

1 SJR3
2 179197-1
3 By Senator Waggoner
4 RFD: Rules
5 First Read: 15-AUG-16

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8 URGING THE UNITED STATES ENVIRONMENTAL PROTECTION
9 AGENCY TO WITHDRAW PROPOSED RULES REGARDING THE NATIONAL
10 POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM.

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12 WHEREAS, the United States Environmental Protection
13 Agency (EPA) has proposed significant changes to rules
14 implementing the National Pollution Discharge Elimination
15 System (NPDES) in its proposed Docket EPA-HQ-OW-2016-0145; and

16 WHEREAS, the EPA has a history of using its
17 regulations to usurp authority delegated to the states in an
18 effort to advance a political agenda; and

19 WHEREAS, changing the rules so that the EPA may take
20 jurisdiction of an NPDES permit being issued by a delegated
21 state brings uncertainty to existing permit holders including
22 business, industry, and state and local governmental entities;
23 and

24 WHEREAS, the EPA proposed rules related to
25 administratively extending permits are vague and not
26 authorized by the Clean Water Act; and

1 WHEREAS, these rules will adversely impact the
2 ability of delegated states to manage NPDES permits as
3 authorized by the Clean Water Act; and

4 WHEREAS, the additional requirement for delegated
5 states with regard to record keeping will impose an undue
6 burden on the states with no additional revenue; and

7 WHEREAS, EPA mandated changes in calculations used
8 by delegated states will reduce the flexibility state
9 regulators need to account for local conditions; and

10 WHEREAS, the EPA failed to engage state regulators
11 and other parties in meaningful collaborations on these NPDES
12 issues; now therefore,

13 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
14 HOUSES THEREOF CONCURRING, That the EPA is urged to
15 immediately withdraw EPA-HQ-OW-2016-0145.

16 BE IT FURTHER RESOLVED, That a copy of this
17 resolution be provided to EPA Administrator Gina McCarthy and
18 each member of the Alabama congressional delegation.