

NACo testimony echoes local concerns about 'waters of the U.S.'

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Clinton County, Pa. Commission Chairman Pete Smeltz testified on the proposed 'Waters of the U.S.' rule's potentially harmful impacts on rural America.

Six weeks after NACo First Vice President Sallie Clark expressed serious concerns at a joint congressional hearing, on proposed changes to the "waters of the U.S." rule, Clinton County, Pa. Commission Chairman Pete Smeltz testified on the proposed rule's potentially harmful impacts on rural America before the U.S. House Committee on Agriculture's Subcommittee on Conservation and Forestry.

"NACo — including rural counties — supports common-sense environmental protection," Smeltz said. "Our concerns stem from the proposal's unclear language and its failure to consider real-world, on-the-ground impacts in localities across the country."

"This proposal would amount to extended federal oversight, greater delays in critical work, public safety risks and additional financial costs without benefiting the environment."

After working closely with county technical experts who implement federal and state programs every day — county engineers, legal staff, public works directors and storm water managers — NACo in November 2014 called for the proposed rule to be withdrawn until further analysis and more in-depth consultation with state and local officials could be completed.

At the March 17 hearing, Smeltz discussed the main reasons that led to NACo's decision:

- the proposal's broad impact on counties
- an inadequate consultation process with state and local governments
- ambiguous and inconsistent terminology, and
- ongoing delays with the current permitting process.

The proposed rule introduces vague definitions for terms like "tributary," "significant nexus," "adjacency," "riparian areas," "floodplains" and "neighboring." Depending on how these terms are interpreted, additional types of public infrastructure could fall under federal jurisdiction.

"Counties are not just stakeholders or a special interest group. We are key partners in our nation's intergovernmental system," he said.

Local governments own nearly 80 percent of all public road miles and half of the nation's bridges. Counties also own and maintain public safety infrastructure designed to keep rising water away from people and property. These and other systems include flood control channels, roadside ditches, green infrastructure and drinking water facilities.

Smeltz remarked that this is not a partisan issue for counties. "In the eyes of county governments, this is not a political issue. It is an issue of practicality and partnership.

"NACo looks forward to working with Congress and federal agencies to craft a rule that makes sense. Together, we can create a rule that will achieve our common goal: to protect clean water while protecting public safety and the economic vitality of our communities."