

**RESPONSE TO COMMENTS
FY 2025-2026 NATIONAL PROGRAM GUIDANCE
OFFICE OF WATER**

DOCUMENT NUMBER: 850R24002

Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>EPA has a national goal to leverage an additional \$45 billion in non-federal revenue through EPA’s infrastructure finance programs (CWSRF, DWSRF, WIFIA). EPA should provide an analysis (or request the GSA do the analysis) as to how the current trend of using SRF monies for Congressionally Directed Spending will impact this goal and the loan program more broadly.</p>	<p>Association of Clean Water Administrators (ACWA)</p>	<p>P. 5</p>	<p>Thank you for your comment, it will be taken into consideration.</p>	<p>No change made to the guidance.</p>
<p>106 Funding needs to be significantly increased to address the most current water quality challenges. The Administration and Congress have failed to ensure federal funding kept pace with inflation and the evolution of the CWA programs. Both historical and more recent studies show federal support for state CWA funding needs to be significantly increased to achieve greater success across all state CWA programs.</p>	<p>Association of Clean Water Administrators (ACWA)</p>	<p>P. 39</p>	<p>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.</p>	<p>No change made to the guidance.</p>

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<p>The length of time being offered to comment on a proposed guidance document or rule sends a message to states, territories, tribes, and other stakeholders. “The shorter the comment period, the less interest EPA has in getting thoughtful comments.” 45 days should always be the minimum time allocated for any proposed water quality or policy/regulatory change, as it takes time to develop thoughtful comments, and then get them approved by upper management for submission to the record.</p>	<p>Association of Clean Water Administrators (ACWA)</p>	<p>General Comment</p>	<p>Thank you for your comment, it will be taken into consideration. EPA values robust input and participation from our stakeholders. EPA will continue to work towards early involvement with co-regulators and stakeholders.</p>	<p>No change made to the guidance.</p>
<p>In recognition of the loss of institutional knowledge at the state level through retirements and job movement, and influx of new state employees, increased training is needed across the programs.</p>	<p>Association of Clean Water Administrators (ACWA)</p>	<p>General Comment</p>	<p>Thank you for your comment we will take it into consideration. EPA will continue to look for opportunities to provide training.</p>	<p>No change made to the guidance.</p>

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<p>EPA’s Strategic Plan mentions improving partnerships. We believe EPA should take more concrete steps in recognition that “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.” For example, EPA should work directly with state Associations to develop a well-defined, consistent process, including checklists, that all EPA staff, states, tribes, and territories will follow as it relates to when and how to engage based on the final product being developed (policy, technical documents, FAQs, regulations, etc).</p>	<p>Association of Clean Water Administrators (ACWA)</p>	<p>General Comment</p>	<p>Thank you for your comment. EPA agrees there is a shared accountability to achieving environmental results. EPA values robust input and participation from our stakeholders and will continue to work towards early involvement with co-regulators and stakeholders.</p>	<p>No change made to the guidance.</p>

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<p>Climate change and environmental justice issues could benefit from examples of inclusion and/or implementation in Clean Water Act programs, that do not increase requirements or costs, nor create new scientific or legal uncertainty for regulators, permittees and/or the public.</p>	<p>Association of Clean Water Administrators (ACWA)</p>	<p>General Comment</p>	<p>Thank you for your comments and recommendations for EPA to further highlight in the National Water Program Guidance how climate change and environmental justice issues can benefit from Clean Water Act (CWA) programs that do not increase requirements or costs, nor create new scientific or legal uncertainty for regulators, permittees and/or the public. EPA is continually working to promote CWA programs that include those benefits and also decrease the burden for communities to receive assistance. In the future, we can consider other ways to highlight them, as recommended by ACWA.</p>	<p>No change made to the guidance.</p>

