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March 10, 2020

**Edward A. Boling**  
Associate Director for the National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place NW  
Washington, DC 20503  
Submitted Via: <http://www.regulations.gov>

***Re: NACWA Comments on CEQ's Update to the Regulations Implementing  
the Procedural Provisions of the National Environmental Policy Act (CEQ-  
2019-0003-0001)***

Dear Mr. Boling:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide comments on the Council of Environmental Quality's (CEQ) proposed Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), 85 Fed. Reg. 1684 (January 10, 2020).

NACWA represents the interests of more than 330 public clean water utilities nationwide that are responsible for treating billions of gallons of wastewater generated each day and millions of gallons of stormwater to ensure the continued protection of public health and the environment.

NACWA appreciates efforts to ensure the most effective implementation of NEPA, which is one of the nation's most important environmental statutes. However, NACWA has concerns with how the proposed NEPA revisions could impact federal agency review, especially for significant federally supported infrastructure projects that may impact our nation's public water and wastewater utilities.

Specifically, NACWA is concerned that the proposed rule will eliminate the consideration of cumulative impacts or effects from review. Limiting review to the most significant effects and not those that may be "remote in time, geographically remote, or the product of a lengthy causal chain" could severely restrict the extent in which agencies consider important resiliency factors, such as stormwater management, when planning for major public infrastructure projects, like roads and bridges.

NACWA members all across the country are making considerable investments in public clean water infrastructure, including increased public need to restore aging water infrastructure and bolster long-term resiliency. Restricting the ability of NEPA reviews to consider climate change and resiliency impacts threatens the long-term viability of these local clean water infrastructure investments, potentially limiting the expected performance of these investments or requiring construction of new facilities sooner than expected.

The federal government has, unfortunately, all but abandoned investment in clean water, with ninety-six percent of all dollars currently spent on clean water infrastructure coming from local or state sources. Limiting the ability of NEPA to review the potential resiliency impacts from projects that could further overwhelm local clean water systems will only add greater burden to local utilities as they make complex infrastructure investment decisions.

NACWA understands that greater coordination among federal agencies is needed and supports responsible efforts to make the lengthy NEPA review process more efficient. However, as CEQ moves forward in revising the implementing procedures for NEPA, it is critical that an evidence-based science approach is maintained in the review process to allow for evaluation of resiliency impacts and ensure continued public health and environmental protection.

Thank you for your consideration of these comments. If you have any questions or would like to discuss these comments further, please contact me by phone at 202/533-1839 or email at [eremmel@nacwa.org](mailto:eremmel@nacwa.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Rimmel". The signature is fluid and cursive, with a large loop at the end.

Emily Rimmel  
Director of Regulatory Affairs