



To: Chapter and Group Water Contacts

From: Debbie Neustadt, Sierra Club, national Water Sentinels

Re: E.P.A. Guidance on Section 401 CWA

September 1, 2019

The EPA's proposal to narrow state water quality permitting under the Clean Water Act section 401 was [published in the Federal Register](#), which opened a 60-day public comment period.

I sent out a memo intitled *Take Action Message from Staff* on Section 401 on August 30<sup>th</sup> that was a forward of information from Joan Walker. If you did sign the AddUp petition and submit comments through Sierra Clubs software (which I encourage you to do) then you don't have to use the talking points below to submit comments through the EPA site.

Here are the talking points the club has developed to help people make comments at the EPA site via [www.regulations.gov](http://www.regulations.gov) using docket number EPA-HQ-OW-2019-0405.

### **Toplines**

- EPA's proposal is yet another attempt by Donald Trump to sell out clean water protections to corporate polluters.
- Our bedrock environmental safeguards exist to protect our water and communities from the worst effects of these dirty and dangerous pipelines, coal export facilities, LNG terminals, or other polluting projects. This dangerous overreach is just another example of Donald Trump putting polluter profits over our health and water.
- The commonsense water protections that Donald Trump is attempting to bypass are based on the idea that you, your community, and your state should have a say to what happens near your home, in your neighborhood, and your town. This proposed rule change undermines states' ability to protect their waters.
- The Clean Water Act is an important tool for states to protect their waters from pollution from projects, like pipelines, that require federal permits.
- The Clean Water Act has been around since 1972, but now Donald Trump is rolling our water protections back to the days before disco -- back when rivers caught on fire and people thought cigarettes were healthy.
- These polluting corporations have already rigged the system in their favor, and now Donald Trump is helping them double down.

### **Rollbacks to Clean Water Act State Protection Provisions**

- The rule change would severely limit the time and tools available to states and tribes to properly evaluate the effect federally permitted projects, like pipelines or fossil fuel facilities, would have on waterways. This could force states to approve water permit applications with insufficient data or prematurely give their authority to issue permits to the federal government.
- It would limit states' ability to request additional information on the negative effects of proposed projects and only allow states to consider pollution dumped from the end of a pipe. This change means states could no longer consider all potential sources of pollution, including from sediment, runoff, or erosion.
- This proposal would create a huge loophole for polluting corporations, ignoring the harm they do to our rivers, streams and other waterbodies every day.
- Under the new rules, if a state denies a water permit application for not protecting water quality sufficiently, EPA could decide the state is actually "waiving" their rights and approve the permit without a state's approval.
- Prior to the rule even being finalized, attorneys general from across the country have voiced concerns about efforts to undermine states' ability to protect their water.

### **Flaws in the process**

- Trump wants to gut bedrock environmental protections that have been used to protect our water for decades with only token "public participation."
- EPA will hold only one public hearing, in Salt Lake City -- a town far from any place that has used this rule to safeguard communities -- and a short 60 day comment period for people to have their voices heard.
- Any proposal to change the Clean Water Act needs sufficient time to thoroughly analyze potential negative impacts and be as inclusive as possible.

### **If pressed on the jobs angle:**

- Trump is attempting to create a false choice between protecting our clean water, health, and environment, and creating family sustaining jobs--like those created by advancing clean, renewable energy or fixing our nation's drinking water infrastructure.
- Real infrastructure work needs to be done, like fixing our aging water systems and investing in clean, renewable energy sources. Not only will investments in fixing our broken infrastructure like these encourage cleaner, healthier water, but they will create jobs, too.

Hashtags:

#PeopleOverPolluters

#ProtectCleanWater

#stopthepipelines