

December 13, 2017

The Honorable Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of Policy Regulatory Reform
Mail Code 1803A
1200 Pennsylvania Avenue, NW
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The Honorable Ryan A. Fisher
Acting Assistant Secretary of the Army for Civil Works
Department of the Army
104 Army Pentagon
Washington, DC 20310-0104

RE: Docket ID Number EPA-HQ-OW-2017-0644: Comments on Definition of “Waters of the United States” – Addition of an Applicability Date to the 2015 Clean Water Rule, Federal Register, Vol. 82, No. 224, Page 55542 (November 22, 2017)

Dear Administrator Pruitt and Mr. Fisher:

On behalf of our millions of members and supporters across the country, the undersigned 198 organizations strongly oppose the administration’s proposal to delay the 2015 Clean Water Rule by more than two years by retroactively adding an applicability date to the final rule. We urge the U.S Environmental Protection Agency (EPA) and the Army Corps of Engineers (the Corps) to immediately withdraw this latest misguided proposal. Instead, the agencies should implement the Clean Water Rule as soon as they are authorized to do so in order to protect streams, wetlands, and drinking water supplies across the country. Our organizations also oppose the administration’s future plan to replace the 2015 Clean Water Rule with a weak version that could deny federal pollution safeguards to intermittent, seasonal, and rain-dependent rivers and streams, as well as tens of millions of acres of important wetlands.

Not only is delaying the 2015 Clean Water Rule an inefficient use of precious taxpayer money and limited government resources, it blatantly ignores the large majority of people who urged EPA and the Corps to adopt these commonsense safeguards to better protect small streams and wetlands from polluters. Contrary to the agencies’ claim that it is “reasonable” to rescind and revise this commonsense rule because of a change in administration, the American people did not vote in favor of rolling back nearly forty years of strong protections for our nation’s water resources. In fact, as scientists discover more intense and frequent toxic algal outbreaks in lakes, rivers, and estuaries, and as too many communities are devastated from damaging storms and floods, people are becoming acutely aware of the need to protect our water resources and wetlands from harmful pollution and destruction.

Contaminated water can cause a variety of health problems, especially for children. Low-income communities and communities of color are already disproportionately impacted by contaminated water. Delaying and/or rolling back the Clean Water Rule renders these communities more vulnerable to exposure to contaminated water.

Delaying the Clean Water Rule ignores the scientific evidence that overwhelmingly shows that if we want to protect our great waters – from Puget Sound to the Great Lakes, and the Mississippi River to Chesapeake Bay – we must also protect the smaller streams that flow into them and the wetlands that buffer them. EPA summarized this overwhelming scientific evidence in its 2015 Connectivity Report after it reviewed over 1200 peer reviewed publications. Across the country we're losing wetlands that buffer communities from flooding at a troubling rate. More than half the stream miles in the country only flow part of the year and many of them also feed the drinking water sources for over 117 million people. The Clean Water Rule can help us better protect these vital water bodies.

It is also irresponsible of the administration to fast track its proposal to delay the Clean Water Rule without providing opportunities for meaningful public engagement. In stark contrast, the 2015 Clean Water Rule was adopted after a robust and lengthy stakeholder process that included a public comment period lasting over six months and over 400 meetings with stakeholders across the country. Of the 1.1 million comments the agencies received, more than 80% were supportive of the rule.

We oppose the administration's reckless scheme to delay the 2015 Clean Water Rule and urge the agencies to immediately withdraw this proposal. Moreover, any potential revisions to the 2015 Clean Water Rule in the future must not further roll back protections for small streams and wetlands.

Thank you for considering our concerns.

Sincerely,

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