



September 21, 2023

Benita Best-Wong
U.S. Environmental Protection Agency
Office of Water
1201 Constitution Ave NW
Washington, DC 20004

Re: FY 2025-2026 National Program Guidance

Via Email: Best-Wong.Benita@epa.gov and Moore.Kristie@epa.gov

Dear Ms. Best-Wong:

ACWA would like to express appreciation for the opportunity to provide early input on the Office of Water's upcoming fiscal year FY 2025-2026 National Program Guidance (NPG). As ACWA and states understand it, these NPGs are viewed by EPA as key planning documents used by the different program offices to set forth strategies and actions that the office will undertake to protect human health and the environment.

Early engagement with state partners on the NPGs has become an important process step to ensure states are aware of how EPA intends to implement its strategic plan goals and collaborate with the states on implementing the Clean Water Act (CWA). Early engagement provides EPA and states the necessary time to further discuss implementation challenges, performance measures, and other related priorities that may need to be considered as part of the NPG. Early engagement does require planning and adequate time for the states to be briefed on EPA's plans and develop worthwhile comments. Where appropriate, we hope EPA will take this time to further discuss with states the observations, comments, and concerns noted below.

An effective partnership between states, tribes and EPA is not just about who makes decisions, but about how decisions are made and a sense of shared accountability to provide positive environmental and public health results. The level of success of any environmental program is directly dependent on the ability to implement the program requirements. States need to be included earlier in agency policy discussions to ensure any regulation, policy, or guidance is implementable by all state programs. EPA should recognize its partnership with states and others by having a focus of cooperative federalism in EPA's FY 2025-2026 National Water Program Guidance.

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In addition to encouraging the agency to include a priority focus on cooperative federalism and engagement with co-regulators, ACWA's members think it is important and appropriate to continue to focus on actions to protect and improve water quality. Specifically, ACWA's members recommend an additional priority focus area to support implementation of water quality standards and criteria in NPDES water permitting. While EPA has worked to provide new and revised water quality standards and criteria, the permit implementation guidance and technical support for implementing water quality standards and criteria in permits is outdated and lacking. More critically, these guidance and technical support documents have not been updated to reflect flexible and improved methods that would now support implementation of new and revised criteria. EPA commitment to updating EPA permit implementation procedures alongside the development of new and revised water quality standards is warranted and needed.

EPA's strategic plan and the FY 2023-2024 NPG has a focus on environmental justice and climate issues. Some ACWA members believe the agency should first focus on core mission areas and statutory requirements. However, other members believe that addressing climate and environmental justice is an important and critical piece of the NPG. The agency has indicated plans to integrate environmental justice and climate and resiliency considerations into all aspects of the water program. If EPA includes climate change and EJ in the NPG, the agency should provide regulatory guidance to the States on how to incorporate these concepts into their state programs as well.

While ACWA's process to develop comments is generally comprehensive and intended to capture the diverse perspectives of the states that implement these programs, EPA should also seriously consider comments and recommendations that come directly from individual states, interstates, and territories, as well as comments from other state associations that comment on water policy such as ECOS, ASDWA, CIFA, and GWPC. If you have any questions regarding ACWA's comments, please contact ACWA's Executive Director, Julia Anastasio, at janastasio@acwa-us.org or (202) 756-0600.

Sincerely,



Julia Anastasio
Executive Director and General Counsel

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