

Message

---

**From:** Peter Chawaga [pchawaga@vertmarkets.com]  
**Sent:** 8/11/2017 6:37:46 PM  
**To:** Jones, Enesta [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=65b8e6c6e5ca4a7a9ae85d98a4c8eedb-EJones02]  
**CC:** Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]  
**Subject:** Re: Water Online Interview Request: Modifying WOTUS

Thanks!

---

**From:** Jones, Enesta <Jones.Enesta@epa.gov>  
**Sent:** Friday, August 11, 2017 2:31:08 PM  
**To:** Peter Chawaga  
**Cc:** Press  
**Subject:** RE: Water Online Interview Request: Modifying WOTUS

Hi Peter,

Please attribute to an EPA spokesperson:

The June 2017 proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

**What has motivated the EPA (with partners) to propose a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States"? What problems is the agency hoping to solve?**

**Response:** Through new rulemaking, the EPA and the Army seek to provide greater clarity and regulatory certainty concerning the definition of "waters of the United States," consistent with the principles outlined in the February 28, 2017 Executive Order and the agencies' legal authority.

**Where do the efforts to rescind and re-codify currently stand? What do you imagine as a likely timeline for these efforts?**

**Response:** On July 27, 2017, the EPA and Army proposed to rescind the Clean Water Rule and to recodify the previous, longstanding regulatory definition of "waters of the U.S.," in the Federal Register, initiating a public comment period, which will close on August 28. The second step, a new definition consistent with the E.O., is also underway. The agencies initiated formal consultation efforts for state and local governments and for tribes in April and June 2017. The agencies are now reviewing and considering the comments on step 2 received during the formal preproposal consultation period. The agencies anticipate proposing the second rulemaking in 2018.

The June 2017 proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

**Enesta Jones**

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: **Ex. 6**

**"The root of all joy is gratefulness."**

---

**From:** Peter Chawaga [mailto:pchawaga@vertmarkets.com]  
**Sent:** Friday, August 04, 2017 10:41 AM  
**To:** Jones, Enesta <Jones.Enesta@epa.gov>  
**Subject:** Water Online Interview Request: Modifying WOTUS

Hi Enesta,

I'm working on a story about the EPA's work on modifying the Waters of the U.S. Rule and I am hoping that you or someone you recommend can provide written answers to the below questions for potential use in the article.

I'd like responses by next Friday, 8/11. Would that be possible?

Thanks,  
Peter

1. What has motivated the EPA (with partners) to propose a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States"? What problems is the agency hoping to solve?
2. Where do the efforts to rescind and re-codify currently stand? What do you imagine as a likely timeline for these efforts?
3. How do you hope that these efforts protect water quality?
4. How do you hope that these efforts promote economic growth?
5. How do you imagine these changes will affect drinking water utilities and wastewater treatment operations (both public and private)?