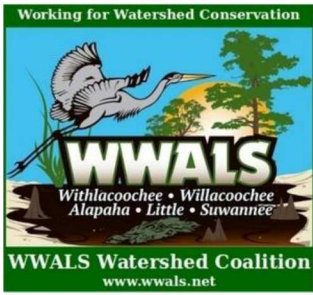


February 7, 2022



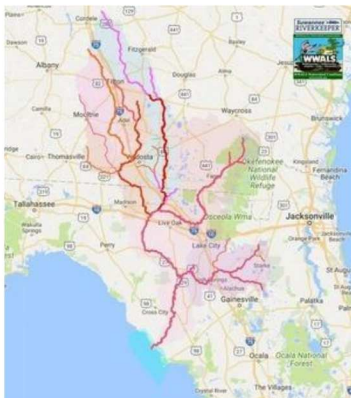
U.S. Environmental Protection Agency
EPA Docket Center
Office of Water Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460



**Re: Docket ID No. EPA-HQ-OW-2021-0602,
Revised Definition of Waters of United States**



To Whom it May Concern:



WWALS Watershed Coalition, Inc. (WWALS), also known as Suwannee Riverkeeper®, submits the following comments on the United States Environmental Protection Agency (“EPA”) and Department of Defense, Department of the Army, Corps of Engineers (“Corps”) proposed rule entitled “Revised Definition of Waters of United States,” Federal Register Vol. 86 No. 232 Doc. 2021–25601 (December 7, 2021) (hereinafter “Proposed Rule”), **Docket ID No. EPA-HQ-OW-2021-0602**.

In addition to supporting the comments of Waterkeeper Alliance and the Southern Environmental Law Center (SELC), WWALS adds these comments on groundwater.

We would like to thank EPA and the Corps for reversing the 2020 Proposed Rule’s categorical exclusion of groundwater, as we recommended in our letter of April 15, 2019, in Docket No. **EPA-HQ-OW-2018-0149**. Here above the Floridan Aquifer surface water and groundwater constantly interchange, and pollutants travelling through groundwater are a frequent source of health, environmental, and economic problems.

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WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.

In the unanimous opinion for the recent Supreme Court decision, *Mississippi (2021)*,¹ Chief Justice Roberts wrote,

This Court has never before held that an interstate aquifer is subject to equitable apportionment, so Mississippi’s suit implicated a question of first impression.

The Court of Appeals, affirming the District Court, held that interstate aquifers are comparable to interstate rivers and are thus subject to equitable apportionment. It reasoned that an aquifer “flows, if slowly.” Hood ex rel. Miss., 570 F. 3d, at 630. And it said the fact that an aquifer is “located underground, as opposed to resting above ground,” was of “no analytical significance.”

Much of the fragile, fractured, limestone rock containing the Floridan Aquifer is a natural subsurface drainage system, refilling that Aquifer. The Floridan Aquifer and other groundwater is the main water source for drinking, industry, and agriculture in

¹595 U. S. 143 (2021), *MISSISSIPPI v. TENNESSEE ET AL.*, ON EXCEPTIONS TO REPORT OF SPECIAL MASTER, No. 143, Orig. Argued October 4, 2021—Decided November 22, 2021, https://www.supremecourt.gov/opinions/21pdf/143orig_1qm1.pdf