MANAGER'S REPORT FOR AUGUST 14, 2015
GENERAL INFORMATION AND RESPONSES TO MAYOR & COMMISSIONER REQUESTS

Places to be this Week…

Coffee with the Council - Coffee with the Council will be held on **Saturday, August 15 at 9:00 a.m. to 10 a.m**. in front of the Main Street Train Station.

The next Village Council meeting will be held on **August 18 at 7:00 p.m. in the Council Chambers** at Village Hall. The meeting will be followed by a Long-Range Planning meeting in the Committee Room.

Future Calendar Reminders…

Village Council Meeting - The Village Council meeting will be held on **September 1 at 7:00 p.m. in the Council Chambers** at Village Hall.

Monthly Financial Statements

Please see attached statement for the month of July.

FY16 Budget Schedule - Below is the schedule for the review and approval of the FY16 Budget. Two meetings take place on Saturday mornings at Fire Station 2 (October 10 and October 17). All other meetings take place on Tuesday nights during regularly scheduled Council meetings.

Budget Milestone	Date
Proposed Budget Published and Distributed to Council	9/25/2015
Saturday Budget Hearing (Fire Station 2)	10/10/2015
Budget – First Reading	10/13/2015
Coffee With the Council – Budget (Fire Station 2)	10/17/2015
Budget – First Reading	10/20/2015
Budget Public Hearing	11/3/2015
Estimate Levy - First Reading	11/3/2015
Motion to Estimate Levy	11/10/2015
Adopt Budget	11/10/2015
Budget Implementation Items– First Reading	11/17/2015
Budget Implementation Items	12/1/2015
Public Hearing for the Tax Levy	12/1/2015
Adopt Tax Levies and Abatement of Debt Levies	12/8/2015

Update on Stormwater Items

Karen Daulton Lange, the Village's Stormwater Administrator, recently attended the DuPage County Stormwater Committee and the Municipal Engineer's Group monthly meetings and received the following information:

- The County has updated their wetland maps using federal protocol and standards. The maps are available on the County website http://www.dupageco.org/. A flyer with information about the importance of and regulations regarding wetlands and streams is also attached.
- It was reported that the US Environmental Protection Agency and US Army Corps of Engineers agreed upon a new Clean Water Rule recently. This action revises the definition of "Waters of the United States," including wetlands regulated by the Federal government. It does not change the status of waters within Municipal Separate Storm Sewer Systems. It does encourage the use of green infrastructure. It remains to be seen what impact the new rules will have on Downers Grove and the County. Staff will be monitoring interpretations of the new rules as they are given by the Illinois Environmental Protection Agency (IEPA). See the attached Clean Water Rule Comparison and the Clean Water Act (CWA) Fact Sheet for more information.
- The County's draft budget included funds to prepare a consolidated National Pollution Discharge Elimination System (NPDES) permit so municipalities would not be required to submit individual permits. The NPDES is required for most municipalities that discharge stormwater into surface water systems (rivers and streams). The stormwater permits are reissued every five years. Some of the municipalities and townships noted in a County survey they do not have the means to complete all the requirements for the NPDES permit. Therefore, they have asked the County to look at a consolidation plan. The Municipal Engineer's Group will continue to review this issue with County staff.

Clyde Estates Construction Update

The Village's contractor, A Lamp Concrete Contractors Inc, began work last week with the installation of tree protection fencing, traffic control and storm sewer pipes. The contractor began storm sewer installation at Washington Street and 61st Street and continued on to Clyde Avenue. Storm sewer installation on Clyde Avenue will be completed early next week. The sections of storm sewer on Washington Street, the east leg of 60th Pl and Webster Place are scheduled to be completed later next week. Additionally, work is scheduled to begin on ditch grading and culvert replacements next week. This work will impact driveway access. Notifications are being distributed to affected homeowners prior to work commencing. Driveway access will be restored at the end of each working day. Please see photos below of the construction.

Water Meter Reading Device Project Surpasses Halfway Point

Since January, the Village has been in the process of replacing 15,050 transmission units that send water meter readings from residential and business customers' water meters to the Village for water billing. At the end of July, more than 7,500 MTUs had been replaced. The project is on schedule and expenses are within the contract amounts.

