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July 14, 2017

Honorable E. Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing on behalf of your Local Government Advisory Committee (LGAC), which is composed of 35 elected and appointed officials of state, local and tribal government. We very much appreciate the opportunity to provide input on clarifying the regulatory status of “Waters of the United States” (WOTUS). We also commend your leadership in recognizing and resolving the regulatory confusion and complexity of WOTUS by issuing a new rule.

The LGAC has been engaged in ‘Waters of the United States’ since May 2014. Through a series of outreach meetings and conference calls, the LGAC has heard over 60 hours of comments and recommendations from our colleagues across the United States. The *LGAC Waters of United States 2017 Report* is a compilation of recommendations from a diverse group of local leaders who have experienced the current regulatory framework.

One of the most important themes we have heard (and experienced) is the lack of clarity and predictability in the current permitting process. The EPA’s enhanced partnership with the U.S. Army Corps of Engineers is a tremendous step towards resolving these issues that impede economic growth and hamper public infrastructure projects.

Although permitting is a complex issue, some practical solutions such as establishing a less than 90 -day time frame for jurisdictional determinations can significantly ease the regulatory uncertainty. In addition, state-specific or region-specific criteria can be developed to provide much needed flexibility within a national standard. The LGAC also supports exemptions such as ditches, stormwater management systems, green infrastructure, normal farming practices and converted crop lands.

Additional exemptions may be appropriate at the regional level, such as in the West with ephemeral streams. The approach the LGAC puts forward also invites an enhanced state and local role in implementing the Clean Water Act Section 404 and WOTUS. Local governments are very interested in being part of the solution, but will need dedicated resources to fully assist through assumption of the Section 404 program and for greater utilization of state and regional general permits.

As local government officials, the availability and accessibility of clean and safe water is one of our highest priorities. Source water protection is a key element and certain water bodies may need case-specific jurisdictional reviews. The LGAC recommends that EPA work with state and local government to identify these significant waterbodies and provide maps of these areas. Improving transparency and predictability will ease the regulatory uncertainty that currently exists.

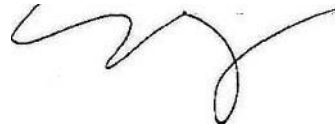
The LGAC acknowledges that there were many comments we received during our work on the Charge. The LGAC encourages the EPA to consider all of the various comments the agency receives in the rule-making process.

In summary, the LGAC appreciates your leadership and collaboration with local, tribal and state partners. We offer our continued assistance to you, Administrator Pruitt, and to the team at EPA as you move forward. The opportunity exists to develop a clear and predictable regulatory framework that will protect source water and provide clean, safe and affordable water for the American people while promoting sustainable economic development. Thank you for the opportunity to comment and for your consideration of our recommendations.

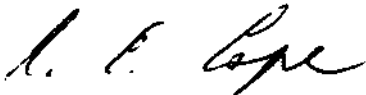
Sincerely,



Mayor Bob Dixon  
Chairman



Ms. Susan Hann, P.E.  
Chairwoman, Protecting America's  
Waters Workgroup



Commissioner Dr. Robert Cope, DVM  
Chairman, Small Community Advisory  
Subcommittee (SCAS)



Mayor Elizabeth Kautz  
Vice-Chair, Protecting America's  
Waters Workgroup



Dr. Hector Gonzalez, M.D.  
Chairman, Environmental Justice (EJ)  
Workgroup

Enclosure

Cc: Troy Lyons, Associate Administrator, Office of Congressional and  
Intergovernmental Relations  
Michael Shapiro, Acting Assistant Administrator, Office of Water  
John Goodin, Acting Director, Office of Wetlands, Oceans and Watersheds