

Message

**From:** Millerick, Jayne [Jayne.Millerick@nh.gov]  
**Sent:** 6/30/2018 11:44:34 AM  
**To:** Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]  
**Subject:** RE: EPA and Army Seek Additional Public Comment on 'Waters of the U.S.' Repeal

Thank you, Tate. Hope you are well.

Sent with BlackBerry Work  
(www.blackberry.com)

From: Bennett, Tate <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>  
Date: Friday, Jun 29, 2018, 4:20 PM  
To: Bennett, Tate <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>  
Cc: Gordon, Stephen <gordon.stephen@epa.gov<mailto:gordon.stephen@epa.gov>>  
Subject: EPA and Army Seek Additional Public Comment on 'Waters of the U.S.' Repeal

<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.epa.gov\\_newsroom&d=DwMGaQ&c=vY17KJMDeuM7F-Nqf\\_hfailBifPmyspo7hrJG1NN7nU&r=cQJhbIPcbBqdOrK8mjUIpjpO-kHfEker4nyoG68WNOw&m=d1JkXUMNDFwK2O3xCIayO821Qr1dD1VcY3NRgvmDGts&s=7400h00qDLXbkY7kk0fqRgaDMA1NvewIPhJgiyKSVII&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.epa.gov_newsroom&d=DwMGaQ&c=vY17KJMDeuM7F-Nqf_hfailBifPmyspo7hrJG1NN7nU&r=cQJhbIPcbBqdOrK8mjUIpjpO-kHfEker4nyoG68WNOw&m=d1JkXUMNDFwK2O3xCIayO821Qr1dD1VcY3NRgvmDGts&s=7400h00qDLXbkY7kk0fqRgaDMA1NvewIPhJgiyKSVII&e=>)>

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EPA and Army Seek Additional Public Comment on 'Waters of the U.S.' Repeal

WASHINGTON (June 29, 2018) – The U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) are issuing a supplemental proposal to the July 2017 proposed action to repeal the 2015 definition of “Waters of the United States” (WOTUS). Today’s proposal specifically requests comment on the legal basis of the 2015 WOTUS rule, which the agencies believe has led to uncertainty and confusion across the country.

“By issuing today’s supplemental proposal, we are responding to public feedback, expanding opportunities for comment, and providing clarity and transparency in the rulemaking process,” said EPA Administrator Scott Pruitt. “We are making it clear that we are proposing to permanently and completely repeal the 2015 WOTUS rule and keep the pre-2015 regulatory framework in place as we work on a new, improved WOTUS definition.”

During last summer’s public comment period, the EPA and the Army heard from hundreds of thousands of stakeholders about the proposal to repeal the 2015 definition of WOTUS. After reviewing this input, the EPA and the Army are issuing a supplemental notice of proposed rulemaking to clarify that the agencies are proposing to permanently repeal the 2015 rule in its entirety. As part of the initial proposal, the EPA and the Army indicated their intent to recodify the pre-2015 regulations—a longstanding regulatory framework that is currently being administered by the agencies—to keep them in place until the agencies finalize a new definition of WOTUS.

The agencies are also issuing the supplemental notice of proposed rulemaking to give the public an opportunity to comment on additional considerations that support the agencies’ proposed repeal, some of which the agencies did not discuss in detail in the initial proposal.

“This supplemental proposal reflects our continued commitment to common sense in the rulemaking process,” said R.D. James, Assistant Secretary of the Army for Civil Works.

The agencies are continuing to review the comments received on the July 2017 proposal and will be accepting public comment on the supplemental proposal for 30 days after it is published in the Federal Register. Commenters do not need to resubmit comments already provided to the agencies in response to the July 2017 proposal.

For more information on both actions:[www.epa.gov/wotus-rule](http://www.epa.gov/wotus-rule)  
<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.epa.gov\\_wotus-2Drule&d=DwMGaQ&c=vY17KJMDeuM7F-Nqf\\_hfailBifPmyspo7hrJG1NN7nU&r=cQJhbIPcbBqdOrK8mjUIpjpO-kHfEker4nyoG68WNOw&m=d1JkXUMNDFwK2O3xCIayO821Qr1dD1VcY3NRgvmDGts&s=\\_YtCzMX7gC0DXcbtAQmIdma293RZaQ8osZK1ajP1zt4&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.epa.gov_wotus-2Drule&d=DwMGaQ&c=vY17KJMDeuM7F-Nqf_hfailBifPmyspo7hrJG1NN7nU&r=cQJhbIPcbBqdOrK8mjUIpjpO-kHfEker4nyoG68WNOw&m=d1JkXUMNDFwK2O3xCIayO821Qr1dD1VcY3NRgvmDGts&s=_YtCzMX7gC0DXcbtAQmIdma293RZaQ8osZK1ajP1zt4&e=>)>

## Background

The EPA and the Army are working through a two-step process to consider revisions to the definition of “waters of the United States,” consistent with the February 2017 Presidential Executive Order 13778. The Executive 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.

<https://www.epa.gov/wotus-rule><[Sierra Club v. EPA 18cv3472 NDCA](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.epa.gov_wotus-2Drule&d=DwMGaQ&c=vY17KJMDeuM7F-Nqf_hfailBifPmyspo7hrJG1NN7nU&r=cQJhbIPCbBqdOrK8mjUIpjpO-kHFeKER4nyoG68WNOW&m=d1JkXuMNDfwK203xCIay0821Qr1dD1VcY3NRgvmDGts&s=3hhmnB8H-BykEV-hr6G1Edw4KwIs_CHRZSFDkFC2hSE&e=></a>></p></div><div data-bbox=)