposed definition would fulfill President Trump's commitment to end this federal overreach.
- It would end years of uncertainty over where federal jurisdiction begins and ends.
- It would be clear and easy to understand. It would help landowners understand whether a project on his or her property will require a federal permit or not, without spending tens of thousands of dollars on engineering and legal professionals.
- This certainty and clarity would save Americans time and money while accelerating infrastructure projects and economic development.
- Right now, because of litigation, the 2015 "waters of the United States" rule is in effect in 22 states, the District of Columbia, and the U.S. territories; and the previous regulations, issued in the 1980s, are in effect in the remaining 28 states.
- This inconsistent regulatory patchwork creates uncertainty and hinders projects that can benefit both the environment and the economy.
- The proposed definition would establish national consistency and would rebalance the relationship between the federal government and states in managing land and water resources.
- States already have their own regulations for waters within their borders, regardless of whether they are federally regulated as "waters of the United States."
- The agencies' proposal respects the law and would give states and tribes the certainty and flexibility they need to manage waters within their borders.

**What does this proposal mean for states, tribes, farmers, land owners, municipalities, and businesses?**

- The proposal would make it easier to understand where the Clean Water Act applies, and more importantly where it does not.
- The proposal would help business owners spend less money and time making decisions about whether their waters are "waters of the United States," and more time running their businesses and strengthening the nation's economy.

**Have the agencies listened to public input?**

- EPA and the Army listened to those directly impacted by the regulations and are proposing a definition that includes the following key aspects:
  - Excludes ephemeral streams and related features.
  - Covers only adjacent wetlands that are physically and meaningfully connected to other jurisdictional waters.
  - Cuts most ditches from unnecessary federal regulation.
  - Eliminates the use of subjective tests to determine jurisdiction over individual waters.
  - Retains exclusions for groundwater, prior converted cropland, stormwater control systems, some wastewater recycling structures, groundwater recharge basins, and waste treatment systems from federal Clean Water Act regulation.
  - Regulates perennial and intermittent tributaries to traditional navigable waters.