

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

The Honorable R.D. James
Assistant Secretary of the Army, Civil Works
U.S. Department of the Army
104 Army Pentagon
Washington, DC 20310

August 13, 2018

RE: Docket ID Number EPA-HQ-OW-2017-0203: Comments on Definition of “Waters of the United States”—Recodification of Preexisting Rule, Federal Register, Vol. 83, No. 134 (July 12, 2018)

Dear Acting Administrator Wheeler and Assistant Secretary James:

On behalf of the undersigned 187 organizations and our millions of members and supporters across the country, we oppose the Trump administration’s attempt to repeal the 2015 Clean Water Rule and urge the U.S. Environmental Protection Agency (“EPA”) and U.S. Army Corps of Engineers (“Army Corps”) to withdraw this proposed repeal. We also oppose the agencies’ plan to permanently weaken commonsense protections for streams and wetlands through a new rulemaking. Repealing the 2015 Clean Water Rule and replacing it with a rule that limits which streams and wetlands are covered under the Clean Water Act’s pollution prevention programs is an assault on water quality and public health.

The administration’s latest attempt to justify its proposal to repeal the Clean Water Rule lacks merit. The new legal theories forwarded by the administration in this supplemental notice fail to justify repealing the Rule and ignore the overwhelming scientific evidence that protecting small streams and wetlands is essential to ensuring water quality in downstream rivers and larger water bodies. The 2015 Clean Water Rule creates more certainty, not less, regarding which water resources are federally protected, and is legally and scientifically sound. It was for these reasons, and others, that the EPA and Army Corps received more than 685,000 comments on their first attempt to repeal the Clean Water Rule (dated July 27, 2017) and more than half a million of those comments were in strong opposition to this plan.

The current administration’s assertion that the previous administration relied too much on science when crafting the 2015 Clean Water Rule is absurd. Commonsense water policy

decisions must be based on the best available science if we are ever to achieve the Clean Water Act's water quality goals. Headwater, seasonal, and rain-dependent streams contribute to the drinking water sources for more than 117 million people in the United States. Wetlands filter pollutants and can buffer communities from flooding. These rivers, wetlands, lakes, and streams provide recreational opportunities for millions powering a robust outdoor economy. In its latest proposal, the administration would abandon the agencies' prior scientific and economic rationale for protecting streams and wetlands without offering any scientific evidence to support its plan to permanently repeal effective Clean Water Act protections for these water resources. Science tells us that we should be doing more, not less, to protect our nation's water resources.

Not only is the administration's plan to repeal the 2015 Clean Water Rule unjustified by science or law, it disregards more than 800,000 comments submitted in support of the 2015 Rule. The agencies should withdraw the proposed repeal immediately. Moreover, any potential revisions to the 2015 Clean Water Rule must bring us closer to achieving the goals of the Clean Water Act, and must be carried out in a transparent rulemaking process that is science-based and legally sound, and that provides a meaningful opportunity for all stakeholders to participate.

Sincerely,

350.org
Allegheny Mountain Chapter of Trout Unlimited
Alliance for the Great Lakes
Alliance of Nurses for Healthy Environments
Alternative Solutions, LLC
American Chestnut Land Trust
American Rivers
Amshoff Farm LLC
Anacostia Watershed Society
Anna K. Murray & Associates, P.C.
Association to Preserve Cape Cod
Audubon Naturalist Society
Baltimore Tree Trust
Beargrass Creek Alliance
Berkshire Environmental Action Team (BEAT)
Breast Cancer Prevention Partners
Brodhead Chapter of Trout Unlimited
Burns Environmental
California Coastal Protection Network
Charles River Conservancy

Charles River Watershed Association
Chesapeake Foodshed Network
Chesapeake Wildlife Heritage
Chestnut Ridge Chapter of Trout Unlimited
Chicago Audubon Society
Cincinnati Naacp
Citizens Campaign for the Environment
Clark Fork Coalition
Clean River Project, Inc.
Clean Water Action
Climate Action Now, Western Massachusetts
Codorus Chapter of Trout Unlimited
Columbia County Chapter of Trout Unlimited
Committee on the Middle Fork Vermilion River
Community Water Center
Concerned Citizens of Cattaraugus County
Conservation Alabama
Conservation Colorado
Conservation Voters New Mexico
Cumberland Valley Chapter of Trout Unlimited
CURE (Clean Up the River Environment)
Delco Manning Chapter of Trout Unlimited
Detroit Audubon
Donegal Chapter of Trout Unlimited, Inc.
Earthjustice
Earthworks
Ecological Land Management
Environment Minnesota
Environmental Advocates of New York
Environmental Law & Policy Center
Environmental League of MA
Environmental Protection Network
Environmental Working Group
Florida Wildlife Federation
FLOW (For Love of Water)
Forbes Trail Chapter of Trout Unlimited
Fort Bedford Chapter of Trout Unlimited
Freshwater Future
Friends of Dyke Marsh
Friends of the Earth
Friends of the Malden River
Friends of the Mississippi River

