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Julia Anastasio

September 29, 2014

Jo Ellen Darcy
Assistant Secretary of Army (Civil Works)
U.S. Army Corps of Engineers
108 Army Pentagon, Room 3E446
Washington, DC 20310-0108

Via email to: joellen.darcy@us.army.mil

Re: Federal-State Engagement on the Waters of the U.S. Proposal

Dear Assistant Secretary Darcy:

The Association of Clean Water Administrators (ACWA) is actively reviewing the proposed national rulemaking *Definition of "Waters of the United States" Under the Clean Water Act* issued by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA). ACWA's members are the state and interstate water program directors responsible for the daily implementation of the Clean Water Act's (CWA) water quality programs, and as such are uniquely positioned to analyze the potential implications and implementation issues presented by the rule, as well as areas that would benefit from greater clarification.

Given the complexities and the import of the rule, states have actively sought to engage in joint discussions with EPA and the Corps during the comment period, which is currently set to close on October 20th. In June 2014, ACWA coordinated a series of co-regulator calls with EPA, the Corps and states to discuss state questions. We recognize and greatly appreciate the Corps' participation in those discussions. However, since those co-regulator calls, the Corps' participation and engagement in dialogue with states has appeared to decline. Most recently the Corps was absent from a September 23rd meeting which convened representatives from EPA Office of Water, ACWA, the Environmental Council of the States (ECOS), and the Association of State Wetland Managers (ASWM), and leaders from their respective memberships, including a number of Commissioners from state departments of environment and state water quality program directors. The productive and robust discussion will hopefully help EPA and the Corps to produce a better final rule that is both protective and workable at this national level. State participants expressed disappointment that the Corps was not present and missed this opportunity to hear valuable input directly from states.

There are three additional opportunities currently scheduled for

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continued federal-state engagement on the rule proposal. ACWA strongly encourages the Corps to make every effort to participate in these meetings, particularly given the window for dialogue may be closing with the approach of the comment deadline period. The remaining meetings are set for 2 – 4 p.m. Eastern at EPA Headquarters (and via teleconference) on the following dates:

- * Tuesday, September 30th
- * Thursday, October 2nd
- * Tuesday, October 7th

Thank you in advance for considering this request. Please contact ACWA's Executive Director, Julia Anastasio, at (202) 756-0600 ext. 1 or janastasio@acwa-us.org with any questions or concerns.

Sincerely,



Michael Fulton
ACWA President
Director, Water Quality Division
Arizona Department of Environmental Quality

Cc:
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John Goodin (EPA)
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