Bringing Water Together

Federal Regulatory Issues
October 2026 Update

U.S. Environmental Protection Agency (EPA)		
Issue	**Background**	**Status**
"waters of the United States" (WOTUS)	On 9/8/23 EPA and the U.S. Army Corps of Engineers (USACE) published a final rule (to update the January 2023 final rule) that revised the definition of WOTUS aligned with *Sackett v. EPA*. On 11/20/25, EPA and USACE published a proposed rule regarding a revised WOTUS definition. Additionally, EPA and USACE held public meetings for input. On 9/9/26, EPA and USACE published a supplemental notice of proposed rulemaking regarding a revised WOTUS definition seeking, among other things, additional information on "relatively permanent" and "continuous surface connection".	On 1/5/26, ACWA commented on EPA and USACE's revised WOTUS definition. ACWA plans to comment on EPA and USACE's supplemental notice of proposed rulemaking by the 10/9/26 deadline.
PFAS	**SDWA**: On 3/29/23, EPA published a proposed rule to set federally enforceable limits for six PFAS in drinking water. The proposal would regulate PFOA and PFOS as individual contaminants, and four other PFAS—PFNA, PFHxS, PFBS, and GenX Chemicals—as a mixture known as a Hazard Index (HI). ACWA staff provided verbal comments at a public hearing on 5/4/23 and on 5/30/23 filed written comments. On 7/10/25, EPA published a meeting notice and request for statements regarding a July 28 meeting with the National Drinking Water Advisory Council (NDWAC) on proposed revisions to the PFAS NPDWR. On 5/20/26, EPA published a proposed rule to extend the compliance dates for Maximum Contaminant Levels (MCLs) for PFOA and PFOS from April 26, 2029, to April 26, 2031, for systems that submit a request. On 5/20/26, EPA published a proposed rule to rescind regulatory determinations for four PFAS—PFHxS, PFNA, and HFPO–DA (commonly known as GenX chemicals), and mixtures of these three PFAS plus PFBS. The proposal would rescind Maximum Contaminant Levels (MCLs) for these PFAS, including regulations that would require monitoring, and where necessary, treatment by public water systems.	**SDWA**: On 4/26/24, EPA published a final rule establishing national primary drinking water regulations (NPDWR) for six PFAS substances. The final rule became effective on 6/25/24. On 7/21/25, ACWA commented on EPA's proposal to revise the PFAS NPDWR. On 7/28/25, EPA hosted a virtual meeting. On 7/20/26, ACWA commented on EPA's proposal to extend the compliance dates for PFOA and PFOS. On 7/20/26, ACWA commented on EPA's proposal to rescind certain PFAS regulatory determinations.

	CERCLA: In 2022, EPA published a proposed rule to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund. On 11/7/22, ACWA submitted comments. Separately, ACWA gave verbal comments at EPA's PFAS CERCLA Enforcement Listening Session. **CWA**: On 12/18/24, EPA published its request for public comment on efforts to study and develop technology for PFAS protections from industrial wastewater discharges outlined in the Preliminary Effluent Guidelines Program Plan 16. On 1/14/25, EPA published its request for public comment on a Draft Sewage Sludge Risk Assessment for PFOA and PFOS. The Draft Risk Assessment aims to characterize potential risks from fertilizer, surface disposal, or incineration focused on those most impacted by these sites or products. On 7/6/26, EPA published its draft guidance for reducing risk from PFOA and PFOS in biosolids. EPA extended the comment period to 10/5/26. **TSCA**: On 11/13/25, EPA published a proposed rule to amend TSCA Section 8(a)(7) to exempt manufacturers and importers of PFAS from certain reporting requirements. **NDAA**: On 4/28/26, EPA published a notice regarding its 2026 Interim PFAS Destruction and Disposal Guidance per the National Defense Authorization Act (NDAA). EPA seeks public comment to help identify effective means for destroying or disposing of PFAS-containing materials and wastes.	**CERCLA**: On 5/8/24, EPA published a final rule designating PFOA and PFOS as hazardous substances under CERCLA. The rule became effective on 7/8/24. **CWA**: ACWA did not submit comments but encouraged interested members to do so by the 1/17/25 deadline. ACWA did not submit comments but encouraged interested members to do so by the 8/14/25 deadline. ACWA does not plan to submit comments but encourages interested members to do so by the 10/5/26 deadline. **TSCA**: On 12/29/25, ACWA commented on EPA's PFAS reporting requirements under TSCA. **NDAA**: ACWA did not submit comments but encouraged interested members to do so by the 6/29/26 deadline.
CWA Section 401 Water Quality Certification	On 7/7/25, EPA published a notice requesting public comment regarding the Clean Water Act (CWA) Section 401 water quality certification. On 1/15/26, EPA published a proposed rule to update requirements for CWA Section 401 water quality certification.	On 8/6/25, ACWA commented on EPA's notice on CWA Section 401. On 7/16/25 and 7/30/25, EPA hosted virtual listening sessions. ACWA did not submit comments but encouraged interested members to do so by the 2/17/26 deadline.
Fluoride	On 1/28/26, EPA published its Fluoride Preliminary Assessment Plan. The plan will be used for potential revisions to existing fluoride drinking water standards under the Safe Drinking Water Act (SDWA) and inform Centers for Disease Control and Prevention (CDC) recommendations regarding fluoride in drinking water. On 8/3/26 EPA released the Protocol for Developing the Fluoride Human Health Toxicity Assessment. The	On 2/27/26, ACWA commented on EPA's Fluoride Preliminary Assessment Plan.

