

Message

From: Lynn, Tricia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8747BA49CDE485EA4AC58DBF09C3DCD-TRICIA SLUSSER]
Sent: 11/15/2017 8:56:33 PM
To: Ex. 6
Subject: Re: press inquiry

Hi Shia—

Again, for attribution to “an EPA spokesperson:”

As part of the typical rulemaking process, when any federal agency proposes a rule, information about the effects of the proposal are included in the electronic docket for the rulemaking.

Information from public comments on the 2015 rule, the proposed step 1 rule, and the pre-proposal request for recommendations are all available on [regulations.gov](https://www.epa.gov/regulations.gov) and linked to on the agency website at <https://www.epa.gov/wotus-rule/>.

The agencies have not set specific deadlines for either the step 1 or step 2 proposals, but plan to continue working expeditiously. These actions are a high priority for this Administration.

Best,

Tricia

From: Shia Levitt Ex. 6
Sent: Wednesday, November 15, 2017 1:03 PM
To: Lynn, Tricia <lynn.tricia@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>
Subject: Re: press inquiry

Thanks Tricia,

I will look through these reports. A couple quick follow ups:

1. As part of the rule making process, is there any more information you can provide on how and when the EPA will examine the effect of potential changes to the WOTUS definition? Ie, where and when will there be dates or guidelines for public comment posted and how might one obtain access to those public comments ? I'm also interested in the overall timeline- specifically when might any next steps be taken to determine whether the WOTUS definition might change?

2. Are there any folks who have been EPA experts for a long time focusing on CWA (or have specific knowledge about impact of CWA on these streams or water quality of these streams in general) ? I would love to have a quick chat, and don't need to record yet at this stage.

I'll begin looking through some of these links in the mean time.

Thanks,

Shia

On Wednesday, November 15, 2017, Lynn, Tricia <lynn.tricia@epa.gov> wrote:

Hi Shia—

If attributing, please attribute to “an EPA spokesperson:”

The U.S. Geological Survey (USGS) maintains the most comprehensive and up-to-date geospatial dataset of streams across the country, the National Hydrography Dataset (NHD). Many but by no means all washes and intermittent streams are mapped in the NHD. Many ephemeral streams are mapped in the Arid West in the NHD at high resolution. Information on this dataset is available here: <https://nhd.usgs.gov/>.

Additional information on streams is available on EPA’s website at <https://www.epa.gov/cwa-404/streams/>.

Federal, state, local, and tribal governments all have authority to regulate water resources. Federal Clean Water Act (CWA) programs only apply to waters considered to be “waters of the United States” under the Act. Through its actions related to defining waters of the U.S., this administration is more fully considering the policy in section 101(b) of the Act to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution and provide regulatory certainty to our nation’s farmers and businesses.

As such, if any water resource is no longer considered a “water of the U.S.” then it would no longer be subject to any federal CWA programs. State, local, and tribal authorities may have programs under their own laws that may continue to apply to waters in their jurisdiction.

As part of the rulemaking process, the agencies intend to examine the potential effects of any new definition of “waters of the US.”

EPA has several reports and tools regarding water quality available on our website. The National Water Quality Inventory Report to Congress (305(b) report) and the Assessment and Total Maximum Daily Load Tracking and Implementation System (ATTAINS) database are the primary vehicles for informing Congress and the public about general water quality conditions in the United States.

Information on the 305(b) report is available at: <https://www.epa.gov/waterdata/national-water-quality-inventory-report-congress>.

The most current, regularly updated state water quality information is available in the ATTAINS database at <https://www.epa.gov/waterdata/assessment-and-total-maximum-daily-load-tracking-and-implementation-system-attains/>. Note that states do not make determinations of whether waters in their water quality assessments are “waters of the United States.”

EPA's My Waters Mapper contains the status of Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permits for each State; summary information from the Clean Watershed Needs Survey; and CWA 303/305 site specific water quality assessments. It can be found at <https://watersgeo.epa.gov/mwm/>.

The National Aquatic Resource Surveys (NARS) are collaborative programs between EPA, states, and tribes designed to assess the quality of the nation's coastal waters, lakes and reservoirs, rivers and streams, and wetlands using a statistical survey design. More information on these reports can be found at <https://www.epa.gov/national-aquatic-resource-surveys/>. Note that NARS does not consider if the water is a "water of the United States."

Best,

Tricia

From: Shia Levitt [redacted] **Ex. 6**
Sent: Friday, November 10, 2017 1:03 AM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Lynn, Tricia <lynn.tricia@epa.gov>
Subject: Re: press inquiry

Dear Enesta,

I don't yet need a recorded interview but would love if someone is available for a quick phone chat for some background info next week at some point.

Specifically I'd love to know :

- 1) any govt statistics on where these washes or ephemeral/intermittent streams are primarily located (geographically as well as whose land) what purpose/function they serve for the people who live near them
- 2) how and in what way do EPA or other govt bodies expect the CWA changes, if they happen, might most impact these waters and the people who live near or use them?
- 3) specifically which regulations (for which specific pollutants for instance) would no longer be enforced for these washes that were enforced for a while up until now

4) any reports on water quality from the years prior to intermittent streams/“washes” being considered WOTUS and regulated as such

I have a couple other questions but those should be good to start with!

Thanks so much,

Shia