

The Metropolitan Water District of Southern California Federal Regulatory Matrix – Updated as of January 16, 2026

Agency	Issue	Summary	Potential Impacts	Regulatory Status
DHS	<u>Cyber Incident Reporting for Critical Infrastructure Act (CIRCIA) Reporting Requirements</u>	On April 4, 2024, the Cybersecurity and Infrastructure Security Agency (CISA) established a draft rule proposing reporting requirements for critical infrastructure entities that experience cybersecurity incidents. The draft rule proposes limiting reporting requirements to medium, large, and very large Community Water Systems and Publicly Owned Treatment Works (POTWs) that serve populations greater than 3,300.	The CIRCIA Reporting Requirements affect all water and wastewater agencies serving more than 3,300 customers. On July 3, 2024, Association of California Water Agencies (ACWA) submitted comments asking CISA to 1) refine the definition of “substantial cyber incident” to focus on capturing truly disruptive incidents, 2) align CISA reporting and data retention requirements with other federal cybersecurity requirements, 3) consider using the 50,000-person threshold in place of 3,300 for regulating water and wastewater operators, and 4) provide financial assistance to aid in compliance, among other comments.	CISA extended the deadline to issue the final rule to May 2026.
DOI	<u>Publication of an Interim Final Rule</u>	On July 3, 2025, DOI published an interim final rule amending its NEPA regulations. As part of this rule, DOI moved many of the regulations into a NEPA process handbook (DOI Handbook), subject to the interpretation and implementation of agency discretion. The DOI Handbook makes public involvement discretionary and encourages expedited timelines and expanded use of categorical exceptions.	The water industry is concerned that movement of the regulations into the DOI Handbook could lead to inconsistent application of the rules.	Comments were due August 4, 2025. ACWA, AMWA, and WUWC submitted letters sharing their concerns. DOI has no deadline to issue a final rule.
EPA	<u>Fluoride</u>	In a ruling on September 24, 2024, a federal judge found that EPA is required to provide a regulatory response under the Toxic Substances Control Act (TSCA)	In March 2025, Utah became the first state to outlaw the fluoridation of drinking water. On May 15, 2025, Florida became the second state to ban the	Awaiting ruling by the Ninth Circuit and any further EPA and/or California Division of

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		<p>because fluoridation of water at 0.7 parts per million (ppm) -- the level presently considered “optimal” in the United States -- poses an unreasonable risk of reduced IQ in children. The judge’s order does not dictate precisely what EPA’s regulatory response must be.</p> <p>Both parties in the <i>Food & Water Watch</i> case have filed initial briefs. EPA argued that the court misapplied TSCA and exceeded its authority by allowing new evidence beyond the original petition. EPA also argued the plaintiffs lacked standing since fluoride can naturally occur in water and that the court did not act as a neutral arbiter in the case. Food & Water Watch countered that the “new” evidence was permissible under TSCA, and that the plaintiffs did have standing given that if EPA were to regulate fluoride, it would reduce the risk posed by fluoridation in drinking water. EPA’s reply brief must be filed by January 22, 2026, and the Ninth Circuit has scheduled a hearing for March 3, 2026.</p>	<p>practice. Florida’s statewide ban began on July 1, 2025. California law requires water systems with 10,000 or more connections to fluoridate if funding is available. This court ruling does not require Metropolitan to change its current treatment operations. Per Metropolitan’s Board-adopted Drinking Water Fluoridation Policy, Metropolitan has adjusted the natural fluoride levels in its treated water supplies since 2007, in full compliance with federal and state drinking water regulations. It is important to note that drinking water is regulated under the Safe Drinking Water Act, and not TSCA.</p>	<p>Drinking Water action with respect to fluoride.</p>
<p>EPA</p>	<p><u>Maximum Contaminant Level for Perchlorate</u></p>	<p>On January 6, 2026, EPA proposed setting the Maximum Contaminant Level Goal (MCLG) for perchlorate at 20 micrograms per liter (µg/L) and is also proposing and taking comment on setting</p>	<p>Staff are currently drafting a comment letter urging EPA to set a federal drinking water standard that protects public health and prevents any adverse impacts to the Colorado River and the</p>	<p>Public hearing is on February 19, 2026. Comments are due March, 9, 2026. EPA must publish the final MCL and</p>