Attachments

July Financial Statements
Wetlands and Streams Flyer
Clean Water Rule Comparison Sheet
Clean Water Act Fact Sheet

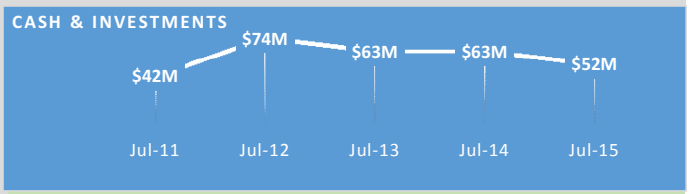
CASH AND INVESTMENTS BY FUND AND TYPE - for the Seven Months Ending 07/31/2015

HIGHLIGHTS

Referring to the trendline, $35 million in bonds were issued in 2012 for infrastructure projects - $25 million for road reconstruction and $10 million for water projects. The Village refunded $8 million in October 2013 and held that amount in escrow until January 1, 2014. At this time, all of the Water bond proceeds and $20.7 million of the Road bond proceeds have been spent. In April 2015, $5 million in bonds were issued for water infrastructure projects of which $1.6 million have been spent.

CASH & INVESTMENTS BY FUND

General Fund	$	14,522,398
Water Fund	$	10,332,446
Stormwater Fund	$	7,953,434
Capital Project Funds	$	6,886,615
Ogden Corridor TIF	$	5,022,396
Equipment replacement	$	2,146,180
Health Insurance	$	1,549,569
Parking Operations	$	1,383,421
State & Federal Drug	$	1,223,249
Motor Fuel Tax	$	935,821
Debt Service Funds	$	313,928
Foreign Fire Insurance Fund	$	242,943
Downtown TIF	$	(258,772)
TOTAL	**$**	**52,253,628**

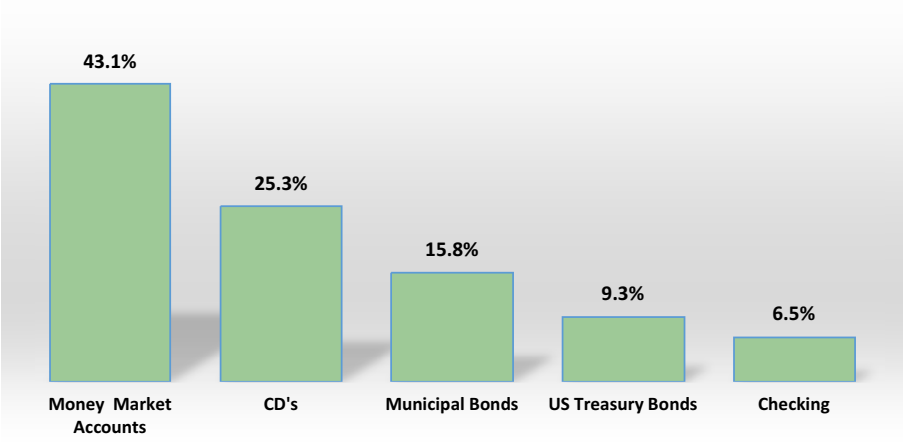


CASH & INVESTMENTS BY TYPE

			Average Rate of Return
Money Market Accounts	$	22,506,696	0.14%
CD's	$	13,233,310	1.03%
Municipal Bonds	$	8,252,345	0.99%
US Treasury Bonds	$	4,885,163	1.59%
Checking	$	3,376,114	0.61%
TOTAL *	**$**	**52,253,628**	

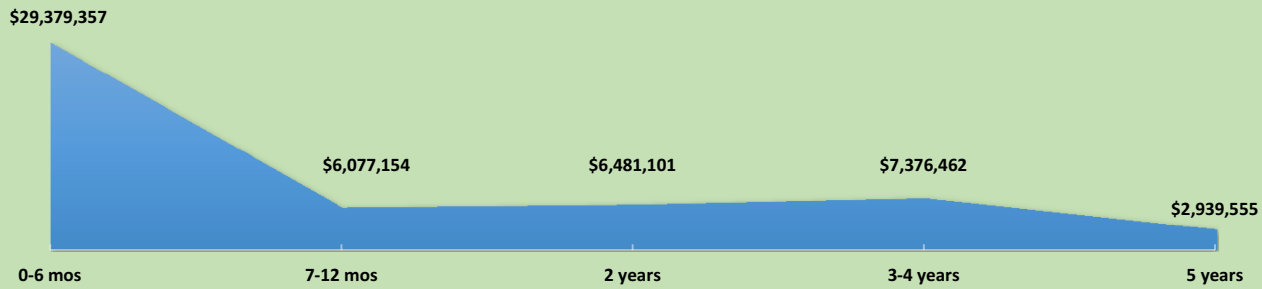
*** NOTE - Total amount excludes Police Pension, Fire Pension, Library and Construction Deposit Funds**

