

CO-SPONSOR THE CLEAN WATER PROTECTION ACT (H.R. 2169)

HELP RESTORE THE CLEAN WATER ACT AND STOP WASTE DUMPING IN WATERS

Since the passage of the Clean Water Act in 1972, the people of the United States have invested billions of dollars in cleaning up waterways to meet the law's primary goal: "restore and maintain the chemical, physical and biological integrity of the Nation's waters."

While this law has had many successes, an enormous amount of work remains to be done before our country meets this important goal. Yet, rather than seizing on the task at hand, the agencies responsible for protecting the nation's waters instead repealed a long-standing Clean Water Act regulation that prohibited industries from burying streams, rivers, lakes, wetlands and other waters under huge piles of waste.

The Clean Water Protection Act of 2007 (H.R. 2169) would overturn this absurd and dangerous regulation, restoring common sense and environmental protection to our nation's clean water laws.

On May 3, 2002, the U.S. Army Corps of Engineers and the Environmental Protection Agency finalized a rule that changed the long-standing definition of "fill material" used by both agencies to allow, for the first time, waste to be used to fill streams, lakes, wetlands, and other waters.

The rule change was pushed into effect primarily by the coal mining industry, which wanted the Corps to continue to allow mine operators to fill and bury Appalachian streams with wastes from mountaintop removal coal mining. On May 8, 2002, a federal court in West Virginia found that the rule change violated the Clean Water Act and is therefore illegal. But a year later, a U.S. appeals court in Richmond reversed the lower-court ruling that would have ended the practice of filling rivers and streams with waste rock and dirt from mountaintop removal coal mining operations.

Until Congress acts, the waters of Appalachia will continue to be destroyed by mountaintop removal waste dumps. Already, the dumping of countless tons of mountaintop removal coal mining waste has already buried and destroyed over 1200 miles of Appalachian streams. In addition, the new rule also expressly allows hardrock mining waste, construction and demolition debris and other types of harmful wastes to be dumped into rivers and streams across the country – so waters everywhere are at risk, too.

Congress meant for the Clean Water Act to protect our nation's water resources. **The Clean Water Protection Act, introduced by Representatives Frank Pallone (D-NJ) and Chris Shays (R-CT) would define "fill material" to expressly forbid the dumping of this waste to bury the nation's waters.** The bill restores the prohibition on using waste as "fill" that had been in the regulations since 1977. Creating a statutory definition of "fill material" that expressly excludes waste materials will end the need for further court proceedings and clarify the law consistent with the purpose of the Clean Water Act – to restore and maintain the integrity of the Nation's waters.

Please support the Clean Water Protection Act to ensure our streams and waterways aren't buried under millions of tons of mining and other industrial wastes.

For more information, contact:
(write constituent contact information here)