

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
1	<p>One of the most pressing challenges state and Tribal drinking water programs continue to face is prioritizing competing programmatic needs without increased funding for the programs. States are in the process of implementing the new Lead and Copper Rule Revisions (LCRR) while waiting for the Lead and Copper Rule Improvements (LCRI), preparing for a new drinking water regulation for PFAS, and helping systems comply with already existing regulations.</p> <p>EPA OW, OECA, and Regions should work together with states to identify program areas that could be deemphasized at this time or shifted to a lower priority. There must be an acknowledgement and allowance from EPA to states that with the increasing workload from new issues, there must be existing work that becomes a lower priority. These priorities may have regional variations and should reflect local concerns in the states and regions. Policies that reflect allocating efforts based on biggest yield for the investment for public health protection would be welcomed by the states. For example, states having to chase down paperwork for outdated public notice violations rather than increasing time spent assisting systems with current or health-based violations. States are asking EPA to recognize the high volume of work completed by the state primacy programs and the successes states have already achieved in reducing non-compliance.</p> <p>The current approach by EPA to continue to add regulatory and non-regulatory requirements, without additional resources and without guidance on disinvesting in lower priority issues, is not sustainable. With the ongoing workforce issues faced by states, states are at a critical point in which they must disinvest in lower priority activities or risk significant public health impacts and burn out or loss of state staff.</p>	Page 3	J. Alan Roberson, P.E., Association of State Drinking Water Administrators (ASDWA) Executive Director	States with Primacy are responsible to meet applicable law, regulations, and guidance. Given increase in responsibilities due to the new law (e.g., Bipartisan Infrastructure Law [BIL]), and regulations – EPA is aware of the changing workload and will continue to partner with the states to meet the applicable law, regulations, and guidance.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
2	ASDWA supports the Office of Water’s (OW’s) goal of reducing the number of community water systems out of compliance with health-based standards, as reducing violations will improve public health protection. Therefore, ASDWA recommends that EPA provide the rationale for this numeric measure to reduce the number of systems from 752 to 500. Without any rationale this number could be 400 or 600 or another number.	Page 3	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. The original health-based measure (i.e., 3,508 systems with health-based violations) was based on the number of systems in violation in the third quarter of 2017. The original health-based measure goal was a 20% reduction (i.e., 2,801 system with health-based violations). In 2021, the measure was reset in the third quarter, to reflect the remaining systems (i.e., 752 systems), with health-based violations, from the original 2017. The new goal is 500 water systems with health-based violations by 2026. The value incorporated recalcitrant systems, as well as systems that may require capital infrastructure improvements to help address non-compliance.	No action taken in the guidance.
3	To achieve the Agency’s goal of reducing the number of water systems in non-compliance, ASDWA recommends that EPA work with state primacy agencies to investigate why these systems have remained out of compliance and to collaborate to find solutions. When systems are out of compliance for extended periods of time, it is likely that they will require unique and non-traditional methods to address the issues. Additionally, where there are technical feasibility concerns regarding mitigation of a health-based contaminant, EPA should further consider and recommend to ORD areas for additional research based on the root-cause of noncompliance for these systems.	Page 3	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. EPA is committed to working with state primacy agencies to understand the factors leading to non-compliance, collaborate on solutions, and identify potential areas of research. In addition to technical issues, EPA also believes it is critical to address any underlying managerial or financial capacity issues, to ensure systems achieve compliance in a manner that is long-term and sustainable.	No action taken in the guidance.
4	ASDWA agrees with EPA’s statement that “the early, meaningful, and substantial involvement of EPA’s co-regulator partners is critical to the development, implementation, and enforcement of the nation’s environmental programs.” As previously discussed as a general comment, ASDWA recommends that EPA engage with the states in the conversation on specific strategic measures earlier. This action would build a better partnership and increase trust between EPA and the state primacy agencies.	Page 7	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. EPA continues to work towards early involvement of our co-regulators. For example, EPA solicited early input for the National Water Program Guidance, as summarized on EPA’s website: <a href="https://www.epa.gov/planandbudget/national-program-guidances-npgs#archive">https://www.epa.gov/planandbudget/national-program-guidances-npgs#archive</a> . Office of Water will take your comment into consideration for future processes and plans for engagement.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
5	ASDWA recommends that EPA engage in consistent and focused conversations with state primacy agencies as the Agency works to implement EPA’s 2021 Climate Adaptation Action Plan. Impacts from climate change can be region-specific and require unique on-the-ground solutions that primacy agencies may be better equipped to address.	Page 9	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment it will be taken into consideration.	No action taken in the guidance.
6	ASDWA has consistently recommended that federal agencies work to streamline efforts to address cross-cutting issues, such as climate change. ASDWA appreciates EPA’s recognition of this need and recommends that the Agency ensures that state primacy agencies are regularly engaged in all federal initiatives. With limited resources at both the state and federal level, it is imperative that we ensure efforts are not duplicative.	Page 10	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment it will be taken into consideration.	No action taken in the guidance.
