



M A D R O N A I N V E S T M E N T G R O U P , L . L . C .

July 17, 2007

The Honorable James L. Oberstar  
House Committee on Transportation and Infrastructure  
Rayburn House Office Building 2165  
Washington, DC 20515

Dear Chairman Oberstar:

As the first (and later the fifth) Administrator of the U.S. Environmental Protection Agency, I represented the Administration in the debates over the Federal Water Pollution Control Act amendments of 1972. The Nixon Administration supported a comprehensive federal effort, undertaken in cooperation with the states, to get the nation's severe water pollution problems under social control, and that initial effort has largely been successful. EPA supported a broad definition of "navigable waters" as "waters of the U.S." Like Congress, we recognized that the "chemical, physical, and biological integrity of the Nation's waters" could not be maintained and restored unless pollutants could be controlled at the source, before they enter traditionally navigable waters.

As the head of the EPA at that time, I and my staff were responsible for the implementation and enforcement of the sweeping new law. To faithfully interpret the key jurisdictional term "navigable waters" that Congress had just broadly redefined as "waters of the United States," EPA proposed a regulatory definition of the term "waters of the United States" that included interstate and intrastate waters. In the three decades since the Clean Water Act's passage, EPA has consistently interpreted the term "navigable waters" to cover all "waters of the United States," including non-navigable tributaries and wetlands.

Broad Clean Water Act jurisdiction is not only necessary to clean up the Nation's waters. It is necessary to ensure that the responsibility for maintaining and restoring clean water is shared equitably throughout the watershed and from state to state. In passing the Clean Water Act, Congress recognized that the state-by-state approach to water pollution control had failed, and that it was necessary to maintain a federal "floor" for water pollution control to ensure that discharges in one state do not jeopardize water quality in another.

It is my understanding you are working on legislation that would create a statutory definition of "waters of the United States" based on the EPA's longstanding regulatory definition. To the extent this legislation, HR 2421, restores -- and does not expand -- the jurisdictional scope that existed for over three decades through many administrations, those of both Republicans and Democrats, it will provide a real service for the nation. By focusing strictly on restoring historic jurisdiction, H.R. 2421 can remove the crippling uncertainty, confusion, and delay currently being experienced by the State and federal agencies charged with implementing the Clean Water Act, as well as by the regulated community.

I appreciate your efforts to provide this clarity, and to assure protection of our nation's waters.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

William D. Ruckelshaus