



March 8, 2019

Mr. Michael McDavit  
Oceans, Wetlands and Community Division  
Office of Water (4504-T)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

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

**RE: Proposed Rule on the “Revised Definition of “Waters of the United States.” Docket No. EPA-HQ-OW-2018-0149**

Dear Mr. McDavit and Ms. Moyer,

On behalf of the nation’s states, counties, and cities, we respectfully request a 60-day extension to the public comment period for the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) proposed rule on the “Revised Definition of Waters of the United States,” as published in the Federal Register on Feb.14.

Collectively, our organizations represent the nation’s 50 states, territories and commonwealths, 3,069 counties, and 19,000 cities and mayors that play key roles in implementing Clean Water Act (CWA) regulations. Changes to CWA’s “Waters of the U.S.” definition will have far-reaching impacts on a number of state and local responsibilities including: CWA National Pollutant Discharge Elimination System stormwater permits; setting water quality standards, including imposing pollution limits through the Total Maximum Daily Load program; ensuring the state water quality certification process; instituting Spill Prevention, Control and Countermeasure programs; and complying with CWA Section 404 permit requirements.

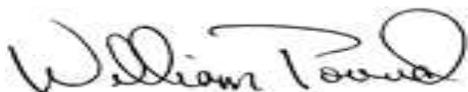
We appreciate the agencies’ commitment to holding public information sessions and webinars on the proposed rule. However, to avoid future implementation challenges at the state and local levels, our organizations and our members need sufficient time to analyze how the proposed rule would impact state and local roles and statutory obligations under the CWA. An extension of the public comment period would allow our members, and our organizations, to pose clarifying questions and provide more meaningful and comprehensive comments to your agencies as they

move forward. This request is consistent with the request some of our organizations and members made in 2014 during the promulgation of the “Clean Water Rule: Definition of ‘Waters of the United States,’” rule—a request which your agencies granted.

**Therefore, to provide all stakeholders adequate time to compile supporting data and information and to fully study and understand potential impacts of this proposed rule, we request a 60-day extension to the public comment period.**

Our organizations are a resource and a direct line to state and local governments, and we stand ready to work with your agencies to strengthen our federal-state-local partnership. If you have any questions, please do not hesitate to contact any of our staff: Kristen Hildreth (NCSL) at [Kristen.Hildreth@ncsl.org](mailto:Kristen.Hildreth@ncsl.org); Julie Ufner (NACo) at [jufner@naco.org](mailto:jufner@naco.org); Carolyn Berndt (NLC) at [berndt@nlc.org](mailto:berndt@nlc.org); or Judy Sheahan (USCM) at [jsheahan@usmayors.org](mailto:jsheahan@usmayors.org).

Sincerely,



William T. Pound  
Executive Director  
National Conference of State Legislatures



Matthew D. Chase  
Executive Director  
National Association of Counties



Clarence E. Anthony  
CEO and Executive Director  
National League of Cities



Tom Cochran  
CEO and Executive Director  
United States Conference of Mayors