

House Engrossed

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HOUSE CONCURRENT RESOLUTION 2030

A CONCURRENT RESOLUTION

OPPOSING EXPANSION OF THE FEDERAL POINT SOURCE DISCHARGE PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the Federal Clean Water Act of 1972 sets water quality
2 standards and requires federal permits for certain actions that can affect
3 the water quality of rivers, streams and other surface waters designated as
4 waters of the United States; and

5 Whereas, federal law affects primarily water in lakes, ponds, rivers
6 and streams, but not all isolated water bodies or some normally dry washes
7 and arroyos; and

8 Whereas, since 1975, the State of Arizona has declared jurisdiction
9 over all waters of the state, including ephemeral and intermittent
10 watercourses; and

11 Whereas, the State of Arizona is successfully operating the federal
12 Point Source Discharge Program delegated to it from the Environmental
13 Protection Agency for waters of the United States within Arizona; and

14 Whereas, Arizona already has declared jurisdiction over any other water
15 body in Arizona but has not needed to expand the federal permit program for
16 that purpose; and

17 Whereas, the United States Supreme Court has confirmed the distinction
18 between federal and state jurisdiction that Arizona recognized in 1975 in
19 opinions rendered in 2001 and 2006; and

20 Whereas, federal legislation is being proposed that would emasculate
21 the role of the states in administering this program and force federal
22 permitting that experience has shown is not necessary; and

23 Whereas, legislation has been proposed in the last Congress and will be
24 reintroduced in the 111th Congress to emasculate the Supreme Court decisions
25 and force the states to expand, at considerable cost, the federal Point
26 Source Discharge Program.

27 Therefore

28 Be it resolved by the House of Representatives of the State of Arizona, the
29 Senate concurring:

30 1. That the Members of the Legislature oppose the unnecessary and
31 immensely costly expansion of the federal Point Source Discharge Program as
32 current legislation proposes, and oppose any legislation that would result in
33 the expansion of federal jurisdiction and emasculation of the states'
34 jurisdiction.

35 2. That the Members of the Legislature assert that it is not in
36 Arizona's best interest to make changes to the Federal Clean Water Act that
37 would force states to relinquish their current authority over ditches,
38 culverts and pipes, desert washes, dry arroyos, farmland, treatment ponds and
39 other waters of the state including ephemeral and intermittent watercourses.