



Proposed Clean Water Act Rule

Introduction

In April of 2014, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) published a proposed rule to redefine “Waters of the U.S.” under the Clean Water Act (CWA).

“Waters of the U.S.” Proposed Rule

The CWA regulates discharges of pollutants into the “Waters of the United States.” The new proposed rule appears to redefine “Waters of the U.S.” in a manner that would significantly expand the “waters” subject to the CWA. Additionally, in conjunction with the proposed rule, the EPA and Corps issued an “interpretive rule” (IR) regarding CWA exemptions for agricultural discharges of dredge and fill materials (dirt or soil) into “Waters of the U.S.” that was made effective immediately. The IR could potentially place new constraints on farms and ranches, particularly if the proposed rule is finalized.

The CWA includes exemptions for agriculture, but the AHC and other agricultural groups have serious concerns regarding both the proposed rule and the IR. Any expansion of what are deemed waters regulated by the CWA could potentially impact horse farms, ranches, show grounds, equine centers and racetracks, create uncertainty regarding requirements under the CWA, and impose a new unnecessary regulatory burden on the horse industry.

Rule Status

On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the Clean Water Rule nationwide pending further action of the court.

Congressional Action

On December 13, 2014, an omnibus appropriations bill, which will fund the government through September 30, 2015, was passed by Congress. The bill included language that would require the EPA and Corp to withdraw the IR and prohibit requiring a permit for dredge and fill material.

AHC Position

The AHC has joined with a broad coalition of agricultural groups in opposing the proposed rule and requesting that it and the IR be withdrawn.