



**ASSOCIATION OF
METROPOLITAN
WATER AGENCIES**

LEADERS IN WATER

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July 24, 2026

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted electronically via www.regulations.gov.

Re: EPA-HQ-AO-2025-1080 Update of Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions

Dear Administrator Zeldin:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on EPA's proposed amendments to its procedures for implementing the requirements of the National Environmental Policy Act (NEPA). AMWA is an organization representing the largest publicly owned drinking water systems in the United States, and its membership collectively serves more than 160 million people. AMWA members implement complex infrastructure projects that ensure the continued delivery of safe, reliable, and affordable drinking water to millions of Americans. These significant capital projects are sometimes subject to NEPA review because they receive federal financial support, take place on federal land, or for other reasons. While AMWA recognizes NEPA as a cornerstone of U.S. environmental policy and strongly believes that thorough NEPA reviews are critical to protecting water resources, its members also understand through direct experience that timely and efficient reviews are needed to ensure water systems can continue to provide critical services.

AMWA members often interact with EPA's NEPA procedures when planning and permitting critical infrastructure projects funded under the Water Infrastructure Finance and Innovation Act (WIFIA) program and through Title II wastewater treatment construction grants under the Clean Water Act, as well as for projects that require EPA-issued National Pollutant Discharge

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Elimination System (NPDES) permits for new sources. However, drinking water systems may simultaneously have various projects subject to NEPA reviews in different agencies or departments, such as those funded through FEMA's hazard mitigation assistance program, Bureau of Reclamation's WaterSMART program, and others. In addition, AMWA utilities in the Western United States rely on or operate water supply projects that are subject to the Bureau of Reclamation's jurisdiction. Therefore, the clarity, predictability, and consistency of NEPA procedures across federal agencies are of particular importance to the communities AMWA members serve.

As highlighted in previous letters to Council on Environmental Quality (CEQ)¹, U.S. Army Corps of Engineers (USACE)², and the Department of the Interior (DOI)³, AMWA remains concerned about areas of potential discrepancy or misalignment between federal agencies' NEPA procedures in areas including the designation of a lead agency, applicant coordination, public comment processes, and expedited review fees. This variation in agency procedures can create uncertainty for project proponents and consulting agencies, undermining the efficiencies recent NEPA revisions intend to achieve. AMWA offers the following comments on specific provisions of the proposed rule.

Benefits of Streamlined Review Procedures

The Association appreciates this administration's efforts to revise the NEPA processes in a manner that will reduce costly and ineffective reviews. AMWA members greatly benefit from streamlined timelines and transparent schedules. AMWA supports the proposed one- and two-year timelines for environmental assessments (EA) and environmental impact statements (EIS), respectively, as well as the 150-page limit for EISs. The proposed revisions in §6.303 would also streamline the evaluation process and responsibilities for applicant-hired contractors, thereby reducing the potential for delays.

AMWA also believes the proper use of categorical exclusions can be advantageous in simplifying complex federal permitting processes across multiple federal agencies. The Association therefore supports EPA's efforts to harmonize procedures related to categorical exclusions with other Federal agencies, particularly the proposal to allow EPA to adopt another agency's existing categorical exclusion under NEPA section 109, as outlined in §6.204(h).

In previous comments to the CEQ, AMWA highlighted the importance in tracking and communicating the status of NEPA documents across agencies to hold agencies accountable to timelines and promote efficient reviews. AMWA therefore appreciates EPA's language in §6.209 that adds a unique identification number requirement for all NEPA documents and explicitly commits to coordinating with CEQ and other agencies to ensure uniformity of such

¹ <https://www.amwa.net/testimonycomments/amwa-comments-ceq-removal-nepa-implementing-regulations>

² <https://www.amwa.net/testimonycomments/amwa-comments-usace-nepa-implementation-regulations>

³ <https://www.amwa.net/testimonycomments/amwa-comments-department-interior-nepa-implementing-rules>

numbers. These streamlined procedures will directly benefit water systems, particularly WIFIA borrowers.

