

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6515

December 21, 2012

Ms. Nancy K. Stoner
Acting Assistant Administrator for Water
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
Submitted via regulations.gov

Re: Section 610 Review of National Pollutant Discharge Elimination System (NPDES) Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations (CAFOs); Docket ID No. EPA-HQ-OW-2012-0813

Dear Acting Assistant Administrator Stoner:

On October 31, 2012, the Environmental Protection Agency (EPA) published a request for comments on three Regulatory Flexibility Act (5 U.S.C. §§ 601-12) (RFA) Section 610 Reviews including a Section 610 Review of the NPDES Permit Regulations and Effluent Limitations Guidelines Standards for CAFOs (CAFO 610 Review). Section 610 requires agencies to review final rules within 10 years of their promulgation “to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities.”¹ Furthermore, each agency is required to annually publish a list of rules that will be reviewed pursuant to Section 610 in the succeeding 12 months.²

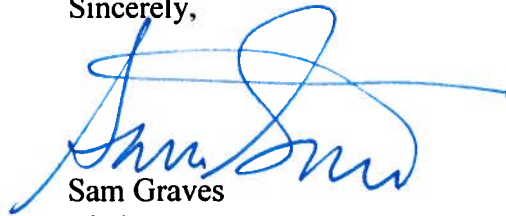
As Chairman of the Committee on Small Business, I am concerned that the affected small businesses, animal feeding operations, have not had enough time to offer meaningful and substantive comments by the December 31, 2012 deadline. The CAFO 610 Review was not listed in EPA’s most recent regulatory agenda, the Fall 2011 Regulatory Plan and Semiannual Regulatory Agenda; thus, the affected small businesses were deprived of the advanced notice required by Section 610. In order to ensure that EPA receives the substantive input it has solicited, I respectfully request that EPA provide a 60-day extension of the comment period to March 1, 2013.

¹ 5 U.S.C. § 610(a).

² *Id.* at §610(c).

Please include these comments for the record. Should you have any questions about these comments, please do not hesitate to contact Viktoria Ziebarth or Barry Pineles of the Committee staff at (202) 225-5821.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sam Graves", with a large, sweeping flourish extending to the right.

Sam Graves
Chairman

Cc: Lisa Jackson, Administrator, United States Environmental Protection Agency
Boris Bershteyn, Acting Administrator, Office of Information and Regulatory Affairs,
Office of Management and Budget
Robert Perciasepe, Deputy Administrator, United States Environmental Protection Agency
Alexander Cristofaro, Director, Office of Regulatory Policy and Management, United States
Environmental Protection Agency