

Clean Water Rule Repeal Sign On Letter

Please sign onto the letter below regarding the repeal of the Clean Water Rule. The deadline to sign on is July 14, 2017.

July 6, 2017

Submitted electronically at www.regulations.gov

RE: Docket ID Number: EPA-HQ-OW-2017-0203: Comments on the Repeal and Replacement of the 2015 Definition of Waters of the United States, 82 Fed. Reg. XXXX (June XX, 2017)

Dear Administrator Pruitt and Mr. Lamont:

On behalf of our millions of members and supporters, we write in strong opposition to the Environmental Protection Agency's (EPA) and Army Corps of Engineers' (Corps) proposal to repeal the 2015 Clean Water Rule – a popular, much-needed, and carefully-developed action taken to protect the nation's waters from pollution and destruction. We also oppose your plan to weaken decades-old safeguards via a subsequent rulemaking action. These rollbacks, which President Trump initiated by signing Executive Order 13,778 on February 28, 2017, recklessly target waterways upon which we all rely.

We all depend upon clean water – for drinking, for jobs, for our health, and for time on the water fishing, swimming, paddling and bird watching. Low-income communities and communities of color are already disproportionately impacted by contaminated water. Contaminated water can cause a variety of health problems, especially for children. We are parents and grandparents, doctors and nurses, pipefitters and brewers. We are anglers and outfitters, farmers and ranchers. We are front line communities at risk from contaminated water, floods, and storms. We are first responders and water resource managers and engineers charged with protecting the public's health, safety, and welfare as well as public trust resources. We are environmentalists, conservationists, and watershed stewards. We all expect the federal government to faithfully abide by and enforce the Clean Water Act in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Repealing the Clean Water Rule could put many of these communities at further risk.

The Clean Water Act cannot achieve its important goals without a clear, inclusive definition of the waters protected by the Act. Since the passage of the Clean Water Act, the EPA, together with the Corps, has used sound science, transparent processes with robust public input, and the law to guide and enforce protective rules that safeguard drinking water, communities, wildlife, and natural resources. This Clean Water Act regulatory framework is founded on strong federal-state partnerships (cooperative federalism) and safeguards that apply to protect waters at their source. The Clean Water Act framework allows states to avoid having to impose costly, disproportionate, and economically harmful limits on in-state pollution sources to waters within their borders, in order to offset upstream discharges that would otherwise go unregulated if the upstream waters are deemed to fall outside the Act's coverage and are not adequately controlled by upstream states.

To further these goals of the Clean Water Act, a lengthy, deliberate, and inclusive process led to the 2015 Clean Water Rule, a rule protective of vital waterways and based in sound law and sound science. By comparison, the Administration's scheme to repeal and eviscerate the 2015 Clean Water Rule has

thus far been hasty and haphazard, ignoring the strong legal and scientific basis for the Rule, disrespecting its broad public support, and providing little opportunity for the many clean water stakeholders to voice their interest in inclusive Clean Water Act coverage to protect the nation's waters.

The agencies plan to replace the well-vetted Clean Water Rule with a new rule that rolls back Clean Water Act jurisdiction based on a legal test that the majority of the Supreme Court Justices rejected. This proposed rulemaking will contradict the law and science that is the foundation for the Clean Water Act clean up successes of the past 40 years, will remove Clean Water Act protections for millions of wetland acres and stream miles, and will cripple federal and state clean water initiatives for the foreseeable future.

The water bodies that could be endangered by the proposed rollback rulemaking serve numerous critical functions. Most notably, more than 117 million Americans receive drinking water from public water systems that draw supply from headwater, seasonal, or rain-dependent streams. Wetlands cover roughly 110 million acres in the continental U.S., and those waters perform numerous functions. Wetlands filter pollution from contaminated runoff, recharge groundwater supplies, and an acre of wetlands can store upwards of a million gallons of flood water.

