

SEFLUC

Regulatory Update

July 2026 Meeting

Updates

PFAS – National Primary Drinking Water Regulation (SDWA)

- On May 1, 2026, the White House Office of Management and Budget (OMB) completed its interagency review and cleared two EPA proposed rules that would substantially modify the April 2024 PFAS NPDWR.
- On May 20, 2026, PFAS NPDWR proposed changes were published in the Federal Register to: (1) rescind the MCLs and regulatory determinations for PFHxS, PFNA, HFPO-DA (GenX), and the Hazard Index applied to those compounds plus PFBS ([Docket EPA-HQ-OW-2025-0654](#)); and (2) retain the PFOA/PFOS MCLs (4.0 ppt each) while offering qualifying systems a two-year compliance extension, from April 26, 2029 to April 26, 2031 ([Docket EPA-HQ-OW-2025-1742](#)):
 - A qualifying system must submit an application for the extension that includes:
 - Recent sampling for PFOA and PFOS;
 - Certification the system cannot comply with the 2029 deadline, and that restructuring or managerial changes cannot reasonably be made to achieve compliance by 2029; and
 - A certified statement and evidence that the system is taking all practicable compliance steps, and that the system either (1) cannot meet the standard without certain capital improvements that will not be completed prior to April 2029; (2) where financial assistance is needed for the improvements, the assistance is reasonably likely to be obtained within the exemption period; or (3) the system has a formal, enforceable agreement to join a regional public water system.
 - Systems that obtain the 2-year extension and with PFOA or PFOS concentrations above 12 ppt are also required to implement at least two prescribed interim measures during the extension period.
 - Rescind the regulatory determinations and MCLs for PFNA, PFHxS, HFPO-DA (GenX), and the cumulative Hazard Index applied to those compounds.
 - EPA maintains the PFOA and PFOS MCLs of 4 ppt.
- A virtual public hearing was held July 7, 2026, and **written comments are due July 20, 2026**, on EPA's two paired proposals (published in the Federal Register May 20, 2026) to modify the April 2024 PFAS NPDWR.
- The AWWA/AMWA challenge to the 2024 NPDWR remains pending; EPA continues to defend the PFOA and PFOS MCLs. Separately, FDA has signaled it will add PFAS limits to its bottled-water standard of quality, which tracks EPA's MCLs.

EPA Sixth Unregulated Contaminant Monitoring Rule (UCMR 6)

- EPA's proposed UCMR 6 was published in the Federal Register July 1, 2026; **written comments are due August 31, 2026** (Docket EPA-HQ-OW-2023-0469), with two identical virtual public meetings August 11 and 12, 2026 ([Federal Register](#)).
- The rule would require all community and non-transient non-community water systems serving 3,300 or more people — plus a representative sample of smaller systems — to monitor 30 unregulated contaminants during 2028–2030, including seven ultrashort-chain PFAS compounds, pesticide metabolites, and volatile and semivolatile organics.
- EPA declined the seven-governors petition to add microplastics to UCMR 6 (citing the absence of a validated method); microplastics remain on draft CCL 6.
- **Impact:** Members serving 3,300 or more people will carry UCMR 6 sampling obligations. Because UCMR data historically seeds the next round of MCLs (UCMR 3 led to the PFAS NPDWR), the contaminant list is a preview of likely future regulation.

PFAS – Biosolids Risk Reduction Guidance

- EPA released draft guidance for reducing risk from PFOA and PFOS in biosolids on July 6, 2026, opening a **60-day comment period that closes September 4, 2026** (Docket EPA-HQ-OW-2026-2509) ([EPA news release](#)).
- The draft guidance effectively walks back the January 2025 Draft Sewage Sludge Risk Assessment — EPA now characterizes its assumptions as too disconnected from real-world conditions — and endorses continued beneficial reuse through land application, subject to commonsense siting limits (avoiding waterways and children's play areas, and higher-exposure crops) with industrial pretreatment as the primary control.
- EPA's updated 2026 Interim Guidance on the Destruction and Disposal of PFAS (published April 28, 2026; comments closed June 29, 2026) remains in effect. Background litigation continues in Farmer v. EPA, now headed to the D.C. Circuit, which could clarify whether and when EPA must set enforceable biosolids PFAS limits.

FDEP Adoption of the Lead and Copper Rule Improvements (LCRI)

- On June 22, 2026, FDEP filed three Notices of Development of Rulemaking to incorporate the 2024 federal LCRI (40 CFR 141 Subpart I) into Chapters 62-550, 62-555, and 62-560, F.A.C. (FLRules notices 31032063, 31033130, 31033033), as required to maintain SDWA primacy. **A rule-development workshop is scheduled for July 8, 2026, 10:00 a.m.** (2600 Blair Stone Road, Tallahassee; contact Sydney Cummings, FDEP).

