



Water: Wetlands

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Clean Water Act Definition of "Waters of the United States"



Clean water is the nation's most valuable natural resource and is relied on for drinking, recreation, manufacturing, energy development, agriculture, commercial fishing, tourism, and many other purposes that are essential to public health and the economy.

Since 1972, the Clean Water Act has protected our health and environment by reducing the pollution in [streams](#), [lakes](#), [rivers](#), [wetlands](#) and other waterways. But over the past decade, interpretations of Supreme Court rulings have removed some waters from federal protection, and caused confusion about which waters and wetlands remain protected.

EPA and the U.S. Army Corps of Engineers have sent a draft rule to clarify the jurisdiction of the Clean Water Act to the Office of Management and Budget for interagency review. The proposed rule will provide greater consistency, certainty, and predictability nationwide by providing clarity in determining where the Clean Water Act applies. These improvements are necessary to reduce costs and minimize delays in the permit process and protect waters that are vital to public health, the environment and economy. The process for making these improvements will be transparent, based on the best available science, consistent with the law, and include the opportunity for public input. EPA and the Corps of Engineers have received requests for a rulemaking from members of Congress, state and local officials, industry, agriculture, environmental groups, and the public.

This draft rule takes into consideration the latest peer-reviewed science reflected in a draft science report titled: [Connectivity of Streams and Wetlands to Downstream Waters](#), which presents a review and synthesis of more than 1,000 pieces of relevant peer reviewed scientific literature. EPA's independent [Science Advisory Board](#) is soliciting public comment and will hold a public peer review meeting later this year.

This report, when finalized, will provide a scientific basis needed to clarify Clean Water Act jurisdiction, including a description of the factors that influence connectivity and the mechanisms by which connected waters affect downstream waters. Any final regulatory action related to the jurisdiction of the Clean Water Act in a rulemaking will be based on the final version of this scientific assessment, which will reflect EPA's consideration of all comments received from the public and the independent peer review.

The proposed rule is limited to clarifying current uncertainty concerning the jurisdiction of the Clean Water Act that

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- [Streams](#)
- [Wetlands](#)
- [Your Drinking Water](#)



- [Why This Matters to You \(PDF\)](#) (2 pp, 275K)

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has arisen as an outgrowth of recent Supreme Court decisions. EPA and the Corps are focusing on clarifying protection of the network of smaller waters that feed into larger ones, to keep downstream water safe from upstream pollutants. The agencies are also clarifying protection for wetlands that filter and trap pollution, store water, and help keep communities safe from floods. These improvements will additionally result in important economic benefits for the nation's businesses, agriculture, energy producers, and others who depend on abundant and reliable sources of clean water.

The proposed rule does not propose changes to existing regulatory exemptions and exclusions, including those that apply to the agricultural sector that ensure the continuing production of food, fiber and fuel to the benefit of all Americans. In fact, the proposed rule will enhance the ability of the Clean Water Act and USDA's conservation programs to work in tandem to protect water quality and improve the environment by encouraging expanded participation in conservation programs by farmers and ranchers. It will do so by providing greater clarity on which waters are not subject to Clean Water Act jurisdiction and greater certainty on which activities do not require Clean Water Act permits.

Why This Matters



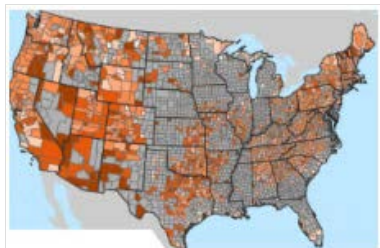
Drinking Water and Edwards Creek, Texas



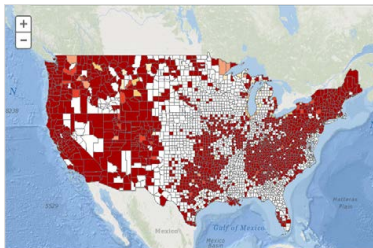
Recreation in Lake Blackshear, Georgia



Pollution in San Pedro River, Arizona



Analysis of Drinking Water Provided by Vulnerable Streams



Interactive Drinking Water Map

Background Information

Select from the list below to expand the view and read further information on that topic.

[Previous EPA Statements on Waters of the US](#)

[Relevant Information about Water](#)

[Legal Background on Waters of the US](#)

[Regulatory Definition of Waters of the U.S.](#)