



## **H.R. 1310 “Clean Water Protection Act”**

H.R. 1310 could result in the loss of up to 375,000 high-paying mining jobs and jeopardize over one million jobs that are dependent upon the economic output generated by these operations. Other sectors, including highway construction, residential and industrial development, and construction of schools and hospitals would also be affected.

The bill amends Section 502 of the Clean Water Act (CWA) by adding a new definition of the term “fill material” that would preclude “any pollutant discharged into the water primarily to dispose of waste.” This approach would affect all earth-moving industries, road and highway construction, private and commercial development and many of the new projects funded by the Economic Stimulus package, as they would no longer be able to obtain CWA Section 404 permits. The permits are necessary for placement of the excess rock and soil that is generated by these types of construction and development projects. Without these essential permits, thousands of jobs will be lost and many projects intended to stimulate the economy will never be brought to fruition.

The existing regulatory definition the bill overturns was jointly developed in 2002 by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers after significant public comment. That definition is consistent with EPA and the Corps’ longstanding practice and ensures that material with the effect of filling waters of the United States is regulated under the regulatory regime best designed to deal with those effects - Section 404 of the CWA. H.R. 1310 would change thirty years of regulatory practice and further burden an already suffering economy.