

February 14, 2019

Michael McDavit
Oceans, Wetlands, and Communities Division Office of Water (4504-T)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
CWAwotus@epa.gov

Jennifer A. Moyer
Regulatory Community of Practice (CECW-CO-R)
U.S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314
USACE_CWA_Rule@usace.army.mil

Re: Revised Definition of “Waters of the United States”, Docket ID No. EPA-HQ-OW-2018-0149

Dear Mr. McDavit and Ms. Moyer:

On behalf of the states, we write to request a 60-day extension to the comment period for the “Revised Definition of “Waters of the United States”” Proposed Rule 84 FR 4154.

In the proposed rule, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers (“the agencies”) write that the proposed definition for Waters of the United States intends to “to strike a balance between Federal and State waters and would carry out Congress’ overall objective to restore and maintain the integrity of the nation’s waters in a manner that preserves the traditional sovereignty of States over their own land and water resources.” As associations representing co-regulators tasked with implementation of regulations governing water quality, we understand the complexity of the Clean Water Act and the networks of regulations and cases governing implementation of the Act. We appreciate the agencies’ efforts to work with states to create a clear, effective rule, and look forward to providing detailed comments.

Accordingly, as our state associations and individual states prepare comments, we require adequate time to thoughtfully evaluate the likely effect of the proposed rule, to assess potential intended and unintended consequences of the rule, how it may alter state program structures and responsibilities, and other implementation concerns. Given the critical importance of the regulatory action the impacts associated with the federal government’s prolonged shutdown that postponed several of the public hearings that were scheduled on the proposal, we respectfully submit that an additional 60 days should be added onto the existing 60-day comment period. Thorough deliberation is necessary so that state programs can provide the agencies with helpful comments regarding this complicated issue, which will in turn contribute to an improved final rule.

Thank you and we look forward to the agencies' response to this request. Should you have questions regarding this request, please contact Julia Anastasio (janastasio@acwa-us.org, 202-756-0600) or any of the signatories below.

Sincerely,

A handwritten signature in black ink that reads "Julia Anastasio". The signature is written in a cursive, flowing style.

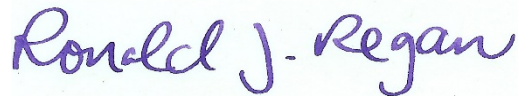
Julia Anastasio,
Executive Director, Association of Clean Water Administrators

A handwritten signature in black ink that reads "Marla Stelk". The signature is written in a cursive, flowing style.

Marla Stelk,
Executive Director, Association of State Wetlands Managers

A handwritten signature in blue ink that reads "Donald L. Welsh". The signature is written in a cursive, flowing style.

Donald Welsh,
Executive Director, Environmental Council of the States

A handwritten signature in purple ink that reads "Ronald J. Regan". The signature is written in a cursive, flowing style.

Ron Regan,
Executive Director, Association of Fish and Wildlife Agencies

CC:

David Ross, Assistant Administrator, EPA Office of Water
John Goodin, Director, EPA Office of Wetlands, Oceans, and Watersheds
Stacy Jensen, Regulatory Community of Practice, U.S. Army Corps of Engineers