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<p>U.S. EPA should continue to focus on reducing the backlog of primacy packages as a priority activity for Public Water Supply Supervision (PWSS) grantees. This problem is at both the state and U.S. EPA levels. Some states have submitted primacy packages to U.S. EPA and have had to wait three or more years for the package to be approved. U.S. EPA should work with states to identify and implement process improvements.</p>	<p>Environmental Council of States (ECOS)</p>	<p>p.30 - 32</p>	<p>Thank you for your comment. EPA agrees that this an important issue and continues to place emphasis for Headquarters and the Regions to reduce this backlog. EPA has a performance measure included in the FY 2025-2026 National Water Program Guidance and regularly tracks the progress on reducing this backlog.</p>	<p>No change made to the guidance.</p>
<p>Some states report violations to U.S. 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. U.S. EPA should complete a re-baselining of state reporting of violations to ensure the strategic measure is accurate and consistent.</p>	<p>Environmental Council of States (ECOS)</p>	<p>General Comment</p>	<p>Thank you for your comment. EPA has given Primacy Agencies discretion on how to best define deficiencies that affect public health concerns.</p>	<p>No change made to the guidance.</p>

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<p>States and local communities appreciate the availability and agency support of Environmental Finance Centers (EFCs) and regional technical assistance (TA) organizations. The technical, managerial and financial support of these entities extend the reach and impact of state agencies.</p> <p>However, additional coordination and communication between EFCs, TA organizations and state agencies is needed so that priorities can be aligned. Knowing state agency priorities, such as nutrient treatment optimization and reduction, will help us collectively achieve the goals set out under the safe drinking water and clean water acts.</p>	Environmental Council of States (ECOS)	General Comment	Thank you for your comment. EPA continues to request that the technical assistance providers consult with the Primacy Agencies.	No change made to the guidance.

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<p>There is a lot of discussion of making things easier, more equitable, etc. as well as capacity building, etc. for communities. But it is critical to recognize and then provide for the need for ongoing education, workshops, training, and evaluation for the government workers including sensitivity and communication, recognizing systems of oppression and working to change them, as well as about how best to transparently and accountably engage with communities. It is critical to equip staff with the best understanding, language, formats, tools, and other skills to work in an inclusive and equitable way within a system that is designed in stark juxtaposition to those values.</p>	<p>Global Alliance for Incinerator Alternatives (GAIA)</p>	<p>General Comment</p>	<p>Thank you for your comment. The EPA has embedded many of the suggested competencies into the draft "Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy", which guides the EPA staff to provide meaningful public involvement in all its programs and regions. Once the policy is finalized, there are plans to develop and provide training to support policy implementation across the EPA. The public review draft of the policy is located on OEJECR's website: https://www.epa.gov/system/files/documents/2023-12/final_meaningful-involvement-policy_eams_11.7.2023_508.pdf</p> <p>Other recommendations within your comment will be reviewed and considered across the EPA.</p>	<p>No change made to the guidance.</p>

<p>There should be no grants for wireless infrastructure until the FCC has complied with the 2021 federal court order which remanded its wireless emission limits for its failure to review 11,000 pages of scientific studies showing harm below those limits. To date the FCC has failed to comply with that court order. Therefore, those limits can no longer be viewed as safety limits, but a safe harbor for industry to be shielded from liability from personal claims of injury or death so long as industry operates within the current limits.</p> <p>Lest the EPA believes that mobile access will bridge the digital divide, it will not. So, to digress a moment on the benefits of fiber to the premises ... Underscoring the importance of fiber over wireless, former FCC Chairman, Tom Wheeler, in his March 2021 Congressional testimony, described fiber as “future proof,” and prioritized a “fiber first” policy for the nation. See Tom Wheeler’s Testimony to Congress, https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Wheeler_FC_2021.03.22.pdf .</p> <p>Wheeler’s statements point to the fact that wireless and fiber are not equivalent broadband media, and that wireless should be</p>	<p>National Call for Safe Technology</p>	<p>p.30</p>	<p>EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	<p>No change made to the guidance.</p>
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<p>used only as a last resort. “Fiber is unmatched in its speed, performance [and] reliability ... “ far exceeding the promise of any generation of wireless technology.</p> <p>See “Reinventing Wires: The Future of Landlines and Networks,” National Institute for Science, Law and Public Policy, authored by Timothy Schoechle, PhD; ; https://electromagnetichealth.org/wp-content/uploads/2018/02/ReInventing-Wires-1-25-18.pdfhttps://electromagnetichealth.org/wp-content/uploads/2018/02/ReInventing-Wires-1-25-18.pdf.</p> <p>Wired connections, such as fiber and cable, to the premises provide the best capacity for remote learning for children and students, particularly those who are already EMF disabled, and more reliable access to medical and other services for the elderly and disabled during emergencies or severe weather when wireless service is more likely to be interrupted. Wired connections will also prevent the exclusion of the EMF disabled who cannot be near RF radiation emitted from mobile devices and equipment.</p>				
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<p>Water Infrastructure – no EMF-emitting, fee-collecting devices (e.g., “smart” water meters)</p> <p>There is the case of a resident of North Carolina who had to evacuate her house because an EMF emitting, fee-collecting device was installed in her neighbor’s house and was exposing her to such radiation that he skin was burning and she was about to faint. She now has no access to her water because she cannot enter her house with further injury.</p>	<p>National Call for Safe Technology</p>	<p>p. 4</p>	<p>EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	<p>No change made to the guidance.</p>