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		<p>an enforceable Maximum Contaminant Level (MCL) at 20 µg/L, 40 µg/L, or 80 µg/L. EPA must publish the final MCL and MCLG by May 21, 2027. California established an MCL for perchlorate of 6 ug/L in 2007 and is currently considering whether to lower the MCL closer to the public health goal of 1 ug/L.</p>	<p>millions of users that rely upon it as a source of drinking water. Staff have previously commented in support of EPA promulgating a federal perchlorate standard to protect public health and help with long-term remediation of perchlorate contamination in the Colorado River Basin.</p>	<p>MCLG for perchlorate by May 21, 2027.</p>
<p>EPA</p>	<p><u>Maximum Contaminant Levels for Six PFAS</u></p>	<p>On May 14, 2025, EPA announced that it plans to rescind its individual MCLs for PFNA, PFHxS, and GenX Chemicals, as well as the Hazard Index concept for mixtures of these PFAS plus PFBS. EPA will only keep the individual MCLs set for PFOA and PFOS at 4.0 parts per trillion (ppt).</p> <p>Additionally, EPA planned to issue a proposed rule in fall 2025 to extend the compliance date for PFOA and PFOS to 2031 and anticipated finalizing the rule by Spring of 2026. To date, no such proposed rule has been issued.</p> <p>These actions were in response to AWWA, AMWA, and several chemical industry associations filing Petitions for Review in 2024 asking a federal court to decide whether EPA acted appropriately when setting the MCLs and MCLGs for the six PFAS.</p> <p>On September 11, 2025, EPA filed a motion to vacate the MCLs and MCLGs</p>	<p>Metropolitan submitted comments on May 30, 2023, in support of regulating PFOA and PFOS in drinking water. However, staff commented that regulating the remaining PFAS is premature as these compounds did not follow the full regulatory process and may have unintended economic impacts.</p> <p>Initial monitoring for PFOA and PFOS will start in June 2027. Beginning in 2029, public water systems with PFAS in drinking water must comply with these MCLs and notify the public of any violations.</p>	<p>Rule became effective on June 25, 2024, with a three-year compliance timeline from the rule's effective date.</p> <p>EPA intended to publish a proposed rule to rescind the three MCLs and Hazard Index concept in fall 2025 with a final rule being promulgated by February 2026. These dates were subject to change due to the government shutdown in 2025. To date, EPA has yet to publish a proposed rule rescinding the three MCLs and Hazard Index concept.</p> <p>EPA intended to publish a proposed rule to extend the compliance period in October 2025 with a final</p>

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		<p>for PFNA, PFHxS, and HFPO-DA (GenX Chemicals) individually and mixtures of those three PFAS and PFBS through a Hazard Index. However, EPA intends to keep the MCLs and MCLGs for PFOA and PFOS. EPA’s Brief in response to the Petitions for Review must be filed in court by February 20, 2026.</p>		<p>rule being promulgated by April 2026. These dates were subject to change due to the government shutdown in 2025. To date, EPA has yet to publish a proposed rule extending the compliance period.</p>
<p style="text-align: center;">EPA</p>	<p style="text-align: center;"><u>PFAS and CERCLA</u></p>	<p>On May 8, 2024, EPA published its final rule designating PFOA and PFOS, including their salts and structural isomers, as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).</p> <p>On June 10, 2024, several industry groups filed a Petition for Review, asking a federal court to decide whether EPA acted appropriately in designating PFOA and PFOS as CERCLA hazardous substances.</p> <p>On September 17, 2025, EPA decided to keep the rule in place and “will continue to engage with Congress and industry to establish a clear liability framework that ensures the polluter pays and passive receivers are protected.”</p>	<p>Despite EPA’s April 19, 2024 “PFAS Enforcement Discretion and Settlement Policy Under CERCLA” that stated that EPA will not target water utilities, staff are still concerned that the final rule may encumber water utilities with potential liability under CERCLA for the disposal of water treatment residuals that may contain PFAS. Metropolitan submitted comments on November 7, 2022, to this effect and worked with ACWA, AMWA, AWWA, and WUWC on comments seeking an exemption under CERCLA for the water industry.</p>	<p>Rule is in effect despite being challenged in court.</p> <p>The Petitions for Review filed by several industry groups asking a federal court to decide whether EPA acted appropriately in publishing this final rule was set for hearing on January 20, 2026.</p>
<p style="text-align: center;">EPA</p>	<p style="text-align: center;"><u>PFAS and RCRA Part I</u></p>	<p>On February 8, 2024, EPA released a proposed rule to revise the definition of “hazardous waste” under the Resource</p>	<p>On March 26, 2024, staff submitted a comment letter expressing concern that while the rule is focused on TSDFs, the</p>	<p>EPA anticipates finalizing the rule in April 2026. This date is subject to</p>

