



## **Advocacy Alert: Favorable Outcome on Waters of the U.S. Rule**

### **THE ISSUE**

In 2015, EPA and the Army Corps of Engineers published a final regulation to expand the Clean Water Act (CWA) definition of “waters of the United States” or WOTUS. This action would have subjected a broad range of industrial, agricultural and commercial operations – including many foundries -- to jurisdiction of the CWA and triggered the need for federal permits for these activities. Several states and industry groups challenged the rule. In late 2018, EPA issued a new rule, replacing the Obama-era rule.

### **AFS ADVOCACY**

AFS and its Washington, D.C. environmental consulting firm, The Policy Group, closely monitored this issue and evaluated the impact on foundries. AFS concluded that the new definition offered by the Obama Administration was overly broad. AFS offered comments about the rule in various communications throughout the process.

### **THE POSITIVE OUTCOME**

The new rule took effect June 22, 2020. The new rule includes four simple categories of jurisdictional waters, provides clear exclusions for many water features that have traditionally not been regulated, and defines terms in the regulatory text that have not been defined before. AFS members will benefit from the clarity that the new rule brings.