CASH & INVESTMENTS BY TYPE



AGED CASH & INVESTMENTS

Weighted average maturity is 0.92 years



GENERAL FUND REVENUES-for the Seven Months Ending 07/31/2015

HIGHLIGHTS

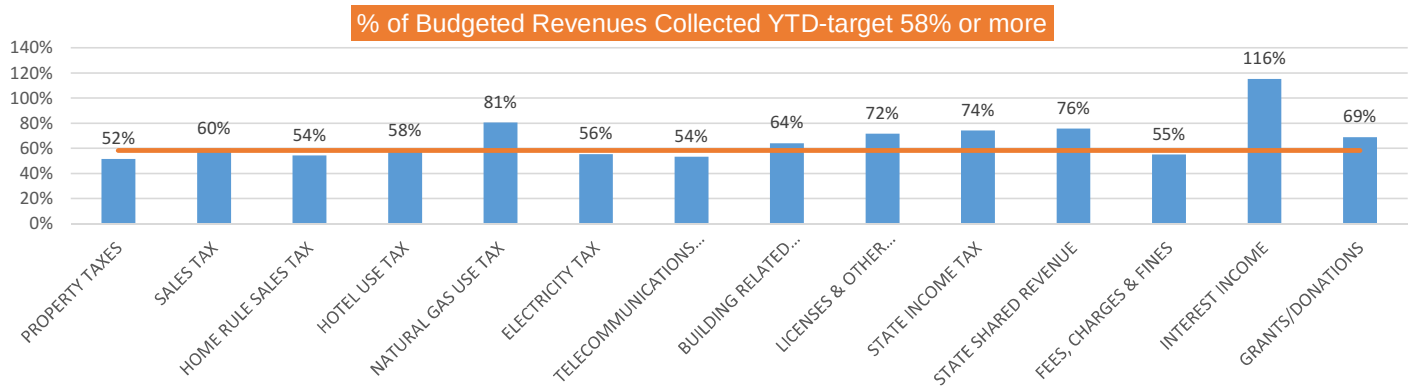
July 2015 YTD revenues are 2% or $523,991 above July 2014 YTD. State Income Tax is the largest increase ($457,551). Increase in Building permits ($122,644) is due to a large permit from Advocate Health Care to construct a new bed tower and Schiess Architects for a 14-unit townhome project. Other notable increases are: $131,229 in Other State Shared Revenues, $28,998 in licenses and other permits. Interest rates on investments were on the rise causing investment income to be $38,170 above July 2014 YTD. Natural Gas Use Tax is above budgeted levels but lower than last year due to a warmer winter. Electricity tax is also within budgeted levels but running behind last year also due to the weather. Telecommunications tax continue to decrease due to consumers changing to data plans for cell service which are not taxable.

General Fund Revenue Analysis - Major Sources

TOTAL REVENUES	PROPERTY TAXES	SALES TAX	INCOME TAX	UTILITY TAXES	PERMITS
$26,504,139	$5,764,344	$7,082,939	$3,533,586	$3,092,870	$803,520
2.0%	-1.6%	0.9%	14.9%	-5.7%	18.0%

General Fund - All Revenues

	July 2015 YTD Actual	July 2014 YTD Actual	% CHANGE	5 YEAR TREND
TOTAL REVENUES	**$26,504,139**	**$25,980,148**	**2.0%**	
PROPERTY TAXES	$5,764,344	$5,859,239	**-1.6%**	
SALES TAX	$7,082,939	$7,017,086	**0.9%**	
HOME RULE SALES TAX	$1,088,720	$1,102,503	**-1.3%**	
HOTEL USE TAX	$500,451	$466,075	**7.4%**	
NATURAL GAS USE TAX	$415,694	$461,051	**-9.8%**	
ELECTRICITY TAX	$1,070,721	$1,130,785	**-5.3%**	
TELECOMMUNICATIONS TAX	$1,606,455	$1,687,261	**-4.8%**	
BUILDING RELATED PERMITS	$803,520	$680,876	**18.0%**	
LICENSES & OTHER PERMITS	$294,656	$265,658	**10.9%**	
STATE INCOME TAX	$3,533,586	$3,076,035	**14.9%**	
STATE SHARED REVENUE	$1,009,035	$877,806	**14.9%**	
FEES, CHARGES & FINES	$2,789,644	$2,868,313	**-2.7%**	
INTEREST INCOME	$115,507	$77,337	**49.4%**	
GRANTS/DONATIONS	$428,867	$410,123	**4.6%**	



The orange line in this graph represents a "target" of 58%. The target is calculated by dividing 7 months by 12 months in the year. Property taxes are received in two distributions - in June and September. Natural Gas Tax is seasonal with a greater portion received in the winter months. The bulk of Licensing revenue is received in June (Liquor) and December (Electrician).