Lake Okeechobee Operations and Water Supply

- As of early July 2026, Lake Okeechobee is hovering near 11 feet — more than two feet below its historical average for this time of year. Four north-shore navigation locks have been closed since spring due to low water, and an exposed-lakebed wildfire burned roughly 8,600 acres in February ([WUSF, July 3, 2026](#)).

EPA Contaminate Candidate Lists (CCL) 6

- March 17, 2026: EPA announced determination it would not develop regulations for nine contaminants on CCL 5: 2- aminotoluene, cylindrospermopsin, ethoprop, microcystins, molybdenum, permethrin, profenofos, tebuconazole, and tribufos.
- April 3, 2026: EPA published draft Sixth Contaminant Candidate List which includes 75 chemicals, four chemical groups (microplastics, pharmaceuticals, PFAS, and disinfection byproducts (DBPs)), and nine microbes. EPA is seeking comments on the draft list and the process used to select the contaminants by June 5, 2026.
- EPA Science Advisory Board CCL 6 will meet on June 15, June 29, June 30, July 1, and August 26, 2026 to receive a briefing from EPA, review the draft contaminant candidate list, review, discuss, and prepare responses to charge questions and discuss the draft responses on the EPA's draft CCL 6.

Continuing to Monitor/No Update

PFAS Standards - Regulatory and Litigation Brief Summary

- Background: EPA proposed the PFAS NPDWR in March 2023 and finalized it April 10, 2024, setting MCLs of 4 ppt for PFOA and PFOS and a Hazard Index for PFNA, PFHxS, PFBS, and GenX; initial monitoring is required by 2027 and compliance action by 2029. EPA designated PFOA and PFOS as CERCLA hazardous substances April 19, 2024, and issued a PFAS Enforcement Discretion and Settlement Policy focused on significant contributors rather than water systems, POTWs, MS4s, publicly owned landfills/airports, and farms applying biosolids.
- Litigation: AWWA/AMWA challenged the NPDWR (June 2024) and the Chamber of Commerce challenged the CERCLA designation (June 2024). Through 2025 EPA announced it would retain the PFOA/PFOS MCLs but extend compliance to 2031 and rescind the four-PFAS Hazard Index determinations, and confirmed it would defend the CERCLA designation. In February 2026 EPA moved to sever the Index-PFAS claims and hold them in abeyance pending rulemaking, and in May 2026 issued the proposed rescission and compliance-extension rules now in the Updates section above.
- Passive-receiver liability: legislation to shield water and wastewater utilities from PFAS CERCLA liability (e.g., H.R. 1267, the Water Systems PFAS Liability Protection Act) remains pending in Congress; EPA has encouraged a statutory fix. (Tracked here as regulatory context, not as active session legislation.)

PFAS – Biosolids Risk Assessment and Rulemaking

- On April 28, 2026, EPA published in the Federal Register an updated 2026 Interim Guidance on the Destruction and Disposal of PFAS and PFAS-Containing Materials, superseding the April 2024 version. Public comments were due by June 29, 2026.
- The guidance addresses thermal destruction, landfills, and underground injection.
 - New data from commercial hazardous waste incinerator testing in Utah and Texas demonstrating high destruction rates and low byproduct formation;
 - Revised release estimates indicating that environmental release rates from landfills may be higher than the 2024 guidance assumed across all landfill subtypes; and
 - Reaffirmed designation of permitted Class I hazardous and industrial injection wells as a low-risk option for high-concentration liquid PFAS waste.

CERP – Central Everglades Planning Project (CEPP)

- USACE is in the process of developing CEPP Ops 1.0 – an operational plan for CEPP existing infrastructure pending completion of all planned CEPP features.
- USACE has reached the stage of evaluating three potential alternatives.
- On April 23, 2026, USACE held a workshop regarding the alternative evaluations, which considered a number of evaluation criteria, including potential impacts to water supply.
- At the workshop, staff reported that under all three alternatives, the number and severity of water shortages for both Broward and Miami-Dade increased, and a reduction in flow to the LECSA of around 10%.
- The alternative evaluation matrix confirms that “Concerns identified” for all three alternatives for water supply and flood risk management.
- Corps confirmed that further alternative optimization is needed to meet CEPP goals and objectives, and that water supply and flood risk performance for LECSA must pass the Savings Clause.

