



## The Associated General Contractors of America

### Oppose Expansion of Federal Control over Waters and Wetlands

#### Background:

- ❑ Legislation in the House, H.R. 2421, and Senate, S. 1870 – *The Clean Water Restoration Act of 2007* – would create the greatest expansion of the Clean Water Act since it was signed into law in 1972. The legislation would expand the federal role beyond protecting wetlands and waters having an understandable “significant nexus” to navigable waters and regulate everywhere that rainwater happens to flow, including roadside ditches and even gutters.

#### AGC Message:

- ❑ **Oppose Legislation to Expand Clean Water Act Permit Requirements for Construction Work that May Impact Any Wet or Damp Areas within the United States.** The legislation would give the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency jurisdiction over all wet areas – however remote or intermittent – and over all activities (e.g., construction) affecting those waters.
- ❑ **Expanding Federal Authority over Water and Land Use Would Delay or Stop Construction Projects Nationwide and Slow Economic Growth.** The federal permitting process would increase the cost of maintaining and delay necessary improvement of public and private infrastructure that literally forms the foundation of our nation’s economy, such as highways, bridges, mass transit, airports, flood control, navigation, schools, sewers, and drinking water facilities.
- ❑ **A Backlog of Pending Clean Water Act Permit Requests Exists.** The legislation does not propose additional resources to address the added workload. The current backlog of pending requests for necessary permits is between 15,000 and 20,000, and, on average, an individual permit takes 2-3 years to receive. At a bare minimum, the legislation would require an enormous increase in the resources devoted to the federal permitting process simply to keep pace with the increase in demand.
- ❑ **Congress Should Not Rush to Expand the Scope of the Clean Water Act.** Instead, Congress should preserve the role that states and localities have traditionally played. States and local authorities should lead the regulation of land and water use, not the federal government.

#### Congressional Action Needed:

- ❑ AGC urges Congress to oppose the Clean Water Restoration Act or any legislation that would greatly expand the federal jurisdictional reach of the Clean Water Act.