GENERAL FUND EXPENDITURES-for the Seven Months Ending 07/31/2015

HIGHLIGHTS

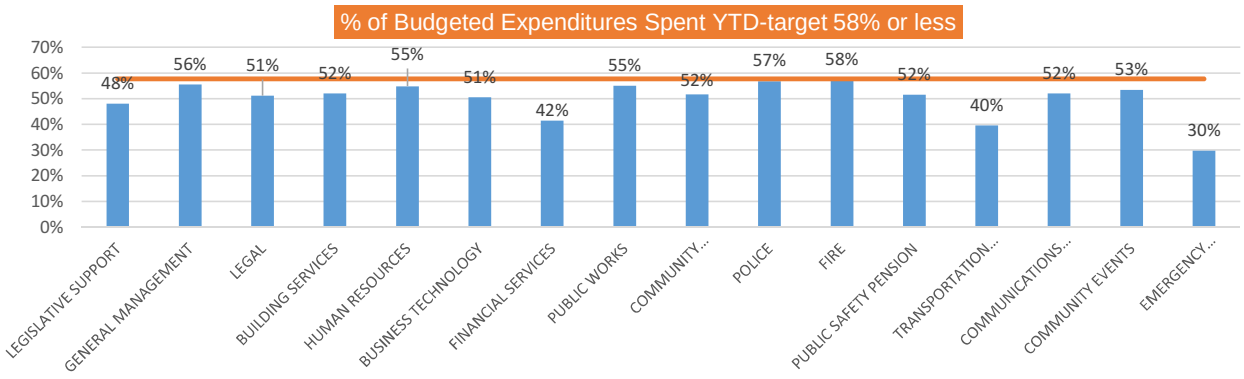
July 2015 YTD Expenditures are 1.1% or $269,778 higher than July 2014 YTD, but within and under budgeted levels in all areas. Last year expense was unusually high in Building Services, Public Works, and Police due to costs related to heavy snowstorms early in the year. Police expense is higher due to purchasing an in car video camera and an increase in transfers to the Risk Fund. Fire Safety expenses exceed last year in personnel related expenses by $341k in part because last year five employees salaries were being paid out of workers comp; also Fire Safety is $407k higher due to an increase in transfers to the Risk Fund. Legislative Support has a savings of $36k due to fees waived by the DuPage Mayors and Manangers Conference; the Communications Office has a savings of over $12k from renegotiating the emergency broadcast system contract.

General Fund Expenditure Analysis - Major Uses

TOTAL EXPENDITURES	PERSONNEL	SUPPLIES	PROF. SERVICES	CLAIMS, GRANTS & TRANSFERS
$24,647,920	$ 19,255,640	$ 521,090	$ 1,563,031	$ 3,150,393
1.1%	-0.7%	-21.0%	-14.4%	29.0%

General Fund - All Expenditures by Fund

	July 2015 YTD Actual	July 2014 YTD Actual	% CHANGE	5 YEAR TREND
TOTAL EXPENDITURES	**$24,647,920**	**$24,378,142**	**1.1%**	
LEGISLATIVE SUPPORT	$184,059	$217,182	**-15.3%**	
GENERAL MANAGEMENT	$390,957	$351,329	**11.3%**	
LEGAL	$276,115	$291,803	**-5.4%**	
BUILDING SERVICES	$401,063	$466,733	**-14.1%**	
HUMAN RESOURCES	$135,604	$130,210	**4.1%**	
BUSINESS TECHNOLOGY	$519,722	$594,086	**-12.5%**	
FINANCIAL SERVICES	$654,732	$707,146	**-7.4%**	
PUBLIC WORKS	$3,131,478	$3,519,181	**-11.0%**	
COMMUNITY DEVELOPMENT	$1,078,888	$1,119,421	**-3.6%**	
POLICE	$7,794,573	$7,573,467	**2.9%**	
FIRE	$7,293,646	$6,460,421	**12.9%**	
PUBLIC SAFETY PENSION	$2,367,720	$2,485,073	**-4.7%**	
TRANSPORTATION ASSISTANCE	$36,087	$42,687	**-15.5%**	
COMMUNICATIONS OFFICE	$341,874	$379,361	**-9.9%**	
COMMUNITY EVENTS	$37,713	$35,855	**5.2%**	
EMERGENCY MANAGEMENT	$3,689	$4,187	**-11.9%**	



