

October 26, 2011

Jenny Thomas
Wetlands Division
Office of Wetlands, Oceans and Watersheds
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Thomas:

We are writing on behalf of the small entities that are members of the undersigned organizations to request an additional 60 days to provide responses to v j g"Gpxktqp o gpvcn"Rtqvgevkqp"C i gpe {øu" (EPA) tgs wguv" hqt" kphqt o cvkqp" tgn cvgf" vq" rctvkekr cvkqp" kp" v j g" ÷ Y cvgtu" qh" v j g" W0U0ø" U o cm" Gpvkvkgu" Qwvtgcej" Oggvkiö" qp" Oct. 12, 2011. At the meeting, EPA outlined the contents of the ÷Ftchv" I wkfcpeg" Tgi ctkpi" Kfgpvkhkecvkqp" qh" Y cvgtu" Rtqvgevgf" d { " v j g" Engcp" Y cvgt" Cevö" *Draft Guidance) issued in May 2011 and posed specific questions on the implications of the Draft Guidance on small entities. EPA requested a response to those questions by Oct. 26, 2011. Given the complexity of the analysis required to provide a meaningful response, the two weeks provided is not sufficient time to obtain the information requested. In the interim and for the record, we resubmit our comments filed on the Draft Guidance. See Waters Advocacy Coalition, *et al.* "Eq o o gpvu" kp" Tgurqpug" vq" v j g" Gpxktqp o gpvcn" Rtqvgevkqp" C i gpe {øu" cp f" W0U0" Ct o { " Eqtru" qh" Gp ikpggtuø" Ftchv" I wkfcpeg" qp" Kfgpvkh { kpi" Y cvgtu" Rtqvgeved by the Clean Water Act, Docket No. EPA-HQ-OW-2011-

many of the 300,000 comments received on the Draft Guidance urged the Agencies to undertake a rulemaking, they did not suggest that the Agencies simply turn the Draft Guidance into a rule, predetermined baseline as established in the Draft Guidance and leads to a complete misunderstanding of the real impacts.

Instead, we believe that EPA should conduct legitimate outreach to small entities and the general public across the nation to determine the appropriate scope and content of any rule defining CWA jurisdiction. As EPA has done in numerous other contexts (*e.g.*, development of Plan EJ 4236) of public outreach sessions in the Midwest, Southeast, West and East to solicit feedback on the issues to be addressed in and the potential scope of a rulemaking. This kind of outreach would enable the Agencies to obtain real examples from the field (as EPA and the Office of Management and Budget (OMB) have requested that we provide) on the implications of any changes to the existing boundaries of CWA jurisdiction.

