# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:**

33 Code of Federal Regulations (CFR) Part 328, 40 CFR Parts 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401; Definition of ‘‘Waters of the United States’’—Recodification of Pre-Existing Rules. July 27, 2017 *Federal Register* (82 Fed. Reg. 34899)

**Overview of Proposal:**

The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) published the proposed rule to initiate the first step in a comprehensive, two-step process intended to review and revise the Clean Water Rule: definition of ‘‘waters of the United States’’. This first step proposes to rescind the definition of “waters of the United States” in the Code of Federal Regulations and re-codify to the definition of ‘‘waters of the United States,’’ that existed before the 2015 Clean Water Rule. The second step of the process, revising the definition of “waters of the United States” will occur in a subsequent rulemaking.

**Summary of Comments:**

**Comments support the July 27, 2017 proposed rule to rescind the** 2015 Clean Water Rule and recodify the pre-2015 regulations as an interim measure. The comments also reiterate Texas’ positions on the 2015 definition of “waters of the United States” which were expressed through comments on the Clean Water Rule. The Clean Water Rule comments included urging EPA and USACE to preserve the authority of States and support of an interpretation of the term “navigable waters” in a manner consistent with the opinion of Justice Scalia. In addition, the comments on the proposed rule urge the EPA and USACE engage the States during the subsequent review and development of a revised definition of the “waters of the United States.”

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**Deadline**:

August 28, 2017