

July 27, 2026

Nancy Abrams
U.S. Environmental Protection Agency
Office of Policy and Regulatory Management
Federal Activities Division
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically via: <https://www.regulations.gov>

Re: U.S. Environmental Protection Agency: Update of Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions — Docket ID No. EPA-HQ-AO-2025-1080

Dear Deputy Director Abrams:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Environmental Protection Agency's (EPA) proposal to modify regulations implementing the National Environmental Policy Act (NEPA).¹ ACWA supports EPA efforts to develop coordinated, consistent, predictable, and timely NEPA processes and encourages EPA to do so in a manner that meets the nation's water management needs.

ACWA is the largest statewide coalition of public water agencies in the United States. ACWA represents approximately 470 member agencies that are responsible for delivering about 90 percent of the water to communities, farms, and businesses in California. ACWA represents water management entities in every sector of water supply, including municipal and agricultural water, water recycling, water reuse, flood control, wastewater management, and stormwater management. ACWA and its members are dedicated to providing a high-quality, reliable water supply in an environmentally sustainable and fiscally responsible manner.

EPA operations are important to ACWA members and millions of California water users. Across the United States, EPA's 10 regions play a critical role in helping to implement policies and administer investments regarding essential water infrastructure projects. Specifically, EPA Region 9 collaborates with California water providers, communities, farms, businesses, and ecosystems who rely on a strong partnership with EPA.

I. Introduction

NEPA requires federal agencies to assess the environmental impacts of their actions, including those related to water resources. These assessments often involve detailed environmental impact statements (EIS) or less comprehensive environmental assessments (EA). Therefore, ACWA

¹ *Update of Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions*, 91 Fed. Reg. 38359 (June 25, 2026). <https://www.govinfo.gov/content/pkg/FR-2026-06-25/pdf/2026-12862.pdf>.

member agencies are directly impacted by how EPA NEPA processes are structured and implemented. For example, ACWA member agencies comply with EPA NEPA procedures to help manage water resources, address legacy and emerging contaminants, restore ecosystems, and conduct research and development activities. These projects pertain especially to EPA activities regarding the Clean Water Act, National Pollutant Discharge Elimination System (NPDES) permits, and Water Infrastructure Finance and Innovation Act (WIFIA). Federal investment in water projects like grants awarded to local projects are also subject to NEPA, in which this funding requires EPA to conduct NEPA as well as consult with other agencies to address federal “cross-cutters.” Many California water projects require approvals, consultation, and coordination with various federal agencies like the U.S. Army Corps of Engineers, Bureau of Reclamation, U.S. Forest Service, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

ACWA members support the underlying goals of NEPA. However, the implementation of this well-intentioned statute has evolved over the years, becoming unnecessarily burdensome and creating extraneous regulatory hurdles that hinder water management and increase costs for ACWA member agencies as they develop, operate, and maintain water infrastructure. NEPA should not be a barrier to projects that enhance water supply and quality, ecosystem health, and weather resilience.

ACWA supports EPA efforts to modernize, streamline, and improve its NEPA process, aligned with various federal actions, including executive orders², regulations³, and case law⁴. This can help promote an efficient, consistent, and streamlined NEPA process to better address today’s challenges in the context of water management. Ultimately, ACWA urges EPA to ensure its NEPA reforms occur in a manner that promotes clarity, consistency, efficiency, and effectiveness for sound water management practices. ACWA also urges EPA to ensure seamless communication between it and water and power contract holders and project beneficiaries. ACWA’s recommendations are discussed below.

II. NEPA Implementation Consistency

Consistent, timely, and science-based environmental reviews are critical for managing water supply, enabling collaborative landscape-scale efforts to address forest health, drought resilience, and post-wildfire water supply protection in California and the western United States. This type of review also helps ACWA members avoid delays, uncertainty, and inequities regarding water and water-related projects. ACWA members have experienced difficulties and delays in project management and development due to a lack of coordination among the multiple federal agencies during the NEPA process.

² Exec. Order No. 14154: *Unleashing American Energy*, 90 Fed. Reg. 8353 (January 20, 2025). Proposed to rescind CEQ’s rulemaking authority under NEPA. <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01956.pdf>.

