

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 15, 2019

U.S. Environmental Protection Agency
EPA Docket Center
Office of Water Docket
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Subject: *Federal Register*, Vol. 84, No. 31, Pages 4154 - 4220, February 14, 2019, U.S. Environmental Protection Agency's Notice of Proposed Rule: Revised Definition of "Waters of the United States"; Docket No. EPA-HQ-OW-2018-0149

Dear Sir or Madame:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the notice of proposed rule: *Revised Definition of "Waters of the United States"* that proposes to redefine the scope of waters federally regulated under the Clean Water Act (CWA). The notice of the proposed rule was published by the U.S. Environmental Protection Agency and the Department of the Army (the Agencies) in the February 14, 2019 *Federal Register*.

The TCEQ supports the overall efforts by the Agencies to clarify the definition of "Waters of the United States" and "recognize, preserve, and protect the primary responsibilities and rights of the States to prevent, reduce, and eliminate pollution" authorized by Section 101(b) of the CWA. Specific suggestions to improve efficiency of implementation are provided in response to the Agencies' solicitation for feedback on selected topics. The TCEQ has also provided comments and suggestions on pertinent topics that may impact state water quality management programs. The attached document contains the TCEQ's comments for consideration by the Agencies.

If you have questions concerning the enclosed comments, please contact L'Oreal W. Stepney, P.E., Deputy Director of the Office of Water at (512)239-1321, or by e-mail at loreal.stepney@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Toby Baker".

Toby Baker
Executive Director

Attachment