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<p>EPA continues to challenge the effectiveness of state's programs by having a high priority focus on guidance-based elements such as climate and environmental justice while downplaying core program regulatory elements and their increasing costs. Rather than addressing these guidance-based elements through policy, EPA should do this through rulemaking, consulting with states, tribes, and local governments following the principle of cooperative federalism and allowing for public participation. Any implementation and enforcement requirements should come from final regulations.</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>General Comment</p>	<p>Thank you for your comment, it will be taken into consideration.</p>	<p>No change made to the guidance.</p>

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<p>An effective partnership (or cooperative federalism) 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 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 the policy discussions to ensure any proposed rule or policy can actually be implemented at the state level. EPA should recognize 'its partnership with states and others by having a focus of Cooperative Federalism in more than just the 401 Water Quality Certification section of EPA's FY 2025-2026 National Water Program Guidance.</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p. 21</p>	<p>Thank you for your comment. EPA agrees there is a shared accountability to achieving environmental results. EPA values robust input and participation from our stakeholders and will continue to work towards early involvement with co-regulators and stakeholders. EPA has included partnerships as cross-cutting theme in our FY 2025-2026 National Water Program Guidance.</p>	<p>No change made to the guidance.</p>

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<p>Establishment of water quality standards must be based on sound science. The establishment of water quality standards requires a robust dataset derived from consistent water quality monitoring. The Tribal Baseline Water Quality Standards rule appears to skirt sound science and simply apply a blanket, one-size fits all standard to waters for which there is little data. This rule should be postponed until, through on-going diplomacy, EPA is able to (1) acknowledge that watershed boundaries are independent of national boundaries and (2) EPA has respectfully and collaboratively obtained the data sufficient to develop appropriate standards</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p. 21</p>	<p>Thank you for the comment. EPA’s water quality standards (WQS) regulation at 40 CFR 131.11 requires states and authorized Tribes to adopt water quality criteria that protect designated uses. These criteria must be based on sound scientific rationale, must contain sufficient parameters to protect the designated use, must support the most sensitive use where multiple use designations apply, and may be expressed in either narrative or numeric form. See 40 CFR 131.11(a) and (b). EPA refers the commenter to the upcoming final rule and associated Response to Comments document for information regarding EPA’s promulgation of baseline WQS.</p>	<p>No change made to the guidance.</p>

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<p>'The Biden-Harris administration's relationship with Tribes is built on respect for Tribal sovereignty and self-governance" (p. 29) but the Tribal Baseline Water Quality Standards rule seeks to usurp Tribal autonomy and force EPA promulgated standards on waters flowing through tribal lands. As such the Tribal Baseline Water Quality Standards Rule is counter to the current administration's objectives and should not be promulgated.</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p. 21</p>	<p>Thank you for the comment. EPA disagrees with the comment asserting that finalizing this rule is counter to the Biden-Harris administration's objectives and should not be promulgated. This rule promotes Tribal sovereignty over Indian reservation water resources. The processes established in the rule will foster the active participation of Tribes in the EPA's administration of baseline water quality standards (WQS). This participation has the potential to remove perceived barriers for some Tribes to obtain authority to administer Clean Water Act regulatory programs themselves. EPA refers the commenter to the upcoming final rule and associated Response to Comments document for information regarding EPA's promulgation of baseline WQS.</p>	<p>No change made to the guidance.</p>