The orange line in this graph represents a "target" of 58%. The target is calculated by dividing 15 pay periods paid through July 2015 by the total annual pay periods of 26. Personnel costs account for about 80% of General Fund expenses. Public Safety Pensions are expensed upon receipt of property taxes in June and September. Village sponsored community Events are the Parade and Fireworks in July.

DUPAGE COUNTY

STORMWATER MANAGEMENT

WETLANDS AND STREAMS

WHAT IS A WETLAND?

Wetlands are considered valuable because they provide numerous benefits to the surrounding ecosystem, to humans, the economy and resiliency of the watershed. Three factors are used to determine the presence of wetlands.

1. Hydric Soils

Soils which present certain characteristics when saturated.

2. Hydrophytic vegetation

Plants which grow in water or saturated soils.

3. Hydrology

Saturation of soils with water for long enough to support #1 and #2.

WHAT IS A BUFFER?

Wetland buffers are areas surrounding wetlands and riparian buffers surround streams, rivers, and some ditches that help to protect and support the functions of these areas. Buffers provide many functions themselves. By ordinance, buffers are 50 feet wide around most wetlands, 100 feet if the wetland is of critical importance. Riparian buffers match the width of the floodplain and are at least 15 feet wide.

WETLANDS & BUFFERS ARE KEY FOR RESILIENT WATERSHEDS.

Many of these amazing systems can:

- Filter pollutants
- Cool storm water and help to maintain a stable temperature.
- Trap carbon and nutrients.
- Healthy systems reduce nuisance species like mosquitos and large algal blooms.
- Lower flood heights and protect property by absorbing storm water runoff and slowing down the flow.
- Recharge and protect aquifers.
- Give wetlands and streams room to expand during storm events.
- Provide shoreline stabilization.
- Provide erosion control
- Habitat for plants and animals

DID YOU KNOW?

- 1 acre of wetland can store 1-1.5 million gallons of floodwater.
- Up to 1/2 of all North American bird species nest or feed in wetlands.
- Although wetlands cover only about 5% of the land surface in the lower 48 states, they are home to 31% of plant species.
- Nearly 1/2 of all endangered species depend on wetlands for survival.
- If headwater wetlands are drained or filled, upland runoff will move directly into streams and compromise downstream water quality. (credit: US EPA)

HOW DO I KNOW IF I HAVE A WETLAND ON MY PROPERTY?

Wetland maps can be viewed at **www.dupageco.org/EDP/stormwater_management/Natural_Areas/39739** or at the DuPage County Administration Building.

The maps are a good planning tool, but they are not 100% accurate. DuPage County staff are available to perform wetland determinations for private property owners for a small fee. Wetland determination request forms can be found at **www.dupage.org/EDP/Stormwater_Management/Regulatory_Services/1420/.**

A wetlands specialist is needed to delineate the location and exact boundaries of any wetland on the property. For proposed development projects, the DuPage Countywide Stormwater and Floodplain Ordinance states that a wetland delineation be completed and a stormwater permit application be submitted and approved before a building permit will be granted for new development.

DUPAGE COUNTY Daniel J.Cronin, DuPage County Board Chairman
421 N. County Farm Rd., Wheaton, IL 60187 (630) 407-6700 www.dupageco.org/swm

DUPAGE COUNTY

STORMWATER MANAGEMENT

WETLANDS AND STREAMS

WETLAND TYPES COMMON IN DUPAGE COUNTY

- Emergent wetlands, or marshes, have standing water and remain wet most of the year. These areas support water tolerant plant species that 'emerge' from beneath the water, such as Cattail and Blue Flag Iris. Wildlife includes Dragonfly, Great Blue Heron and Mallard.

