



Division of Water and Waste Management
1201 Greenbrier Street
Charleston, West Virginia, 25311-1088
Telephone Number: (304)-558-2107
Fax Number: (304)-558-5905

West Virginia Department of Environmental Protection

Bob Wise
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

April 16, 2003

Water Docket
Environmental Protection Agency
Mailcode 4101T
1200 Pennsylvania Ave., NW.
Washington DC 20460
Attention Docket ID No. OW-2002-0050

APR 16 2003

Dear Sir or Madam:

The Division of Water and Waste Management of the West Virginia Department of Environmental Protection is responsible for administering the Clean Water Act in the State of West Virginia. This letter is to express our concerns on what we feel is an unnecessary attempt to redefine the definition for waters of the U.S. based solely on the SWANCC ruling.

The Corps of Engineers should incorporate the results of the SWANCC decision as it relates to coverage of isolated wetlands under a section 404 permit. In no means should this court decision be taken beyond this intended ruling in such a manner that it would lead to a wholesale destruction of the definition in the Clean Water Act of either navigable waters or waters of the U.S.

The Clean Water Act entered its 30th year of existence in October 2002 with a record of success in cleaning up the Nations waterways and making for a healthier environment for our citizens. We recommend that the Corps and EPA do not change the definition for the waters of the U.S. as proposed in the ANPRM so that this protection can continue. The current regulations are working well, thus we feel strongly that the EPA and the Corps should abandon this effort to make changes in the rules defining waters of the U.S.

Sincerely,

DIVISION OF WATER AND WASTE MANAGEMENT


William D. Brannon, Acting Director

WDB/lbb

cc: Ms. Ginger Mullins
Chief, Regulatory Branch
U.S. Army Corps of Engineers
Huntington District – CEORH-OR-F
502 Eighth Street
Huntington, West Virginia 25701-2070
U.S. Environmental Protection Agency, Jessica Greenwood
U.S. Fish and Wildlife Service, Bill Tolin
WVDNR-Wildlife Resources Section, Elkins, Roger Anderson
WVDEP-DWWM, Regulatory Review Program



West Virginia Department
of Environmental Protection

“Promoting a healthy environment.”