The Metropolitan Water District of Southern California
August 18, 2025 – Federal Regulatory Matrix

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DHS	**Cyber Incident Reporting for Critical Infrastructure Act (CIRCIA) Reporting Requirements**	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, 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.	Final rule is required to be published by October 4, 2025.

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EPA	**Fluoride**	In a September 24, 2024, ruling, a federal judge in California found that EPA is required to provide a regulatory response under the Toxic Substances Control Act (TSCA) 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. In January 2025, EPA filed with the Ninth Circuit an appeal of the district judge's decision. On April 7, 2025, EPA announced it will review new scientific information on potential health risks of fluoride in drinking water. On July 18, 2025, EPA filed its Opening Brief in its appeal of the *Food & Water Watch* decision regarding fluoridation. EPA argued that the district court misapplied TSCA and exceeded its authority by allowing new evidence beyond the original petition. In addition, EPA 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. The court gave Food & Water Watch until September 17,	California law requires water systems with 10,000 or more connections to fluoridate if external funding is available. The California federal 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. In March 2025, Utah became the first state to ban fluoride in public drinking water, effective May 7, 2025. On May 15, 2025, Florida became the second state to ban fluoridation of drinking water. Florida's statewide ban started on July 1, 2025. A handful of other states, including Ohio and Texas, and several local governments are considering fluoride bans.	Awaiting any further action by EPA, the Ninth Circuit, and/or the California Division of Drinking Water with respect to fluoride.

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		2025 to file its responding brief. EPA's optional reply brief is due 21 days later.		
EPA	**Maximum Contaminant Level for Perchlorate**	In a May 27, 2025, court filing, EPA confirmed that it is on schedule to meet the November 21, 2025, deadline for proposing a maximum contaminant level (MCL) and maximum contaminant level goal (MCLG) for perchlorate. This update follows a January 10, 2025, National Drinking Water Advisory Council (NDWAC) meeting, during which EPA said it is "evaluating occurrence and treatment information to inform development of regulatory options," and is also considering "monitoring options, treatment technology, feasibility, and public notification" for any future regulation. Per the January 5, 2024, Consent Decree in the *NRDC v. EPA* case, in addition to proposing a MCL and MCLG for perchlorate by November 21, 2025, EPA must publish the final MCL and MCLG by May 21, 2027.	Staff worked with AWWA and AMWA on pre-rulemaking comments to inform any proposed perchlorate regulation. Previously, staff have 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.	Awaiting further action by EPA.

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EPA	**Maximum Contaminant Levels for Six PFAS**	On May 14, 2025, EPA announced that it plans to rescind its individual maximum contaminant levels (MCLs) for PFNA, PFHxS, and GenX Chemicals, as well as the Hazard Index concept for mixtures of these PFAS plus PFBS, to reconsider the regulatory determinations for those PFAS and ensure that any future MCLs follow the legal process laid out in the Safe Drinking Water Act (SDWA). EPA will only keep the individual MCLs set for PFOA and PFOS at 4.0 parts per trillion (ppt). Additionally, EPA plans to issue a proposed rule this fall to extend the compliance date for PFOA and PFOS to 2031 and anticipates finalizing the rule by Spring of 2026. These actions are in response to AWWA, AMWA, and several chemical industry associations filing Petitions for Review in 2024 asking a federal appellate court to decide whether EPA failed to comply with the SDWA when setting the MCLs and MCLGs for the six PFAS. The litigation was stayed for several months while new EPA leadership determined how to proceed. In response to a motion filed by EPA asking the court to lift the stay, on July 22, 2025, the court directed the case to proceed. The parties filed a Joint Motion	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. Initial monitoring for the six PFAS must be complete by June 2027. Starting in 2027, regular compliance monitoring must begin and results included in Consumer Confidence Reports. Beginning in 2029, public water systems with any of these six PFAS in drinking water must comply with these MCLs and notify the public of any violations.	The entire rule is currently in effect pending any further regulatory or legal action.

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		to Govern on August 1, 2025, asking the court to set: (1) a September 10, 2025 deadline for EPA to file a motion or letter clarifying its position in litigation and an opportunity for the other parties to respond, and (2) a September 17, 2025 deadline for the parties to propose a briefing schedule. On August 7, 2025, the federal appellate court ordered the parties to file by September 10, 2025 motions to govern future proceedings in the cases.		
EPA	**PFAS and CERCLA Part I**	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). 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. NRDC and other groups have moved to intervene in defense of EPA's rule. A group of passive receivers,	Despite EPA's April 19, 2024 "PFAS Enforcement Discretion and Settlement Policy Under CERCLA" that emphasized 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.	Rule is in effect despite being challenged in court.

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		including drinking water organizations, filed an *amici* brief explaining why EPA's assessment of costs and benefits failed to take into account the effects on passive receivers. EPA has asked the court to stay the case several times. On July 3, 2025, the D.C. Circuit Court of Appeals granted EPA's unopposed motion to stay for another 30 days the cases challenging EPA's designation of PFOA and PFOS as CERCLA hazardous substances. The court ordered EPA to file motions to govern future proceedings in the cases by August 18, 2025.		
EPA	**PFAS and CERCLA Part II**	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 requested 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.	EPA had previously planned to propose a rule listing other PFAS as CERCLA hazardous substances in April 2025, but it now lists the date of the proposed rule as "To Be Determined."