- Wet meadow areas are seasonally flooded, although soils are typically saturated throughout the year, even without the presence of standing water. Vegetation normally consists of prairie grasses, sedges, and wildflowers, which are more tolerant to wet conditions. Wet meadows also provide habitat to frogs and birds.
- Forested wetlands support diverse plant species including trees, shrubs, and vegetation, such as Jack-in-the-Pulpit and Impatiens. Trees often show buttressing at the roots in response to wet conditions. Wood ducks and salamanders are found in forested wetlands.

- Seasonally flooded wetlands can be any of the types listed above that are only temporarily ponded or saturated. Seasonal, or ephemeral, wetlands are flooded in the late winter/spring and dry up partially or completely during the summer or autumn months.
- Riparian wetlands border our rivers and streams and are often inundated during flood conditions. Paddlers will notice plants like Arrowhead, Bulrush, Goldenglow, and wetland tree species.
- Waters of DuPage, such as rivers and streams, and their associated riparian environments are included on our wetland map as they are also regulated by the county and the federal government.

WHAT ARE THE REGULATIONS REGARDING WETLANDS?

Wetlands are protected by both federal regulations, governed by the U.S. Army Corps of Engineers and local regulations under the DuPage County Stormwater and Flood Plain Ordinance. Please contact our office before commencing any activity in wetlands or buffers in order to avoid a violation. We can help you determine if a permit is needed.

WHAT ACTIVITIES ARE ALLOWED IN A WETLAND BUFFER?

All developmental uses around wetland areas will eventually have a negative impact on the quality and value of the ecosystem. Therefore, buffer areas should remain intact and undisturbed. However, some low impact development uses are allowed under local and federal regulations as long as the buffer's functions are replaced, usually by planting native vegetation and/or removing invasive species. These impacts must be minimized and approved by DuPage County. If you have any questions regarding these regulations, please contact DuPage County Stormwater Management Department.

HOW CAN I HELP MAINTAIN OR IMPROVE A NATURAL AREA NEAR MY HOME?

Everyone can help maintain a wetland, buffer, or riparian system by using proper care. If your property has a wetland or waterway on site, make sure that you do not negatively impact the area in any way. This includes building unpermitted structures, including fences or sheds, creating brush/landscape waste or refuse piles, mowing or removing trees in the natural area, or planting non-native vegetation in or around the wetland or buffer area.

WANT TO KNOW MORE?

Homeowners Guide to Naturalized Areas
www.dupageco.org/EDP/Stormwater_Management/1163/

EPA Wetland Site
epa.gov/owow/wetlands/

Society of Wetland Scientists
www.sws.org

DuPage County Stormwater Management
www.dupageco.org/swm

Scan for the Wetland Map

DUPAGE COUNTY
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WHY CLEAN WATER IS IMPORTANT

Clean water is vital to our health, communities, and economy. We need clean water upstream to have healthy communities downstream. The health of rivers, lakes, bays, and coastal waters depend on the streams and wetlands where they begin. Streams and wetlands provide many benefits to communities by trapping floodwaters, recharging groundwater supplies, filtering pollution, and providing habitat for fish and wildlife. People depend on clean water for their health: About 117 million Americans -- one in three people – get drinking water from streams that were vulnerable to pollution before the Clean Water Rule. Our cherished way of life depends on clean water: healthy ecosystems provide wildlife habitat and places to fish, paddle, surf, and swim. Our economy depends on clean water: manufacturing, farming, tourism, recreation, energy production, and other economic sectors need clean water to function and flourish.

WHAT IS THE CLEAN WATER RULE

Protection for about 60 percent of the nation's streams and millions of acres of wetlands has been confusing and complex as the result of Supreme Court decisions in 2001 and 2006. The Clean Water Rule protects streams and wetlands that are scientifically shown to have the greatest impact on downstream water quality and form the foundation of our nation's water resources. EPA and the U.S. Army are ensuring that waters protected under the Clean Water Act are more precisely defined, more predictable, easier for businesses and industry to understand, and consistent with the law and the latest science. The Clean Water Rule:

> The Clean Water Act protects the nation's waters. A Clean Water Act permit is only needed if these waters are going to be polluted or destroyed.

