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B-337858

November 26, 2025

The Honorable Shelley Moore Capito
Chairman
The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Sam Graves
Chairman
The Honorable Rick Larsen
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

Subject: *Environmental Protection Agency: Water Quality Standards to Protect Aquatic Life in the Delaware River*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Environmental Protection Agency (EPA) entitled "Water Quality Standards to Protect Aquatic Life in the Delaware River" (RIN: 2040-AG30). We received the rule on September 25, 2025. It was published in the *Federal Register* on September 29, 2025. 90 Fed. Reg. 46483. The stated effective date of the rule is November 28, 2025.

According to EPA, this rule finalizes revised water quality standards largely as proposed for certain water quality management zones of the mainstem Delaware River under the Clean Water Act.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). This rule was published in the *Federal Register* on September 29, 2025. 90 Fed. Reg. 46483. The House of Representatives received the rule on September 25, 2025. 171 Cong. Rec. H4506 (daily ed. Sept. 30, 2025). The Senate received the rule on September 30, 2025. 171 Cong. Rec. S7035 (daily ed. Oct. 8, 2025). The stated effective date of the rule is November 28, 2025. Therefore, the stated effective date is less than 60 days from the date of receipt by Congress.

Enclosed is our assessment of EPA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to

the subject matter of the rule, please contact Will Shakely, Acting Assistant General Counsel, at (202) 512-3363.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Melissa Kramer
Associate Director, Regulatory Management Division
Environmental Protection Agency

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
ENVIRONMENTAL PROTECTION AGENCY
ENTITLED
“WATER QUALITY STANDARDS TO PROTECT AQUATIC LIFE IN THE DELAWARE RIVER”
(RIN: 2040-AG30)

(i) Cost-benefit analysis

The Environmental Protection Agency (EPA) prepared an analysis of the costs and benefits of this rule. See 90 Fed. Reg. 46483, 46501–07, 46508 (Sept. 29, 2025). EPA estimated that the implementation of additional effluent treatment controls at certain wastewater treatment plants could lead to annualized costs over 30 years of \$143.0 million using a 3 percent discount rate and \$185.6 million using a 7 percent discount rate in 2024 dollars. *Id.* at 46507. EPA also estimated that annualized monetized non-market benefits from water quality improvements over 30 years total \$154.9 million using a 3 percent discount rate and \$134.3 million using a 7 percent discount rate in 2024 dollars. *Id.*

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

The EPA Administrator certified that this rule will not have a significant economic impact on a substantial number of small entities. 90 Fed. Reg. 46508.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

EPA determined that this rule does not contain an unfunded mandate as described in the Act and does not significantly or uniquely affect small governments. EPA stated that the rule imposes no enforceable duty on any state, local, or tribal governments or the private sector. 90 Fed. Reg. 46508.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On December 21, 2023, EPA published a proposed rule. 88 Fed. Reg. 88315. In February 2024, EPA held two online public hearings on the proposed rulemaking. 90 Fed. Reg. 46484. EPA stated it received approximately 4,800 total comments on a range of issues. *Id.* EPA responded to comments in the rule. See *id.* at 46484, 46489–46507.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

EPA determined that this rule does not impose any new information collection burden under the Act. EPA stated that the Office of Management and Budget (OMB) previously approved the information collection contained in the existing regulations and assigned OMB Control Number 2040-0049. 90 Fed. Reg. 46508.

Statutory authorization for the rule

EPA promulgated this rule pursuant to sections 1251 through 1389 of title 33, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

EPA stated that this rule is significant under the Order and was submitted to OMB for review. 90 Fed. Reg. 46508.

Executive Order No. 13132 (Federalism)

EPA determined that this rule does not have federalism implications. 90 Fed. Reg. 46508.