7	ASDWA supports EPA’s goal to target infrastructure funding to underserved communities and continues to recommend that the Agency put into place waivers, in certain circumstances, for federal requirements like the Buy America, Build America Act (BABA) and Davis-Bacon (DB) Act for projects in disadvantaged communities. ASDWA supports the underlying principles of BABA and DB, but these requirements make obtaining funding from federal programs, like the Drinking Water State Revolving Fund insurmountable for many small systems that need the funding the most.	Page 10	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment it will be taken into consideration. EPA is looking into possible waivers for Build America, Buy America (BABA) requirements to provide support for disadvantaged communities. Proposed waivers can be found on this website: <a href="https://www.epa.gov/cwsrf/build-america-buy-america-baba">https://www.epa.gov/cwsrf/build-america-buy-america-baba</a> , including our recently posted proposed small projects waiver. EPA does not have authority to waive the Davis-Bacon requirements.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
8	ASDWA appreciates EPA’s increased focus on building up the water workforce and agrees that it is important to ensure that water systems have adequate staff to ensure the safety of public health. The need for additional staff in the water sector is cuts across all agencies and systems, and ASDWA recommends that EPA also focus on the staffing issues that state primacy agencies are experiencing and find ways to collaborate with states to identify solutions. Ensuring state programs are adequately staffed is equally as important to protecting public health.	Page 12	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. The Agency recognizes the need to ensure the future sustainability of the water sector and agrees it is essential to work collaboratively to find solutions across federal, state, Tribal and local governments as well as public utilities, the private sector, water sector associations, community groups and educational institutions.	No action taken in the guidance.
9	ASDWA supports EPA’s federal strategy to reduce or eliminate lead exposure, especially for children and other vulnerable subpopulations. ASDWA recommends EPA work with the Department of Education at the federal level to support local efforts to maintain schools’ compliance with the Lead and Copper Rule as well as encouraging school testing for lead in drinking water. Support at all levels will be needed to fund remediation options schools can use to address elevated lead levels. At the national level working with the federal Department of Housing and Urban Development through the Lead and Healthy Homes Program can also help to lower a child’s exposure to harmful levels of lead.	Page 12	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. EPA agrees there is no known safe level of lead in a child’s blood. EPA also agrees on the importance of working with federal partners and stakeholders to support schools at all levels. EPA will focus on opportunities to collaborate across all engagements to recognize progress and make available a full range of resources to reduce lead exposure from all sources in the most affected communities.	New bullet was added to the “Lead Service Line Replacement” section of the guidance on protecting vulnerable populations by providing resources to schools and childcare facilities.
10	ASDWA appreciates EPA’s commitment to collaborating closely with states and systems to further enhance the sector’s resiliency and response to cyber-based attacks.	Page 13	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. EPA similarly appreciates ASDWA’s important partnership in advancing cybersecurity in the water sector.	No action taken in the guidance.
11	As EPA moves forward with actions to address PFAS, the Agency must prioritize the development of adequate risk communication tools. The risk communication materials so far have been inadequate. The development of these materials should be done in concert with ongoing activities at the state level and with significant state input.	Page 14	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. EPA will look for opportunities to collaborate with states and other stakeholders while developing risk communication materials that will meet the highest standards possible.	Added a bullet under “Monitoring and Remediating Per- and Polyfluoroalkyl Substances”: Develop risk communication materials for specific PFAS actions and coordinate with co-regulators and other stakeholders prior to release.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
12	ASDWA strongly recommends that EPA coordinate with states before any public release or notifications of PFAS actions leaving ample time for questions and preparations. While ASDWA appreciates the Agency’s recent efforts to prepare primacy agencies ahead of the release of health advisories for PFOA, PFOS, GenX, and PFBS, more time should be given to the states so that they are prepared to handle the increase in public and water system inquiries.	Page 14	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment, it will be taken into consideration.	Added a bullet under “Monitoring and Remediating Per- and Polyfluoroalkyl Substances”: Develop risk communication materials for specific PFAS actions and coordinate with co-regulators and other stakeholders prior to release.
13	ASDWA strongly agrees with EPA’s statement that the Agency “needs to use a suite of regulatory and non-regulatory programs to protect and improve water quality and ecosystem health in the nation’s watersheds—as well as estuarine, coastal, and ocean waters.” Using a holistic approach to prevent contaminants from entering the environment and drinking water sources throughout any part or all of the chemical’s lifecycle - from manufacturing through processing, distribution, and disposal - is much more effective and less expensive than having to remove them once contamination has occurred. Protecting drinking water sources (and preventing contamination) is essential for sustaining safe drinking water supplies and protecting public health.	Page 15	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for the comment. EPA continues the work to protect source water, especially with our many partners in the Source Water Collaborative, including ASDWA. For the comment on chemical lifecycles, see the effluent guidelines plan for further information and how to get involved in the planning process: <a href="https://www.epa.gov/eg/effluent-guidelines-plan">https://www.epa.gov/eg/effluent-guidelines-plan</a> .	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