- **Clearly defines and protects tributaries that impact the health of downstream waters**. The Clean Water Act protects navigable waterways and their tributaries. The rule says that a tributary must show physical features of flowing water – a bed, bank, and ordinary high water mark – to warrant protection. The rule provides protection for headwaters that have these features and science shows can have a significant connection to downstream waters.
- **Provides certainty in how far safeguards extend to nearby waters.** The rule protects waters that are next to rivers and lakes and their tributaries because science shows that they impact downstream waters. The rule sets boundaries on covering nearby waters for the first time that are physical and measurable.
- **Protects the nation's regional water treasures.** Science shows that specific water features can function like a system and impact the health of downstream waters. The rule protects prairie potholes, Carolina and Delmarva bays, pocosins, western vernal pools in California, and Texas coastal prairie wetlands when they impact downstream waters.
- **Focuses on streams, not ditches.** The rule limits protection to ditches that are constructed out of streams or function like streams and can carry pollution downstream. So ditches that are not constructed in streams and that flow only when it rains are not covered.
- **Maintains the status of waters within Municipal Separate Storm Sewer Systems.** The rule does not change how those waters are treated and encourages the use of green infrastructure.

- **Reduces the use of case-specific analysis of waters.** Previously, almost any water could be put through a lengthy case-specific analysis, even if it would not be subject to the Clean Water Act. The rule significantly limits the use of case-specific analysis by creating clarity and certainty on protected waters and limiting the number of similarly situated water features.

The rule protects clean water without getting in the way of farming, ranching, and forestry. Farms across America depend on clean and reliable water for livestock, crops, and irrigation. Activities like planting, harvesting, and moving livestock have long been exempt from Clean Water Act regulation, and the Clean Water Rule doesn't change that. The Clean Water Rule provides greater clarity and certainty to farmers and does not add any new requirements or economic burden on agriculture.

The rule only protects waters that have historically been covered by the Clean Water Act. It does not interfere with or change private property rights, or address land use. It does not regulate most ditches or regulate groundwater, shallow subsurface flows or tile drains. It does not change policy on irrigation or water transfers. It does not apply to rills, gullies, or erosional features.

Subject	Old Rule	Proposed Rule	Final Rule
Navigable Waters	Jurisdictional	Same	Same
Interstate Waters	Jurisdictional	Same	Same
Territorial Seas	Jurisdictional	Same	Same
Impoundments	Jurisdictional	Same	Same
Tributaries to the Traditionally Navigable Waters	Did not define tributary	Defined tributary for the first time as water features with bed, banks and ordinary high water mark, and flow downstream.	Same as proposal except wetlands and open waters without beds, banks and high water marks will be evaluated for adjacency.
Adjacent Wetlands/Waters	Included wetlands adjacent to traditional navigable waters, interstate waters, the territorial seas, impoundments or tributaries.	Included all waters adjacent to jurisdictional waters, including waters in riparian area or floodplain, or with surface or shallow subsurface connection to jurisdictional waters.	Includes waters adjacent to jurisdictional waters within a minimum of 100 feet and within the 100-year floodplain to a maximum of 1,500 feet of the ordinary high water mark.
Isolated or "Other" Waters	Included all other waters the use, degradation or destruction of which could affect interstate or foreign commerce.	Included "other waters" where there was a significant nexus to traditionally navigable water, interstate water or territorial sea.	Includes specific waters that are similarly situated: Prairie potholes, Carolina & Delmarva bays, pocosins, western vernal pools in California, & Texas coastal prairie wetlands when they have a significant nexus. Includes waters with a significant nexus within the 100-year floodplain of a traditional navigable water, interstate water, or the territorial seas, as well as waters with a significant nexus within 4,000 feet of jurisdictional waters.
Exclusions to the definition of "Waters of the U.S."	Excluded waste treatment systems and prior converted cropland.	Categorically excluded those in old rule and added two types of ditches, groundwater, gullies, rills and non-wetland swales.	Includes proposed rule exclusions, expands exclusion for ditches, and also excludes constructed components for MS4s and water delivery/reuse and erosional features.

The Clean Water Rule only protects the types of waters that historically have been covered under the Clean Water Act. The rule does not create any new permitting requirements for agriculture and maintains all previous exemptions and exclusions.It does not regulate most ditches and does not regulate groundwater, shallow subsurface flows, or tile drains. It does not make changes to current policies on irrigation or water transfers or apply to erosion in a field. The Clean Water Rule protects waters from pollution and destruction – it does not regulate land use or affect private property rights. These statements are supported by the text of the rule and its preamble.

A Clean Water Act permit is only needed if a protected water is going to be polluted or destroyed.

