



June 8, 2011

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OW-2011- 0409

Dear Administrator Jackson:

On behalf of America's state and local government officials, we are writing to request a 60 day extension to the "Waters of the U.S." guidance, Docket No. EPA-HQ-OW-2011-0409.

The guidance, as proposed by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps), is complex and its impacts go beyond section 404 of the Clean Water Act (CWA) discharge of dredged and fill material program. The guidance is applicable to all CWA programs, including section 402, the National Pollutant Discharge Elimination System (NPDES) and section 303, water quality standards and total maximum daily load (TMDL) programs.

The guidance document acknowledges the impact the guidance may have on state and local governments, including significantly increasing the number of water bodies found subject to CWA jurisdiction under the new guidance. However, we are unaware of state and local governments having the opportunity to provide input in crafting the guidance, even though they are essential partners to CWA implementation.

The implications of the guidance could be significant for state and local governments. Because of its complexity, there may be unintended consequences to state and local programs. We believe it is our responsibility to identify potential areas of concern before the guidance is finalized. For these reasons, we believe it is reasonable to request an extension of the July 1, 2011 deadline to September 1, 2011.

We thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "William T. Pound".

William T. Pound
Executive Director
National Conference of State Legislatures

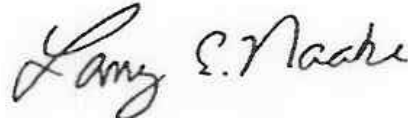
A handwritten signature in black ink that reads "Tom Cochran".

Tom Cochran
CEO & Executive Director
The United States Conference of Mayors

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Donald Borut
Executive Director
National League of Cities



Larry Naake
Executive Director
National Association of Counties

cc: Bob Perciasepe, Deputy Administrator, U.S. Environmental Protection Agency
Nancy Stoner, Acting Assistant Administrator, Office of Water, U.S. Environment
Protection Agency