	Protocol serves as a roadmap for EPA as it evaluates potential risks of fluoride under the SDWA. The Protocol is an expanded version of and reflects public input from EPA's published Fluoride Preliminary Assessment Plan.	
Perchlorate	On 1/6/26, EPA published a proposed NPDWR for perchlorate. EPA's proposal includes an MCL for perchlorate at 20 ppb, 40 ppb, or 80 ppb and an MCLG of 20 ppb. EPA also proposed requirements for water systems to conduct monitoring for perchlorate in drinking water, take mitigation actions if the level exceeds the MCL, provide information about perchlorate to their consumers through public notification and consumer confidence reports, and report to their respective primacy agency. California currently regulates perchlorate at an MCL of 6 ppb and a public health goal (PHG) of 1 ppb.	On 3/9/26, ACWA commented on EPA's proposed NPDWR for perchlorate.
Contaminant Candidate List (CCL)	On 4/6/26, EPA published the draft Sixth Contaminant Candidate List (CCL 6). The CCL identifies unregulated contaminants known or anticipated to occur in public water systems that may warrant future federal regulation. CCL 6 includes microplastics and PFAS, among other chemicals.	On 6/3/26, ACWA commented on EPA's draft CCL 6.
Unregulated Contaminant Monitor Rule (UCMR)	On 7/1/26, EPA published a proposed rule for UCMR 6. UCMR requires public water systems to collect data for specific unregulated contaminants, which helps EPA determine future national drinking water regulations.	On 8/31/26, ACWA commented on EPA's UCMR 6 proposal.
National Environmental Policy Act (NEPA)	On 6/25/26, EPA published a proposed rule regarding agency-specific regulations for implementing NEPA. Specifically, EPA seeks to establish a more efficient NEPA process and align with other federal agencies' NEPA procedures where possible.	On 7/27/26, ACWA commented on EPA's proposal to revise its NEPA procedures.
U.S. Department of the Interior (DOI)		
Issue	**Background**	**Status**
ESA Section 4	On 11/21/25, the Fish and Wildlife Service published proposed rules to amend Section 4 of the ESA. Proposed rules include revisions to Section 4 procedures and criteria used for listing, reclassifying, and delisting species and designating critical habitat; revisions to Section 4(b)(2) for designating and excluding critical habitat when considering economic, national security, and other relevant impacts; and revisions to Section 4(d) to remove the "blanket rule" option for protecting newly listed threatened species.	On 12/22/25, NESARC, which ACWA is a member of, commented on proposed rules to ESA Section 4, Section 4(b)(2), and Section 4(d). On 7/21/26, DOI published a final rule to revise the critical habitat designation process under ESA Section 4(b)(2). On 7/21/26, DOI published a final rule to eliminate the "blanket rule" option for "threatened" species under ESA Section 4(d).
ESA Section 7	On 11/21/25, the Fish and Wildlife Service and the National Marine Fisheries Service published a proposed rule to revise Section 7 of the ESA regarding interagency cooperation.	On 12/22/25, NESARC, which ACWA is a member of, commented on a proposed rule to ESA Section 7.