FACT: THE CLEAN WATER RULE DOES NOT REGULATE MOST DITCHES

Rule Text § 230.3(s)(2)(iii): "The following are not 'waters of the United States… the following ditches: (A) Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary. (B) Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands. (C) Ditches that do not flow, either directly or through another water, into [a traditional navigable water, interstate water, or the territorial seas.]"
Preamble page 169: "Moreover, since the agencies have focused in the final rule on the physical characteristics of excluded ditches, the exclusions will address all ditches that the agencies have concluded should not be subject to jurisdiction, including certain ditches on agricultural lands and ditches associated with modes of transportation, such as roadways, airports, and rail lines."

FACT: THE CLEAN WATER RULE DOES NOT CHANGE EXEMPTIONS FOR AGRICULTURE

Preamble page 8: "Congress has exempted certain discharges, and the rule does not affect any of the exemptions from CWA section 404 permitting requirements provided by CWA section 404(f), including those for normal farming, ranching, and silviculture activities. CWA section 404(f); 40 CFR 232.3; 33 CFR 323.4. This rule not only maintains current statutory exemptions, it expands regulatory exclusions from the definition of "waters of the United States" to make it clear that this rule does not add any additional permitting requirements on agriculture."

FACT: THE CLEAN WATER RULE DOES NOT REGULATE EROSIONAL FEATURES

Rule Text § 230.3(s)(2)(iv)(F): "The following are not 'waters of the United States' . . . erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary . . . ."
Preamble page 175: "While the proposed rule specifically identified gullies and rills, the agencies intended that all erosional features would be excluded. The final rule makes this clear."

FACT: THE CLEAN WATER RULE DOES NOT REGULATE GROUNDWATER

Rule Text § 230.3(s)(2)(v): "The following are not 'waters of the United States… groundwater, including groundwater drained through subsurface drainage systems."
Preamble page 176: "The agencies include an exclusion for groundwater, including groundwater drained through subsurface drainage systems."

FACT: THE CLEAN WATER RULE DOES NOT REGULATE FARM PONDS

Rule Text § 230.3(s)(2)(iv)(B): "The following are not 'waters of the United States… Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds . . . ."
Preamble page 173: "In the exclusion for artificial lakes or ponds, the agencies have removed language regarding 'use' of the ponds, including the term 'exclusively.' . . . [T]he agencies recognize that artificial lakes and ponds are often used for more than one purpose and can have other beneficial purposes . . .."

FACT: THE CLEAN WATER RULE DOES NOT REGULATE LAND USE

Preamble page 8: **"**The rule also does not regulate … land use."

FACT: THE CLEAN WATER RULE DOES NOT CHANGE POLICY ON IRRIGATION

Rule text § 230.3(s)(2)(iv)(A): "The following are not 'waters of the United States… artificially irrigated areas that would revert to dry land should application of water to that area cease . . . ."
Rule text § 230.3(s)(2)(iv)(B): "The following are not 'waters of the United States . . . Artificial constructed lakes and ponds created in dry land such as . . . irrigation ponds . . . ."
Preamble page 8: "The rule also does not . . . affect either the existing statutory or regulatory exemptions from NPDES permitting requirements, such as for agricultural stormwater discharges and return flows from irrigated agriculture . . . ."

FACT: THE CLEAN WATER RULE DOES NOT REGULATE PUDDLES

Rule Text § 230.3(s)(2)(iv)(G): "The following are not 'waters of the United States… puddles."
Preamble page 176: "The final rule adds an exclusion for puddles . . . . Numerous commenters asked that the agencies expressly exclude them in a rule. The final rule does so."

FACT: THE CLEAN WATER RULE DOES NOT CHANGE POLICY ON STORMWATER

Rule text § 230.3(s)(2)(vi): "The following are not 'waters of the United States… stormwater control features constructed to convey, treat, or store stormwater that are created in dry land."
Preamble page 177: "This exclusion responds to numerous commenters who raised concerns that the proposed rule would adversely affect municipalities' ability to operate and maintain their stormwater systems . . . . The agencies' longstanding practice is to view stormwater control features that are not built in 'waters of the United States' as non-jurisdictional."

FACT: THE CLEAN WATER RULE DOES NOT REGULATE WATER IN TILE DRAINS

Rule Text § 230.3(s)(2)(v): "The following are not 'waters of the United States… groundwater, including groundwater drained through subsurface drainage systems."

FACT: THE CLEAN WATER RULE DOES NOT CHANGE POLICY ON WATER TRANSFERS

Preamble page 8: **"**The rule also does not … affect either the existing statutory or regulatory exemptions from NPDES permitting requirements, such as for… water transfers."

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