December 22, 2010

Chair Peterson

Commissioners

Protecting Surface Water

In 1972, the Federal Government passed the Clean Water Act. All waters with a "significant nexus" to "navigable waters" are covered under the CWA; however, the phrase "significant nexus" remains open to judicial interpretation and considerable controversy. In 2006 the [Supreme Court](http://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) of **The United States** clarified that the term "**waters of the United States**":

...includes only those relatively permanent, standing or continuously flowing bodies of water "forming geographic features" that are described in ordinary parlance as "streams oceans, rivers, and lakes."

Under section 309, the EPA can issue administrative orders against violators, and seek civil or criminal penalties when necessary.

* For a first offense of criminal negligence, the minimum fine is $2,500, with a maximum of $25,000 fine per day of violation. A violator may also receive up to a year in jail. On a second offense, a maximum fine of $50,000 per day may be issued.
* For a knowing endangerment violation, i.e. placing another person in imminent danger of death or serious bodily injury, a fine may be issued up to $250,000 and/or imprisonment up to 15 years for an individual, or up to $1,000,000 for an organization.

Who in the county is going to police this? How many experts will the county have to hire? How much is this going to cost us? Without enforcement by county officials of a questionable resolution, how many lawsuits will the county have to fight? Who will pay for the legal court costs?

**States** that are authorized by EPA to administer the **National Pollutant Discharge Elimination System** program must have authority to enforce permit requirements under their respective **State** laws.

I point out that it puts the authority on STATE LAWS not **County Laws**. This resolution is another example of this commission working to steal authority against both Federal and State Laws in deference to the rights of your constituents. In other words you are again stealing the God given rights and the rights given to the citizens of America to own property and enjoy LIFE, LIBERTY and PROPERTY.

**This action is just a last hurrah for Commissioner Austin, ICLEI and Agenda 21 which is a comprehensive plan of action to be taken globally, nationally and locally by organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts on the environment. You have no legal right to pass this resolution.**

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