

October 11, 2021

# AMWA once again highlights drinking water implications of WOTUS

October 11, 2021 at 5:00 AM

AMWA submitted comments (<https://www.amwa.net/testimonycomments/amwa-comments-regarding-federalism-consultation-revising-wotus>) to EPA and the U.S. Army Corps of Engineers (USACE) on October 1 regarding the two agencies' Federalism Consultation for possible revisions to the "Waters of the United States" (WOTUS) rule. EPA and USACE recently announced their decision (<https://track.amwa.net/y.z?l=https%3A//www.amwa.net/article/army-corps-epa-vacate-trump-era-wotus-rule-after-court-ruling&j=344445322&e=1&p=1&t=h>) to restore the scope of water protections that were in place before the implementation of the Obama-era Clean Water Rule in 2015. The two agencies then intend to (<https://www.amwa.net/article/saga-continues-epa-army-corps-engineers-announce-intention-revise-wotus-0>) develop a new rule to define WOTUS.

Similar to previous comments (<https://www.amwa.net/article/amwa-asks-agencies-consider-wotus-implications-drinking-water>), AMWA's letter supported the overall goal of streamlining the regulatory process and clarifying the definition of WOTUS but continued to caution EPA and USACE against implementing regulatory changes that would compromise the quality of the nation's source waters. In addition, the association emphasized the importance of controlling pollutants at the source rather than removing them at the consumer's expense after a contaminant has entered a drinking water source. AMWA argued that this approach "helps ensure that those who pollute our natural resources are not allowed to pass the cost of cleanup onto public drinking water utilities and their customers."

AMWA reiterated the need for drinking water infrastructure to be excluded from the definition of WOTUS. The letter underlined the fact that "current and past practice under the [Clean Water Act] has excluded water infrastructure components from jurisdiction under WOTUS once they are constructed" and that the association does not believe it was the intent of Congress, EPA, or USACE that this infrastructure be included under the definition.

Neither EPA nor USACE has announced a timeline for when a new WOTUS proposal might

be released.

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