



Natural building blocks for quality of life

June 17, 2008

The Honorable Barbara Boxer
Chairman
Committee on Environment & Public Works
U.S. Senate
Washington, DC 20510

Dear Madam Chairman:

On behalf of the members of the National Stone, Sand & Gravel Association I urge you to delay Environment and Public Works consideration of S. 787. This legislation will undermine the partnership between the federal and state governments that has been the cornerstone of the Clean Water Act (CWA). Our members work hard to operate in a manner protective of the environment; unfortunately S. 787 will burden an already highly regulated industry during a national effort to revive the economy, for debatable environmental effect.

While the S. 787 (Clean Water Restoration Act) would purportedly restore the power of the CWA, it is actually a far reaching expansion of jurisdiction. By removing the term "navigable" from the CWA and adding a long list of water types to the definition of what is considered a "Water of the U.S.," this bill would result in the largest expansion of the CWA since its adoption - going far beyond the original intent of the law.

This legislation eliminates the cornerstone of the CWA, which is the partnership between the federal and state governments. Despite 30 years of success, resulting in cleaner water nationwide, S. 787 would eliminate that partnership and give the federal government control over all water, including groundwater, without respect to size or importance. Importantly, and very troubling, this additional jurisdiction will give the federal government veto power over all local land use decisions as an expanded CWA will require many, many more permit applications.

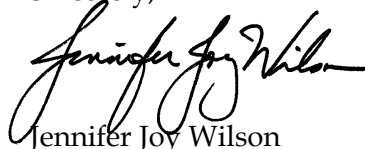
For the following reasons I urge you to oppose the bill:

- The legislation is a radical expansion of federal jurisdiction that eliminates the federal/state partnership, which has been the cornerstone of the law for 37 years.
- Aggregate operations must go through a lengthy permitting process at the state and local level, where concerns are addressed, before any mining begins. The legislation would add another layer of regulation on an already highly regulated industry and further delay the local permitting process.
- At our operations, ponds are created to wash our product to meet the specifications of our customers, including the state Departments of Transportation, along with ponds that are created incidental to mining activities. Due to the way the legislation is written, a section 404 permit would be required for any activity that may affect these ponds, including drawing water to wash the trucks leaving the plants. A separate permit would be required to clean out the ponds of accumulated sediment.

- A recent study found that getting an individual Section 404 permit took on average 788 days at a cost of \$271,000. Vastly increasing the jurisdiction of the CWA would require more permits and cause these costs to grow.
- The undefined phrase “activities affecting these waters” is a drastic departure from past language and could be used to tie up permit applications in the courts. Anything not precisely defined by Congress will be certain to cause litigation.
- In addition, at the end of the useful life, many quarries have been turned into environmental preserves and recreation centers beneficial to the local environment. Increased regulations and costs will only make these types of reclamation projects more expensive, and as a result possibly less appealing.

The members of NSSGA work diligently to protect the waters on and near their property and go above and beyond environmental regulations wherever possible. We are proud of our member’s work to protect the environment while producing the basic building blocks of modern society. For the reasons stated above, I urge you to pull S. 787 from consideration at the upcoming business meeting in order to hold hearings to learn more about how this legislation will negatively impact landowners across America.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Joy Wilson". The signature is written in a cursive, flowing style.

Jennifer Joy Wilson
President & CEO

cc: Senate EPW Committee