



VIA ELECTRONIC SUBMISSION

November 14, 2014

Administrator Gina McCarthy  
U.S. Environmental Protection Agency  
Water Docket  
Mail Code 2822T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Re: Docket ID EPA-HQ-OW-2011-0880, Definition of “Waters of the United States” Under the Clean Water Act**

Dear Administrator McCarthy:

As representatives of the construction industry, we are writing in response to the Environmental Protection Agency’s (EPA) and U.S. Army Corps of Engineers’ (Corps) above-referenced notice of proposed rulemaking to redefine “waters of the United States” under all Clean Water Act (CWA) programs, which was published on April 21, 2014, at 79 Fed. Reg. 22188.

The CWA imposes substantial permitting and regulatory requirements on projects near waters covered by the act. The proposed rule, however, does not adequately define “waters of the United States” and other key concepts under CWA programs. As a result, the regulations fail to provide the information companies need to comply with the law. Inevitably, this will lead to a flood of unnecessary and excessive permitting requests with associated and equally unnecessary project delays and increased costs.

The uncertainty surrounding what will actually be considered “waters of the United States” under this proposal, coupled with the EPA’s and Corps’ broad authority to make determinations, could chill any construction near waterways that could conceivably be covered by the rule. This will almost certainly lead to fewer projects overall and negatively impact job creation in the construction industry.

For the reasons outlined above, we urge EPA and the Corps to withdraw the proposed rule. In addition, the undersigned organizations share the concerns and recommendations provided in comments filed to this docket by the Waters Advocacy Coalition, and incorporates them into this letter by reference.

Thank you for the opportunity to submit comments on this matter.

Sincerely,  
Associated Builders and Contractors, Inc.  
ABC Alaska Chapter  
ABC of Arkansas  
ABC Central Florida Chapter

ABC Central Ohio Chapter  
ABC Central Pennsylvania Chapter  
ABC Connecticut  
ABC Cornhusker Chapter  
ABC Cumberland Valley Chapter  
ABC Delaware  
ABC Eastern Pennsylvania Chapter  
ABC Empire State Chapter  
ABC Florida East Coast Chapter  
ABC Florida First Gulf Chapter  
ABC Florida Gulf Coast Chapter  
ABC Georgia Chapter  
ABC The Greater Michigan Chapter  
ABC Greater Tennessee Chapter  
ABC Hawaii Chapter  
ABC Heart of America Chapter  
ABC Illinois Chapter  
ABC Indiana/Kentucky Chapter  
ABC Inland Pacific Chapter  
ABC of Iowa  
ABC Keystone Chapter  
ABC Los Angeles/Ventura Chapter  
ABC of Maine  
ABC Massachusetts Chapter  
ABC of Metro Washington  
ABC Minnesota/North-Dakota Chapter  
ABC Mississippi Chapter  
ABC Nevada Chapter  
ABC New Hampshire/Vermont Chapter  
ABC New Jersey  
ABC of New Mexico  
ABC New Orleans/Bayou Chapter  
ABC North Florida Chapter  
ABC Northern California  
ABC Northern Ohio Chapter  
ABC Oklahoma Chapter  
ABC Pacific Northwest Chapter  
ABC Pelican Chapter  
ABC Rhode Island Chapter  
ABC Rocky Mountain Chapter  
ABC San Diego Chapter  
ABC South Texas Chapter  
ABC Southeastern Michigan Chapter  
ABC Texas Mid Coast Chapter  
ABC Utah Chapter  
ABC West Virginia Chapter  
ABC Western Michigan Chapter  
ABC Western Pennsylvania Chapter  
ABC of Western Washington  
TEXO – The Construction Association