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August 25, 2017

The Environmental Protection Agency  
Washington, D.C.

**RE:** EPA-HQ-OW-2017-0203

To Whom It May Concern::

The Agricultural Council of Arkansas is a non-profit trade association established in 1939 to tell the story of row crop agriculture in Arkansas, advocate on behalf of farmers and agriculture related businesses, and improve the economies of the communities around us. Our membership is composed of family farms, agriculture businesses, and others supportive of agriculture and rural communities in Arkansas. We strive to advance policies that will ensure the continued success of agriculture in our state. To this end, we would like to express our perspective regarding the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) regulations pertaining to the definition of “Waters of the United States” as defined by the Clean Water Act.

We were pleased with the recent decision from EPA Administrator to vacate the existing Clean Water Rule and consider developing a new federal definition of “waters of the United States” and new Clean Water Rule. We hope that a new rule would incorporate science and common sense. We also hope the new rule does not open the door for endless litigation or create unnecessary restrictions on economic production and growth.

It is our belief that the Clean Water Rule developed and prescribed by the previous administration was created with bias and manufactured in a way that would carry potential to cause significant harm to our members and the agriculture industry of the United States if implemented and put into force.

Despite numerous attempts by the previous administration to describe the rule as providing exemptions for agriculture, it’s clear to us that the rule did not provide these exemptions to the extent necessary. The regulation was ambiguous at best in explaining who would be subject to clean water act regulations. From our perspective, it seems that regardless of any exemptions set forth in the previous rule, it could be interpreted to apply to any body of water, regardless of size, structure or location, so long as it has a nexus with a major waterway.

In light of this, we believe the rule would have openly invited litigation that could be a cost to farmers, landowners, agriculture businesses and even local, state, and federal governments. Most farmers do not have the legal wherewithal or financial means to afford legal representation that the rule would have required. The rule would also have subjected farmers and landowners to hefty fines and penalties that would be beyond harmful. Farms and private landowners would have also faced substantial compliance costs through new environmental impact assessments, time spent to comply and receive regulatory reviews, and human resources to process paperwork for permits and comply with other regulatory requirements. And, it’s likely that this rule would have ultimately limited land use abilities on private farm lands.

In addition to those concerns, it’s hard to imagine or understand how the federal government or state governments would have enforced clean water laws that cover such an expansive landscape. The resources simply are not there. Unfortunately, in the previous administration, such overreach was a recurring problem from the EPA and other federal regulatory agencies, especially as it pertains to agriculture. The federal

government seemed bent on continuing to seek expansion in their authority over farms and private working lands. Aside from this rule, we can easily cite other examples such as the regulation of dust, spill control and prevention, and other regulations related to the clean air act, clean water act, and endangered species act.

This regulation would have done nothing but further add to an existing level of distrust between private landowners and inside the beltway government agencies that develop regulatory rules and litigious environments that cause economic harm to one of our nation's most important industry. For these reasons and others, we are pleased that the EPA and USACE are returning to the drawing board on drafting new rules that will support clean water in a manner that is enforceable and effective without causing unnecessary economic harm to agriculture and private landowners. We ask that a new rule be written in a way that does not invite further litigation, encroach on property rights, limit farming operations, or increase operational costs for farmers.

Thanks for considering our views.


Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Grobmyer". The signature is fluid and cursive, written in a professional style.

Andrew Grobmyer  
Executive Vice President  
Agricultural Council of Arkansas

## Anonymous Public Comment

The is a Comment on the **Environmental Protection Agency (EPA)**  
Proposed Rule: **Definition of Waters of United States - Recodification of Pre-Existing Rules**

For related information, [Open Docket Folder](#) 

Comment Period Closed  
Aug 28 2017, at 11:59 PM ET

**ID:** EPA-HQ-OW-2017-0203-1187

**Tracking Number:** 1k1-8xxd-lkj4

### Document Information

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Aug 15, 2017

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### Comment

Arkansas Valley Audubon Society (AVAS) opposes the repeal of the Clean Water Rule.

AVAS has 600+ members who live and recreate along the Arkansas River in Colorado. The river has Gold Medal status as a fishing site; white-water rafting is big business; millions of dollars go into the state coffers from bird and wildlife watching. All these outdoor activities depend on clean water. Plus, sparkling clean waters ensure quality drinking water and superb beer production.

Repealing the Clean Water Rule, which clarifies which streams and rivers and wetlands are protected, is non-essential since there is "no economic crisis caused by environmental protection" (Betsy Southerland, EPA employee for over 30 years, 2017).

It's impossible to get clean water by gutting protections for rivers, streams and wetlands. Why wouldn't the EPA want to ensure clean water for all Americans?

More than 800,000 Americans - health care providers, mayors, businesses and regular people from both political parties - urged the EPA to adopt the Clean Water Rule in 2015. Why would the EPA want to repeal a rule with this kind of backing?

Putting corporate polluters' profits before public health and safety is unacceptable!

