



January 16, 2024

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Via electronic submission

Re: Docket ID #: EPA–HQ–OEJECR–2023–0326, Release of Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy

Dear Administrator Regan,

The Association of Metropolitan Water Agencies (AMWA), an organization representing the largest publicly owned drinking water utilities in the United States, appreciates the opportunity to comment on EPA’s draft policy that updates the 2003 Public Involvement Policy. AMWA extends its appreciation for the many opportunities EPA provides for public input into agency actions. Our recommendations aim to enhance the community engagement process and are articulated with a focus on the drinking water perspective, primarily pertaining to actions conducted by the Office of Water. However, we believe these suggestions hold relevance for the agency in its entirety.

AMWA Appreciates EPA’s Efforts to Reach the Public through Multiple Avenues: AMWA applauds EPA’s efforts to reach stakeholders through various channels, including regular emails to sector stakeholder organizations, quarterly briefings to representatives of sector stakeholder organizations, participation in conferences, bi-weekly local government updates, monthly environmental justice calls, and more. These practices are key to ensuring stakeholder groups like AMWA can understand EPA’s proposed or final actions. These practices also allow time and space for stakeholders to provide additional feedback.

Transparency in Agency Actions: EPA's transparency in communicating its actions stands as a critical factor in engaging the public effectively. Overgeneralization or selective highlighting of aspects within an action may inadvertently mislead the public. Recognizing the inherent pros and cons of any action, we

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advocate for a more comprehensive approach where EPA communicates transparently about all consequences, fostering a more informed public dialogue. AMWA recommends EPA be more transparent about all consequences of an action, not just those that are favorable.

Robust Cost Analyses and Financial Impacts:

Accurate and comprehensive cost analyses are essential for communities to grasp the financial implications of EPA actions. In the case of regulations under the Safe Drinking Water Act, transparency about potential impacts on drinking water rates and costs is vital, necessitating EPA's active participation in this conversation with the public before finalizing any rule. AMWA emphasizes the importance of honest communication regarding potential financial burdens on communities due to EPA actions.

Adequate Public Comment Period:

The public comment period represents a significant avenue for public participation. However, the complexity and volume of information within certain actions often pose challenges for timely understanding and response. Truly being inclusive in the engagement process would consist of giving the public adequate time to be able to participate in EPA actions with the limited amount of extra time they have in their day. Extending review periods beyond a typical 60 days noted on Regulations.gov would enable the public to meaningfully engage, allowing adequate time for comprehension and analysis, particularly as many rulemakings are very detailed, with hundreds or even thousands of pages of supporting documentation.

Improved Accessibility of Information:

Enhancing accessibility to information is paramount to increasing public engagement. The current structure of the regulations.gov website lacks optimal organization, making it challenging for individuals to navigate and access specific documents. We recommend EPA work with GSA to reorganize the docket in a more user-friendly manner, facilitating easier access to pertinent information for the public. For example, easier ability to search by date or name of document would be an improvement in functionality.

Negotiated Rulemakings under SDWA:

As the operating environment for water utilities becomes more complex, from balancing acute and chronic health risks to addressing climate change impacts on our nation's water resources, AMWA asks EPA to carefully consider the benefits of employing the negotiated rulemaking procedure.

At first glance it may appear this approach to rulemaking process would be more time consuming than a "normal" rulemaking. AMWA asserts that this procedure would actually save the agency time as all key stakeholder concerns would be discussed during a process that would bring those stakeholders into a risk-risk tradeoff discussion to help the agency come to a proposal with a higher likelihood of success. In particular, this could decrease the likelihood of time-consuming litigation which would stall the implementation of a final rule. Successful negotiated rulemakings in the past have advanced public health protection by facilitating the

promulgation of a science-based rule in which there is shared support from a broad cross-section of stakeholders.

In conclusion, fostering transparency, providing robust cost analyses, extending review periods, improving information accessibility and thoughtful considering of the benefits of a negotiated rulemaking for meaningful stakeholder involvement in drinking water regulation are critical steps toward enhancing community engagement in EPA actions. If you have any additional questions, please contact Brian Redder (Redder@amwa.net), AMWA's Director of Regulatory and Scientific Affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dobbins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Dobbins
Chief Executive Officer

cc: Stacey Lobatos, OEJECR