



Clean Water Act News

PRESS RELEASE: Obama Administration Affirms Comprehensive Commitment to Clean Water

WASHINGTON – Recognizing the importance of clean water and healthy watersheds to our economy, environment and communities, the Administration released a national clean water framework today showcasing its comprehensive commitment to protecting the health of America's waters. The framework emphasizes the importance of partnerships and coordination with states, local communities, stakeholders, and the public to protect public health and water quality, and promote the nation's energy and economic security.

For nearly 40 years, the Clean Water Act (CWA), along with other important Federal measures, has been a cornerstone of our effort to ensure that Americans have clean and healthy waters. The Administration's framework outlines a series of actions underway and planned across Federal agencies to ensure the integrity of the waters Americans rely on every day for drinking, swimming, and fishing, and that support farming, recreation, tourism and economic growth. It includes draft Federal guidance to clarify which waters are protected by the CWA nationwide; innovative partnerships and programs to improve water quality and water efficiency; and initiatives to revitalize communities and economies by restoring rivers and critical watersheds.

"Clean water and healthy waterways are vital to the health and vibrancy of our communities and the strength of our economy," said Nancy Sutley, Chair of the White House Council on Environmental Quality. "Working with our partners across communities, governments and sectors, we are taking comprehensive action to ensure Americans have the clean and healthy waters they need and deserve."

"The steps we're outlining today will be instrumental to protecting the waters of the United States, and ensuring that the vital natural resources our communities depend on for their health and their economy are safeguarded for generations to come," said EPA Administrator Lisa P. Jackson.

"The proposed joint EPA and Army guidance will clarify CWA jurisdiction and help the Corps and its partner agencies protect important aquatic resources and watersheds that communities rely on for their quality of life and essential services," said Assistant Secretary of the Army for Civil Works Jo-Ellen Darcy.

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For more information on the entire announcement and to read the Obama Administration's clean water framework, visit:

www.whitehouse.gov/administration/eop/ceq/initiatives/clean-water.

April 27th US Environmental Protection Agency (EPA) and US Army Corps of Engineers (USACE) announced the release of "Draft Guidance on Identifying Waters Protected by the Clean Water Act."

This draft guidance clarifies how agencies will identify "Waters of the United States" under the Clean Water Act (CWA). It further implements the Supreme Court's decisions in the Solid Waste Agency of Northern Cook County v. USACE and Rapanos v. US. The guidance provides:

- Clarification that small streams and streams that flow part of the year are protected under the CWA if they have a physical, chemical or biological connection to larger bodies of water downstream and could affect the integrity of those downstream waters. Agencies would be able to evaluate groups of waters within a watershed context.
- Acknowledgment that when a water body does not have a surface connection to an interstate water or a traditional navigable water, but there is a significant physical, chemical or biological connection between the two, both waterbodies should be protected under the CWA.
- Recognition that waterbodies may be "traditional navigable waters," and subject to CWA protections, under a wider range of circumstances than identified in previous guidance.
- Clarification that interstate waters (crossing state borders) are protected under existing regulations.

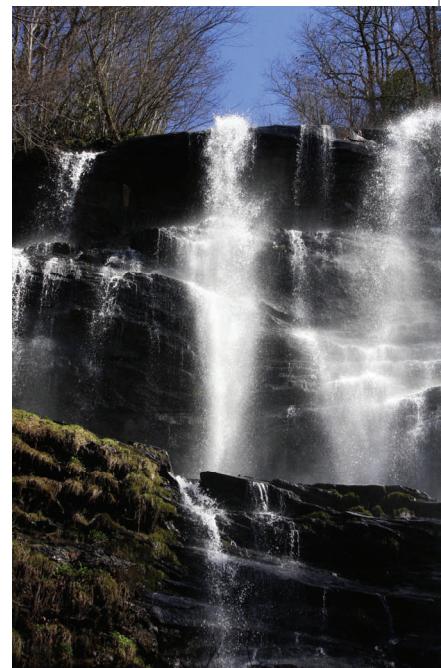
The proposed guidance does not change any of the existing exemptions under the CWA and describes waters not regulated under the Act, including: Certain artificially irrigated areas; Many agricultural and roadside ditches; and Artificial lakes or ponds, including farm and stock ponds.

The draft guidance and supporting materials are all posted at: <http://usace.army.mil/CECW/Pages/nppi.aspx> and <http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm>.