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EPA	**PFAS and RCRA Part I**	On February 8, 2024, EPA released a proposed rule to revise the definition of "hazardous waste" under the Resource Conservation and Recovery Act (RCRA) such that PFAS can be included in corrective actions for treatment, storage, and disposal facilities (TSDFs).	On March 26, 2024, staff submitted a comment letter expressing concern that while the rule is focused on TSDFs, the 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.	EPA anticipated finalizing the rule in December 2024 though there have been no further updates as to when the final rule will be released.
EPA	**PFAS and RCRA Part II**	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. On April 28, 2025, EPA announced it will determine how to better use RCRA authorities to address releases from manufacturing operations of both producers and users of PFAS.	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	EPA anticipated finalizing the rule in July 2025 though there have been no further updates as to when the final rule will be released.

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			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.	
EPA	**Lead and Copper Rule Improvements**	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. In a joint motion filed on August 4, 2025, AWWA and EPA asked the U.S. Court of Appeals for the D.C. Circuit to end a months-long pause on the case brought by AWWA that charged that the LCRI is not "feasible" as the Safe Drinking Water Act	The rule will result in additional sampling at Metropolitan's desert villages 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.	The final rule is in effect despite being challenged in court.

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		(SDWA) requires. In their motion, AWWA and EPA proposed a briefing schedule that would conclude by the end of January 2026. If the court approves the proposal, AWWA's opening brief would be due September 12, 2025, EPA would respond by December 5, 2025, AWWA would reply by January 16, 2026, and the parties' final form briefs would be due by January 30, 2026.		
EPA	**Waters of the United States**	On March 24, 2025, EPA and the U.S. Army Corps of Engineers (Corps) published their intent to review and revise the definition of "waters of the United States" (WOTUS) in response to the Supreme Court's 2023 decision in *Sackett v. EPA*. The agencies also issued a guidance memo on interpreting the WOTUS definition post *Sackett*. In *Sackett v. EPA*, the Supreme Court 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	On April 23, 2025, staff submitted a comment letter to EPA and the Army Corps of Engineers 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	Awaiting further action by EPA.

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		water due to a continuous surface connection. In April and May, 2025, EPA and the Corps held nine listening sessions with States, Tribes, local governments, industry and agricultural stakeholders, environmental and conservation stakeholders, and the general public to solicit feedback on key aspects of the WOTUS definition. The agencies also sought input on implementation challenges.	Waters Protection Rule, the 2023 Rule, and the Amended 2023 Rule).	
USFWS	**Proposed Listing of Santa Ana Speckled Dace as Threatened Species**	On August 13, 2024, the USFWS proposed listing the Santa Ana Speckled Dace as a threatened species under the Federal Endangered Species Act (FESA) with protective regulations under Section 4(d) of the Act ("4(d) rule"). The 4d rule would include exceptions from take prohibition for forest and wildland management activities, habitat restoration and enhancement activities (including dam operations where they benefit the species), and removal of non-native species. If the USFWS finalizes this rule as proposed, FESA protections would apply. Due to the lack of sufficient data, Critical Habitat is not being designated at this time.	This fish currently occurs in isolated populations in Southern California in the headwaters of the Los Angeles, San Gabriel, Santa Ana, and San Jacinto River watersheds. Metropolitan has facilities that cross lower reaches of these streams. Listing could add additional constraints on maintenance and construction activities if the species were to migrate and/or get flushed downstream into areas with Metropolitan facilities. Presence of this listed species could also potentially affect operations of water supply facilities for local agencies. Staff evaluated the listing for potential impacts on Metropolitan. Known populations of Dace occur in very	Awaiting further action by USFWS.

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			few locations near, and downstream of, Metropolitan facilities.	
USFWS	**Proposed Listing of Monarch Butterfly**	On December 12, 2024, the USFWS proposed listing the monarch butterfly (*Danaus plexippus)* as a Threatened Species under the Federal Endangered Species Act (FESA) with protective regulations under Section 4(d) of the Act ("4d rule"). The 4d rule would include exceptions from take prohibition for activities conducted for the benefit of monarch butterflies that enhance milkweed and nectar plants within the breeding and migratory range; implementation of a comprehensive conservation plan; maintenance or improvement of monarch overwintering habitat; monarch mortality due to vehicle strikes; small-scale (250 or fewer butterflies) collection, possession, captive-rearing, and release of monarchs; scientific research; educational activities;	While the proposed designated Critical Habitat for the monarch butterfly is outside of Metropolitan's service area, there are a few known overwintering sites mapped within Metropolitan's service area, mostly along the coast with a few locations inland in Los Angeles County. Listing could add additional constraints on maintenance and construction activities in limited areas if overwintering habitat is affected and/or if they are present and seasonal avoidance or incidental take authorization is needed.	Awaiting further action by USFWS.

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		possession of dead monarchs; and sale of captively reared monarchs. If the USFWS finalizes this rule as proposed, FESA protections would apply, and Critical Habitat would be designated in limited areas along the coast of California from Alameda County south to Ventura County.		
White House Council on Environmental Quality	**Repeal of National Environmental Policy Act Regulations**	On January 20, 2025, the President issued Executive Order 14154, "Unleashing American Energy," directing the Council on Environmental Quality (CEQ) to rescind its National Environmental Policy Act (NEPA) regulations. In response, on February 25, 2025, CEQ published an interim final rule, "Removal of National Environmental Policy Act Implementing Regulations."	The water industry is concerned the recission of the NEPA rules could introduce uncertainties and inconsistencies in how federal agencies conduct environmental review.	The regulations became effective on April 11, 2025, and they were removed from the Code of Federal Regulations. Federal agencies were directed to revise their own NEPA regulations within a year.

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United States Department of Interior (USDOI)	**Publication of an Interim Final Rule**	On July 3, 2025, USDOI published an interim final rule amending its NEPA regulations. As part of this rule, USDOI 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.

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