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January 27, 2003

Christine T. Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

**RE: Docket ID No. OW-2002-0037
Withdrawal of Revisions to the Water Quality Planning and Management
Regulations and Revisions to the National Pollutant Discharge Elimination System
Program in Support of Revisions to the Water Quality Planning and Management
Rule (“the July 2000 rule”)**

Dear Administrator Whitman:

The National Hydropower Association (“NHA”) writes in support of the Environmental Protection Agency’s (“EPA”) proposal to withdraw the final July 2000 rule published in the Federal Register on July 13, 2000. NHA agrees with the EPA that changes in the rule are needed “before it could serve as the blueprint for an efficient and effective TMDL program.” The Association also believes that the EPA will require additional time beyond the April 30, 2003 effective date in order to fully investigate and analyze any proposed revisions.

As currently written, the July 2000 rule does not adequately address the concerns raised by many that the TMDL program lacks clarity and consistency. Since the rulemaking notice requests that comments remain focused on the proposed withdrawal, NHA, in this letter, will not go into further detail on proposed changes to the rule. However, the Association believes that any potential revisions should take into account the lessons learned from the development of the thousands of TMDLs currently in progress. Today, the pace of TMDL development and implementation is much higher than when the July 2000 rule was under promulgation. NHA believes this more recent experience will be of greater value for the future revision of the TMDL regulations than the analysis used to develop the final rule.

NHA believes that the EPA will need significantly more time to conduct a proper review of the rule and any additional revisions. Review of the large amount of correspondence generated by the promulgation of the July 2000 rule, pending litigation, and lessons learned from TMDL processes currently under way across the nation (under the 1985 rules, as amended in 1992), will necessitate additional time than would not be allowed by the current effective date for

implementation. In addition, NHA concurs with the EPA that continuing to evaluate whether and how to revise the final rule, with the deadline of the effective date looming, would be unnecessarily confusing to the states and other entities currently developing TMDLs. The Association also believes it would prove counterproductive to the EPA's efforts to reassess the direction and scope of the TMDL program.

NHA recommends the EPA proceed with the withdrawal of the July 2000 rule. The high level of TMDL development and implementation will greatly increase the knowledge of the economic impacts of the existing TMDL rules. The EPA should invest the time necessary to better consider this information regarding the economic consequences of the existing TMDL regulations prior to adopting any revisions to the TMDL program.

Sincerely,

A handwritten signature in cursive script that reads "Linda Church Ciocci". The signature is written in black ink on a light-colored background.

Linda Church Ciocci
Executive Director
National Hydropower Association
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