

United States Senate
WASHINGTON, DC 20510

November 3, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
108 Army Pentagon
Washington, DC 20310

Dear Administrator McCarthy and Assistant Secretary Darcy:

We are writing in regards to the Clean Water Rule: Definition of 'Waters of the United States' Final Rule, and the need for the Environmental Protection Agency and Army Corps of Engineers to better clarify the implications of this final rule.

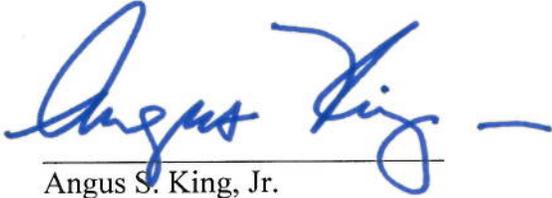
We all agree that clean water is critical and that your agencies have the important role of protecting our streams and waterways as mandated under the landmark Clean Water Act. We recognize that the task of clarifying the definition of 'Waters of the United States' is an important, yet complicated, undertaking.

We all provided suggestions and relayed concerns from our constituents during the rulemaking process. We were pleased that some of these concerns were addressed in the final rule. We believe the Federal Water Quality Protection Act offered by Senator Barrasso undermines the ability to adequately safeguard our precious waterways and undercuts a need for clarity on the appropriate jurisdiction of the Clean Water Act. Given the current stay placed on this rule by the Sixth Circuit Court of Appeals, this is also the wrong time for a legislative approach.

However, while we cannot currently support the Federal Water Quality Protection Act, we believe the EPA and Army Corps of Engineers can and must do better to address the legitimate issues that have been raised in regards to the implementation of this rule. We call on the EPA and Army Corps of Engineers to provide clearer and concise implementation guidance to ensure that the rule is effectively and consistently interpreted. Farmers, ranchers, water utilities, local governments, and contractors deserve this clarity and certainty. Should the EPA not provide this clarity or enforce this rule in a way that erodes traditional exemptions, we reserve the right to support efforts in the future to revise the rule.

We look forward to working with you to sufficiently address the concerns of our constituents in regards to the Clean Water Rule.

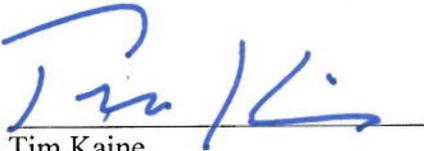
Sincerely,



Angus S. King, Jr.
UNITED STATES SENATOR



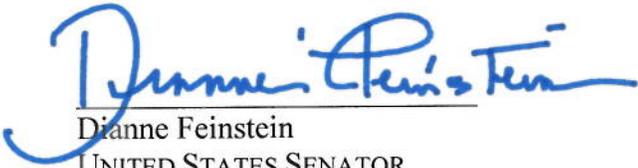
Bill Nelson
UNITED STATES SENATOR



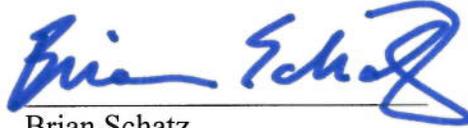
Tim Kaine
UNITED STATES SENATOR



Mark Warner
UNITED STATES SENATOR



Dianne Feinstein
UNITED STATES SENATOR



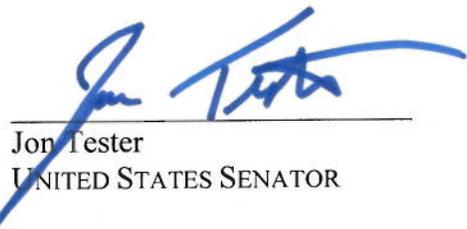
Brian Schatz
UNITED STATES SENATOR



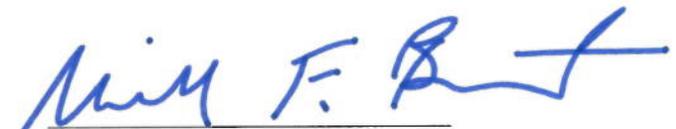
Chris Coons
UNITED STATES SENATOR



Tom Carper
UNITED STATES SENATOR



Jon Tester
UNITED STATES SENATOR



Michael F. Bennet
UNITED STATES SENATOR



Amy Klobuchar
UNITED STATES SENATOR