August 25, 2017

Mr. Scott Pruitt, Administrator  
Environmental Protection Agency  
Office of the Administrator 1101A  
1200 Pennsylvania Avenue N.W.  
Washington, D.C. 20004

RE: Clean Water Act- Definition of "Waters of the U.S." (WOTUS)

Dear Mr. Pruitt:

On behalf of Farm Credit Services of Western Arkansas, ACA, a \$1.2 billion dollar financial cooperative and proud member of the Farm Credit System, serving in excess of 5,600 member-owners in 41 counties of Arkansas, and its Board of Directors, we collectively wish to express our strong support for the revocation of the definition of "Waters of the United States" as presently defined under the 2015 "Clean Water Rule" (hereinafter Rule).

The Rule as presently defined is an egregious over step of federal authority, placing under Environmental Protection Agency (EPA) regulatory authority creeks, streams, ponds, wetlands, and land never intended to be defined as "navigable waters" under 1972's Clean Water Act and blatantly ignoring two Supreme Court definitions defining such waters.

As a result, the Rule as presently defined creates a sense of undue, burdensome, and confusing regulatory authority for agriculture producers and rural landowners.

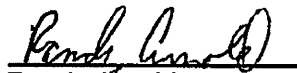
We commend and support you, as well as your agency, for the actions taken thus far to rescind and re-define "Waters of the United States" (WOTUS) and encourage continued actions that more reasonably define WOTUS, reduce the regulatory burden associated with the present definition, while seeking continued input by those stakeholder farmers, ranchers, and rural landowners, *and* preserving the precious natural resources the agency is charged with protecting.

Lastly, we appreciate the opportunity to comment and stand sincerely ready to assist in ways that move this matter forward towards a favorable resolution and conclusion.

Best Regards,



Glen Manchester  
President and Chief Executive Officer  
Farm Credit Services of Western Arkansas, ACA



Randy Arnold  
Chairperson of the Board  
Farm Credit Services of Western Arkansas, ACA



## **ROGERS GROUP, INC.**

P.O. BOX 25250 Nashville, TN 37202-5250 Phone (615) 242-0585

Ms. Donna Downing  
Office of Water (4504-T)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Re: EPA-HQ-OW-2017-0203; submitted via regulations.gov

Dear Ms. Downing:

Rogers Group, Inc. strongly supports EPA's decision to withdraw the 2015 Waters of the United States Rule (80 FR 37054) which was an expansive and inappropriate overreach into areas not previously regulated by the federal government. As written, this rule would have cost aggregates operators millions of dollars and increased the cost of vital public works projects with little to no environmental benefit. Further, this "one-size fits all approach" would have led to confusion and inconsistency in the field, and put businesses and individuals at risk of crippling fines for disturbing dry land, all without causal connection to improving or sustaining the environment. We appreciate EPA's efforts to withdraw this unnecessary and costly rule.

Headquartered in Nashville, Tennessee, Rogers Group Inc. provides crushed stone, sand and gravel, asphalt and highway construction to the southeastern United States. In 2015, the company was ranked as the eighth largest aggregates producer in the nation (*Aggregates Manager*, June 2016). For the past several years, RGI has remained the largest privately owned company in the aggregates industry.

As of August 2017, RGI employs approximately 2,000 people and operates approximately 130 crushed stone and asphalt plants in Alabama, Arkansas, Indiana, Kentucky, North Carolina, Ohio, South Carolina, Tennessee and Virginia.

Rogers Group has been recognized for its efforts in the areas of safety, business ethics, community relations and industry contributions in the form of awards from trade associations such as the National Stone Sand and Gravel Association, the National Asphalt Pavement Association and the American Road & Transportation Builders Association. Individual locations have also been recognized for these efforts by state-specific trade organizations such as the Kentucky Crushed Stone Association, the Tennessee Road Builders Association and the Indiana Mineral Aggregates Association.

Aggregates by their nature are located in and around water, and Clean Water Act 404 Dredge and Fill permits are often required to open new or expand existing operations. The 2015 rule would have increased the costs of these activities substantially and caused uncertainty and delays.


Ms. Donna Downing  
August 7, 2017  
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Rogers is currently permitted to operate near many areas that fall under this proposed legislation and secured property for future expansion based on current rules and regulations. In many cases, the price paid for these land/reserves were substantial as we were able to justify based on proximity and reserves relative to existing mining activities. With the proposed 2015 legislation many parcels would be rendered worthless and severely limit reserves available to our company and thus securing jobs for our employees.

While there is some leniency for existing operations these sites would be subjected to the proposed regulations should events or needs require modification to the existing mine plan. This in turn would kick into effect the proposed regulations for the area in question. This could be devastating to our operation and employees if the site has to cease operations until permitting has been approved for the modification.

We applaud EPA's withdrawal of the WOTUS rule, and reverting back to the existing legislation that is protective of waters and not overly burdensome to aggregate operators. Rogers also suggests that EPA involve organizations and industry in the development of future guidance as to avoid potential job killing legislation.

Sincerely,



Van Medlock, CPESC  
Director of Environmental Services  
Rogers Group, Inc.

cc: Dan Goethel, Rogers Group, Inc. - VP of OSS  
Emily Coyner, NSSGA - Director of Environmental Affairs