

March 8, 2023

The Honorable Chuck Schumer  
Majority Leader  
United State Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
Speaker  
United States House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
Minority Leader  
United State Senate  
Washington, DC 20510

The Honorable Hakeem Jeffries  
Minority Leader  
United States House of Representatives  
Washington, DC 20515

Dear Speaker McCarthy, Minority Leader Jeffries, Leader Schumer, and Minority Leader McConnell:

The National Utility Contractors Association (NUCA) represents represent construction contractors, manufacturers, and distributors who build and maintain a wide range of underground facilities and transportation infrastructure. Since its establishment in 1964, NUCA's member companies have provided the manpower and equipment needed to build, repair, and maintain the systems needed for water and wastewater, gas distribution, broadband, and electric infrastructure as well as the nation's surface transportation system.

NUCA members are on the frontlines of utility construction and other underground excavation projects nationwide. Our members spend every day working to repair and replace aging and obsolete water and wastewater infrastructure. No one cares more about clean water than us. For years, NUCA has called upon Congress to streamline and reform permitting laws to expedite the approval of critical water infrastructure projects. The health of our nation's underground infrastructure and our nation's waterways are directly and inextricably linked. NUCA has long believed that the wellbeing of both can be substantially improved by making it easier and faster to carry out critical underground infrastructure construction.

Unfortunately, the new EPA rule on Waters of the United States (WOTUS) announced December 30, 2022, moves us further from that goal. As written, this broad expansion of federal authority will drastically slow utility construction work, increase costs, and jeopardize the successful implementation of the largest major federal investment in water, broadband, electric, and other underground utility construction in decades. The best way to keep our nation's water resources healthy is to ensure that our underground infrastructure is, and major construction is needed to minimize leaks and replacing and modernizing aging systems. The unintended consequence of this rule will be the delay and potential cancellation of millions of dollars in water and other utility infrastructure construction, maintenance, repair, replacement, modernization, and related critical excavation projects all across the United States.

Utility construction projects need predictability to make project deadlines and contain costs. The repeal of the long-awaited clean-up of WOTUS rules will add unnecessary confusion and expensive delays to countless underground infrastructure projects. Contractors will now be faced with more uncertainty when trying to comply with the new WOTUS rules, an outcome that will face even more confusion with a pending U.S. Supreme Court ruling on these regulations.

With so many critical infrastructure projects starting this year, Congress cannot afford to allow the new WOTUS rules to go into effect. NUCA calls upon Congress to swiftly pass H.J. Res. 27 and repeal the revised WOTUS rule under the Congressional Review Act, and asks you to support this bill as it moves through Congress.

Moving forward, we further call upon Congress to move swiftly to pass bipartisan permitting reform so that NUCA members can quickly provide Americans with the clean and safe water infrastructure, high-speed broadband connections, and other critical utility projects funded by recent federal infrastructure investments.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Doug Carlson", with a long horizontal flourish extending to the right.

Doug Carlson  
Chief Executive Officer