



TEXAS DEPARTMENT OF AGRICULTURE COMMISSIONER SID MILLER

June 19, 2017

Ms. Donna Downing
Office of Water (4502-T)
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Comments on EPA's Federalism Consultation on "The Definition of 'Waters of the U.S.'"

Below are comments from the Texas Department of Agriculture (TDA) in reference to the Environmental Protection Agency's (EPA) re-proposal of a Waters of the United States (WOTUS) rule to clarify jurisdiction under the Clean Water Act (CWA).

As the Commissioner of the Texas Department of Agriculture, I would like to recommend that the agency prepares a rule with the following recommendations. Throughout rule making and implementation, EPA needs to continue a strong consultation process with state, national and local entities. A legally defensible rule needs to be created that concerns the state's authority that utilizes clear definitions. We need to protect statutory exemptions for agricultural operations for past, present and future. Also, consistent guidance documents and implementation processes need to be created for agencies and regions. Finally, to ensure the rule is scientifically sound and that the agencies conduct a thorough economic analysis on the rule's impacts.

In conclusion, I urge EPA to create clear, administrable definitions and respect state authority while furthering the mission of protecting clean water. Protecting exemptions for agricultural operations through a scientifically sound approach is imperative. It is important for EPA to examine and minimize the impact that new definitions have on our state permitting programs, conservation efforts and our agricultural community.

Thank you for the opportunity to comment on this important matter. I look forward to continuing to work with EPA throughout this process and into implementation.

Sincerely,

Sid Miller
Commissioner