



April 25, 2014

Water Docket
Environmental Protection Agency, Docket Center
EPA West, Room 3334
1301 Constitution Avenue, NW
Washington, D.C. 20460

Attention: Docket ID No. EPA-HQ-OW-2011-0880

Re: Request for Extension of the 90-Day Comment Period on the Proposed Rule to Clarify the Definition of “Waters of the United States” under the Clean Water Act

Dear Docket Administrator:

The Western Urban Water Coalition (WUWC) has conducted a preliminary review of the proposed rule published in the April 21, 2014, Federal Register issued by the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) defining the scope of waters subject to the jurisdiction of the Clean Water Act (CWA). Given the length of the preamble, the scope, and breadth of the proposed rule, and the pendency of additional scientific review of the draft EPA Report entitled *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence* (Connectivity Report), as discussed below, WUWC requests an extension of the comment period to enable WUWC members to have the necessary time to review in detail, understand, and evaluate the proposed rule itself, to evaluate the proposed rule in light of the Connectivity Report, which is still under review and to determine what the proposed rule means for the management and delivery of water in the western United States.

Created in June 1992 to address the West’s unique water issues, WUWC consists of the largest urban water utilities in the West, serving over 35 million western water consumers in 16 metropolitan areas in five states. The membership of WUWC includes the following urban water utilities: Arizona – Central Arizona Project and City of Phoenix; California – East Bay Municipal Utility District, Eastern Municipal Water District, Los Angeles Department of Water and Power, Metropolitan Water District of Southern California, San Diego County Water Authority, San Francisco Public Utilities Commission, and Santa Clara Valley Water District; Colorado – Aurora Water, Colorado Springs Utilities, and Denver Water; Nevada – Las Vegas Valley Water District, Southern Nevada Water Authority, and Truckee Meadows Water Authority; and Washington – Seattle Public Utilities.

WUWC members have a strong interest in clean water for municipal water supplies and in the regulatory processes protecting water quality. In particular, WUWC members are concerned with the predictability and certainty of whether a water body is subject to the CWA and in reducing costs and delays in obtaining permits. For this reason, WUWC has been very active in legislative and regulatory initiatives to define jurisdictional waters. We have appeared before congressional committees and Members of Congress, met with federal agencies, and commented on guidance documents. Most recently, we submitted comments on November 6, 2013 on the draft Connectivity Report and on December 31, 2013, sent a letter to heads of EPA, the Corps and the Office of Management and Budget objecting to issuance of this proposed rule before scientific review is completed on the Connectivity Report. Based on this extensive background, WUWC is greatly concerned not only with the expansion of CWA jurisdiction in the proposed rule but also the agencies' own recognition of the scientific uncertainty associated with the proposal.

EPA's Science Advisory Board (SAB) is currently reviewing the draft Connectivity Report which, the preamble states, serves as the scientific basis of the proposed rule. By issuing the proposed rule for comment before the completion of the SAB review, the EPA and the Corps are hindering the public's ability to make comments based on all of the available information. The WUWC believes that any public comments would be premature prior to the SAB finalizing its review.

Accordingly, WUWC requests that EPA extend the public comment period for the proposed rule until at least 120 days following completion of the Connectivity Report that takes into account the recommendations of EPA's own SAB.

We would be happy to meet with agency officials to discuss our concerns. Please contact our counsel, Donald Baur or Paul Smyth of Perkins Coie, LLP at (202) 654-6200 to discuss this request.

Sincerely,

A handwritten signature in black ink, appearing to read "David Modeer". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Modeer
Chair
Western Urban Water Coalition

cc: Perkins Coie LLP
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Washington, D.C. 20005-3960