

VOTE ‘NO’ ON SJR 7
SUPPORT THE CLEAN WATER RESTORATION ACT

SJR 7 opposes the Clean Water Restoration Act because of misinformation. The definition proposed in the Clean Water Restoration Act for “waters of the United State” is no more stringent or less stringent than what was used for decades before 3 recent Supreme Court decisions.

- Because of 3 recent Supreme Court decisions, congressional action is needed to eliminate confusion and provide clarity concerning what “waters of the United States” are covered by the Clean Water Act: U.S. Supreme Court decisions in 2001 (SWANCC) and 2006 (Carabell/Rapanos) have created confusion about what waters are protected by the federal Clean Water Act.
- Why is the term “navigable” being removed? The purpose of the Clean Water Act is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” When the Clean Water Act passed in 1972, Congress’s primary concern was to protect the nation’s water from pollution, rather than just sustain the navigability of waterways. The term “navigable” was used in the Clean Water Act to mean “waters of the United States.” Again, the definition of “waters of the United States” proposed in the Clean Water Restoration Act is the same definition in federal rules, since 1972.
- Failing to support protection of those waters historically protected under the Clean Water Act will result in substantial losses to the quality and quantity of the nation’s waters. In 1972, when the Clean Water Act passed, only 1/3 of waterways met water quality goals. Today nearly 60% of waterways meet water quality goals.
- Waters at Risk: In Montana, 54% of streams are headwater streams with no other streams flowing into them and 63% of streams only flow for part of the year. These are some of the waters most at risk of losing Clean Water Act protections.
- Drinking Water: More than 340,000 Montanans get their drinking water from public water supplies that are fed entirely or in part by streams at risk of losing protection.
- Direct Discharge Permits: At least nine industrial and municipal facilities in Montana have permits under the federal law regulating their pollution discharges and are located on headwater streams. Twelve permitted facilities in Montana discharge to streams without year-round flow.
- The Clean Water Restoration Act would clarify that Congress intended for all waters in the U.S. to be protected by the Clean Water Act. The bill:
 - Clarifies that the definition of “waters of the United States” in the Clean Water Act is broad and based on a decades-old definition of waters in federal agencies.
 - Deletes the word “navigable” from the Act to clarify that the Clean Water Act is principally intended to protect the nation’s waters from pollution, not just ensure the navigability of our waterways.
 - Restores protection to many wetlands and headwaters streams in Montana that inexpensively filter out pollution, slow flood waters, store water for late-season stream flows, and provide important fish and wildlife habitat.

Supporters of the Clean Water Restoration Act include Governor Brian Schweitzer and the Montana Water Pollution Control Advisory Committee.

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