The proposed guidance is in the Federal Register, dated 2 May 2011. Instructions for providing comments are also detailed in the Register.

The final guidance will replace previous guidance to reaffirm protection for critical waters under all CWA programs.

Is the following water a TNW? Jurisdictional?



AVATAR**Example Avatar Web Page**

Major General Semonite, Commander, South Atlantic Division noted that "COL JEFF HALL and his SAVANNAH REGULATORY TEAM hit a HOME RUN with their new Regulatory AVATAR program and associated web page."

On Earth Day, Savannah District rolled out its new web based interactive system to help the public understand and simplify the complicated permit processes covered under their jurisdiction. "This new guide uses the latest technology, animation and an avatar character similar to those used in computer games, to explain the regulatory processes," said Russell Kaiser, Chief of the Regulatory Division in the Savannah District. "Applicants can interact as the avatar character explains the regulatory procedures and assists in walking customers through step-by-step instructions." Through the development of the many checklists and example completed forms the regulatory program requirements are made more simplistic and understandable for the public. To that end, the public will be in a better position for knowing what the regulatory team is looking for in the application package.

The web site for the avatar application process is <http://www.sas.usace.army.mil/regulatory>.

The screenshot shows a web page titled "Example Avatar Web Page". At the top right is a placeholder for an "Avatar" image. Below it is a section for "US Army Corps of Engineers Savannah District". A large image of a woman with blonde hair is displayed. Navigation links at the bottom include "Jurisdictional Determination", "Permitting", "Mitigation", and "Developing Mitigation Bank". A sidebar contains a block of placeholder text.

BUILDING STRONG®**2012 Nationwide Permits**

The US Army Corps of Engineers recently announced the proposed 2012 nationwide permits (NWPs) for work in waters, including wetlands, that are regulated under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 in the Federal Register, dated February 16, 2011. The proposed NWPs and processing schedule are available at: <http://www.gpo.gov/fdsys/pkg/FR-2011-02-16/pdf/2011-3371.pdf>

Our goal is to develop and authorize nationwide permits that provide clarity and certainty, saving time and cost to the regulated public and the government," said Major General William T. Grisoli, U.S. Army Corps of Engineers, Deputy Commanding General for Civil and Emergency Operations. "We believe the set of nationwide permits being proposed today encourage innovation and creativity in meeting the challenges of protecting America's wetlands and aquatic resources." For example, two new NWPs have been proposed to support renewable energy generation projects.

The Savannah District is proposing many regional conditions to ensure only minimal individual and cumulative impacts may be authorized under a NWP; they are available at: <https://sasweb.sas.usace.army.mil/jpn/Attachments/nationwide.pdf>.

In May/June, the district will be seeking comments on the proposed conditions and need for additional conditions. Comments can be sent to the US Army Corps of Engineers, Savannah District, ATTN: Regulatory Division, 100 West Oglethorpe Avenue, Savannah, Georgia, 31401-3640

The screenshot shows a Federal Register notice for the 2012 Nationwide Permits. It includes the date (February 16, 2011), the volume (76), and the page number (32). The notice discusses the Department of Defense, the Department of the Army, Corps of Engineers, and provides instructions for comments. It also mentions the background of the permits and the current status.

DEPARTMENT OF DEFENSE
Department of the Army, Corps of Engineers
ZRIN 0710-ZA05
Proposal To Reissue and Modify Nationwide Permits
AGENCY: Army Corps of Engineers, DoD.
ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is soliciting

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE-2010-0035 and/or ZRIN 0710-ZA05. All comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the commenter indicates that the

Background
The current nationwide permits (NWPs), which were published in the March 12, 2007, issue of the **Federal Register** (72 FR 11092) expire on March 18, 2012. With this **Federal Register** notice, we are beginning the process for reissuing the NWPs so that the reissued NWPs will be in effect as the current NWPs expire.

Section 404(e) of the Clean Water Act provides the statutory authority for the Secretary of the Army, after notice and

EARTH DAY 2011**Regulatory Receives Recognition for ARRA Execution**

The Regulatory Division recently received a visit and recognition from Major General Semonite, commanding general for South Atlantic Division (SAD), for timely processing of projects funded through the American Recovery and Reinvestment Act (ARRA). During the 2009-2010 timeframe, the Regulatory Division developed a Regional Permit that expedited the environmental review and processing of projects that received ARRA funds, hired two term positions to assist in workload, and issued contracts for both compliance inspections and Avatar development.

