

Senate Resolution 1018

By: Senators Wilkinson of the 50th, Harper of the 7th, Black of the 8th, Heath of the 31st, Walker III of the 20th 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; and for other purposes.

3 WHEREAS, affordable, high-quality, and reliable freshwater is critical to the everyday lives
4 of Georgians, the stability and competitiveness of the state's economy, and Georgia's future
5 economic development; and

6 WHEREAS, the United States Environmental Protection Agency's proposed Clean Water
7 Plan rule is designed to fundamentally shift management of the water sector in Georgia to
8 federal control, eliminating state management and decision-making; and

9 WHEREAS, the Environmental Protection Agency's proposed Clean Water Plan rule is
10 designed to transform the management of the water sector in ways that will impact the
11 productive use, reliability, affordability, and management of water resources in Georgia; and

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

14 WHEREAS, in 2010, under the leadership of Governor Sonny Perdue, the Georgia General
15 Assembly had the foresight to support development of, and unanimously pass, a
16 Comprehensive State-wide Water Management Plan; and

17 WHEREAS, the Comprehensive State-wide Water Management Plan further demonstrates
18 the State of Georgia's leadership in water planning, management, and oversight by mandating
19 the establishment of ten regional water councils to provide local stewardship of water
20 resource planning; and

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

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

27 WHEREAS, the introduction of the Clean Water Plan rule will penalize Georgia's farmers
28 and other industries who will now face increased business interruption from regulatory
29 uncertainty, regulatory costs, and bureaucratic interference. Everyday farming tasks, like
30 cultivating, spraying, fencing, and more, could now become federally regulated activities that
31 carry massive fines if a farmer is found in violation; and

32 WHEREAS, the Environmental Protection Agency's proposed Clean Water Plan rule would
33 allow waters traditionally off-limits to federal regulation, including non-navigable ponds,
34 streams, ditches, and tributaries, to be subjected to the dictates of the Environmental
35 Protection Agency under a misapplication of the Clean Water Act; and

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

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

40 WHEREAS, in December of 2015, the nonpartisan Government Accountability Office of the
41 United States found that the Environmental Protection Agency violated federal law in
42 promoting the Clean Water Plan rule; and

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

45 WHEREAS, the Georgia Environmental Protection Division, the Attorney General of
46 Georgia, industry groups, and concerned individuals all submitted comments in opposition
47 to the Clean Water Plan rule; and

48 WHEREAS, an overwhelming majority of Georgia's congressional delegation, recognizing
49 the pernicious impact the Environmental Protection Agency's Clean Water Plan rule will
50 have on Georgia, continues to vigorously oppose the Clean Water Plan rule.

51 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body
52 encourage the Environmental Protection Agency to immediately withdraw the proposed
53 Clean Water Plan rule.

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

56 BE IT FURTHER RESOLVED that members of this body support the joint resolution
57 resolved by Congress on the fourth day of January, 2016, which stated:

58 "That Congress disapproves the rule submitted by the Corps of Engineers and the
59 Environmental Protection Agency relating to "Clean Water Rule: Definition of 'Waters of
60 the United States'" (80 Fed. Reg. 37054; June 29, 2015), and such rule shall have no force
61 or effect."

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

67 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
68 to make appropriate copies of this resolution available for distribution to the President of the
69 United States, all members of the congressional delegation from the State of Georgia, the
70 United States Environmental Protection Agency, the National Governor's Association, the
71 Environmental Council of the States, the heads of all state environmental departments, and
72 the leadership of all state legislatures.