

DRAFT CLEAN WATER ACT GUIDANCE REQUEST FOR COMMENTS

On May 2, 2011, the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) jointly published in the Federal Register their proposal to issue clarifying guidance for determining which waters and wetlands are protected under the Clean Water Act (CWA) programs. The agencies are soliciting comments on the proposed draft guidance from interested parties, and the comment period will be 60 days.

The proposed draft guidance is intended to improve the consistency, predictability, and transparency of jurisdictional determinations and be fully consistent with the CWA, applicable regulations, and Supreme Court decisions.

You may submit comments, identified by docket number EPA-HQ-OW-2011-0409, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov> at docket ID no. EPA-HQ-OW-2011-0409. Please see the Federal Register notice for instructions on submitting comments.
- E-mail: owdocket@epa.gov. Include EPA-HQ-OW-2011-0409 in the subject line of the message.
- Mail: Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0409.
- Hand Delivery/Courier: Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0409. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Water Docket is (202)566-2426.

After the comment period has ended, the agencies will thoroughly consider all comments received as they develop final guidance. *The 2008 Clean Water Act Guidance will remain in effect until final guidance is published in the Federal Register.*

A copy of the proposed draft guidance is available through the USACE webpage at <http://www.usace.army.mil/CECW/Pages/nnpi.aspx>, the EPA webpage at <http://www.epa.gov>, at www.regulations.gov (docket number EPA-HQ-OW-2011-0409), or the Federal Register at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.

Additional information about the Environmental Protection Agency's CWA programs can be found at: <http://water.epa.gov/lawsregs/guidance/index.cfm>. The U.S. Army Corps of Engineers Regulatory program information can be found at: http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx.