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AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.



June 17, 2009

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Re: Oppose S. 787, the Clean Water Restoration Act

Dear Chairman Boxer:

On behalf of the Associated General Contractors of America (AGC), I am writing to urge you to oppose S. 787, the Clean Water Restoration Act, when it is considered by the Environment and Public Works Committee this week.

S. 787 would create the greatest expansion of the Clean Water Act's regulatory reach since it was enacted in 1972 by creating a new legislative definition of "waters of the United States" that would be limitless and by giving the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers jurisdiction over all wet areas—however remote or intermittent—and over all activities (e.g., construction) affecting those waters. Consequently, the bill would greatly increase the circumstances under which construction contractors and project owners would be required to obtain and be regulated by federal Clean Water Act permits.

Expanding federal authority over water and land use without bounds would delay or stop construction projects nationwide and slow economic growth and recovery. The federal permitting process would increase the cost of and delay necessary improvements to the public and private infrastructure that forms the foundation of our nation's economy, such as highways, bridges, transit, airports, flood control, navigation, schools, and drinking and wastewater facilities. Given the existing backlog of pending Clean Water Act permits, the legislation would require an enormous increase in the resources devoted to the federal permitting process simply to keep pace with the increased demand. However, the bill does not allocate additional resources to address the added workload.

Furthermore, AGC urges you to oppose amendments offered in committee that would attempt to cosmetically address varying concerns about the underlying bill without fundamentally altering the basic premise of S. 787 which is designed to delete the term "navigable" from the Clean Water Act. Such amendments do not rein in the extraordinary expansion of federal jurisdiction that would occur once this fundamental alternation is made in the law; the list of exemptions needed to accomplish this goal would be endless.

Again, AGC urges you to oppose S. 787. Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey D. Shoaf', is written over a horizontal line.

Jeffrey D. Shoaf
Senior Executive Director
Government and Public Affairs