

April 9, 2019

U.S. Environmental Protection Agency
EPA Docket Center, Office of Water Docket
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460
Submitted via email to OW-Docket@epa.gov

Re: Docket ID No. EPA-HQ-OW-2018-0149 Revised Definition of Waters of the United States

Dear Administrator Wheeler:

As state legislators from an arid state, we understand all too well that water is our life blood and that protecting it is critical to our state's economic well-being, as well as continuing to sustain people, plants, and animals into the future. That is why we are deeply disturbed by this proposed rule's attack on one of our most basic and important environmental laws -- the Clean Water Act. Passed by Congress nearly 50 years ago at a time when rivers in our country were extremely polluted and some were even burning and our drinking water sources were questionable, this law has helped to clean up and protect waters throughout the United States, including in our home state of Arizona.

The interpretation of what is considered "Waters of the United States" as contained in this draft rule would remove Clean Water Act protections, including pollution safeguards and limits on dredging and filling, from nearly all of the water bodies in Arizona where many of our streams are ephemeral. It is equally concerning that Arizona's precious cienegas, which do not have a "continuous surface connection" to larger waters, would be unprotected by the Clean Water Act.

Waters such as the Verde and Salt Rivers help provide drinking water for millions of people and need the Clean Water Act protections to limit pollutants and dredging and filling that can contribute to flooding and sedimentation. Likewise, the springs and streams that feed them need those protections as does a river such as the San Pedro, which is threatened by development, needs the strong protections the Clean Water Act provides, limiting the filling of washes that help feed the river. Without the Clean Water Act, there is little in state law to protect these critical waters.

This proposed rule is not scientifically, legally, or fiscally sound. It is just common sense to know that our waters are connected and that keeping smaller water bodies clean in turn helps protect the larger ones and all who live downstream. Streams and wetlands absorb water and help to filter it, keeping our drinking water supplies safe while providing flood protection.

If Arizona's waters lose their Clean Water Act protections, the consequences would be harmful.

- Industrial facilities such as mines or factory farms could discharge chemical waste or toxic pesticides into unprotected streams without concern of federal consequences.
- Developers would likely no longer need to obtain permits prior to paving over or building on wetlands and washes, which in turn means a loss of habitat for plants and animals and potential increased flooding downstream.

- Water treatment plants might be able discharge partially treated sewage into streams without adhering to water quality standards, which would mean even more issues for the Nogales Wash and the Santa Cruz River.

The Clean Water Act has served our country and our state well, plus there is still a lot more work to do to ensure that everyone has clean water, water that is fishable and swimmable.

We ask that you rescind this proposed rule and stop ignoring the science, the law, and the strong public support for the Clean Water Act. You must and you can do better for us and for all Americans.

Sincerely,



Kirsten Engel

Arizona State Representative

District 10



Mitzi Epstein

Arizona State Representative

District 18



Rosanna Gabaldón

Arizona State Representative

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Charlene R Fernandez

Minority Leader

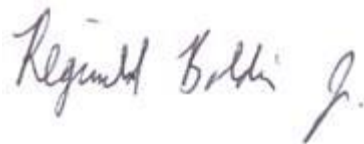
Arizona House of Representatives



Randall Friese M.D.

Assistant Minority Leader

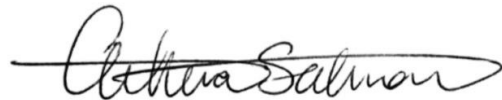
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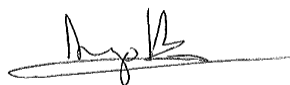
Pamela Powers Hannley
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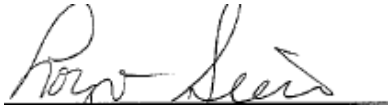
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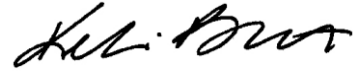
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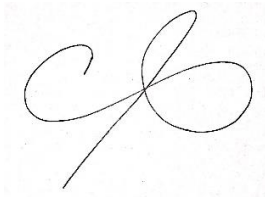
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