Interagency Divergence in Lead Agency Determinations

The designation of a lead agency is foundational to the NEPA process and a critical concern for AMWA member utilities, whose projects often require authorizations from multiple federal entities. EPA's §6.202(b) states that when participating agencies cannot agree on a lead agency, EPA "may consult with or request CEQ to designate a lead agency," which differs from how both USACE and DOI propose to resolve conflicts. Notably, USACE's recent regulatory update (33 CFR Part 333)⁴ introduces language permitting reliance on "any other applicable statute" to determine lead agency authority without offering additional clarity, while DOI's NEPA Handbook⁵ provides limited guidance on how these determinations will be coordinated or resolved when more than one agency asserts jurisdiction.

For a water system project involving EPA, USACE, and DOI simultaneously, there would be three agencies with three different, non-harmonized approaches to determine the lead agency in the case of a jurisdictional dispute. AMWA recommends that EPA coordinate closely with CEQ and other federal agencies to clarify and harmonize lead agency designation procedures across federal agencies.

Clarification of Stakeholder Roles and Opportunities for Engagement

AMWA recommends that EPA provide more clarity around the role of applicants in shaping the scope and alternatives evaluated in NEPA documents and how non-federal entities participate in lead agency selection. EPA's updated procedures do not clearly explain how external stakeholders, including local agencies and project applicants, can engage in decisions such as lead agency selection, project scoping, or alternative development. AMWA therefore requests further guidance on how non-federal entities may participate in the lead agency selection process and the role of applicants in determining the scope and depth of NEPA review, particularly in the context of complex, multi-agency projects. Improved clarity on these points would support better coordination, reduce rework, and ensure that environmental documents are appropriately tailored to support informed decision-making.

⁴ U.S. Army Corps of Engineers & Department of the Army. (2025, July 3). Procedures for implementing NEPA; processing of Department of the Army permits (33 CFR parts 320, 325 & 333; Docket No. COE-2025-0006; RIN 0710-AB20). Federal Register, 90(126), 29464–29472. Retrieved from <https://www.federalregister.gov/documents/2025/07/03/2025-12360/procedures-for-implementing-nepa-processing-of-department-of-the-army-permits>.

⁵ U.S. Department of the Interior, Office of Environmental Policy & Compliance. (n.d.). DOI NEPA Handbook. Retrieved from <https://www.doi.gov/media/document/doi-nepa-handbook>.

Expedited Review Fees

AMWA appreciates that EPA's revisions incorporate NEPA section 112 requirements allowing project sponsors to pay a fee to obtain shortened NEPA review deadlines. However, §6.303(d) requires project sponsors to consult with EPA before submitting a request to CEQ for the expedited-review fee. Pre-consultation requirements add time that defeats the purpose of an expedited review. NEPA section 112 does not require this pre-consultation step, nor do other federal agencies, meaning that water systems seeking expedited reviews would face an extra step with EPA as compared to other cooperating agencies. AMWA recommends that EPA reconsider this requirement and align with other federal agency requirements.

Process for Solicitation of Public Comments

Consistency across agencies in the timing and scope of public comment periods is critical to the efficiency and predictability of NEPA reviews. EPA proposes changing from specific timing requirements for seeking public comment to an Agency-discretion standard which could be unpredictable. In previous comments on NEPA, AMWA has emphasized the importance of defined stakeholder engagement points. EPA's proposed procedures leave the potential that a multi-agency project could face different public-engagement policies across agencies, potentially adding to the complexity and timeline of NEPA reviews. AMWA requests that EPA codify defined comment timing windows for EAs and EISs, rather than leaving it to Agency discretion.

Conclusion

Public water systems serving communities across the United States face clear and urgent challenges that projects under NEPA review can swiftly address. Ensuring clear, timely, and cost effective NEPA review processes across federal agencies will guarantee that water systems can implement key capital projects when necessary. Efficient and clear procedures will also ensure that water systems do not face unreasonable delays in the construction of important projects.

AMWA thanks EPA for the opportunity to provide feedback on its updated procedures for implementing NEPA. If you have any questions or want to discuss our comments further, please contact Liz Jordan (jordan@amwa.net), AMWA's Manager of Sustainability and Resilience Policy.

Sincerely,



Dan Hartnett
Interim Chief Executive Officer