



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR  
SCIENCE ADVISORY BOARD

June 25, 2014

**MEMORANDUM**

**SUBJECT:** Request for comment from the EPA Science Advisory Board (SAB) Panelists for the Review of the EPA Water Body Connectivity Report on the scientific and technical basis of the EPA proposed rule entitled "Definition of 'Waters of the United States' Under the Clean Water Act"

**FROM:** David Allen, Chair SAB /Signed/

**TO:** Amanda Rodewald, Chair, SAB Panel for the Review of the EPA Water Body Connectivity Report

The purpose of this memorandum is to request panel comments on a question to be considered by the chartered SAB relating to the science supporting the EPA's proposed rule, released on March 25, 2014, entitled "Definition of 'Waters of the United States' Under the Clean Water Act." The memorandum transmits the SAB's request to the panel, background information, and a brief description of next steps.

**Request to the panel**

I request that panel members provide written comments on the adequacy of the scientific and technical basis of the proposed rule cited above. The EPA has asked that the SAB provide its advice and comment by September 30, 2014 and the chartered SAB would greatly appreciate your timely input given your expertise and familiarity with the science associated with the rule.

**Background**

The SAB Panel for the Review of the EPA Water Body Connectivity Report was established to peer review the EPA's September 2013 draft report, *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*. The EPA has charged the panel to review the overall clarity and technical accuracy of the draft report, whether it includes, and correctly summarizes, the most relevant peer-reviewed scientific literature, and whether the findings and conclusions are supported by the available science. Following standard SAB procedures and as required by law, the panel's draft peer review report will be reviewed by the chartered SAB to determine whether to transmit it as SAB advice to the EPA Administrator.

This memorandum requests additional panel input to inform a separate SAB letter to the Administrator, which the chartered SAB will prepare, regarding the adequacy of the scientific and technical basis of the proposed rule. Under the SAB's authorizing statute, the Environmental Research, Development, and Demonstration Authorization Act of 1978, the Board "*may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis*" of proposed rules. In public teleconferences leading to a letter to the Administrator dated July 26, 2013, *Science Advisory Board (SAB) Discussions about EPA Planned Actions in the Fall 2012 Unified (Regulatory) Agenda and their Supporting Science* (EPA-SAB-14-003), the chartered SAB discussed the agency's intent to propose the rule and EPA's plan to use the EPA's synthesis report to inform determinations in the rule. In those discussions, the chartered SAB highlighted the importance of this planned rulemaking and the importance of providing SAB advice and comment on the adequacy of the science to support the rule.

### **Next Steps**

- After the panel reaches consensus on its review of the EPA technical report, the panel's draft report will be provided to the chartered SAB for quality review in late summer.
- In a complementary activity, the panel also will hold a public meeting to develop comments for the chartered SAB on the adequacy of the science as the basis for the EPA's proposed rule as important input for the chartered SAB's consideration. The chartered SAB welcomes individual panel member comments or any consensus comments the panel may have.
- The chartered SAB will deliberate, considering these comments, as well as other public and agency comments, in a public teleconference.
- After the teleconference, the chartered SAB will send its written advice and comments on the adequacy of the scientific and technical basis of the rule to the Administrator.

The SAB Staff Office will coordinate the scheduling and announcement of teleconferences needed to facilitate the work of the panel and the chartered SAB. These teleconferences will comply with the provisions of the Federal Advisory Committee Act and all appropriate SAB Staff Office procedural policies.

cc: Thomas Armitage  
Iris Goodman  
Angela Nugent