



May 1, 2014

Ms. Donna Downing
Jurisdiction Team Leader, Wetlands Division
U.S. Environmental Protection Agency
Water Docket, Room 2822T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Ms. Stacey Jensen
Regulatory Community of Practice
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314

RE: Proposed Rule on “Definition of “Waters of the United States Under the Clean Water Act,” Docket No. EPA-HQ-OW-2011-0880

Dear Ms. Downing and Ms. Jensen:

On behalf of the nation’s mayors, cities and counties, we respectfully request that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) extend the public comment period for the proposed rule on “*Definition of Waters of the United States*” Under the Clean Water Act,” as published in the Federal Register on April 21, 2014. We thank the agencies for their efforts to educate our members on the proposal; however, due to its technical and complex nature and the potential unintended consequences this proposal could have on our communities, we request that the comment period be extended by 90 days so that we and the communities we represent have ample opportunity to develop and submit comments that are as thoughtful and thorough as possible.

The proposed rule redefines the current “waters of the U.S.” definition in the Clean Water Act (CWA) in a way that will impact all CWA programs according to the agencies’ *Economic Analysis of Proposed Revised Definition of Waters of the U.S.* Yet, according to the same analysis, the impact of this change in definition is largely unknown because the findings are “incomplete” due to the “many data and methodological limitations, as well as the inherent assumptions in each component of the analysis.”

It is our belief that changes to the CWA definition of “waters of the U.S.” will have far-reaching effects and could have unintended consequences to a number of state and local CWA programs, including the National Pollutant Discharge Elimination System (NPDES), total maximum daily load (TMDL) and other water quality standards programs, state water quality certification process,

and Spill Prevention, Control and Countermeasure (SPCC) programs. Because the agencies' analysis is "incomplete," our organizations need additional time to further develop an economic analysis to help us more completely understand how all waters will be impacted, beyond the current analysis of Section 404 permit applications.

For all the foregoing reasons and to give all stakeholders adequate time to compile supporting data and information and to fully study and understand potential impacts, we request a 90 day extension to the public comment period. If you have any questions, please do not hesitate to contact any of our staff: Judy Sheahan (USCM) at jsheahan@usmayors.org; Carolyn Berndt (NLC) at berndt@nlc.org; or Julie Ufner (NACo) at jufner@naco.org.

Sincerely,



Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors



Clarence E. Anthony
Executive Director
National League of Cities



Matthew D. Chase
Executive Director
National Association of Counties