³ *Removal of National Environmental Policy Act Implementing Regulations*, 90 Fed. Reg. 10610 (February 25, 2025). Repealed CEQ regulations effective April 11, 2025, in response to E.O. 14154 (*Removal of National Environmental Policy Act Implementing Regulations*). <https://www.govinfo.gov/content/pkg/FR-2025-02-25/pdf/2025-03014.pdf>.

⁴ *Seven County Infrastructure Coalition v. Eagle County*, 145 S. Ct. 1497. (May 29, 2025). Narrowed the scope of NEPA reviews for major infrastructure projects, holding that federal agencies are no longer required to consider every possible environmental consequence of a proposed federal action, and agencies only need to analyze environmental impacts for which their decision would impact. https://www.supremecourt.gov/opinions/24pdf/23-975_m648.pdf.

ACWA supports EPA’s proposal to revise its NEPA regulations to establish a more efficient and consistent process across its various offices. For example, ACWA appreciates EPA’s objective to not “unnecessarily duplicate existing data or results of existing analyses available” as outlined in Section 6.302. Accordingly, ACWA appreciates EPA highlighting its integration of recent NEPA developments into existing processes and urges EPA to take all efforts to minimize duplicative federal environmental reviews that support agency-wide efficiency. Additionally, EPA proposes adding Section 6.205(g) to reduce duplication and paperwork when an environmental assessment is prepared concurrently with agency analyses through reliance on applicable environmental laws and executive orders of other federal agencies, state or local government, or federally-recognized tribes. Concurrent NEPA reviews rather than sequential ones improve efficiency and effectiveness, enhance collaboration, and reduce duplicative efforts in the NEPA process.

To further streamline and expedite EPA’s NEPA processes, ACWA urges EPA to utilize a crosswalk as a tool for project sponsors and agencies to map out a clear path to compliance. For example, projects requiring both a federal review under NEPA and a state review like the California Environmental Quality Act (CEQA) can use a crosswalk to compare requirements and prevent duplicative environmental analyses. Separate documentation for environmental review elements not already addressed under applicable state environmental laws, where appropriate and feasible, can also aid EPA’s efforts.⁵ This practice will enhance federal agency efforts for water management projects such as ones pertaining to water quality, wastewater treatment, irrigation, and watershed restoration.

Also, for projects requiring multiple federal agency approvals, EPA should ensure use of the “One Federal Decision” approach for NEPA reviews in accordance with Executive Order 13807 and later enacted under Public Law No. 117-58. ACWA encourages EPA, along with other federal agencies such as the U.S. Department of Interior and U.S. Army Corps of Engineers, to participate in integrated NEPA review processes. A single coordinated NEPA document and Record of Decision (ROD) can eliminate sequential reviews and, in turn, expedite permitting for critical infrastructure.

III. Reasonable Time Frame and Document Length

NEPA reviews can be extremely time-consuming. ACWA appreciates EPA stating it will complete and publish an EA within one year and an EIS in two years in its proposed NEPA regulation. ACWA supports timely NEPA decisions that align with Executive Order 13807, later enacted under Public Law No. 117-58, which set a goal of completing all Federal environmental reviews and authorization decisions for major infrastructure projects within two years in most circumstances.⁶ To assist EPA and other federal agencies in meeting these published timelines, ACWA recommends EPA conduct in-progress reviews (IPRs) between collaborating agencies as well as clarify the need for active and recurring collaboration between impacted agencies.

⁵ The U.S. Bureau of Reclamation takes a similar approach and allows Central Valley Project contractors to use a Department of Water Resources approved Urban Water Management Plan as a supplement to a standalone federal plan, provided a crosswalk and supplemental state Central Valley Project Improvement Act and federal Risk and Resilience Assessment requirements are included.

⁶ National Environmental Policy Act Section 107(g), 42 U.S.C. 4336(g). Public Law 91–190 (as amended through Pub. L. 119–21, July 4, 2025). <https://www.govinfo.gov/content/pkg/COMPS-10352/pdf/COMPS-10352.pdf>.

ACWA also supports EPA clarifying that page limits for EAs are not to exceed 75 pages and EISs are not to exceed 150 pages, excluding citations or appendices, unless an exception exists, such as extraordinary complexity. ACWA appreciates EPA's alignment with other federal agencies in maintaining page limits for environmental reviews regarding NEPA.