14	OW notes that the office is still developing metrics to track progress towards meeting its goals for climate adaptation, BIL implementation, and Justice40/environmental justice. While ASDWA appreciates EPA’s engagement with states to this point, ASDWA recommends EPA expand this work to ensure that these goals are obtainable, implementable, and provide the greatest benefit for public health.	Page 35	J. Alan Roberson, P.E., ASDWA Executive Director	<p>Thank you for your comment. To ensure that the Office of Water is reaching its goals for climate adaptation, BIL implementation and Justice40, there are a suite of efforts happening across the Agency, including the <a href="#">EPA Strategic Plan</a>, <a href="#">EPA Equity Action Plan</a>, <a href="#">EPA Climate Adaptation Plan</a>, etc. EPA has put significant effort into aligning efforts and commitments across these various plans, mandates, and activities with an eye toward ensuring our goals drive action and accountability with the ultimate result of achieving meaningful positive change on the ground.</p> <p>EPA has expanded the first phase of Justice40 implementation beyond the six programs in the Justice40 pilot. The first phase will include any additional programs funded by the <a href="#">Bipartisan Infrastructure Law</a> that match the criteria of Justice40. At the <a href="#">National Environmental Justice Advisory Committee’s</a> April 2022 public meeting, EPA committed to not only meet, but exceed the mandate of Justice40 that 40 percent of benefits of the Justice40 programs flow to disadvantaged communities. The Agency also committed to transparently track and map those investments and benefits on a program-by-program basis, to the extent possible. For more information on Justice40 at EPA, please visit: <a href="https://www.epa.gov/environmentaljustice/justice40-epa">https://www.epa.gov/environmentaljustice/justice40-epa</a>.</p> <p>EPA released the FY 2022 Gulf Hypoxia Program Guidance for State Cooperative Agreements in early June of 2022. The guidance directs states to prioritize nutrient management actions that provide climate resilience co-benefits and to ensure the funded projects benefit disadvantaged communities to the greatest extent possible. For more information on the Gulf Hypoxia Program, please visit: <a href="https://www.epa.gov/ms-htf/gulf-hypoxia-program">https://www.epa.gov/ms-htf/gulf-hypoxia-program</a>.</p>	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
15	One complication in implementing the strategic measures is the reporting differences between states. Some states report violations to EPA beyond the minimum reporting standards, such as a significant deficiency discovered at a system or the lack of a certified operator. These differences cause states that do increased reporting to appear to have a higher number of violations than a state that does not. ASDWA recommends EPA complete a re-baselining of state reporting of violations to ensure the strategic measure is accurate and consistent.	General	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. EPA agrees that the quality and completeness associated with data reporting can be improved. Minimum reporting requirements, as described by ASDWA, are specified in the <a href="#">National Primary Drinking Water Regulations</a> . EPA will look for opportunities to work with ASDWA and the states to identify training opportunities focusing on reporting requirements.	No action taken in the guidance.
16	One proactive state program is the area-wide optimization program (AWOP). ASDWA strongly supports the expansion and continued financial support for this program. Currently, 26 states have operational AWOP programs, and other states are considering initiating a program. AWOP is designed to assist water systems as they work toward optimizing their existing treatment processes to increase public health protection. AWOP has expanded its scope beyond the original tools and now addresses both microbial contaminants and disinfection byproducts in distribution systems. ASDWA recommends EPA continue to expand AWOP’s scope and restore the funding of EPA staff and contractors to help facilitate the development of new AWOP tools at the national level.	General	J. Alan Roberson, P.E., ASDWA Executive Director	Thank you for your comment. EPA is considering expansion of the <a href="#">Area-Wide Optimization Program</a> (AWOP) to address public water system challenges in small and disadvantaged communities.	No action taken in the guidance.
17	EPA should provide clarification and details on how the agency intends to meet the long-term performance goal “By September 30, 2026, increase by an additional 41,000 square miles the area of watersheds with surface water meeting standards that previously did not meet standards.”	Page 2	Association of Clean Water Administrators (ACWA)	Thank you for your comment. Progress towards meeting this goal is accomplished through a myriad of activities, which can include, but is not limited to developing and implementing Total Maximum Daily Loads (TMDLS) or other plans, non-point source and other restoration activities, additional controls on point sources, and revision of water quality standards.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
18	Environmental Justice (EJ) is priority for states and EPA. Recognition and understanding that state law may define disadvantaged communities and that definition should be applied to any national metrics EPA uses.	Page 6	ACWA	Thank you for your comment. EPA does understand that states have their own definition of disadvantaged communities. EPA will take the definition into consideration when reporting on metrics.	No action taken in the guidance.
19	EPA should work closely with states to figure out the best ways to integrate climate change considerations into current CWA programs.	Page 9	ACWA	Thank you for your comment. The Office of Water will be releasing its climate adaptation implementation plan this fall and looks forward to working collaboratively with states on implementing priority actions in the plan and identifying additional opportunities to integrate climate change considerations into Clean Water Act (CWA) programs.	No action taken in the guidance.
20	EPA should develop fact sheets, checklists, and other tools to help facilities evaluate their resiliency to cybersecurity attacks.	Page 14	ACWA	Thank you for your comment. EPA concurs with your comment and therefore will review the Agency’s existing array of cybersecurity tools, guidance, training, and direct technical assistance to explore additional opportunities to assist the water sector.	No action taken in the guidance.
21	EPA should add "invest in the completion of aquatic life and human health toxicity studies and assessments for priority PFAS" and "develop cohesive PFAS planning with Co-Regulators" to its list of PFAS intentions.	Page 14	ACWA	Thank you for your comment. EPA’s Council on PFAS is committed to expand engagement opportunities with federal, state, and Tribal partners to ensure consistent communications, exchange information, and identify collaborative solutions.  EPA’s Office of Water is committed to leveraging data from EPA’s Office of Research and Development and other sources to develop CWA 304(a) national recommended aquatic life and human health criteria for PFAS, as data allows.	No action taken in the guidance.
22	EPA should coordinate with states through ACWA on priorities for water quality standards and revisions to the Water Quality Standards Handbook.	Page 16	ACWA	Thank you for your comment. The Office of Water is committed to continuing to work with stakeholders, including ACWA, on revisions to the <a href="#">Water Quality Standards (WQS) Handbook</a> .	No action taken in the guidance.



Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
23	EPA should work with states to better understand if criteria or standards updates will significantly impact the TMDL and other programs.	Page 16	ACWA	Thank you for your comment. EPA will continue to work with states in developing technical support documents addressing implementation of new/revised 304(a) criteria recommendations in CWA programs.	No action taken in the guidance.
24	EPA should continue to coordinate extensively with states through ACWA to solicit feedback on implementation of the second-round of the 303(d) Vision.	Page 17	ACWA	Thank you for your comment. EPA will work closely with states, including through ACWA, on implementation of the 303(d) Vision 2.0.	No action taken in the guidance.
25	EPA should provide ACWA and its member states a chance to comment on proposed updates to the CWA regulatory framework, especially sections that pertain to funding nutrient reduction strategies.	Page 19	ACWA	Thank you for your comment. EPA welcomes the opportunity to engage with ACWA and its member states on updates to the CWA regulatory framework and opportunities to fund nutrient reduction strategies.	No action taken in the guidance.
26	EPA should note and support ongoing efforts and new tech-based solutions that states are currently working on to reduce nutrients.	Page 19	ACWA	<p>Thank you for your comment. EPA is supportive of all efforts made by the states to make progress towards reducing nutrient pollution. Since there are no federal Technology-Based Effluent Limitations (TBELs) for nutrients for Publicly Owned Treatment Works (POTWs), many states have developed their own performance-based or technology-based requirements. States still must ensure any requirement in a National Pollutant Discharge Elimination System (NPDES) permit is derived from and complies with applicable state water quality standards and consistent with any available waste load allocation.</p> <p>EPA is working closely with industry and the POTW community to identify innovative approaches to manage nutrient discharges from industrial facilities in the meat and poultry processing industry that indirectly discharge via POTWs. EPA will continue to identify these approaches and promote wide adoption as part of its rulemaking activities.</p>	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
27	EPA should support significant increase to 106 funding to support the current complex CWA program challenges.	Page 29	ACWA	Thank you for your comment on the importance of supporting a significant increase in CWA Section 106 funds. As part of the FY 2023 President’s Budget Request, EPA requested an increase in the Section 106 funds to support state and Tribal Water Pollution Control programs. If EPA receives the request, the total Section 106 funding would increase substantially.	No action taken in the guidance.
28	EPA should provide additional information regarding why the WQS backlog measure is no longer needed. EPA HQ should track which parts of a state's WQS program have been approved and which things are still backlogged under which years.	Page 34	ACWA	Thank you for your comment. EPA continues to place a priority on completing WQS reviews in a timely fashion and tracks the WQS backlog internally on a regular basis.	No action taken in the guidance.
29	EPA needs to better explain the value of “Annual increase in square miles of watersheds with surface water meeting standards” and somewhere acknowledge that a change in standards and or more assessments may lead to more waters impaired.	Page 34	ACWA	Thank you for your comment. EPA recognizes additional waters may be listed as impaired, e.g., as new data and information become available for assessments and WQS are changed or developed. EPA established an universe of impaired waters as part of the Strategic Planning process. It is from this universe that progress is measured. Any new impaired waters are added during a state’s subsequent bi-annual Integrated Report do not count against this measure but would be reflected in subsequent Strategic Plan universes.	A footnote was added providing additional information on the scope of the metric.
30	EPA's program measure for water reuse should be revised using stakeholder input to reflect the reuse program's efficacy rather than quantifying NWRAP actions.	Page 35	ACWA	Thank you for your comment. The WaterReuse program tracks several metrics internally including the addition and closing of WaterReuse Action Plan (WRAP) actions, research funding, infrastructure investments, and total number of participating organizations. Additionally, WRAP Action 5.5 is aimed at estimating the potential for water reuse from municipal wastewater and stormwater.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
31	<p>As EPA’s Office of Water (OW) develops and implements their Climate Adaptation Implementation Plan, WateReuse strongly supports the integration of water reuse and recycling as a climate resiliency and clean water tool to support the three climate plan goal areas. By advancing water reuse, we protect and enhance the environment while helping communities build resilience to drought, flooding, and other impacts of climate change.</p> <p>As climate change accelerates, and its associated adverse impacts on water resources increase, it is vitally important that the nation invest in water recycling to build resilience, manage energy demands, support public and environmental health, and ensure America’s economic prosperity. Investments in water recycling ensure reliable and resilient community water supplies, support sustainable economic development, and help protect our rivers, lakes, streams, aquifers and wetlands.</p>	Page 9 & 10	Aliza Furneaux, WateReuse Association	Thank you for your comment. EPA’s WaterReuse program is helping communities, via the WRAP, build capacity and more diversified water portfolios to support climate change mitigation and adaptation.	No action taken in the guidance.