ESA "Harm" Definition	On 4/17/25, DOI and the Department of Commerce published a proposed rule to rescind the regulatory definition of "harm" under the ESA.	On 5/19/25, the National Endangered Species Act Reform Coalition (NESARC), which ACWA is a member of, commented on the regulatory definition of "harm" under the ESA. On 5/19/25, ACWA signed onto comments submitted by the Family Farm Alliance regarding the regulatory definition of "harm" under the ESA. On 7/14/26, DOI and the Department of Commerce published a final rule to rescind the regulatory definition of "harm" under the ESA.
National Environmental Policy Act (NEPA)	On 7/3/25, DOI published an interim final rule regarding agency-specific regulations for implementing NEPA. Specifically, DOI is maintaining the remainder of its NEPA procedures in a Handbook separate from the Code of Federal Regulations (CFR). On 5/29/26, DOI published a revision to its Handbook of NEPA Implementing Procedures for the Bureau of Reclamation (BOR) adopting two new categorial exclusions (CEs) for hydropower-related activities.	On 8/4/25, ACWA commented on DOI's interim final rule on NEPA implementation. On 1/8/26, the Council of Environmental Quality (CEQ) published a final rule to remove all CEQ NEPA regulations from the Code of Federal Regulations, which leaves federal agencies and departments with the regulatory authority to issue binding NEPA regulations. On 2/24/26, DOI published a final rule to adopt its 7/3/25 interim final rule.
Colorado River	On 1/16/26, BOR published a draft Environmental Impact Statement (EIS) for post 2026 operation of the Colorado River.	ACWA did not submit comments but encouraged interested members to do so by the 3/2/26 deadline.
Reclamation Manual	On 9/29/26, BOR published draft revisions, with a redline version, to Reclamation Manual Directives and Standards WTR 11-01. The draft expands and updates the criteria that local water reclamation and desalination projects must meet to qualify for federal construction grants.	ACWA does not plan to submit comments but encourages interested members to do so by the 10/29/26 deadline.
U.S. Army Corps of Engineers (USACE)		
Issue	**Background**	**Status**
"waters of the United States" (WOTUS)	See above under U.S. EPA heading	See above under U.S. EPA heading
Nationwide Permits (NWPs)	On 6/18/25, USACE published a proposed rule regarding NWPs to authorize categories of activities that do not have significant adverse environmental effects. This proposed rule would reissue 56 existing NWPs, modify some NWPs, and create one new NWP regarding the passage of fish and other aquatic organisms. On 3/16/26, USACE published a notice seeking input on ways to increase efficiency of the NWP program.	On 7/18/25, ACWA commented on USACE's NWPs. On 1/8/26, USACE published a final rule to reissue and modify NWPs. On 5/15/26, ACWA commented on USACE's NWP notice.

National Environmental Policy Act (NEPA)	On 7/3/25, USACE published two interim final rules regarding agency-specific regulations for implementing NEPA. The first interim final rule rescinds NEPA regulations for the civil works program and maintains its categorical exclusions. The second interim final rule removes NEPA regulations for evaluating permit applications (which were promulgated to supplement now rescinded CEQ regulations) and replaces them with new regulations that also address reviews of authorization under Section 14 of the Rivers and Harbors Act of 1899. USACE also made conforming changes to its regulations to eliminate references to former NEPA procedures.	On 8/4/25, ACWA commented on USACE's interim final rule on NEPA implementation. On 1/8/26, CEQ published a final rule to remove all CEQ NEPA regulations from the Code of Federal Regulations, which leaves federal agencies and departments with the regulatory authority to issue binding NEPA regulations.
Water Resources Development	On 5/4/26, USACE published a notice requesting proposals for water resources studies, projects, and programs to include in its 2027 Annual Report to Congress on Future Water Resources Development to guide congressional authorization for USACE initiatives in a future Water Resource Development Act (WRDA). On 5/21/26 USACE published a list of proposed deauthorization projects identifying water resources development projects authorized for construction before June 10, 2014, that no longer appear viable due to a lack of funding, local support, or a purpose that is no longer relevant or feasible.	ACWA did not submit comments but encouraged interested members to do so by the 9/1/26 deadline. ACWA did not submit comments but encouraged interested members to do so by the 8/19/26 deadline.
U.S. Department of Agriculture (USDA)		
Issue	**Background**	**Status**
National Environmental Policy Act (NEPA)	On 7/3/25, USDA published an interim final rule regarding agency-specific regulations for implementing NEPA. Specifically, USDA rescinded all of its prior-existing NEPA regulations and issued new ones via its interim final rule.	On 7/30/25, ACWA commented on USDA's interim final rule on NEPA implementation. On 1/8/26, CEQ published a final rule to remove all CEQ NEPA regulations from the Code of Federal Regulations, which leaves federal agencies and departments with the regulatory authority to issue binding NEPA regulations. On 4/3/26, USDA published a final rule to adopt its 7/3/25 interim final rule.
Roadless Rule	On 8/29/25, USDA published a notice initiating a rulemaking to rescind the 2001 Roadless Rule. Following public comments, USDA plans to issue a proposed rule, accompanied by a draft EIS, by March 2026, along with a request for additional public comment. USDA's final rule, EIS, and record of decision are expected to be released in late 2026. On 8/20/26, USDA published a proposed rule to rescind the 2001 Roadless Rule. Rescinding this rule would remove prohibitions on road construction, reconstruction, and timber harvesting within	On 9/19/25, ACWA commented on USDA's intent to rescind the 2011 Roadless Rule. ACWA plans to comment on USDA's 2011 Roadless Rule proposal by the 10/6/26 deadline.

	inventoried roadless areas on National Forest System lands. On 9/11/26, USDA extended the comment period to 10/6/26.	
U.S. Office of Management and Budget (OMB)		
Issue	**Background**	**Status**
Federal Financial Assistance	On 5/29/26, OMB published a proposed rule to revise federal financial assistance policies and requirements. The proposal would require senior appointees to review funding to see if it complies with a presidential administration's priorities and provide administration officials the ability to terminate grants that have already been awarded.	On 7/13/26, ACWA commented on OMB's federal financial assistance proposal.