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<p>The plan indicates a long-term performance goal to increase the number of watersheds with surface waters meeting standards. The plan should but currently does not encourage protections for surface waters that are currently meeting standards. The challenge to protect surface waters is fought on multiple fronts, not just restoration, but also protection of existing healthy surface waters.</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p. 3</p>	<p>Thank you for the comment. EPA agrees that protecting healthy waters is important and a key component in achieving the Clean Water Act objective to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The Agency will continue to advance this important work, primarily through the Healthy Watersheds Program, which coordinates across EPA water programs to provide support to states, Tribes, and other partners in developing strategies to identify, prioritize, and protect healthy waters and watersheds.</p>	<p>No change made to the guidance.</p>
<p>Strong partnerships are essential to programmatic success. Thank you for acknowledging this.</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p. 7</p>	<p>Thank you for your comment.</p>	<p>No change made to the guidance.</p>

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<p>It is stated that "the Office of Water is committed to making enduring progress on rules, fostering greater trust among the regulated community ... , however the volume of rules promulgated with unreasonably short comment periods in recent times (eg: Meat and Poultry Producers Effluent limit Guide) has the opposite effect. Rather than fostering trust and promulgating rules based on sound science, EPA inspires distrust while ow South Dakota DANR appearing to promulgate rules based on current political opinion.</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p. 7</p>	<p>Thank you for the comment. EPA disagrees that comment periods are unreasonably short. The EPA conducts rulemaking in accordance with the Administrative Procedure Act (APA), including providing opportunities for the public to comment on proposed rulemakings. Specifically, for the rulemaking that proposed revisions to the effluent limitations, guidelines and standards for the meat and poultry products point source category, the EPA has committed to taking final action by August of 2025. To maintain the schedule to honor this commitment, and in accordance with the APA, the EPA provided 60 days for public comment on the proposed rule. The EPA also held three public hearings on the proposed rule on January 24, January 31, and March 20, 2024.</p>	<p>No change made to the guidance.</p>

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<p>"EPA is cataloguing the approaches available to monitor and evaluate dynamic stream and wetland systems historically underrepresented in compensation and monitoring programs." Does EPA intend to update that catalogue as science progresses or, if the methods currently included fail to acknowledge unique ecosystems found throughout the nation?</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p. 23</p>	<p>EPA is continuing to explore how to monitor, evaluate and credit the restoration of dynamic stream and wetland systems and intends to publish more technical resources in the future as the science and practices advance.</p>	<p>No changes to guidance</p>

<p>This document references EPA's plan for supporting Tribal Nations as they (the Tribal Nations) protect their water resource. The development of this plan along with the development of the Tribal Reserved Rights rule and Tribal Water Quality rule appear unilateral in nature. Can EPA expound on their efforts to obtain agreement from Tribes (and states as appropriate) for this document and those rules?</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>p.21 & p.27</p>	<p>EPA refers the commenter to section III.C History of EPA's Efforts to Establish Baseline water quality standards (WQS) in the preamble to the proposed rule, in addition to EPA's baseline water quality standards tribal consultation and coordination public website (https://www.epa.gov/wqs-tech/tribal-consultation-and-coordination-epas-proposed-federal-baseline-water-quality) for information regarding EPA's engagement with Tribes over the course of the baseline WQS rulemaking effort.</p> <p>Additionally, EPA refers the commenter to sections II.B, VI.E, and VI.F of EPA's final rule, water quality standards Regulatory Revisions to Protect Tribal Reserved Rights, as well as the final rule Response to Comments document and all of the information about public hearings and tribal coordination and consultation on EPA's public website for the rulemaking (https://www.epa.gov/wqs-tech/revising-federal-water-</p>	<p>No change made to the guidance.</p>
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			quality-standards-regulation-protect-tribal-reserved-rights).	
Regarding the recent revisions to the water quality standards regulations intending to protect Tribal reserved rights as detailed in existing treaties between the U.S. government and various Tribal nations; EPA indicates this rule intends "to explicitly and sustainably protect Tribal reserved rights ... in state waters, consistent with existing legal obligations." Can EPA expound on its legal obligation and the state's legal obligation to interpret the rights granted to tribes through treaties by and between the U.S. government and the various Tribal nations?	South Dakota Department of Agriculture and Natural Resources	p. 21	EPA refers the commenter to section III of EPA's final rule, water quality standards Regulatory Revisions to Protect Tribal Reserved Rights, as well as the final rule Response to Comments document contained in the docket for the rulemaking (see EPA's public website for the rulemaking at https://www.epa.gov/wqs-tech/revising-federal-water-quality-standards-regulation-protect-tribal-reserved-rights).	No change made to the guidance.

