February 11, 2019

The Honorable Andrew Wheeler  The Honorable R.D. James  
Acting Administrator  Assistant Sec. of the Army  
U.S. Environmental Protection Agency  Office of the Assistant Secretary for Civil Works  
1200 Pennsylvania Avenue, NW  Department of the Army  
Washington, DC 20460  108 Army Pentagon  
Washington, DC 20310 – 0108

Dear Acting Administrator Wheeler and Assistant Secretary James:

We write to request an extension of the proposed comment period associated with the Environmental Protection Agency’s (EPA’s) and the U.S. Army Corps of Engineers’ (Corps’) proposed rule to replace the 2015 Clean Water Rule.

The 60-day comment period in the proposed rule is far too short to allow full review, careful analysis, and feedback from as many Americans potentially impacted by this endeavor as wish to share their views, including the millions of Americans who receive drinking water from the waterbodies affected by this proposal.

We would urge you to extend that comment period to at least the same duration as offered by the previous Administration – 207 days. As you know, EPA and the Corps extended the comment period on the prior rule twice in response to requests. The full comment period extended from April 21—November 14, 2014, yielding more than a million comments. It makes no sense to deny affected and concerned Americans the same opportunity to weigh in on your proposal to replace that rule.

Virtually every industry relies on clean water, and these interests—along with all Americans—want to know which waters are covered by federal law and regulation.

Given that your agencies have opted to affect the interests of these constituencies, every effort should be made to provide sufficient time for comment. Doing so will allow affected citizens to consider the proposal and its implications on their health, lives and livelihoods, and provide the feedback you seek. The 60 days you propose is simply not enough time to do so meaningfully.

We would appreciate hearing from you by February 25, 2019, on your intentions regarding this request.

Sincerely,