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Future of Waters of the United States/Examining the Role of States: U.S. House of Representatives Committee on Science, Space, & Technology Hearing Addressing Clean Water Act

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The Subcommittee on Environment of the United States House of Representatives Committee on Science, Space, & Technology (“Committee”) is holding a hearing today titled:

Waters of the United States: Examining the Role of States

The Hearing Charter states that its purpose is to:

... survey the current status of federal regulations and their impact at the state level. This hearing will also examine options to improve federal water rules moving forward.

Because of the hearing’s title it is likely safe to assume that a key focus will be the Clean Water Act definition of waters of the United States (“WOTUS”). This definition is back in play as the United States Environmental Protection Agency and Corps of Engineers consider potential changes.

The definition is arguably one of the three critical jurisdictional terms in the Clean Water Act. The importance of the jurisdictional definition of WOTUS is magnified by the fact that it is also relevant to non-National Pollution Discharge Elimination System federal programs such as:

- Section 404 of the Clean Water Act Wetland Permits
- Section 311 Oil/Hazardous Substance Release Requirements
- Clean Water Act Spill Prevention Control and Countermeasure Regulations

The scope of the definition of WOTUS has been a subject of litigation, legislative oversight, rulemakings and public policy debates since the enactment of the modern version of the Clean Water Act in 1972.

The scheduled witnesses at the hearing include:

- Mr. Wesley Mehl

Deputy Commissioner, Arizona State Land Department

- Mr. James K. Chilton, Jr.,

Rancher, Chilton Ranch

- Mr. Ken Kopocis

Adjunct Associate Professor, American University Washington College of Law

- Mr. Reed Hopper

Senior Attorney, Pacific legal Foundation

A link to information regarding the hearing can be found here.

<https://science.house.gov/legislation/hearings/subcommittee-environment-hearing-future-wotus-examining-role-states>