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<p>Because of the increasing workload placed on the states by EPA's mandates and to address the issue of backlog, we recommend EPA include in the guidance an effort to change the length of NPDES and air quality permits 1 from up to 5 years to up to 10 years.</p>	<p>South Dakota Department of Agriculture and Natural Resources</p>	<p>General Comment</p>	<p>Under the Clean Water Act, EPA and states with authorized National Pollution Discharge Elimination System (NPDES) programs issue NPDES permits with terms no longer than five years. Timely reissuance of NPDES permits is important as it can provide greater certainty to the business community and ensure that permits improve environmental protection by reflecting the most recent scientific information. EPA encourages authorized NPDES permit programs to continue to work to increase efficiencies in permitting processes to decrease the NPDES permit backlog.</p>	<p>No change made to the guidance.</p>

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<p>NAWM appreciates EPA’s continued commitment to engage with states, Tribes, and territories (herein abbreviated as S/T/T) through funding, technical assistance, and transparent rulemaking processes to ensure the nation’s waters and natural resources are protected. S/T/T programs are eager to coordinate and build partnerships with federal agencies to adapt to changing climatic conditions and build resilience to meet the water needs of the future. Wetlands will play a key role in watershed resiliency by providing natural functions that improve water quality, mitigate floods and droughts, act as a carbon sink, and provide critical habitat to protect biodiversity¹. The EPA’s support of S/T/T wetland programs will contribute towards achieving the goals laid out in the NWPG priority areas and must be paired with wetland specific performance standards to show the efficacy of programmatic restoration and protection efforts.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>General Comment</p>	<p>Thank you for your comment on the value of wetlands in providing resiliency. EPA will continue to support S/T/T wetland programs and the most recent Wetland Program Development Grant solicitations have prioritized climate adaptation and mitigation projects.</p>	<p>No change made to the guidance.</p>

<p>NAWM applauds EPA’s continued commitment towards positioning water programs to build resilience in the face of changing climate conditions and working to mitigate the negative effects of climate change. To further these efforts, NAWM recommends The Office of Water’s Climate Adaptation Implementation Plan to further highlight the role of green infrastructure and nature-based solutions in achieving the programmatic goals:</p> <ul style="list-style-type: none"> • Goal 1, “Improve the Climate Resilience of America’s Water Infrastructure”, provides an opportunity to promote the incorporation of green infrastructure along with traditional grey infrastructure to create more holistic solutions in water management. For example, wetlands (both natural and constructed) have been shown to contribute myriad benefits to both urban and rural systems by offering benefits such as flood attenuation, groundwater recharge, and pollutant reductions². • The newly added Goal 4, “Reduce Greenhouse Gas Emissions Through Water-Related Authorities”, would also benefit from incorporating nature-based solutions. Wetlands have 	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 8 - 10</p>	<p>Thank you for your comments and recommendations to further highlight the role of green infrastructure and nature-based solutions in achieving programmatic Goal 1 and Goal 4. EPA is continually working to promote green infrastructure and nature-based solutions “action items and measures” that improve climate resilience in water infrastructure, such as focusing on ways that we can provide technical support to states and communities to help ensure flood resiliency and updating guidance on Green Project Reserve components. These actions and measures emphasize outputs and outcomes. We agree that NAWM’s recommendation is valuable and can consider ways in which we can highlight them in the future.</p>	<p>No change made to the guidance.</p>
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<p>been shown to be an effective carbon sink and can be incorporated into existing water management infrastructure to capitalize on their mitigation potential⁴.</p> <p>NAWM recommends the NWPG highlight the role green infrastructure and nature-based solutions can play in resilient water infrastructure and develop program measures that track the adoption of these projects. Additional program measures should be designed to capture specific environmental outcomes of implemented projects to reflect and quantify the ecosystem services provided by nature-based solutions.</p>				