32	<p>WateReuse further supports the integration of water reuse and recycling into all relevant federal programs, particularly in federal funding and financing programs such as the Water Infrastructure Finance Innovation Act (WIFIA) program. WateReuse strongly urges continued investment by EPA in water reuse and recycling projects. We recommend that OW clearly articulate in all relevant notices of funding availability that water reuse and recycling is a priority for funding. Federal investments in water reuse and recycling projects enable communities to build climate resilience, sustainably increase water supply, and improve water quality.</p>	Page 29	Aliza Furneaux, WateReuse Association	Thank you for your comment. We will be taking your feedback into consideration.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
33	As noted in the Office of Water’s draft guidance, water utilities face challenges in recruiting, training, and retaining employees specifically as it relates to the specialized technical skills required to operate the advanced treatment technologies often employed in water reuse projects. It is essential for OW to continue to incorporate and plan for the increasing need to train and employ water protection specialists with specialized technical skills. This will become increasingly pressing as water quality and water supply concerns grow in the face of climate change.	Page 12	Aliza Furneaux, WateReuse Association	Thank you for your comment. EPA recognizes the importance of job training and workforce development. In 2021, EPA funded a new grant program, the Innovative Water Infrastructure Workforce Development Program, to advance the Biden-Harris Administration’s commitment to advance economic opportunities and address environmental justice issues in underserved communities.	No action taken in the guidance.
34	Following the enactment of the Bipartisan Infrastructure Law in 2021, Congress directed the formation of an Interagency Working Group on Water Reuse to support EPA’s National Water Reuse Action Plan (WRAP) and ensure water reuse and recycling is effectively integrated in programs across federal agencies. The WRAP serves as a catalyst for the water reuse stakeholder community with over 100 stakeholders and 50 actions. The WRAP drives progress on advancing water reuse research, programs, policies, communication, and outreach, and more. Both the Interagency working group and WRAP are essential programs that require EPA’s leadership to ensure communities can utilize water recycling as a water management tool to improve climate resilience, water supply, and water quality.	Page 35	Aliza Furneaux, WateReuse Association	Thank you for your comment. EPA is committed to leveraging the federal interagency workgroup on water reuse to help support a resilient water supply across the nation.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
35	Draft National Water Program Guidance FY 2023-2024 states that EPA-OW intends to “Leverage National Pollutant Discharge Elimination System (NPDES) permitting to reduce PFAS discharges to waterways.” Please clarify “leverage” as it relates to primacy state NPDES programs. Further details on this will assist primacy states in their permit planning process.	Page 14	Water Quality Division, Wyoming Department of Environmental Quality (DEQ)	Thank you for your comment. On April 28, 2022, Assistant Administrator, Radhika Fox, signed a memo titled “ <a href="#">Addressing PFAS Discharges in EPA Issued NPDES Permits and Expectations Where EPA is the Pretreatment Control Authority</a> ”. This memo detailed how EPA would address PFAS discharges in EPA-issued NPDES permits and for industrial users where EPA is the pretreatment control authority. The recommendations in the memo help leverage NPDES permits to reduce PFAS discharges to waterways at the source and obtain more comprehensive information through monitoring on the sources of PFAS and quantity of PFAS discharged by these sources. While the Office of Water works to revise Effluent Limitation Guidelines and develop water quality criteria to support technology-based and water quality-based effluent limits for PFAS in NPDES permits, this memorandum describes steps federal permit writers can implement under existing authorities to reduce the discharge of PFAS. The next step is for EPA to issue a memo to the state permitting authorities. EPA is considering adopting the recommendations EPA has already started to implement in federally issued permits to address PFAS in discharges in the memo to the authorized states. In the Summer of 2022, the NPDES permitting program started the stakeholder engagement process that will inform the development of the state guidance.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
36	Draft National Water Program Guidance FY 2023-2024 states that EPA-OW intends to “identify environmental justice and Title VI civil rights factors that could inform the development of effective approaches within the authority of the NPDES program.” Please clarify the NPDES permitting and/or compliance mechanics associated with this goal. Does EPA intend for certain permit conditions to vary based on proximity of the discharge to an EJ or Title VI affected community? Additionally, does EPA anticipate different NPDES enforcement practices for those discharges? We request that EPA engage with and obtain input from state co-regulators as it evaluates the development of new approaches or requirements within NPDES that would affect state programs.	Page 30	Water Quality Division, Wyoming DEQ	Thank you for your comment. EPA is committed to achieving our mission for all people in the United States, regardless of race, color, national origin, disability, age, sex or income. EPA’s responsibilities under the federal environmental justice policy are outlined in three executive orders (E.O.s): <a href="#">E.O. 12898</a> , <a href="#">E.O. 14008</a> and <a href="#">E.O. 13985</a> . EPA is committed to providing federal, state, and local permitting programs with the informational resources and tools to help them meet their responsibility to integrate environmental justice and civil rights into relevant environmental permitting processes. For example, EPA published the <a href="#">2022 Legal Tools to Advance Environmental Justice</a> guidance, which provides an overview of the specific provision of the nation’s environmental statutes and its authorizations and required considerations of environmental justice in permitting, including National Environmental Policy Act, Safe Drinking Water Act, Clean Water Act, Clean Air Act and Recourse Conservation and Recovery Act. In addition, EPA is promoting the use of a routine process of screening for environmental justice and civil rights concerns early in the permitting process. If a permit applicant initiates pre-application discussions, knowledge gained from conducting an early screening for environmental justice can make early discussions more meaningful and productive and can increase predictability and efficiency in the permitting program. EPA will engage with and obtain input from state co-regulators on approaches to address environmental justice considerations in NPDES permits at the ACWA 2022 Annual Meeting and other forums.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
