June 29, 2017

Administrator Scott Pruitt
Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OW-2017-0203


Dear Administrator Pruitt:

We request a minimum 90 day extension to the proposed 30-day comment period to rescind the 2015 Clean Water Rule, 80 Fed. Reg. 37054 (Jun. 29, 2015).

The Environmental Protection Agency and the U.S. Army Corps of Engineers (Corps) finalized the Clean Water Rule to clarify the scope of waters protected under the Clean Water Act. The EPA and the Corps solicited comments on the Rule for over 200 days. In accordance with Administrative Procedure Act, the agencies first established a public comment period for 90 days and extended the comment period twice in response to extension requests. The final rule reflected over 1 million public comments on the proposal, the substantial majority of which supported the Clean Water Rule.

The agencies also initiated an extensive public outreach effort, including over 400 meetings across the nation with various stakeholders, including but not limited to: states, small businesses, farmers, academics, miners, energy companies, counties, municipalities, environmental organizations, and other federal agencies. The agencies incorporated these comments into the final Clean Water Rule.

President Trump’s Executive Order 13778 directs EPA and the Corps to evaluate whether to revise or rescind the Clean Water Rule, “as appropriate and consistent with law.” We ask that as you examine the Clean Water Rule, like the prior administration, you engage in a thoughtful and comprehensive process bound in scientific fact.

Americans depend on clean water for their health and livelihood. More than 117 million Americans rely upon drinking water from public water systems that draw supply from headwater, seasonal, or rain-dependent streams that were vulnerable to pollution before the Clean Water Rule. As such, the decision to roll back the Clean Water Rule cannot be made in haste.
We are concerned that the EPA has provided limited time and opportunity for stakeholder involvement and official public comment. Any proposed rulemaking must include sufficient time and participation to gather input from concerned and affected parties, including those whose legal rights and responsibilities will be affected by this effort. For example, the 2015 Clean Water Rule provided legal certainty that regulatory-defined water features, such as stormwater control features, wastewater recycling structures, and puddles, are not covered by the Clean Water Act. However, that certainty would be eliminated if the 2015 Clean Water Rule were rescinded.

Given the history of engagement on this issue and the fact that parties may be subject to greater regulatory uncertainty by this effort, a comment period of 30 days does not allow for meaningful engagement from the public and stakeholders.

The Clean Water Rule is robust and ensures that water sources are protected by taking into account the connected systems of water, from wetlands and seasonal bodies of water to large rivers and lakes. The requirements of the Rule were meticulously developed and addressed longstanding uncertainty, improving our national commitment to protect not only America's water, but the American people. If the Clean Water Rule is revised or rescinded, the process must be comprehensive and deliberative.

We ask that you take into consideration the opinions of the American public by extending the comment period, allowing for respectful debate. We look forward to hearing from you.

Sincerely,

Donald S. Beyer Jr.

Brenda L. Lawrence

Gerald E. Connolly

Grace F. Napolitano

Matthew A. Cartwright

Barbara Lee