

March 6, 2019

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

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

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

Dear Ms. Moyer and Mr. McDavit:

On behalf of our members and supporters, we request that the Environmental Protection Agency and U.S. Army Corps of Engineers extend the comment deadline for the proposed rule revising the definition of “Waters of the United States” 84 Fed. Reg. 4,154 (February 14, 2019) by at least 145 days to September 7, 2019. We also ask that you hold four additional public hearings on this proposed rule, including one in the Great Lakes Basin.

We believe the 60 day comment period for this proposal is woefully inadequate to allow for an adequate analysis of the proposal’s impact on the Great Lakes. The Great Lakes are the largest surface freshwater ecosystem on earth containing 20 percent of the world’s surface freshwater supply. Their waters provide drinking water for over 30 million Americans and support a wealth of biodiversity across their enormous geographic range. Their economic importance is also evident: commercial and recreational fishing in the Great Lakes alone inject over \$7 billion into the economies of the surrounding states.

The Clean Water Act is one of the most important tools our region has to protect the Great Lakes and other water bodies throughout the Midwest. The “waters of the United States” definition goes to the very heart of the system of protections that Congress enacted in the Clean Water Act. Almost every protection in the law hinges on it. Its importance demands that people have the time they need to carefully consider and study the implications of the rule changes that EPA and the Army Corps are now proposing, especially given the lack of clarity on how the proposal will impact our region.

Additionally, EPA requests or solicits comments on dozens of questions and alternate proposals throughout the proposed rule. Often, a proposed change will be accompanied by a request for comment on a variety of alternatives that suggest sweeping changes compared with the stated proposal. These alternatives have vastly different outcomes, and each requires time-consuming analysis and extensive modeling.

We need adequate time to research these matters in areas where the agency has not in order to fully understand how the proposal impacts the work we've been doing to restore and protect the Great Lakes. Unlike the rulemaking that EPA and Army Corps conducted in 2014 when developing the Clean Water Rule, when you provided 207 days of public comment and extensive stakeholder outreach, EPA and Army Corps now only provide 60 days and one public meeting for the public to comment. This is simply not enough time for the public to understand and then comment on something this consequential.

In light of the above, we urge EPA and the Army Corps to extend the comment deadline to September 7, 2019 and provide additional hearings, including one in the Great Lakes basin, to allow for meaningful public engagement. This proposed rule takes aim at EPA's ability to take actions necessary to protect the environment in a moment when the evidence shows that water quality is degrading and endangering public health in the process. Our organizations, the members we represent, and the public deserve sufficient time and opportunity to evaluate it and provide feedback.

Sincerely,

Alliance for the Great Lakes
Buffalo Niagara Waterkeeper
Citizens Campaign for the Environment
Clean Wisconsin
Committee on the Middle Fork Vermilion River
Concerned Citizens of Cattaraugus County (NY)
Environmental Law & Policy Center
Freshwater Future
Friends of the Chicago River
Green Lake Association
Headwaters Chapter Izaak Walton League of America
Holy Spirit Missionary Sisters, USA-JPIC
Hoosier Environmental Council
Huron River Watershed Council
Illinois Council of Trout Unlimited
Illinois Division of the Izaak Walton League
Lake Erie Foundation
League of Women Voters Lake Michigan Region
League of Women Voters of Indiana
League of Women Voters of Michigan
League of Women Voters of Wisconsin
Midwest Environmental Advocate

Milwaukee Riverkeeper
Minnesota Environmental Partnership
Openlands
Religious Coalition for the Great Lakes
Shedd Aquarium
The Wetlands Initiative
WasteWater Education 501(c)3
Wisconsin Division - Izaak Walton League of America