EPA National Primary Drinking Water Regulation and Maximum Contaminant Level Goal for Perchlorate

- EPA is proposing a perchlorate National Primary Drinking Water Regulation (NPDWR) and Maximum Contaminant Level Goal (MCLG) as a result of the D.C. Circuit’s May 2023 decision in *NRDC v. Regan*.
- The EPA is required per a consent decree to sign a proposed NPDWR and MCLG for perchlorate by January 2, 2026 and to sign a final rule by May 21, 2027.
- EPA is proposing a health-based MCLG at 0.02 mg/L (20 µg/L). Additionally, the EPA is proposing an enforceable Maximum Contaminant Level (MCL) for perchlorate at 0.02 mg/L (20 µg/L), 0.04 mg/L (40 µg/L), or 0.08 mg/L (80 µg/L).
- For the small number of systems that find perchlorate above the MCL, the EPA is also proposing requirements for water systems to mitigate perchlorate, provide information about perchlorate to their consumers, and report to their respective primacy agency. The

EPA anticipates that very few regulated water systems (approximately one tenth of one percent) are likely to find perchlorate in drinking water above the proposed MCLs.

Federal Suit Regarding CERP Implementation

- Lawsuits filed by agricultural interests challenging USACE CERP actions under WRDA 2000 and NEPA, regarding Central Everglades Planning Project (“CEPP”).
- Suits raise issue of whether USACE improperly used LORS08 baseline instead of WSE baseline in analysis. Allegation that action violates WRDA 2000 “Savings Clause” and NEPA requirements.
- On April 28, 2022 Court denied USACE motion to dismiss complaints on standing basis.
- Potential implications for evaluation of LOSOM and USACE obligations under Savings Clause and appropriate baseline analysis.
- Trial court ruled in USACE’s favor on cross-motions for summary judgment. Savings clause was not violated by using LORS08 as baseline for EAA Project analysis.
- Ag interests appealed to the 11th Circuit Court of Appeals and have filed initial briefs. Several amici curiae have filed briefs in support of savings clause position, including LWDD, West Palm Beach, Florida Farm Bureau.
- SFWMD filed an amicus brief supporting USACE’s position. Brief states that:
 - SFWMD issues permits with 1-in-10 year level of certainty, but an allocation is not a guarantee that water is available under those conditions
 - Water supply planning is based on 1-in-10 year standard, but there is no statutory requirement that permits be issued under the same standard
- On March 26, 2025, the 11th Circuit issued an opinion agreeing with the USACE that it was not improper to use the LORS 2008 baseline rather than the 2000 WSE baseline under the WRDA 2000 Savings Clause, and rejecting the other arguments raised by the challengers.

San Francisco v. EPA – US Supreme Court Clean Water Act Case

- In 5-4 decision, Court addressed “end result” permit requirements under the Clean Water Act in an EPA enforcement case against San Francisco’s wastewater utility.
- NPDES permits under Clean Water Act which base permittee’s compliance on whether waters being polluted meet certain water quality standards are invalid. CWA does not authorize EPA to impose requirements based on whether receiving waters meet water quality standards, since water quality standards could be exceeded as a result of actions not attributable to the permittee.
- Instead, permit conditions need to specify explicit standards rather than narrative permit limitations.

USACE Lake Okeechobee Regulation Schedule (LOSOM)

- In January 2019, USACE began developing the Lake Okeechobee System Operating Manual (LOSOM) to replace the 2008 LORS, with project purposes of flood control,

water supply, recreation, navigation, and environmental protection. Gov. DeSantis requested the review and backed lowering the pre-wet-season lake level from about 12.6 feet to roughly 10.5 feet.

- **Major milestones**

- 2019: USACE launched the NEPA review and public scoping; alternatives were evaluated using LORS 2008 as the baseline, and USACE declined to presume the Savings Clause applied to its analysis.
- July 19, 2021: Preliminary Preferred Alternative CC identified; the final preferred alternative was announced August 9, 2021, followed by Iteration 3 optimization.
- March 7, 2022: Draft Operational Guidance/Water Control Plan released; Draft EIS released July 29, 2022.
- 2023: The National Marine Fisheries Service Biological Opinion (red tide) drove delays; USACE released a Revised Final Water Control Plan on July 24, 2023, adding Zone D operating language and Corps–SFWMD coordination but leaving continued ambiguity.
- May 24, 2024: Final EIS released, without changing the proposed Water Control Plan.
- August 12, 2024: Final Record of Decision signed — the LOSOM schedule is now in effect.
- September 20, 2024: USACE PDT presented an Operations Coordination & Communications Plan governing how agency, tribal, and stakeholder input informs release decisions.