IV. Use of Categorical Exclusions

ACWA appreciates EPA's NEPA proposal incorporating Section 109 regarding categorical exclusions (CEs) to apply, adopt, establish, or revise a CE as appropriate. The use of CEs have been and will continue to be a critical tool that ACWA member agencies and water managers throughout the West rely on. ACWA encourages EPA to utilize the continued expansion of CEs to expedite projects without significant environmental impacts. Notably, ACWA appreciates the adoption of CEs under NEPA for numerous EPA projects. EPA should continue and expand its use of CEs for these activities, including modernizing treatment facilities and aging pipelines, rehabilitating reservoirs, and addressing evolving contaminants.

V. Reasonably Foreseeable vs Cumulative Effects

ACWA supports EPA proposing to add "reasonably foreseeable effects of a proposed action" rather than the consideration of "cumulative effects." The rule restores the 2020 NEPA requirement that federal agencies consider the "reasonably foreseeable effects" of a potential action instead of the overly broad standard of "cumulative effects." When an ACWA member embarks on a water management project, they can manage the potential impacts of that specific project. They cannot address the impacts of their project in addition to the cumulative effects of other past, present, and future projects.

VI. Implementation Guidance

NEPA is a vital part of federal agency planning and decision-making, and proper NEPA implementation is key to ACWA member agencies' operations. As such, ACWA appreciates EPA issuing agency-specific NEPA guidance procedures.⁷ EPA's guidance includes responsibilities of NEPA-responsible officials, environmental review timelines, and outlines the need for contact information to assist applicants with NEPA compliance questions and review preparations, among other items. This can help agency staff mitigate uncertainty and project delays as well as ensure proper compliance with any revised EPA NEPA procedures.

VII. Voluntary Fee for Expedited Review

As EPA's proposal points out, recent amendments to NEPA now allow project sponsors to pay a fee to obtain shortened NEPA review deadlines.⁸ Once a project sponsor pays the fee, a lead federal agency like EPA must complete an EA within 180-days and an EIS within one year, half the time

⁷ *Environmental Protection Agency, Procedures for Implementing the National Environmental Policy Act and Addressing the Environmental Effects Abroad of EPA Actions*, 40 CFR Part 6 (July 15, 2026). <https://www.ecfr.gov/pdfs/d6f95681-567b-410f-b31a-7a899fe54da4.pdf>.

⁸ One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (July 4, 2025). Section 60026. <https://www.congress.gov/119/plaws/publ21/PLAW-119publ21.pdf>.

compared to the goals of completing these environmental reviews within one year and two years, respectively.

ACWA recommends EPA ensure voluntary fees for expedited reviews under NEPA do not negatively impact and delay essential water infrastructure projects. Small and rural public water agencies in particular do not have the financial resources that other larger entities have, which can create additional backlogs for urgent water projects in these communities. If a project sponsor pays to expedite their project through NEPA, it is important other project sponsors who are unable to pay do not face endless delays while EPA focuses on the fee-payers.

VIII. Workforce

ACWA recognizes the importance of efficient federal operations. A capable EPA workforce is necessary for effective NEPA implementation. ACWA members and others in the regulated community must comply with NEPA, and ACWA requests that EPA ensure there are sufficient staff to process NEPA documents in a timely manner.

IX. Comment Period Extension

ACWA appreciates EPA providing an opportunity to comment on its proposed rule regarding NEPA. Due to the technical nature of this proposed rule and its large-scale implications on water resources nationwide, ACWA encourages EPA to extend this comment period by at least an additional 30 days. Extending the comment period to a minimum of 60 days will allow EPA to consider adequate responses from more impacted parties.

The current 30-day timeframe is challenging for many small water utilities—including some ACWA member agencies—who may lack the resources to develop sufficient comments within the imposed deadline. Nevertheless, those directly affected by NEPA activities under EPA jurisdiction have important real-world information to share that this short timeframe will likely hinder.

X. Conclusion

ACWA appreciates the opportunity to comment and supports EPA efforts to develop an efficient and effective NEPA process. Please let us know if there are further opportunities for ACWA to collaborate on regulatory efforts or if we can provide additional information and resources. If you have any questions or would like to follow up on this matter, please contact ACWA Federal Relations Representative, Caleb Raspler, at calebr@acwa.com or (202) 434-4762.

Respectfully,

A handwritten signature in black ink, appearing to be "Caleb Raspler", written in a cursive, flowing style.

Caleb Raspler
Federal Relations Representative
Association of California Water Agencies