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		<p>Conservation and Recovery Act (RCRA) such that PFAS can be included in corrective actions for treatment, storage, and disposal facilities (TSDFs).</p>	<p>rule could raise the disposal costs of PFAS-laden materials sent to TSDFs and that this was not included in the cost analysis. Staff also asked that EPA adopt formal RCRA enforcement guidance for TSDFs, such that water utilities are protected against future liability; and that EPA follow the “polluter pays” principle and/or make additional funding available for treatment and cleanup.</p>	<p>change due to the government shutdown in 2025.</p>
<p>EPA</p>	<p><u>PFAS and RCRA Part II</u></p>	<p>On February 8, 2024, EPA released a proposed rule to list nine PFAS (PFOA, PFOS, PFBS, HFPO-DA or GenX Chemicals, PFNA, PFHxS, PFDA, PFHxA, and PFBA) and their salts and isomers as “hazardous constituents” under RCRA.</p>	<p>On April 8, 2024, staff submitted a comment letter addressing EPA’s proposal to list nine PFAS and their salts and isomers as “hazardous constituents” under RCRA. A hazardous constituent listing is the first step towards a potential “hazardous waste” listing. If these nine PFAS were to be classified as hazardous wastes under RCRA, then they would automatically be classified as “hazardous substances” under CERCLA. Like our comments on the PFAS-CERCLA regulatory effort, Metropolitan emphasized that while we support regulating PFAS, the regulatory community needs guardrails in place (e.g., analytical methods, regulatory limits, and cleanup standards) prior to regulating these compounds. Staff also reiterated that EPA should follow the polluters pay principle.</p>	<p>EPA anticipates finalizing the rule in April 2026. This date is subject to change due to the government shutdown in 2025.</p>

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EPA	<u>Lead and Copper Rule Improvements</u>	<p>On October 30, 2024, EPA published the final Lead and Copper Rule Improvements (LCRI). The LCRI builds on the 2021 Lead and Copper Rule Revisions (LCRR) and the original Lead and Copper Rule. The final rule focuses on identifying and replacing lead service lines within 10 years; lowering the lead action level from 0.015 to 0.010 parts per million (ppm); removing the lead trigger level; improving tap sampling procedures; and improving public education and outreach materials to include renters and individuals with limited English proficiency.</p> <p>On December 13, 2024, AWWA filed a Petition for Review of the LCRI in the federal court. On September 12, 2025, AWWA filed its Opening Brief in which it argues that while it has “long supported EPA’s efforts to develop national primary drinking water regulations for lead and copper that protect public health,” the “2024 [LCRI] Rule, is neither feasible nor cost-effective as required by [the Safe Drinking Water Act], and creates significant risks for water system compliance and affordability.” Thus, AWWA argued that the Court should vacate and remand the 2024 LCRI. EPA’s Brief must be filed by February 20, 2026. Final briefs must be filed by April 17, 2026.</p>	<p>The rule will result in additional sampling at Metropolitan’s desert water systems but is not applicable to Metropolitan’s large water system. Under the 2021 LCRR, water systems were required to provide an initial inventory of their lead service lines by October 16, 2024. Under the final LCRI, all water systems must submit a baseline inventory by November 1, 2027, and will be required to regularly update their inventories, create a publicly available service line replacement plan, and identify the materials of all service lines of unknown material. Staff partnered with trade associations to provide comments.</p>	<p>The final rule is in effect despite being challenged in court.</p>