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<p>Like the above comments, NAWM encourages EPA to continue to expand the incorporation of nature-based solutions to the various grant programs established to improve the nation’s water infrastructure. The Clean Water State Revolving Fund’s Green Project Reserve is an effective model that specifically sets aside funding for projects involving nature-based solutions and encourages resilience planning in water infrastructure. Other infrastructure grant programs should utilize similar set-asides and considerations and S/T/T and community partners should be made aware of these possibilities in their project planning. Adopting program measures related to projects incorporating nature-based solutions will act to prioritize and track their role in updating water infrastructure.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 10 - 15</p>	<p>Thank you for your comment. EPA agrees with the importance of continuing to expand the incorporation of nature-based solutions to various grant programs established to improve the nation’s water infrastructure, and we agree with your recommendations. As noted, the CWSRF’s Green Project Reserve is an effective model for setting aside funds that encourage nature-based solutions and resilience planning in our water infrastructure. Other EPA infrastructure grant programs are, in fact, utilizing similar set-asides, and making our states, Tribes, and territories and community partners aware of these set-asides, such as the 33 USC 1301: Sewer overflow and stormwater reuse municipal grants program.</p>	<p>No change made to the guidance.</p>

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<p>NAWM supports the new NWPG priority of extending direct technical assistance towards planning water projects. Maintaining strong partnerships between levels of government will be crucial in ensuring all stakeholders are adequately represented in the process. EPA will need to ensure that S/T/T agencies and their community counterparts are involved from the outset of the planning process. Additionally, NAWM encourages EPA to engage with other federal agencies (e.g., FEMA, NOAA) when giving technical assistance where possible co-benefits across multiple programmatic goals are achievable. To this end, the 29 Environmental Finance Centers established by the EPA to assist communities in securing project funding are an important resource addressing gaps in knowledge. The S/T/Ts and communities that NAWM has worked with in our training programs have expressed the need for guidance on how to combine multiple funding sources for a single project and the Environmental Finance Centers have the capacity to assist communities through the process of securing funds and connect them with the relevant federal programs and partners.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 15 - 19</p>	<p>EPA appreciates the support that NAWM is giving on the new NWPG priority of extending directing technical assistance towards water planning projects and we agree with your recommendations. While EPA works to maintain strong partnerships between levels of government, we are also ensuring that states, Tribes, and territories agencies and their community counterparts are involved from the start of the planning process. In addition, we are regularly engaging with other federal agencies like FEMA and NOAA to discuss technical assistance options, how we can improve collaboration and educate each other, while also assisting communities together in securing funding. Furthermore, EPA has resources available that are focused on combing funding and would be open to exploring other ways of outreach such as implementation documents and/or guidance.</p>	<p>No change made to the guidance.</p>

<p>NAWM supports EPA’s continued efforts to address PFAS contamination of the nation’s soils and waters. Assessment of water resources will improve our understanding of how these chemicals move through a watershed and their effects on water bodies. While studies have shown that constructed wetlands have some capacity to sequester PFAS and other ‘forever chemicals’⁵, natural vegetated wetlands are at risk of high levels of bioaccumulation in their flora and fauna. For example, a study in Michigan found that sampled tissue of wetland dependent animals in a contaminated marsh showed twice the levels of PFAS concentration compared to similar uncontaminated sites⁶. Research suggests that the same adverse health effects PFAS have on humans will show up in other species including those that are endangered or threatened⁷. The environmental benefits provided by wetlands depend on the biological communities they support and more needs to be done to track PFAS contamination of wetlands and protect healthy ecosystems. Additional guidance and support for proper disposal of items containing PFAs, including cookware, would help ensure that these chemicals are not accumulating in soils, waters, and wetlands, and via them to other living and human resources.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 19 - 20</p>	<p>EPA appreciates the support this comment provides for EPA’s per- and polyfluoroalkyl substances (PFAS) efforts, and the commenter’s recommendations for additional steps to prevent PFAS from entering soils, waters, wetlands, and other ecosystems. EPA agrees that addressing PFAS contamination is necessary not only to protect human health but also to protect ecological systems, including wetlands and other water resources. In addition to: investing in research into how PFAS affect human health and ecological systems, study to determine the predominant industrial sources of PFAS in wastewater and sewage sludge, control of PFAS in drinking water systems, establishment of analytical methods to measure PFAS in multiple environmental matrices, and control of PFAS discharges in wastewater, EPA is working to provide guidance on technologies for destroying or disposing of PFAS-containing materials to minimize or prevent environmental releases (as described in OLEM’s National</p>	<p>No change made to the guidance.</p>
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			Program Guidance).	
<p>S/T/T programs have expressed the need for guidance and training in the implementation of the August 2023 Revised Definition of 'Waters of the United States'; Conforming rule. Specifically, programs have expressed the need for support to conduct analyses based on the “continuous surface water connection” and “relatively permanent” standards in the new definition to map and inventory the jurisdictional status and corresponding protections afforded to S/T/T wetlands. NAWM offers its support for EPA and the U.S. Army Corps of Engineers (USACE) as they develop guidance, trainings, and tools for S/T/T programs.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 21</p>	<p>Thank you for your comment. EPA understands the need to provide additional guidance and training to implement the 2023 “Revised Definition of Water of the United States”, Conforming rule. EPA will continue to work with our co-regulators and partners as we move forward with the development of implementation tools.</p>	<p>No change made to the guidance.</p>

Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>NAWM supports EPA’s continued efforts to work with S/T/T programs to implement the 2023 401 Certification Rule. Materials and trainings will ensure that S/T/Ts are able to exercise this permitting tool in accordance with the principles of cooperative federalism in the CWA. NAWM encourages the additional outreach to eligible Tribal programs to assume certification authority and maintain close cooperation.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 21</p>	<p>Thank you for your comment. EPA will continue to work with states, Tribes, and territories programs to implement the 2023 401 Certification Rule. EPA has participated in several Tribal-focused meetings to discuss the new Treatment as State provisions in the 2023 Rule and will continue to seek additional Tribal engagement opportunities.</p>	<p>No change made to the guidance.</p>
<p>NAWM appreciates efforts to provide greater clarity on what waters may be assumed. Assumption by additional states will depend upon the extent of jurisdiction conveyed by assumption, the impact of the proposed regulatory change, and a weighing of costs to benefits of assumption. Federal funding assistance for states who assume the dredge and fill program will be essential.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 21</p>	<p>Thank you for your comment and support. Note, EPA’s funding levels will be determined through the annual federal appropriations process.</p>	<p>No change made to the guidance.</p>

<p>NAWM supports EPA’s efforts to catalogue current approaches available to monitor and evaluate stream and wetland systems and encourages EPA to use the results of this effort to establish performance measures for S/T/T wetland programs.</p> <p>While most S/T/T programs use unique assessment methods tailored to their geographies, common metrics exist between the different methods. EPA should analyze these common metrics as a basis for establishing performance measures for streams and wetlands. EPA Regions 1,2, and 3 are already facilitating conversations with their constituent S/T/T programs to determine the metrics used in common among the three regions and EPA should continue to support such efforts. Adopting EPA measurements based on common metrics will avoid placing additional burdens on S/T/T programs by allowing them to continue to collect data through their adopted methods without needing to perform additional tasks.</p> <p>Metrics are important for S/T/T program funding and legitimacy as they would provide a unified and EPA approved target to articulate the successes and incremental progress of wetland programs. The draft NWPG currently does not include program</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 23</p>	<p>Thank you for your comment. EPA agrees there is a shared need to engage with states, Tribes, and territories to protect and restore our wetlands as they help to achieve the functions and services noted and the NWPG goals, which are a key component in achieving the Clean Water Act objective to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” To further advance the efficacy of the Wetland Program Development Grants, EPA is currently reviewing program needs and will evaluate the need for specific program standards. EPA will additionally work with NAWM as we work through this process.</p>	<p>No change made to the guidance.</p>
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<p>measures specific to streams and wetlands. As wetlands, streams, and nature-based solutions become integrated into resilient water infrastructure systems, it will be important to ensure these programs have the data to justify their continued funding.</p>				

