



Legislation, Regulatory Affairs, and
Communications Committee

Federal and State Regulatory Tracking Matrices

Item # 6b
September 12, 2023

Federal and State Regulatory Matrices

High-Level Rulemaking Summaries & Impacts

- Both state and federal regulatory agencies
- Engagement with staff, member agencies, and associations

The Metropolitan Water District of Southern California September 11, 2023 – Federal Regulatory Matrix				
Agency	Issue	Summary	Potential Impacts	Regulatory Status
EPA	National Cybersecurity Strategy	On March 3, 2023, EPA directed Safe Drinking Water Act state primary agencies to assess cybersecurity resilience of public water systems as part of the sanitary survey process or through other state programs. When a primary agency identifies a significant cybersecurity deficiency during a sanitary survey, the agency is instructed to use its authority to require the public water system to address the deficiency. This directive was not subject to the rulemaking process.	The water industry is concerned that the Sanitary Survey Program is not the right tool for addressing cybersecurity vulnerabilities or deficiencies. Many state primary agencies lack both the resources and technical expertise to evaluate and address cybersecurity issues and the ability to secure sensitive information collected through sanitary surveys. Lack of a rulemaking process and stakeholder engagement may lead to a duplication of effort. AWWA and NRWA joined several states in challenging the rule. Staff are working with AWWA on alternative compliance pathways.	Rule effective, but the Court halted implementation per AWWA's and NRWA's request.
EPA	PFAS and CERCLA	On September 6, 2022, EPA proposed to list perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).	Metropolitan submitted comments on November 7, 2022 that the rulemaking will greatly increase the potential liability under CERCLA for water treatment residuals. Staff also worked with ACWA, AMWA, AWWA, and WUWC on comments seeking an exemption under CERCLA for the water industry.	EPA intends to finalize the rule by February 2024.
EPA	PFAS and CERCLA	On April 13, 2023, EPA requested public "input and data" regarding whether to designate the precursors to PFOA and PFOS, as well as seven additional PFAS as hazardous substances under CERCLA. The seven additional PFAS are PFBS, PFHxS, PFNA, Gen X, PFBA, PFHxA, and PFDA. The notice also request input on regulating groups or categories of PFAS as hazardous substances.	Metropolitan submitted comments on August 3, 2023 that EPA should consider updated occurrence data and develop robust and reliable analytical methods before making any regulatory determination for the affected PFAS. In addition, staff requested that EPA explore other regulatory pathways for PFAS rather than CERCLA, as well as follow the "Polluter Pays" principle and make additional funding available for treatment and cleanup costs.	Awaiting EPA's decision whether to propose regulating these PFAS as hazardous substances under CERCLA.

ACWA – Association of Clean Water Administrators → FWS – United States Fish and Wildlife Service
 AMWA – Association of Metropolitan Water Agencies → NMFS – United States National Marine Fisheries Service
 AWWA – American Water Works Association → NRWA – National Rural Water Association
 EPA – United States Environmental Protection Agency → WUWC – Western Urban Water Coalition

Recent Highlights

Comment Letters

Federal

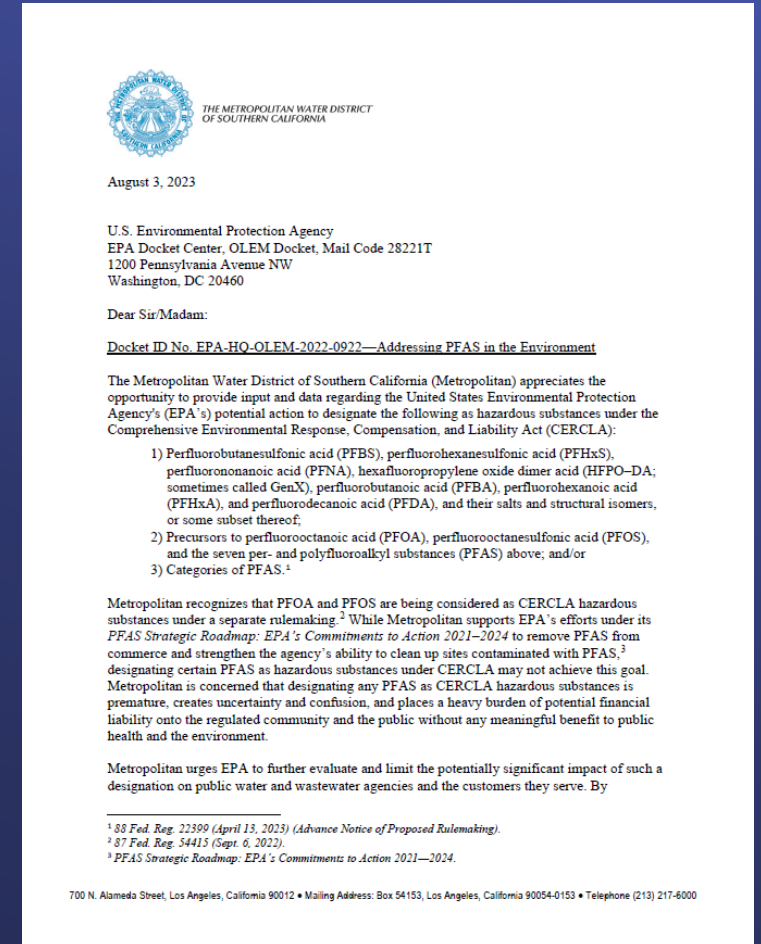
- PFAS and CERCLA
- PFAS MCL

State

- Advanced Clean Fleets

Regulation

- Direct Potable Reuse Regulations



Next Steps

- Updated quarterly and posted publicly on Metropolitan's Legislative Services webpage
- Key rules presented at their respective Board Committees



Federal and State Regulatory Tracking Matrices Questions