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EPA	<u>Waters of the United States</u>	On November 20, 2025, EPA and the Army Corps of Engineers (collectively, the Agencies) published a proposed rule titled, “Updated Definition of ‘Waters of the United States’ (WOTUS).” The proposed rule seeks to respond to the 2023 U.S. Supreme Court’s decision in <i>Sacket v. EPA</i> , which found that the definition of WOTUS, which defines the scope of the Clean Water Act, only refers to “geographic[al] features that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes’” and to adjacent wetlands that are “indistinguishable” from those bodies of water due to a continuous surface connection.	Staff submitted a comment letter on January 5, 2026 asking the Agencies, among other items, to retain the category of “interstate waters,” add an exclusion for artificial water supply infrastructure, and retain the jurisdictional status of tributaries part of a water transfer. Previously, on April 23, 2025, staff submitted a comment letter to the Agencies recommending that any future definition of WOTUS should provide for the transparent, efficient, and predicable implementation of the Clean Water Act, while continuing to ensure the protection of source water quality; and clarify that water supply infrastructure is excluded from the definition of WOTUS and such an exclusion does not jeopardize the status of water transfers. Staff have previously submitted comments asking for a more inclusive definition of WOTUS during each of the three preceding Administrations (i.e., the 2015 Clean Water Rule, the 2020 Navigable Waters Protection Rule, the 2023 Rule, and the Amended 2023 Rule).	Comments were due January 5, 2026. Metropolitan, ACWA, AMWA, AWWA, and WUWC submitted comment letters.

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EPA	<u>Update Clean Water Act Section 401 certification process</u>	On January 15, 2026, EPA published a proposed rule to revise Section 401 of the CWA, intending to protect water quality while reducing permitting delays and clarifying the certification process.	Staff is reviewing the proposed rule to assess the potential impacts and whether to comment on it.	Comments are due on February 17, 2026.
FWS, NOAA and NMFS	<u>Proposed regulatory changes to the Endangered Species Act (ESA)</u>	<p>On November 21, 2025, the FWS and NMFS proposed revisions to four regulations of the ESA:</p> <ol style="list-style-type: none"> 1. FWS–HQ–ES–2025–0039 (classification and critical habitat) 2. FWS–HQ–ES–2025–0044 (interagency cooperation) 3. FWS–HQ–ES–2025–0029 (protections for threatened species) 4. FWS–HQ–ES–2025–0048 (critical habitat exclusions) <p>The Trump administration revised a suite of regulations under sections 4 and 7 of the ESA in 2019. These rules were revised again by the Biden administration in 2024. In accordance with Executive Order 14154, "Unleashing American</p>	<p>Removing references to “economic or other impacts” allows the Services to make species determinations while considering potential economic impacts. This could result in the delisting of currently listed species or fewer newly listed species in the future, which may affect species-related restrictions on imported water supply availability.</p> <p>Revising the definitions of “environmental baseline” and “effects of the action” has the potential to narrow the scope of federal jurisdiction and reduce Metropolitan’s ability to rely on federal consultations under Section 7 of the ESA for compliance</p> <p>Overall, the proposed rules may trigger the provisions of the newly enacted AB 1319 in California allowing California Department of Fish and Wildlife to grant</p>	Comments were due December 22, 2025. Metropolitan did not submit a comment letter.

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		<p>Energy," and Secretarial Order 3418, NOAA Fisheries and the Service have reviewed the prior ESA regulations. As a result, the agencies propose revisions to largely reinstate the regulatory framework established under the first Trump Administration.</p>	<p>“provisional candidate” status to species if they lose protection under the ESA. If this occurs, Metropolitan would be required to obtain Incidental Take Permits under the California Endangered Species Act for species that would have otherwise remained unlisted in California prior to the finalization of the proposed rule. The proposed revisions are otherwise not anticipated to significantly impact Metropolitan’s day-to-day operations in implementing capital improvement or operation and maintenance projects.</p>	

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Federal Regulatory Matrix – Legend of Acronyms

ACWA – Association of California Water Agencies

MCLG – Maximum Contaminant Level Goal

AMWA - Association of Metropolitan Water Agencies

NEPA – National Environmental Policy Act

AWWA – American Water Works Association

NMFS - United States National Marine Fisheries Service

CERCLA – Comprehensive Environmental Response,
Compensation, and Liability Act

NOAA – National Oceanic and Atmospheric Administration

CIRCA – Cyber Incident Reporting for Critical Infrastructure
Act

NRWA – National Rural Water Association

CISA – Cybersecurity and Infrastructure Security Agency

RCRA – Resource Conservation and Recovery Act

DHS – Department of Homeland Security

TSCA – Toxic Substances Control Act

DOI – Department of the Interior

WOTUS – Waters of the United States

EPA – Environmental Protection Agency

WUWC – Western Urban Water Coalition

FWS – Fish and Wildlife Service

LCRI – Lead and Copper Rule Improvements

LCRR – Lead and Copper Rule Revisions

MCL – Maximum Contaminant Level