**Savannah District Regulator in Afghanistan**

In the fall of 2010, Ms. Pat Beamon (Front Row-Fifth from the Left) volunteered to serve in USACE's mission: Operation Enduring Freedom in Afghanistan. In a recent email exchange, Ms. Beamon indicated, "I am still struggling with jet lag. The working environment is unique, and I have my steel plated vest and my protective helmet hanging next to me in case of an emergency! Everything I need is in walking distance which may cut half of my fitness routine that I had at the Savannah District." Ms. Beamon will support the mission for a period of six months before returning to her duties in the Savannah District.

District Offices

ALBANY FIELD OFFICE

1104 N. WESTOVER BLVD UNIT 9

ALBANY, GA 31707

229-430-8566/67

SAVANNAH DISTRICT OFFICE**COASTAL BRANCH OFFICE**

ATTN: CESAS-RD-C

100 W. OGLETHORPE AVE

SAVANNAH, GA 31401

800-448-2402

PIEDMONT BRANCH OFFICE

ATTN: CESAS-RD-P

1590 ADAMSON PARKWAY, SUITE 200

MORROW, GEORGIA 30260

678-422-2735

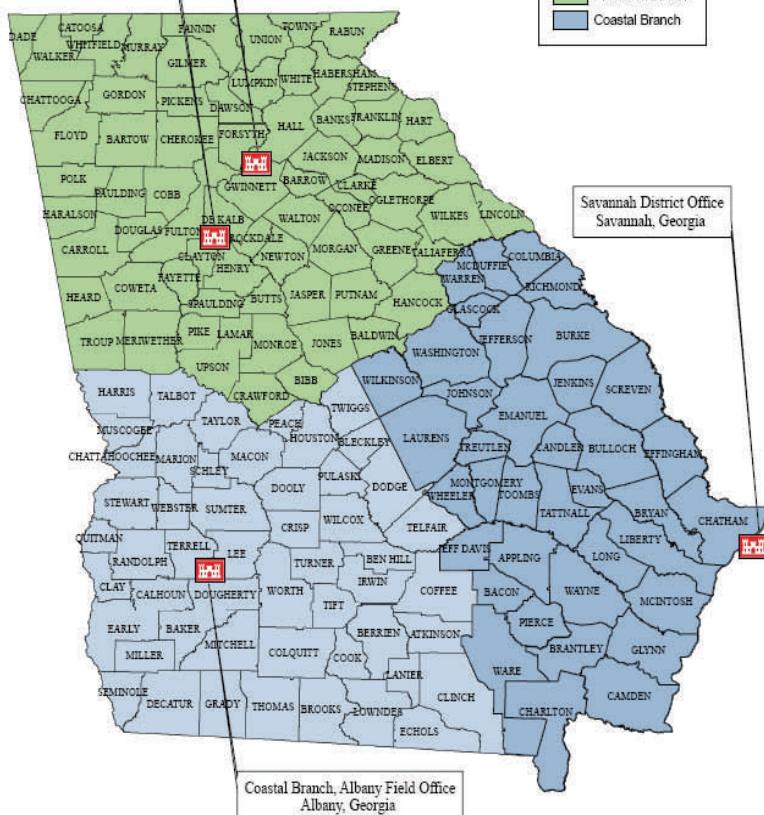
LANIER FIELD OFFICE

ATTN: CESAS-RD-P

P.O. Box 528

BUFORD, GA 30515

770-904-2365

Piedmont Branch, Lanier Field Office
Buford, GeorgiaPiedmont Branch Office
Morrow, Georgia**Legend**
Piedmont Branch
Coastal Branch

Do you know your Regulatory Staff?

Kimberly L. Garvey was born in Syracuse, New York. She attended St. Lawrence University in Canton, New York and graduated in 1997 with a B.S. in Biology.

She began her career working with the US Forest Service as a Student Conservation Association volunteer and was hired the following summer to do stream and wildlife surveys.

From 1998 to 2004, Kim worked on the Umpqua, Mt. Hood, Willamette and Gifford-Pinchot National Forests in Oregon and Washington. Kim then worked for the Bureau of Reclamation at the Yuma Desalting Plant, helping to ensure they remained compliant with environmental regulations.

In 2006, Kim started her career with USACE at the Pittsburgh District, soon thereafter she relocated to the Wilmington District. In April 2010, she settled down into the Savannah District as the Chief of the Permits Section in the Coastal Branch.

