

Reso.

2014-0362

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
ST. CHARLES PARISH COUNCIL

RESOLUTION NO. 6121

A resolution to request the members of the Louisiana Federal delegation to request the EPA to stop the implementation of the proposed new "Water of the US" rule and include local government in the drafting of new language.

WHEREAS, a proposed regulation to expand the "Waters of the U.S." definition in the Clean Water Act (CWA) has been filed; and,

WHEREAS, this proposal will impact parish/county-owned and maintained public safety infrastructure such as roadside ditches and flood control channels; and,

WHEREAS, the proposed "Waters of the U.S." regulation stems from the 2001 Supreme Court decision, Solid Waste Agency of Northern Cook County (SWANCC) vs. U.S. Army Corps of Engineers, 531 U.S. 159 (2001) and the U.S. Supreme Court has stated that an applicant spends an average of 788 days of time and \$271,596 to obtain an individual 404 U.S. Corps permit; and,

WHEREAS, this proposal will drain local budgets, hamper business development, increase cost of infrastructure construction and maintenance, and continue an unacceptable level of uncertainty in the permitting processes; and,

WHEREAS, under the proposed rule St Charles Parish will remain responsible for ensuring that public safety infrastructure ditches are maintained; however, extensive permitting procedures will result in delays, thus exposing St. Charles Parish to increased liability from suits arising from a failure to properly maintain a public safety area, which could ultimately be the result of delays from an extensive Federal permitting process, rather than a local action or lack thereof; and,

WHEREAS, prior to implementation of the proposed rule, St Charles Parish respectfully requests that an economic study be commissioned to determine the following: 1) the estimated loss of revenues by local government resulting from the proposed rule; 2) the estimated increase in Federal revenues resulting from the proposed rule; and 3) the total estimated economic impact that the proposed rule would have on each state; and that the results of the study be submitted to Congress for review; and,

WHEREAS, broadening the "Waters of the U.S." definition would adversely impact local farmers, governments, businesses, and property owners; and,

WHEREAS, not only would these definitional changes impact parish/county-owned and maintained ditches, they would also affect every existing Clean Water Act program, because there is only one "Waters of the U.S." and thereby adding another level of review and permitting to Section 402 National Pollutant Discharge Eliminating System permits for Storm Water discharges; and,

WHEREAS, if more waters fall under federal jurisdiction, parishes/counties will be forced to submit more Section 404 permits and will face longer delays in the jurisdictional determination and permitting process.

**NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby request the members of the Louisiana Federal delegation to request the EPA to stop the implementation of the proposed new "Water of the US" rule and include local government in the drafting of new language.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, LEWIS, WILSON, BENEDETTO, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: WOODRUFF, HOGAN

And the resolution was declared adopted this 3rd day of November, 2014, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]  
SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 11-4-14

APPROVED: [Signature] DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: [Signature]

AT: 11:35a RECD BY: [Signature]