

House Resolution 1343 (COMMITTEE SUBSTITUTE)

By: Representatives McCall of the 33rd, England of the 116th, Cooke of the 18th, Holmes of the 129th, Shaw of the 176th, and others

A RESOLUTION

1 Encouraging the United States Environmental Protection Agency to withdraw the proposed
2 Waters of the United States Clean Water Plan rule; supporting the comments submitted to
3 the Environmental Protection Agency by thousands of landowners, numerous trade
4 associations, and the Georgia Environmental Protection Division; supporting the leadership
5 and actions of Georgia's Governor and Attorney General in opposing the Clean Water Plan
6 rule; and encouraging the support of actions by Congress to enact legislation delaying
7 implementation of the final Clean Water Plan rule until certain criteria are met; and for other
8 purposes.

9 WHEREAS, affordable, high-quality, and reliable fresh water is critical to the everyday lives
10 of Georgians, the stability and competitiveness of the state's economy, and Georgia's future
11 economic development; and

12 WHEREAS, the United States Environmental Protection Agency's (EPA) proposed Clean
13 Water Plan rule is designed to fundamentally shift management of the water sector in
14 Georgia to federal control, eliminating state management and decision making; and

15 WHEREAS, the EPA's proposed Clean Water Plan rule is designed to transform
16 management of the water sector in ways that will impact the productive use, reliability,
17 affordability, and management of water resources in Georgia; and

18 WHEREAS, as written, the Clean Water Plan rule could become one of the largest federal
19 land grabs in United States history; and

20 WHEREAS, in 2008, under the leadership of Governor Sonny Perdue, the Georgia General
21 Assembly had the foresight to support development of and unanimously pass a
22 Comprehensive State-wide Water Management Plan; and

23 WHEREAS, the Comprehensive State-wide Water Management Plan further demonstrates
24 the State of Georgia's leadership in water planning, management, and oversight by mandating
25 the establishment of ten Regional Water Councils to provide local stewardship of water
26 resource planning; and

27 WHEREAS, a strong commitment by industries, utilities, communities, and individual water
28 users across Georgia to a culture of conservation has already demonstrated investment in and
29 commitment to water-use efficiency measures that has reduced and continues to reduce
30 overall water use; and

31 WHEREAS, agriculture is Georgia's oldest, largest, and most valuable industry that relies
32 on access to and the efficient use of water resources for the production of a diverse range of
33 food and fiber for domestic and export markets; and

34 WHEREAS, the introduction of the Clean Water Plan rule will penalize Georgia's farmers
35 and other industries who will now face increased business interruption from regulatory
36 uncertainty, regulatory costs, and bureaucratic interference, which could make everyday
37 farming tasks, such as cultivating, spraying, fencing, and more, federally regulated activities
38 that carry massive fines if a farmer is found in violation; and

39 WHEREAS, the EPA's proposed Clean Water Plan rule would allow waters traditionally
40 off-limits to federal regulation, such as nonnavigable ponds, streams, ditches, and tributaries,
41 to be subjected to the dictates of the EPA under a misapplication of the Clean Water Act; and

42 WHEREAS, the proposed Clean Water Plan rule is already being challenged in federal court,
43 and further challenges are likely; and

44 WHEREAS, in October of 2015, a United States Circuit Court of Appeals temporarily
45 blocked the Clean Water Plan rule from taking effect across the nation; and

46 WHEREAS, in December of 2015, the nonpartisan Government Accountability Office found
47 that the EPA violated federal law in promoting the Clean Water Plan rule; and

48 WHEREAS, the proposed Clean Water Plan rule threatens the state's core interests and
49 authority over water policy and water resources; and

50 WHEREAS, the Georgia Environmental Protection Division of the Department of Natural
51 Resources, Georgia's Attorney General, industry groups, and concerned individuals have
52 submitted comments in opposition to the Clean Water Plan rule; and

53 WHEREAS, an overwhelming majority of the members of Georgia's congressional
54 delegation, recognizing the pernicious impact the EPA's Clean Water Plan rule will have on
55 Georgia, have opposed and continue to vigorously oppose the Clean Water Plan rule.

56 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
57 the members of this body encourage the United States Environmental Protection Agency to
58 immediately withdraw the proposed Waters of the United States Clean Water Plan rule.

59 BE IT FURTHER RESOLVED that the members of this body support the comments on the
60 Clean Water Plan rule submitted to the Environmental Protection Agency by the State of
61 Georgia.

62 BE IT FURTHER RESOLVED that the members of this body support the Joint Resolution
63 resolved by Congress on January 4, 2016: *"That Congress disapproves the rule submitted by*
64 *the Corps of Engineers and the Environmental Protection Agency relating to "Clean Water*
65 *Rule: Definition of 'Waters of the United States' (80 Fed. Reg. 37054; June 29, 2015), and*
66 *such rule shall have no force or effect."*

67 BE IT FURTHER RESOLVED that to avoid the potentially unnecessary and substantial
68 expenditure of limited state and consumer resources, the members of this body urge Congress
69 and the President to enact legislation to prohibit the Clean Water Plan rule from taking effect
70 unless and until any and all legal challenges to the Clean Water Plan rule have been fully
71 resolved and no appeals remain.

72 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
73 and directed to make appropriate copies of this resolution available for distribution to the
74 President of the United States, all members of the congressional delegation from the State
75 of Georgia, the United States Environmental Protection Agency, the National Governors
76 Association, the Environmental Council of the States, other relevant organizations, all states'
77 governors, all states' environmental commissioners, and all states' legislative leadership.