



AMERICAN PUBLIC WORKS ASSOCIATION

Your Comprehensive
Public Works Resource

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September 26, 2017

Ms. Donna Downing
Jurisdiction Team Leader, Wetlands Division
U.S. Environmental Protection Agency
Water Docket, Room 2822T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Ms. Stacey Jensen
Regulatory Community of Practice
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314

RE: “Definition of “Waters of the United States” – Recodification of Pre-Existing Rule, Docket No. EPA-HQ-OW-2017-0203-0001

Dear Ms. Downing and Ms. Jensen:

The American Public Works Association (APWA) appreciates the opportunity to submit comments on the Recodification of the Pre-Existing Rule for the Definition of “Waters of the United States” under the Clean Water Act, 82 Fed. Reg. 34899 (July 27, 2017).

Protecting the nation’s surface water and groundwater is essential to public health and the quality of life our citizens enjoy. APWA’s over 30,000 members play a critical role in providing clean and safe water to their communities which are large and small, urban and rural. Chief among their responsibilities are the planning, design, construction, operation, and maintenance of the following: water supply systems, wastewater treatment systems, stormwater management programs, and drainage and flood control infrastructure, among numerous other public assets. Our members include public works professionals from cities, counties, and special districts, as well as their private sector partners. Our members take their responsibilities under the Clean Water Act (CWA) seriously, and are committed to a partnership with federal, state, regional, and local partners in assuring a sustainable future.

APWA and its members are committed to protecting our environment, as well as providing vital public works to our communities in an environmentally conscious way. However, the lack of clarity in the current rule, which is being re-codified, has led to uneven implementation across the country, making the job of public works departments more difficult. As a result, an undue burden is being placed on taxpayers and local governments.

As representatives of local governments, our members will only be successful in meeting the goals of clean

PRESIDENT
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EXECUTIVE DIRECTOR
Scott D. Grayson



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water if federal regulations are clear and concise, are free of unfunded mandates, and resources are available for effective implementation.

APWA and its members believe that the final rule indiscriminately expanded the definition of “Waters of the United States” to water bodies outside of current practices and permitting regimes and created significant regulatory uncertainties regarding previously approved and highly effective state and local programs, thereby violating the cooperative federalism envisioned by the Clean Water Act.

APWA supports the proposal to re-codify the 1986/1988 definition of “Waters of the United States,” thereby preserving the current legal status quo. During which time the Environmental Protection Agency and the U.S. Army Corps of Engineers may engage in substantive rulemaking to reconsider the existing, but stayed, 2015 Rule defining the “Waters of the United States.” Our members agree that the review and revision of the 2015 Rule is a necessary second step, as re-codifying the 1986/1988 Rule will remove the uncertainty of the 2015 Rule. The 1986/1988 Rule does not have reasonable scope limitations and is not itself a solution.

On behalf of public works professionals nationally, we thank you for the opportunity to comment and urge you to give serious consideration to the above comments. We are committed to working with EPA and the Corps on our common goal of clean water. If you have any questions, please contact Sean Garcia in our Washington, D.C. office at sgarcia@apwa.net or at 202-218-6734.

Sincerely,

A handwritten signature in black ink that reads 'Scott Grayson'. The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Scott Grayson
Executive Director

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