

US EPA ARCHIVE DOCUMENT

The Clean Water Rule for: BUSINESS



WHY THE CLEAN WATER RULE IS IMPORTANT

Clean and reliable water is an economic driver, including for manufacturing, farming, tourism, recreation, and energy production. Protection for about 60 percent of the nation's streams and millions of acres of wetlands has been confusing and complex since Supreme Court decisions in 2001 and 2006. In addition to making valuable water resources more vulnerable, this has often resulted in time consuming determinations of protected waters, which delays the activities of businesses. EPA and the U.S. Army are ensuring that waters protected under the Clean Water Act are more precisely defined, more predictably determined, and easier for businesses and industry to understand.

The Clean Water Act protects the nation's waters. A Clean Water Act permit is only needed if these waters are going to be polluted or destroyed.

INPUT SHAPED THE RULE

After releasing the proposed rule last year, the agencies held more than 400 meetings with stakeholders across the country to provide information, hear concerns, and answer questions. The agencies reviewed over one million public comments, and listened carefully to perspectives from all sides. All of this public input helped to shape the final Clean Water Rule.

A [survey](#) by the American Sustainable Business Council found that 80 percent of small business owners favor including small streams and headwaters in federal clean water protections. More than [300 small businesses](#) across the country wrote a letter to the President supporting protections for critical waterways across the country. The 800,000 Latino-owned businesses that make up the Latin Business Association supported this commonsense proposal in a [column](#).

WHAT THE RULE DOES

The Clean Water Rule protects streams and wetlands that are scientifically shown to have the greatest impact on downstream water quality and form the foundation of our nation's water resources. Specifically, the Clean Water Rule:

- **Clearly defines and protects tributaries that impact the health of downstream waters.** The Clean Water Act protects navigable waterways and their tributaries. The rule says that a tributary must show physical features of flowing water – a bed, bank, and ordinary high water mark – to warrant protection. The rule provides protection for headwaters that have these features and science shows can have a significant connection to downstream waters.
- **Provides certainty in how far safeguards extend to nearby waters.** The rule protects waters that are next to rivers and lakes and their tributaries because science shows that they impact downstream waters. The rule sets boundaries on covering nearby waters for the first time that are physical and measurable.
- **Protects the nation's regional water treasures.** Science shows that specific water features can function like a system and impact the health of downstream waters. The rule protects prairie

potholes, Carolina and Delmarva bays, pocosins, western vernal pools in California, and Texas coastal prairie wetlands when they impact downstream waters.

- **Focuses on streams, not ditches.** The rule limits protection to ditches that are constructed out of streams or function like streams and can carry pollution downstream. So ditches that are not constructed in streams and that flow only when it rains are not covered.
- **Maintains the status of waters within Municipal Separate Storm Sewer Systems.** The rule does not change how those waters are treated and encourages the use of green infrastructure.
- **Reduces the use of case-specific analysis of waters.** Previously, almost any water could be put through a lengthy case-specific analysis, even if it would not be subject to the Clean Water Act. The rule significantly limits the use of case-specific analysis by creating clarity and certainty on protected waters and limiting the number of similarly situated water features.

The rule only protects waters that have historically been covered under the Clean Water Act. It does not add any new requirements for agriculture and retains all of the exemptions and exclusions for farming, ranching, and forestry. It does not interfere with private property rights or address land use. It does not regulate most ditches; regulate groundwater, shallow subsurface flows or tile drains; or change policy on irrigation or water transfers.

BUSINESSES DEPEND ON CLEAN, RELIABLE WATER

Our nation's businesses depend on clean, reliable water to operate. Here are a few examples:

- **Manufacturing** companies use more than 9 trillion gallons of fresh water every year.
- The **beverage industry** uses about 12 billion gallons of water annually to produce products valued at \$58 billion. Brewers depend on clean water, which is more than 90 percent of beer.
- **Fishing** is a \$48 billion per year industry that supports a million family wage jobs. About 33 million Americans go fishing each year.
- **Fishermen, hunters, and wildlife watchers** spent \$144.7 billion in 2011 on activities, equal to 1 percent of the Gross Domestic Product.
- **Aquatic recreation** is big business. This includes kayaking, canoeing, rafting, surfing, and swimming. About 19 million people participate in paddling each year, spending \$86 billion on gear and trips.
- **Agriculture** across America depends on clean and reliable water for livestock, crops, and irrigation. The Clean Water Rule provides greater clarity and certainty to farmers and does not add economic burden on agriculture.



FOUNDATION IN SCIENCE

Science shows us the most important waters to protect. In developing the Clean Water Rule, the Agencies utilized the latest science, including a report summarizing more than 1,200 peer-reviewed, published scientific studies which showed that small streams and wetlands play an important role in the health of larger downstream waterways like rivers and lakes.

MORE INFORMATION: WWW.EPA.GOV/CLEANWATERRULE & WWW.ARMY.MIL/ASACW