- **SEFLUC participation and concerns**

- SEFLUC engaged at every stage — scoping comments (April 22, 2019), a Savings Clause objection letter (January 30, 2020), operational-guidance comments (January 7, 2022), draft EIS comments (September 12, 2022), an updated letter (November 7, 2023), Final EIS comments, and a post-ROD coordination letter (October 4, 2024).
- Core concerns: the need to reliably serve 6.5 million customers; existing permits and SFWMD rules rest on the WSE schedule and a 1-in-10 level of protection, with LORS08 only ever intended as an interim measure; extreme flexibility and lack of predictability/standards in the operational guidance; real-world impacts on water supply and on SFWMD minimum flows and levels (MFLs); and risk of saltwater intrusion at lower lake levels.
- USACE has been largely dismissive — its response-to-comments matrix states it is not USACE’s responsibility to assure individual permit allocations, and the plan does not achieve Lake Okeechobee MFL compliance.

- **Savings Clause issue**

- USACE maintains that the WRDA 2000/CERP “savings clause” does not apply to the LOSOM process and has not presumed it applies to its analysis.

- SEFLUC objects (January 30, 2020 letter to USACE, copying SFWMD): the savings clause applies to any project implementing CERP — which LOSOM does — and WRDA 2000, CERP, and Florida law all protect existing legal water uses, with SFWMD charged with safeguarding them. SEFLUC identified WRDA 2020 as a potential vehicle to clarify the issue.

U.S. EPA Lead and Copper Rule Improvements (LCRI)

- **Original Lead and Copper Rule (2021 LCRR)**
 - EPA published proposed LCR revisions on November 13, 2020; the rule took effect December 16, 2021, keeping the 15 ppb lead action level but adding a 10 ppb trigger level and requiring initial lead service line (LSL) inventories, prioritized sampling at LSL sites, “find-and-fix” response to exceedances, and school/childcare sampling. The initial LSL inventory compliance deadline was October 16, 2024.
 - SEFLUC commented to FDEP (October 19, 2022) on Florida implementation — supporting EPA’s service-line inventory guidance and predictive modeling, urging that privately maintained mains (e.g., large HOAs, universities) remain the private system’s responsibility, and flagging limits on using public funds for private-side work. Florida has the most projected LSLs of any state (about 1,159,300 per EPA’s April 2023 Needs Survey), with \$376.2 million in DWSRF funding (\$254.8 million for lead pipe removal in 2023).
- **Lead and Copper Rule Improvements (LCRI) — proposed Nov. 30, 2023; final Oct. 8, 2024**
 - Requires replacement of all lead and galvanized-requiring-replacement (GRR) service lines under a water system’s control within 10 years; states may set shorter deadlines where feasible, with deferrals allowed for systems that have a high prevalence of LSLs/GRR. “Under control” turns on legal and physical access, and partial replacements are prohibited except for emergency or coordinated infrastructure work.
 - Lowers the lead action level to 0.010 mg/L (10 ppb) and requires first- and fifth-liter sampling at LSL sites, using the higher value for compliance; systems with multiple exceedances must expand outreach and make certified filters available.
 - Inventory obligations expand: an updated inventory is due three years after the final LCRI (the 2021 LCRR October 16, 2024 inventory deadline is unchanged), with tracking of lead connectors, validation of a subset of non-lead lines, and identification of all unknown-material lines by the replacement deadline. Replacement plans must also address access laws, tariff agreements, and a consumer communication strategy.
 - Process and comments: webinar (Dec. 6, 2023), virtual public hearing (Jan. 15, 2024), and comments due February 5, 2024. SEFLUC and others questioned feasibility — the 10-year replacement timeline, the lowered action level, and access to and control of service lines on private property. EPA issued the final LCRI on October 8, 2024.
- **LCRI challenge and related developments**
 - AWWA has challenged the LCRI. EPA has said it will defend the rule but “will develop new tools and information to support practical implementation flexibilities and regulatory clarity,” and on August 4, 2025 asked the court to lift the abeyance and set a briefing schedule, with all briefs due by January 30, 2026.

- On November 26, 2025, EPA announced \$3 billion for states to accelerate LSL replacement plus redistribution of \$1.1 billion in previously unused funds, and revised the national LSL estimate down to 4 million (from 9.2 million).
- Cost pressure: tariffs on copper pipe and fittings are set at 50% starting August 1, with a refined-copper tariff of 15% beginning in 2027, rising to 30% in 2028.