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<p>WPDGs remain the primary source of funding for S/T/T programs to build their capacity to manage wetland resources. These grants help launch new initiatives and innovations across the four core elements of wetland programs (regulatory, monitoring and assessment, wetland water quality standards, and voluntary restoration and protection program elements), to support high-quality program elements that would not have been possible otherwise.</p> <p>Due to limited available funding options to directly support wetlands, many smaller, disadvantaged wetland programs have relied on WPDGs to keep their programs afloat. In some cases, as with the Pyramid Paiute Tribe in Nevada, if new WPDGs are not awarded, previously built programmatic capacity can fall into collapse. According to NAWM’s research, funding for the WPDG program has been essentially flat funded for at least ten years, and anecdotally since 2008. Inflation over the last ten years has reduced the value of available WPDG funds by over 22%. Increased funding for this important program is essential to ensure that programs can reliably develop the capacity to manage their wetlands and ensure long-term success.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>p. 41 - 42</p>	<p>Thank you for your comment. The EPA will continue to engage in meaningful discussions about how to support wetland program work. EPA’s funding levels will be determined through the annual federal appropriations process.</p>	<p>No change made to the guidance.</p>

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<p>Since its founding in 1983, NAWM has consistently received and shared feedback from states and Tribes that implementation funding is critical to run and maintain sustainable and effective wetland programs. Implementation funds would be a natural next step to support the innovative programs and initiatives launched through WPDGs. As has been seen, well-developed wetland program plans risk collapse before they are able to stand and walk on their own. After the U.S. Supreme Court decision in Sackett v. EPA and subsequent final 2023 WOTUS conforming rule, many states find themselves in the position of needing to “fill the gaps” in the face of reduced federal jurisdiction over wetlands. The best way to continue to protect wetlands that are now outside of federal jurisdiction is to support the implementation and expansion of state and Tribal programs.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>General Comment</p>	<p>Thank you for your comment. EPA agrees there is a shared need to engage with states, Tribes, and territories to protect and restore our wetlands as they help to achieve many significant functions and services as well as the NWPG goals, which are a key component in achieving the Clean Water Act objective to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”</p> <p>The EPA will continue to engage in meaningful discussions about how to support wetland program work. EPA’s funding levels will be determined through the annual federal appropriations process.</p>	<p>No change made to the guidance.</p>

<p>WPDGs remain the primary source of funding for S/T/T programs to build their capacity to manage wetland resources. These grants help launch new initiatives and innovations across the four core elements of wetland programs (regulatory, monitoring and assessment, wetland water quality standards, and voluntary restoration and protection program elements), to support high-quality program elements that would not have been possible otherwise.</p> <p>Due to limited available funding options to directly support wetlands, many smaller, disadvantaged wetland programs have relied on WPDGs to keep their programs afloat. In some cases, as with the Pyramid Paiute Tribe in Nevada, if new WPDGs are not awarded, previously built programmatic capacity can fall into collapse. According to NAWM’s research, funding for the WPDG program has been essentially flat funded for at least ten years, and anecdotally since 2008. Inflation over the last ten years has reduced the value of available WPDG funds by over 22%. Increased funding for this important program is essential to ensure that programs can reliably develop the capacity to manage their wetlands and ensure long-term success.</p>	<p>The National Association of Wetland Managers (NAWM)</p>	<p>General Comment</p>	<p>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.</p>	<p>No change made to the guidance.</p>
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Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
<p>The Tribal Exchange Network Group (TXG) recommends a 10% increase for all EPA media-specific grants to Tribes that involve data collection, analysis, and reporting. This will allow Tribes to budget for ever-increasing costs related to the operations and maintenance of their data management systems and technology solutions which also help ensure continuity of Tribal data for local, regional, and national decision-makers.</p>	<p>Tribal Exchange Network Group (TXG)</p>	<p>General Comment</p>	<p>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.</p>	<p>No change made to the guidance.</p>

<p>The Tribal Exchange Network Group (TXG) recommends EPA media-program offices support the development and delivery of data management and analysis trainings and technical support resources that are specific to Tribal needs and concerns.</p>	<p>Tribal Exchange Network Group (TXG)</p>	<p>General Comment</p>	<p>EPA media-program offices provide multiple funding opportunities designed to support and assist the full spectrum of needs of Tribes and Tribal environmental professionals. These funding opportunities, include supporting non-federal organizations that offer training and assistance related to data management and data analysis. Training and support is offered directly to Tribes and Tribal environmental professionals as well as in group and national settings, including at national, regional, and local events. The location and scope of training provided by EPA-funded organizations depends on the grant or cooperative agreement with the supporting organization. Tribes and Tribal environmental professionals can work with EPA national and regional program offices' to identify specific training and opportunities, including those related to data management and analysis.</p>	<p>No change made to the guidance.</p>
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