

TRUMP'S EXECUTIVE ORDER ROLLING BACK THE CLEAN WATER RULE AND WHAT IT MEANS FOR NEW MEXICO



On February 28, 2017 President Donald Trump signed an executive order rolling back EPA's Clean Water Rule, also known as the Waters of the US Rule. This move has serious impacts for New Mexico's waters. "Water is precious in New Mexico, without it our way of life is threatened and our communities suffer," said Rachel Conn Projects Director for Amigos Bravos. "This dirty water move today by President Trump reverses years of work to ensure that New Mexicans have the clean water they need for drinking, irrigating and recreating."

Overview of the Clean Water Rule

- **Developed by EPA and the US Army Corps of Engineers to clarify what waters are protected by the Clean Water Act.** It was in response to confusion after Supreme Court rulings in 2001 and 2006. The Rule was finalized in August 2015 and then on October 9th, 2015 the US Court of Appeals for the 6th Circuit stayed the Rule nationwide, pending further action of the court.
- **The Rule restores prior protections that once existed for a variety of water bodies, including tributaries to traditionally navigable waters.** In New Mexico traditional navigable waters are only the mainstems of 5 river systems – Rio Grande, Canadian, Pecos, Gila, and San Juan. This rule ensures that the tributaries to these river systems are protected under the law.
- **The Rule provides clarity and reduces permitting delays.**

Why the Rule is Important to New Mexico

- **Tributary streams in New Mexico such as the Santa Fe River, Rio Hondo, Gallinas, Red River and Rio Pueblo provide water for our acequias, wildlife and recreation.** These waters need protection from unregulated dumping and pollution!
- **Many (93.6%!) of New Mexico tributaries are ephemeral or intermittent.** These water are important for many reasons, they flow into our main river systems; provide wildlife habitat; and are used for livestock watering and irrigation. The Rule would restore Clean Water Act protection to many of these waters.

- **20% of the state's vertebrate wildlife depend upon ephemeral and intermittent waters.**
- **At least 280,000 people in New Mexico receive drinking water from sources that rely at least in part on ephemeral or intermittent tributaries.**
- **New Mexico is a non-delegated state meaning that EPA administers and issues NPDES permits in New Mexico.** Unlike many other states we do not have a state program in place to control surface water discharges into state waters.

History of the Clean Water Act

- The federal Clean Water Act, passed in 1972, **has guided the transition from rivers that literally caught on fire to healthy watersheds** where species like the bald eagle and river otter once again thrive.
- **The Clean Water Act requires wastewater and industrial facilities to clean water before discharging into the nation's rivers.**
- **After Supreme Court decisions in 2001 and 2006, which waters were protected by the Clean Water Act was called into question.** These Supreme Court rulings made Clean Water Act protections for some waters that historically had been covered under the law, such as waters that flow intermittently or are isolated, uncertain.
- **The Clean Water Rule clarifies that some of the rivers, streams, and wetlands that fell through the cracks in the post-2001 confusion are indeed protected.**
- **Trump's 2/28/17 executive order directs the Environmental Protection Agency's leader Scott Pruitt to initiate the lengthy legal process of rescinding and rewriting the rule. This process could take years.**



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