



November 30, 2023

Marcus Zobrist
Office of Wastewater Management
Water Permits Division
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OW-2023-0551; Implementing the Supreme Court's *Maui* Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program

Re: Comment Deadline Extension Request

The Association of Clean Water Administrators (ACWA) submits this letter to the U.S. Environmental Protection Agency (EPA) in response to its notice of available of draft guidance, "Implementing the Supreme Court's *Maui* Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program" (Draft Guidance). ACWA is the independent, non-partisan, national organization of state and interstate (hereinafter "states") clean water program directors, responsible for the daily implementation of the federal Clean Water Act (CWA).

Under a system of cooperative federalism, states are the primary entities responsible for carrying out CWA programs, including the Section 402 NPDES permitting program. As co-regulators, states have a significant and material interest in any EPA guidance or updates concerning the scope and/or implementation of the program.

In its published notice of the Draft Guidance, EPA has provided an opportunity for public participation through the submission of public comments to the rulemaking docket. However, EPA has unnecessarily limited this opportunity to 30-days. This brief time period is even more constraining, as it occurs during the holiday season and the end of the year, further limiting the ability of state officials to examine and provide meaningful input in response to the Draft Guidance. Therefore, ACWA respectfully requests that EPA extend the period for public comments to the Draft Guidance for at least an additional 30 days.

As you consider public input on the Draft Guidance, we respectfully request that EPA directly engage with and consult state clean water administrators outside of – and in addition to – the public comment process. As co-

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Executive Director & General Counsel
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regulators, state agencies and officials have unique experiences with and perspectives on CWA challenges, needs, and successes. Early, meaningful, substantive, and ongoing EPA engagement with states in the development of CWA rules and policies will result in more effective and efficient program implementation.

Sincerely,

A handwritten signature in cursive script that reads "Julia Anastasio".

Julia Anastasio
Executive Director / General Counsel
Association of Clean Water Administrators

cc: Andrew Sawyers, Director, Office of Wastewater Management