37	<p>Draft National Water Program Guidance FY 2023-2024 states Both the CWSRF and DWSRF have funds eligible to use to address PFAS, as does the public water System Supervision Grant. Additionally, the Bipartisan Infrastructure Law provides \$10 billion in relief for communities impacted by PFAS and other emerging contaminants, including \$4 billion for the DWSRF, \$1 billion for the CWSRF, and \$ 5 billion for Small and Disadvantaged Communities drinking-water grants. DEQ recommends that for disadvantaged communities that are not under State oversight authority, EPA coordinate with the State for adjacent and downgradient communities that may also be impacted, as decisions made by EPA for those specific communities may have an impact to those areas. For example, areas with Tribal communities dispersed in non-Tribal areas would need coordination with the State if emerging contaminants were identified in the different communities. Ensuring funding is available to each of the impacted communities and coordinating efforts to not be duplicated would be beneficial to the area.</p>	Page 15	Water Quality Division, Wyoming DEQ	Thank you for the comment, it will be taken into consideration.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
38	<p>Underground Injection Control Grant Guidance. To assist owners and operators of UIC facilities in meeting these objectives, grantees will need to adopt a variety of approaches and coordinate efforts with other groundwater protection programs. FY 2023-2026 priority activities for the UIC grant fund recipients should include the following:</p> <ul style="list-style-type: none"> <li>• Maintaining program capacity to implement UIC program requirements for all classes of wells.</li> <li>• Ensuring that Class I, II and III (salt solution) wells that lose mechanical integrity are returned to compliance.</li> <li>• Addressing high priority Class V wells.</li> <li>• Submitting data through EPA’s UIC Data Application.</li> </ul> <p>The objective of the UIC program is to protect USDWs. The four bullet items, specifically 1, 2 and 4 have been longstanding objectives in the protection of USDWs. Why is bullet no. 2 specifically addressed for the FY2023-2026 priority activities? In addition, will a timeframe to return to compliance be identified? In addition, please define what is considered “high priority Class V wells.”</p>	Page 28	Water Quality Division, Wyoming DEQ	<p>Thank you for your comments. Regarding bullet number 2: Mechanical integrity, as described in 40 CFR 146.8, is the cornerstone of the Underground Injection Control (UIC) program and ensuring wells are in compliance is essential to the protection of underground sources of drinking water. Mechanical integrity has been a priority activity for the UIC program since inception and will continue to be a priority into the future. EPA UIC Program Compliance Strategy for Primacy and Direct Implementation Jurisdictions speaks to EPA’s expectation that direct implementation and primacy programs to take timely and appropriate enforcement actions. Programs should bring a certain percentage of Significant Non-Compliance (SNCs) and certain other violations into compliance or take a formal enforcement action within 90 days of the discovery of the noncompliance. The percentage of wells returned to compliance within 90 days of discovery will be negotiated between the primacy program and the EPA Region.</p> <p>Regarding high priority Class V wells question, EPA describes the identification and prioritization of Class V wells in the memo <a href="#">“Identifying and Prioritizing Enforcement Cases at Class V Wells and Available Enforcement Options – Underground Injection Control Program Guidance #62”</a>. This document indicated that prioritization should consider whether injection is taking place directly into or above an underwater source drinking water, contaminants of concern and their quantities found in the injected fluid, and the imminence of threat to human health.</p>	No action taken in the guidance.



Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
39	<p>Underground Injection Control Grant Guidance. The Bipartisan Infrastructure Law provided provisions for a separate grant to be administered separately as a part of the UIC program. The grant would provide funds to state, and Tribal governmental agencies that oversee underground injection activities to prevent contamination of underground sources of drinking water from fluid injection practices. This provision targets funding to address Class VI wells utilized for carbon sequestration. Eligible entities shall use grants to defray the expenses related to the establishment and operation of a Class VI primacy program. The match requirement is 25 percent based on statute. Please clarify “The match requirement is 25 percent based on statute.” This has not been mentioned in any guidance documents or discussions regarding the grant for the Class VI program.</p>	Page 28	Water Quality Division, Wyoming DEQ	Thank you for your comment. The 25 percent match is not a requirement for the Class VI grant provided for under the BIL. The reference to a 25 percent match has been deleted from the National Program Guidance	The sentence “The match requirement is 25 percent by statute” has been deleted.
40	<p>Section V: FY 2023 National Water Program Measures. Subject Area: Underground Injection Control, Measure Language: EPA permit Backlog – New UIC. Does this measure only apply to EPA or will states be expected to address this? If states are expected to implement this measure, what are the expectations?</p>	Page 33	Water Quality Division, Wyoming DEQ	Thank you for your comment. This metric applies only to EPA issued UIC permits.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
41	Section V: FY 2023 National Water Program Measures. Subject Area: Bipartisan Infrastructure Law, Measure Language: The Office of Water is still developing metrics to track progress towards meeting our Bipartisan Infrastructure Law Implementation goals. Comments/Notes: New metrics TBD. What is an anticipated timeframe for the new metrics?	Page 35	Water Quality Division, Wyoming DEQ	Thank you for your comment. The OW is actively working with other EPA offices and OMB to develop these metrics. While we cannot yet provide an anticipated timeframe on when they will be finalized, we will actively keep our stakeholders informed on our progress.	No action taken in the guidance.
42	Section VI: Key Contacts. Underground Injection Control: Eric Bissonette and Travis Cummings. Please clarify their roles with the Underground Injection Control Program.	Page 36	Water Quality Division, Wyoming DEQ	Thank you for your comment. Eric Bissonette and Travis Cummings are the OGWDW contacts for the NWPG and described programs.	No action taken in the guidance.
