



# BENTON COUNTY

STATE OF ARKANSAS

Barry Moehring, County Judge

June 23, 2017

Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

VIA email: [CWAwotus@epa.gov](mailto:CWAwotus@epa.gov)

Re: Waters of the United States regulation

Greetings:

This letter is to provide comments concerning what we understand to be proposed impending Executive Orders being considered related to revising the definition of Waters of the United States (WOTUS). Benton County became aware that this issue had arisen in 2014 and passed a resolution (Resolution R-2014-19) opposing any executive action (i.e. regulations) concerning adjusting the definition of WOTUS, and stating that any revision to such definition should be considered by Congress.

Due to the limited time frame available for the County to consider the matter again (after becoming aware that it may again be close to some type of action), as well as due to a lack of information about what action is currently being considered, Benton County has not adopted a new resolution. However, Benton County's governing body, the Quorum Court, at a meeting on June 22<sup>nd</sup>, affirmed that the 2014 resolution remains its position on the issue and asked that I communicate that to you. There were no dissenting votes. A copy of the 2014 resolution affirmed by that vote accompanies this letter.

As time permits and information becomes available, and if appropriate, Benton County may expand on its comments related to this topic.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Barry Moehring  
Benton County Judge

enc

ADOPTED

MAY 22 2014

FILED

2014 MAY 28 AM 10:30

TENA O'BRIEN  
CO & PROBATE CLERK  
BENTON COUNTY AR

**RESOLUTION NO. R-2014-19**

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF BENTON,  
STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION EXPRESSING THE QUORUM COURT'S  
OPPOSITION TO THE PROPOSED RULE AMENDING THE  
DEFINITION OF "WATERS OF THE UNITED STATES"

WHEREAS, the United States Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) have in Volume 79, No. 76 of the Federal Register (April 21, 2014) proposed a rule amending the definition of "waters of the United States" under the Clean Waters Act; and

WHEREAS, the proposed rule would have significant impact on the County and its citizens by expanding the "waters" coming under the scope of the Clean Water Act, imposing regulations for which the consequences of compliance are not entirely clear, but would certainly add time and expense to the endeavors of the County and its citizens; and

WHEREAS, the EPA and Corps are proposing this amended definition some twenty-five years after the current version of the rule was put in place, without the involvement of Congress, subverting the legislative process inherent in the Constitution of the United States and essentially creating legislation through unelected Executive Branch bureaucrats;

NOW THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF BENTON COUNTY, ARKANSAS THAT:

**ARTICLE 1.** It opposes the proposed amendment to the definition of "waters of the United States" under the Clean Waters Act, unless and until the issue is considered and acted on by the Congress of the United States in the normal legislative process.

**ARTICLE 2.** The County Clerk is directed to send copies of this resolution as soon as practical as provided for comments to the proposed rule in the Federal Register, to the Administrator of the Environmental Protection Agency, to the Commanding General and Chief of Engineers of the Army Corps of Engineers, and to all members of the Arkansas Congressional delegation. The Clerk is further directed to send a copy of this resolution to the Association of Arkansas Counties asking that it communicate the resolution to our sister counties in Arkansas.

ADOPTED

MAY 22 2014

FILED

2014 MAY 28 AM 10:30

TENA O'BRIEN  
CO & PROBATE CLERK  
BENTON COUNTY AR

ADOPTED this 22<sup>nd</sup> day of May, 2014

APPROVED:

*Robert D. Clinard*  
ROBERT D. CLINARD, COUNTY JUDGE  
DATE SIGNED: MAY 27, 2014

ATTEST:

*Tena O'Brien*  
TENA O'BRIEN, COUNTY CLERK  
DATE ADOPTED: May 22, 2014  
SPONSOR: JP Susan Anglin  
Votes For: 14 Votes Against:       
Abstain:      Present:      Absent: 1