U.S. GOVERNMENT ACCOUNTABILITY OFFICE

**441 G St. N.W.**
**Washington, DC 20548**

B-338825

November 13, 2026

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: Clean Water Act Hazardous Substance Facility Response Plans: Compliance Date Delay and Changes to Reflect Administration Policy*

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 "Clean Water Act Hazardous Substance Facility Response Plans: Compliance Date Delay and Changes to Reflect Administration Policy" (RIN: 2050-AH38). We received the rule on October 8, 2026. It was published in the *Federal Register* on October 13, 2026. 91 Fed. Reg. 64774. The effective date of the rule is December 14, 2026.

According to EPA, this rule finalizes a three-year delay of the compliance date by which a regulated facility must prepare and submit Clean Water Act hazardous substances Facility Response Plans, as well as language modifications to remove references to climate change and environmental justice to align with Executive Order 14148 of January 20, 2025.

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 me at (202) 512-8156.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

ENCLOSURE

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
ENVIRONMENTAL PROTECTION AGENCY
ENTITLED
"CLEAN WATER ACT HAZARDOUS SUBSTANCE FACILITY RESPONSE PLANS: COMPLIANCE DATE DELAY AND CHANGES TO REFLECT ADMINISTRATION POLICY"
(RIN: 2050-AH38)

(i) Cost-benefit analysis

The Environmental Protection Agency (EPA) prepared an analysis of the costs and benefits of this rule. 91 Fed. Reg. 64774, 64776 (Oct. 13, 2026). EPA determined that the compliance date delay and language modifications will have a deregulatory impact for affected facilities, state and local entities, and/or the federal government. *Id*. at 64776. EPA also estimated annualized cost savings, in 2024 dollars, of $25.97 million and $17.95 million using 7 and 3 percent discount rates, respectively. *Id*. Moreover, EPA stated there is no quantifiable effect of the rule on benefits because a prior final rule assessed program benefits qualitatively. *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. 91 Fed. Reg. at 64779.

(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; does not significantly or uniquely affect small governments; and imposes no enforceable duty on any state, local, or tribal governments or the private sector. 91 Fed. Reg. at 64779.

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

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

On March 5, 2026, EPA published a proposed rule. 91 Fed. Reg. 10787. EPA stated that they received 30 comments on the proposed rule. *Id*. at 64777. EPA responded to comments in this rule. *Id*. at 64777–78.

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 PRA. 91 Fed. Reg. at 64779.

Statutory authorization for the rule

EPA promulgated this rule pursuant to sections 1321 and 1361 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 the Office of Management and Budget for review. 91 Fed. Reg. at 64779.

Executive Order No. 13132 (Federalism)

EPA determined that this rule does not have federalism implications. 91 Fed. Reg. at 64779.