Friends of the Rappahannock
Genesee Valley Audubon Society
God's Country Chapter of Trout Unlimited
Gold Creative Design LLC
Greater Boston Chapter of Trout Unlimited
Green Newton
GreenLatinos
Greenpeace
Groundwork Lawrence
Harpeth Conservancy
Hilltown Anti-Herbicide Coalition
Hip Hop Caucus
Hop Brook Protection Association, Inc
Illinois Council of Trout Unlimited
Indiana Wildlife Federation
Interfaith Partners for the Chesapeake
Iron Furnace Chapter of Trout Unlimited
JAPRI.Org
Jim Zwald Chapter of Trout Unlimited
Junction Coalition
Kentucky Resources Council, Inc.
Kentucky Waterway Alliance
Lackawanna Valley Chapter of Trout Unlimited
Lakeshore Natural Resource Partnership
Lakeside Publishing MI
Lancaster Land Trust
League of Conservation Voters
League of Women Voters
League of Women Voters of Ohio
League of Women Voters Upper Mississippi River Region
Lincoln Land Conservation Trust
Little Lehigh Chapter of Trout Unlimited
Littledove Farm
Lloyd Wilson Chapter of Trout Unlimited
Loudoun Wildlife Conservancy
Maine Conservation Voters
Maryland League of Conservation Voters
Mass Audubon
Massachusetts Association of Conservation Commissions
Massachusetts Rivers Alliance
Mattawoman Watershed Society
Merrimack River Watershed Council (MRWC)

Michigan League Of Conservation Voters
Michigan Wildlife Conservancy
Midwest Environmental Advocates
Millers River Watershed Council
Milwaukee Riverkeeper
Minnesota Division Izaak Walton League of America
Minnesota Environmental Partnership
Mississippi River Collaborative
Monocacy Chapter of Trout Unlimited
Montana Trout Unlimited
Montana Wildlife Federation
Mystic River Watershed Association
Nantucket Land Council
Nashua River Watershed Association
National Parks Conservation Association
National Wildlife Federation
Natural Resources Council of Maine
Nature Abounds
NC League of Conservation Voters
Neponset River Watershed Association
Neshannock Chapter of Trout Unlimited
Nevada Conservation League
New Hampshire Rivers Council
Northwest Watershed Institute
Ohio Environmental Council
Ohio River Foundation
Organizing for Action
PennFuture
Penns Creek Chapter of Trout Unlimited
Penns Woods West Chapter to Trout Unlimited
Pennsylvania Council of Churches
Pennsylvania Council of Trout Unlimited
Pequabuck River Watershed Association
Physicians for Social Responsibility Philadelphia
Pike/Wayne Chapter of Trout Unlimited
Planning and Conservation League
PolicyLink
Potomac Conservancy
Prairie Rivers Network
Puget Soundkeeper Alliance
Rachel Carson Council
Red River Outdoors

River City Paddlesports Inc.
River Network
River Network Partners
River Source
Rock Creek Conservancy
Roman Catholic Diocese of Fresno
Savage River Watershed Assn.
Save EPA
Save Our Sky Blue Waters
Save the Illinois River, Inc. (STIR)
Schuylkill Pipeline Awareness
Sea Run Brook Trout Coalition
Seneca Chapter of Trout Unlimited
Shehawken Chapter of Trout Unlimited
Sleepy Creek Watershed Association
South River Watershed Alliance
Southern Maryland Audubon Society
Southern Oregon Climate Action Now
SouthWings
St. Mary's River Watershed Association
Sustainable Business Network of Greater Philadelphia
Taunton River Watershed Alliance
Tip of the Mitt Watershed Council
Tookany/Tacony-Frankford Watershed Partnership
Tradewater / Lower Green Rivers Watershed Watch
Tulpehocken Chapter of Trout Unlimited
Tuolumne River Trust
Valley Forge Chapter of Trout Unlimited
Virginia Conservation Network
Virginia League of Conservation Voters
Washington Conservation Voters
Washington Environmental Council
Water Supply Citizens Advisory Committee
Waterways Alliance
West Virginia Rivers Coalition
Western Organization of Resource Councils
Westfield River Watershed Association
WildEarth Guardians
Wisconsin League of Conservation Voters
Wisconsin Trout Unlimited
Yukon River Inter-Tribal Watershed Council