Healthy wetlands and headwater streams provide the clean, cool flows and essential habitat for fish and wildlife populations that are essential for a thriving economy. Decades have shown that economic growth is not only compatible with, but benefits from, these protections. Healthy wetlands and streams are economic engines for local recreation-based economies. For example, every year 47 million Americans head to the field to hunt or fish. The American Sportfishing Association reports that anglers alone generated \$115 billion in total economic activity in 2011, supporting more than 828,000 jobs. The more than \$201 billion hunting and fishing economy – including the 1.5 million American jobs it supports – depends on clean water and healthy wetlands.

Further, in some rural, mountain communities, river recreation and related activities generate the largest share of the local economy. Indeed, throughout the headwaters states, river recreation, including boating, fishing and wildlife watching, represents billions of dollars in commerce. These fishing and river guides, outfitters, bait shops, hotels and coffee shops are small businesses that form the backbone of many rural communities. And they depend upon clean water and healthy wetlands, lakes, and streams. Rule changes interpreting the scope of the Clean Water Act's safeguards must therefore not be taken lightly.

Because the Clean Water Act and its programs are essential to cleaning up and protecting our nation's waters, the EPA and the Corps developed the Clean Water Rule over a period of several years, providing ample opportunities for stakeholders to evaluate the technical and legal basis for the rule and express their views.

The rulemaking process started in 2011, which itself followed many years of public debate about the proper scope of the Clean Water Act. A rulemaking on this issue was requested by numerous stakeholders on both sides of the issue. The agencies held open the comment period from April 21 to November 14, 2014, receiving more than 1.1 million comments, more than 80% of which were supportive of the rule. During that same time period, the EPA produced an extensively peer-reviewed scientific report confirming that the physical, chemical, and biological integrity of water bodies depend significantly on upstream streams, wetlands, and other waters; this process included a peer review by the independent Science Advisory Board, during which the agency received more than 130,000 comments. During the comment period on the proposed rule, EPA met with more than 400

stakeholders. The agencies then developed a rule that relied on the public input, on a strong scientific record, and on the Supreme Court's direction about the kinds of waters the Clean Water Act protects.

Any proposal to revisit the 2015 Clean Water Rule should be based in the Act's purpose, history, and text, and the best scientific evidence available about water bodies' functions. Likewise, any rulemaking should be as inclusive of diverse stakeholder opinions as the Clean Water Rule and should be built on a scientific foundation that is as robust as the Clean Water Rule's is.

Rather than solicit thoughtful, science-based, legally sound input on potential revisions to the 2015 Clean Water Rule, this rulemaking to rescind the 2015 Clean Water Rule ignores the robust record in support of the Clean Water Rule, and intentionally limits the opportunity for affected communities to express their views about this proposal.

Over the past few years we've seen toxic algal outbreaks in Lake Erie, which in 2014 poisoned the drinking water for more than 400,000 people in Toledo. We have experienced increasingly intense and damaging storms and floods that threaten communities upstream and down. In cities like Charleston, WV, we've seen the drinking water of more than 300,000 people contaminated with toxic chemicals spilled into the Elk River. As these crises come to light, we're reminded of just how important these bedrock Clean Water Act safeguards are for communities, fish and wildlife, and the outdoor recreation economy.

To ensure that all Americans have access to drinkable, "crystal clear" water, EPA and the Corps must ensure that the definition of the "waters of the United States" protected by the Clean Water Act is based on the Act's purpose, history, and text, and the best scientific evidence available about the ecological functions and connectivity of the nation's waters.

We oppose this scheme to repeal the 2015 Clean Water Rule and to gut the protections that have prevented reckless pollution of the nation's waterways for decades. We urge the Administration to withdraw its proposal immediately. If the agencies decide to consider any potential revisions to the 2015 Clean Water Rule, they must engage in a thoughtful, inclusive, science-based, and legally sound process for doing so.

Respectfully Submitted,

Harpeth Conservancy