



American Water Works Association

Dedicated to the World's Most Important Resource™

Government Affairs Office
1300 Eye Street NW
Suite 701W
Washington, DC 20005-3314
T 202.628.8303
F 202.628.2846

August 1, 2018

Edward A. Boling
Associate Director for the National Environmental Policy Act
Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

Re: Implementation of Procedural Provisions of National Environmental Policy Act (CEQ-2018-0001)

Dear Mr. Boling:

The American Water Works Association (AWWA) appreciates the opportunity to comment on the advanced notice of proposed rulemaking titled "implementation of procedural provisions of National Environmental Policy Act," published in the [Federal Register](#) on June 20, 2018. AWWA's members which includes water systems that supply drinking water, wastewater treatment, and storm water management to much of the U.S. population are both subject to NEPA reviews and beneficiaries of the NEPA review process.

Importance of NEPA in the protection of water resources and public health

The National Environmental Policy Act plays an important role in protecting water resources. Tens of millions of people obtain their drinking water from a source originating on federal lands or managed through federal projects. The NEPA process helps to ensure that the protection of drinking water sources is considered when major federal actions may impact these resources. Public review helps to ensure that potentially impacted water utilities have an opportunity to participate and raise concerns if needed. Protecting sources of drinking water is a vital part of public health protection.

Assuring a strong NEPA process helps to ensure transparent and accountable decision-making in major federal actions and must be maintained. Water utilities are both infrastructure project proponents, constructing water infrastructure projects to protect public health and the environment, and stakeholders, pushing to mitigate the potential of other projects to negatively impact water quality and public health. In this respect, our sector is especially suited to comment on the balance between expedited review and strong environmental protections.

Value of reasonable streamlining of review and permitting processes

Given an estimated water infrastructure investment need of \$1 trillion over the next 25 years, there is a need for an effective and efficient permitting process. Water infrastructure projects that do require additional review could benefit from streamlining. While large water projects must overcome numerous

hurdles, including financing, governance decisions, permitting, and procurement logistics, the NEPA process is not an insignificant task and it can be a difficult process to navigate for some projects.

As CEQ conducts its review, AWWA recommends that the Agency keep the following overarching concerns in mind:

1. Modifications to existing procedures to speed up timelines or reduce implementation burden should not sacrifice adequate review of the proposed action and alternatives or compliance with other environmental laws, particularly measures that protect drinking water sources and public health.
2. Policies that improve the efficiency of existing processes, such as improving the delivery and review of Environmental Assessments and Environmental Impact Statements, are likely to be more readily implemented than substantive changes in requirements.
3. A streamlined NEPA approach should ensure that the appropriate data is available to support all the necessary evaluations that occur under NEPA. By clearly articulating what evaluations are necessary and the associated data expectations, it would be possible to reduce what currently appear to be conflicting or redundant expectations.
4. Current federal practice recognizes state NEPA-like statutes. Similarly, it is possible for a streamlined NEPA approach to recognize previously collected and submitted data that meets appropriate criteria. The current process must clearly state what those criteria should be.
5. NEPA is not a permitting process in its own right. There are individual federal and state statutory requirements for permits, regulatory compliance, and administrative procedures that impact the design and construction of infrastructure. Revising NEPA procedures alone will not eliminate the need for complying with other federal and state requirements.
6. Substantive change in any federal regulatory process cannot occur without adequate notice and comment per the Administrative Procedures Act. Such notice and comment must include a clear description of the anticipated regulatory changes. This ANPRM does not include proposed regulatory changes so this notice does not meet the due-diligence requirements of APA for substantial changes in NEPA procedures.

AWWA commends CEQ for engaging stakeholders through this ANPRM. How to best improve on the current NEPA process and implement any proposed revisions is a topic that deserves active and ongoing stakeholder dialogue. AWWA would appreciate any opportunity to be a part of such a stakeholder process.

We appreciate the opportunity to provide comment on this matter. Please feel free to contact myself or Adam Carpenter at AWWA (202-628-8303, acarpenter@awwa.org) if you have any questions regarding these comments.

Respectfully,

A handwritten signature in black ink that reads "G. Tracy Mehan, III". The signature is written in a cursive style with a large initial "G" and a stylized "M".

G. Tracy Mehan, III
Executive Director of Government Affairs
American Water Works Association

cc: David Ross, EPA OW
Peter Grevatt, EPA OW/OGWDW
Andrew Sawyers, EPA OW/OWM

About AWWA:

AWWA is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founding 1881, the Association is the largest organization of water supply professionals in the world. Our membership includes nearly 4,200 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our over 50,000 total memberships represent the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most important resource. AWWA unites the diverse water community to advance public health, safety, the economy, and the environment.