43	Section III: Strengthening the Nation-to-Nation Relationship with Tribes, “Action Plan focuses”, “Promoting Robust Coordination and Meaningful Consultation with Tribal Nations”. The DEQ supports efforts to strengthen nation-to-nation relationships and notes that tribes are likely to benefit from coordination and consultation with state co-regulating partners also. EPA should include seeking opportunities for shared opportunities to collaborate with all three parties. The DEQ will continue to collaborate with neighboring tribes.	Page 21	Water Quality Division, Wyoming DEQ	Thank you for your comment. The Agency greatly values and will continue to seek opportunities to engage and collaborate with both its state and Tribal co-regulating partners. Consistent with EPA’s Policy on Consultation and Coordination with Indian Tribes, EPA consults on a government-to-government basis with federally recognized Tribal governments when EPA actions and decisions may affect Tribal interests.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
44	<p>Protecting and Restoring Waterbodies and Watersheds: Evaluate Water Quality Standards. “EPA will establish priorities for states that will include updates to states standards, climate change adaptation, and environmental justice.” The DEQ will establish water quality standard priorities for Wyoming. In support of cooperative federalism, the establishment of priorities should be based on a collaborative discussion between EPA and states. The DEQ looks forward to the opportunity to discuss water quality standard priorities with EPA; however, final determinations of state priorities will be made by the DEQ after considering federal priorities, state priorities, and directions already being pursued by the DEQ under other planning documents (e.g., nutrient strategy, TMDL Vision, etc.). Finally, as EPA has confirmed that Region 8’s Draft Climate Adaptation Implementation Plan will not result in direct impacts to or requirements of states, we request further clarification on this statement.</p>	Page 16	Water Quality Division, Wyoming DEQ	Thank you for your comment. EPA looks forward to continuing to work with Wyoming’s Department of Environmental Quality on Water Quality Standards.	No action taken in the guidance.
45	<p>Section II, Priority Areas, Partnerships, Improving On-the-Ground Community Engagement: The DEQ commends EPA for pursuing increased community engagement to help stakeholders understand the agency’s role and priorities. Particularly for regulatory programs that EPA directly implements (e.g., the PWSS program in Wyoming), such engagement with the impacted community can lead to better regulatory decisions. However, it is imperative that EPA remain cognizant of when community engagement should occur through or in close coordination with the state agency to support state primacy for delegated programs, ensure consistent messaging, or ensure stakeholders understand the respective roles of both agencies.</p>	Page 7	Water Quality Division, Wyoming DEQ	Thank you for your comment, it will be taken into consideration.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
46	Protecting and Restoring Waterbodies and Watersheds: Evaluate Water Quality Standards. “The Agency will place special emphasis on engaging with underserved communities in the review and setting of state water quality standards.” As one example of where it is critical for stakeholder engagement to be coordinated through the state agency (see comment above), the DEQ would like further clarification on this statement and EPA’s perceived role. The DEQ has authority to establish water quality standards in the state of Wyoming. We look forward to engaging with all communities, and EPA as our federal partner, to set appropriate water quality standards. Community and stakeholder engagement for water quality standards promulgation is the responsibility of the DEQ.	Page 16	Water Quality Division, Wyoming DEQ	Thank you for your comment. OW regional and headquarters staff will support state engagement plans.	No action taken in the guidance.
47	Clean Water Act Section 106 Grant Guidance: “Incorporate new NPDES regulations, policies, and other programmatic changes...” This is a broad statement, and further clarification on what NPDES regulations, policies and programmatic changes EPA intends to pursue over the next two years is needed. Early, frequent, and meaningful dialogue with state agencies on regulatory, policy, and programmatic changes will be critical.	Page 30	Water Quality Division, Wyoming DEQ	Thank you for your comment. The draft FY2023-2024 Section 106 Supplemental Grant Guidance is currently posted on EPA’s public <a href="#">website</a> , and it provides information related to new and ongoing priorities for the programs covered by Section 106 Grants, including the NPDES program. EPA agrees that dialogue with state agencies is critical and will continue to communicate with state agencies on regulatory, policy, and programmatic changes as they arise.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
48	Section V: FY23 National Water Program Measures: Drinking Water—Strengthen the technical, managerial, and financial capacity of drinking water systems. While DEQ supports this objective, as written, it is not measurable. Can EPA provide further clarification on how this objective will be measured?	Page 33	Water Quality Division, Wyoming DEQ	Thank you for your comment. EPA measures this objective on a quarterly basis by taking inventory of how many engagements our Regional Offices and the Office of Ground Water & Drinking Water have had with states and water utilities. Specifically, EPA inventories individual engagements that promote the objective of strengthening the technical, managerial, and financial capacity of drinking water systems. They can include, but are not limited to, EPA participation in site visits or sanitary surveys, Agency presentations and trainings (on-site or online), and Agency participation in external workgroup meetings. EPA’s target for this measure is 125 engagements per quarter. In FY 2022, the Agency has thus far exceeded quarterly targets by as much as 70 percent.	No action taken in the guidance.
49	Section V: FY23 National Water Program Measures: Impaired Waters—Report on the quality of the nation’s waters—percent of samples processed. Can EPA provide further clarification on this metric and what samples it pertains to? Does this metric relate to the NLA, NRSA, or other monitoring programs?	Page 34	Water Quality Division, Wyoming DEQ	Thank you for your comment. To clarify, this is a Water Quality measure, not an Impaired Waters measure. This water quality measure tracks progress in processing and delivering sample results collected under EPA’s, state and Tribal National Aquatic Resource Surveys. Timely data delivery is fundamental to improving the timeliness of the reports on the quality of the nation’s waters.	Revision made in metric table.
