

WHAT'S AT STAKE

WITH ATTACKS ON THE CLEAN WATER ACT?

A proposal by the Trump Administration EPA that would gut the Clean Water Act is in the final stages of interagency review with an expected fall 2018 public release.

While former EPA Administrator Pruitt and other officials have cast this proposal as a rollback of the 2015 Clean Water Rule—which clarified which waters and wetlands are protected by the federal Clean Water Act—the reality is far more significant. The administration has proposed a dramatic and potentially catastrophic gutting of the Clean Water Act that would eliminate protections for many streams and wetlands across the country.

In President Trump's [Executive Order](#), EPA's [notice to review the Clean Water Rule](#), and former Administrator Pruitt's [Congressional testimony](#), the administration has clearly stated it will reinterpret which waters are protected under the Clean Water Act guided by Justice Antonin Scalia's opinion in a 2006 Supreme Court case that was rejected by a majority of the Court. This dramatic scale back of Clean Water Act jurisdiction would remove protections

from smaller waterways such as intermittent streams (those that do not flow consistently throughout the year) and would allow them to be buried, destroyed, or polluted into without a federal permit.

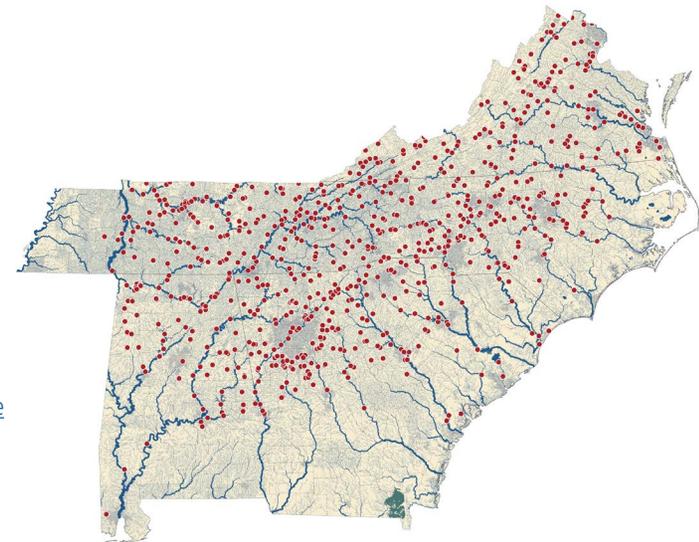
Based on [EPA's own analysis](#), this would remove Clean Water Act protections for up to 60 percent of stream miles in continental U.S. waters, and more than 75 percent of wetlands depending on location based on an internal SELC analysis. To put this in perspective, with the 2015 Clean Water Rule the EPA had estimated a possible 2-5 percent increase in waters and wetlands covered by the Clean Water Act.

STREAM CATEGORIES THAT WOULD NO LONGER BE COVERED BY THE CLEAN WATER ACT

The following illustrates the [percentage of streams in each state](#) that have no other streams flowing into them (defined as "start reaches" by EPA), and would be at risk for pollution under the new proposal.

OUR DRINKING WATER IS AT RISK

● Public water intakes from surface waters



The current administration's extreme proposal is not a repeal of the Clean Water Rule; it's a gutting of the Clean Water Act.

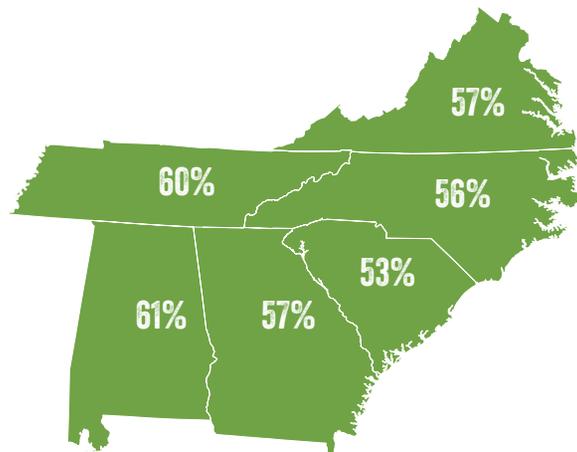
2-5% Increase in waters and wetlands covered by federal protections due to the 2015 Clean Water Rule

UP TO 60%

Continental U.S. stream miles that could lose federal protections under Trump Admin proposal

MORE THAN 75%

Wetlands that could lose federal protections in some regions (based on an internal SELC analysis)



In terms of wetlands, the administration has signaled it will remove all wetlands from Clean Water Act protection that do not have a continuous surface connection to major waters. An internal SELC analysis of nine sites in Virginia, North Carolina, and South Carolina where wetlands have previously been evaluated by the Army Corps of Engineers found that more than 75% of wetlands in these areas would lose protections.

POPULATION WHOSE DRINKING WATER INTAKE SOURCES ARE AT RISK FOR UNREGULATED POLLUTION UNDER TRUMP'S RULE

AL

56%

GA

53%

NC

50%

SC

42%

TN

56%

VA

53%

Learn more at ProtectSouthernWater.org

PROTECTIONS AT A GLANCE

Protections	Clean Water Act – Passed in 1972	Clean Water Rule – Passed in 2015	Trump Administration's Expected 2018 Proposal regarding Clean Water Act Jurisdiction
Surface waters that are navigable *Includes oceans, sounds, and tidal waters and navigable lakes, rivers, streams, and impoundments	Protected	Protected	Protected
Wetlands adjacent to navigable waters	Protected	Protected	Unprotected unless water is relatively permanent and there is a continuous surface connection to it
Continuously flowing tributaries that contribute flow to navigable waters	Protected	Protected	Protected
Wetlands adjacent to continuously flowing tributaries	Protected	Protected	Unprotected unless continuous surface connection to the tributary
Intermittently flowing tributaries	Protected if tributary has an ordinary high water mark	Protected if tributary has an identifiable bed, bank, and ordinary high water mark	Unprotected unless tributary has seasonal flow
Wetlands adjacent to intermittently flowing tributaries	Protected	Protected	Unprotected unless tributary has seasonal flow and there is a continuous surface connection to it
Wetlands not adjacent to navigable waters or tributaries to navigable waters	Protected under case-by-case analysis	Protected by bright line rules including: (1) if a wetland is in a 100-year floodplain or within 4,000 feet (case-by-case analysis) of a tributary and (2) analysis finds significant hydrological, chemical, or ecological nexus* to a traditionally navigable water	Unprotected
Significant regional wetland systems not adjacent to navigable waters or tributaries to navigable waters	Protected under case-by-case analysis	Protected if the prairie potholes, western vernal pools, Carolina and Delmarva bays, Texas coastal prairie wetlands, or pocosins have a significant nexus to traditionally navigable waters	Unprotected
Puddles	Never protected	Not protected despite comments by DC politicians to the contrary	Still not protected