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April 6, 2026

Rebecca Broussard  
Office of Land and Emergency Management  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20450  
Submitted via [www.regulations.gov](http://www.regulations.gov)

**RE: Clean Water Act Hazardous Substance Facility Response Plans: Compliance Date Delay and Changes to Reflect Administration Policy (Docket ID No. EPA-HQ-OLEM-2021-0585)**

Dear Ms. Broussard:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on EPA's proposed rule on Clean Water Act (CWA) Hazardous Substance Facility Response Plans: Compliance Date Delay and Changes to Reflect Administration Policy (91 FR 10787). NACWA represents the interests of 360 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S. NACWA member utilities are responsible for treating the millions of gallons of wastewater produced by their communities each day, while meeting the requirements of the CWA.

NACWA members use a variety of chemicals in the wastewater treatment process, and most publicly owned treatment works (POTWs) are located near navigable waters. Due to the new multiplier, some POTWs are now subject to the requirements of the CWA Hazardous Substances Facility Response Plans regulations, which was published on March 28, 2024 (89 FR 21924). NACWA submitted comments on the proposed regulations, asking that EPA make clarifications to ensure that the process to develop a Facility Response Plan is as effective and efficient as possible. However, the final rule is overly broad, including requirements that exceed the scope of what is necessary to protect against the risk of substantial harm in the case of a worst-case discharge.

NACWA supports EPA's proposed compliance date delay from the current date of June 1, 2027, to June 1, 2030, while EPA reconsiders these requirements for Facility Response Plans. EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) on February 18, 2026 (91 FR 7415) to seek feedback on the Facility Response Plan regulations. Comments on the ANPRM are due May 19, 2026. EPA will need time to consider the comments that it receives and to develop the potential amendments to address implementation challenges and

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clarify requirements. This process will take time and will likely extend beyond the current June 1, 2027, compliance date.

POTWs should not be compelled to develop Facility Response Plans to meet extensive and complicated regulatory requirements that are now under reconsideration. The proposed three-year implementation extension will allow time for EPA to complete its rulemaking process to revisit the regulatory requirements for Facility Response Plans. NACWA recommends that EPA issue this three-year compliance delay as an interim extension, then determine a final compliance date when the changes to the rule are completed.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or [cfinley@nacwa.org](mailto:cfinley@nacwa.org) if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Cynthia A. Finley". The signature is written in a cursive style with a large initial "C".

Cynthia A. Finley, Ph.D.

Director, Regulatory Affairs