50	Environmental justice (EJ) is clearly a concern when it comes to drinking water, but unfortunately there is a relative lack of drinking water-focused EJ tools and metrics. EPA should work with states and partners to develop and expand drinking water-focused EJ metrics on EJScreen and elsewhere to help ensure that EJ relating to drinking water is not overlooked. Development of such metrics and tools are a worthwhile action to include in planning documents such as the NWPG.	Page 6	Environmental Council of the States (ECOS)	Thank you for your comment. The Agency agrees that appropriate metrics and tools are worthwhile as we move forward.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
51	ECOS supports EPA’s intent to “propose requirements that, along with other actions, would result in the replacement of all lead service lines as quickly as is feasible.” While requirements can be an effective tool, the key to rapid Lead Service Line (LSL) replacement is having funding available to remove both system-owned LSLs and customer-owned LSLs. The BIL provides funding for LSL inventory development and LSL replacement (LSLR), but the fact that 51% of this funding must be in the form of loans reduces the likelihood of water systems seeking this assistance. As a result, the 51% loan requirement undermines how transformative this investment could be compared to the funding being in the form of 100% grants or principal-forgiveness loans. While the revolving nature of the BIL LSLR money may seem to make the funding more sustainable, the reality is that more LSLs would be replaced if the funding was 100% grant. It is recommended that the NWPG explicitly expand on the "other actions" geared towards achieving rapid LSL replacement to include other approaches such as funding, technical assistance, and education and communication (for both the regulated community and the general public).	Page 12	ECOS	Thank you for this comment, it will be taken into consideration.	No action taken in the guidance.
52	In addition to the priorities outlined above, states encourage EPA to continue to focus measures on environmental outcomes rather than outputs such as the number of inspections or evaluations.	General	ECOS	Thank you for your comment. OW uses both outcome and output metrics to track progress towards meeting agency priorities.	No action taken in the guidance.

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
53	States also urge continued joint governance, coordination, and investment in data solutions to improve the multi-directional interoperability between state and federal databases. As examples, states encourage the modernization of drinking water information now managed through the Safe Drinking Water Information System (SDWIS) and of clean water and air information now managed through the Integrated Compliance Information System (ICIS). These modernization efforts can lead to reduced duplication, improved data quality, and less burdensome processes.	General	ECOS	Thank you for your comment. EPA concurs with states on the importance of continuing the joint governance, coordination, and investment in data solutions. EPA values states’ robust participation in Safe Drinking Water Information System modernization governance as well as states and EPA coordinating drinking water data system investments.	No action taken in the guidance.
54	ECOS encourages EPA to adopt a culture of shared governance broadly and to reinforce this in rule development, system modernization work, consideration of major system upgrades such as with the Exchange Network, and other means.	General	ECOS	Thank you for your comment, it will be taken into consideration.	No action taken in the guidance.
55	The document speaks of partnerships with Tribal, state, and local governments, and other stakeholders, but it seems territorial governments are left out, and they should not be.	Throughout	Mille Lacs Band of Ojibwe (Anishinaabe Tribe)	Thank you for your comment. EPA added additional references to partnering with territories.	Revisions made throughout the document.
56	The document inconsistently treats “communities” and “local governments” as different entities, where in some descriptions treat the two as the same. Consistency in terminology usage would be helpful.	Throughout	Mille Lacs Band of Ojibwe (Anishinaabe Tribe)	Thank you for your comment. EPA made edits to try and be more consistent.	Revisions made throughout the document

Response to Comments on the Office of Water’s FY 2023 – 2024 National Program Guidance  
Document Number: 850R22002

	Comment	Location in Draft Guidance (Page #)	Commenter	National Program Office Response	Action Taken in Final Guidance
57	ADEQ appreciates EPA’s efforts to be metric driven. Measuring is critically important. However, clarity on how metrics are being used is also necessary. Metrics should focus not only on progress but also opportunities for continuous improvement in the process by which success is measured.	Page 3	Trevor Baggiore, Arizona Department of Environmental Quality, Water Quality Division Director	Thank you for your comment. The majority of OW’s metrics are tracked on a monthly or quarterly basis. Continuous improvement efforts are discussed if progress isn’t being made towards the metrics goals.	No action taken in the guidance.
58	ADEQ recognizes each aspect of the guidance is important to protect human health and the environment. However, EPA needs to provide the states sufficient funding to help achieve them.	General	Trevor Baggiore, Arizona Department of Environmental Quality, Water Quality Division Director	Thank you for your comment. The EPA will continue to engage in meaningful discussions about how to continue state- and Tribal-led restoration and protection work. EPA’s funding levels will be determined through the annual federal appropriations process.	No action taken in the guidance.
59	ADEQ recognizes the importance of periodically evaluating and developing water quality standards. However, timely action on state submittals is critical to ensuring appropriate protection of human health and the environment is not delayed. For example, ADEQ submitted criteria for EPA review and approval in 2019. ADEQ did not receive sufficient input until late 2021 on half the submittal and the other half remains under EPA review as of July 2022.	Page 16	Trevor Baggiore, Arizona Department of Environmental Quality, Water Quality Division Director	Thank you for your comment. OW regional and headquarters staff strive to engage with states prior to submission to expedite review. Complicated submissions may require additional review time.	No action taken in the guidance.