SEFLUC
Regulatory Update
November 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.
- A virtual public hearing was held July 7, 2026, and written comments were 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.
- **July 20, 2026 – SEFLUC Comments Submitted.** SEFLUC submitted comments to EPA on the proposed PFOA/PFOS compliance extension rule (Docket EPA-HQ-OW-2025-1742), supporting the two-year extension to April 26, 2031. SEFLUC made two requests: (1) that consecutive systems receiving 100 percent of their water as finished water from a

wholesale supplier be permitted to rely, as a pass-through, on the wholesaler's source water control measure to satisfy one of the two control measures required under proposed 40 CFR 142.59; and (2) that all systems be given until January 26, 2029 to submit exemption requests, rather than 180 days after promulgation.

- **Other Comments.** AWWA, AMWA, ACWA, CMUA, APWA, ASDWA, the U.S. Conference of Mayors/NLC/NACo, the American Chemistry Council, a business coalition led by the U.S. Chamber, and others commented. Utility groups uniformly supported the extension. The most common concern, raised by five commenters, was that states assuming primacy could decline to honor EPA-granted exemptions. Four flagged the conflict between the November 16, 2026 preamble deadline and the 180-day rule text. AWWA and ASDWA urged a 16 ppt threshold. No other commenter addressed consecutive systems. Opposition to both proposals came from a 19-state Democratic attorney general coalition, the Pew Charitable Trusts, Washington's Department of Ecology, and the Southern Environmental Law Center; EPA has not taken final action on either docket.
- **Florida Primacy Status.** FDEP has not obtained primacy for the PFAS NPDWR and has filed a primacy extension agreement with EPA. FDEP is providing technical assistance, data collection and recordkeeping on EPA's behalf, but EPA retains formal enforcement, and FDEP advises that exemption requests be filed directly with EPA. Under 40 CFR 142.12, FDEP must submit its final primacy revision package by **April 26, 2028**, with interim primacy attaching on submission.
- As of **October 6, 2026**, EPA has taken no final action on either docket.
- **September 18, 2026 — the AWWA/AMWA challenge was argued.** The D.C. Circuit heard oral argument in *American Water Works Association v. EPA*, No. 24-1188 the petition for review of the April 2024 PFAS NPDWR. AWWA and AMWA contend that EPA did not follow the process the SDWA requires, finalized the rule without UCMR 5 occurrence data, and improperly used a Hazard Index as an MCL for PFAS mixtures. The case is submitted and a decision can issue at any time.
- **EPA still has taken no final action on either docket**, and the D.C. Circuit has not decided No. 24-1188 (EPA compliance-extension rule page). On October 14, 2026, EPA Administrator Zeldin told reporters that PFOA/PFOS compliance "could become" less costly as private-sector treatment technology improves, and on October 26, 2026, EPA announced "PFAS TECH," an agency-wide research and technical-assistance strategy for PFAS treatment and destruction technologies. PFAS TECH is not a rulemaking and does not change the pending dockets.

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 was held July 8, 2026, at 10:00 a.m. (2600 Blair Stone Road, Tallahassee; contact Sydney Cummings, FDEP).

- As of August 5, 2026, FDEP has not published a Notice of Proposed Rule for any of the three chapters. The federal LCRI compliance date remains **November 1, 2027**, so the adoption rulemaking is the operative vehicle determining how lead service line replacement, corrosion control, tap sampling, and public education obligations will be enforced against Florida systems. This is the highest-value Florida drinking water rulemaking still in "watch for the notice" status.
- **August 21, 2026 — EPA released final LCRI implementation guidance.** Two documents, *Access Tips* and *Service Line Inventory Tips*, finalize the drafts EPA issued for comment in April 2026. They address the two operational chokepoints in LCRI compliance — obtaining access to private property for service line investigation and replacement, and classifying service lines of unknown material. EPA characterizes them as clarifying existing federal requirements rather than imposing new ones, but they define what counts as a good-faith access attempt and how an unknown line may be reclassified.
- **As of September 8, 2026, FDEP has not published a Notice of Proposed Rule for any of the three chapters.** The Department's Water Resource Management rules-in-development page continues to show only the June 22, 2026 Notice of Rule Development and the July 8, 2026 workshop, contact Sydney Cummings. The federal LCRI compliance date remains **November 1, 2027**, and the Notice of Proposed Rule is the next event in this docket.
- **October 5–6, 2026 — FDEP published its Notices of Proposed Rule.** FDEP noticed proposed amendments to Rules 62-550.200, .730, .800 and .828, F.A.C. (Florida Administrative Register Vol. 52/193, October 5, 2026) and, the following day, to Rules 62-555.322 and 62-560.620 (Vol. 52/194), under the federal-identical adoption procedure of **§ 403.8055, F.S.**. **Objections** from substantially affected persons are due **October 19, 2026** (62-550 package) and **October 20, 2026** (62-555/62-560); **written comments** are due **October 26 and October 27, 2026**, to Sydney B. Cummings, Division of Water Resource Management. The proposed effective date for all six rules is **October 29, 2026**; the federal compliance date remains **November 1, 2027**.
- **The proposed text tracks the federal LCRI, with several deviations.** The restated text in new subsections 62-550.800(2) through (82) follows 40 C.F.R. §§ 141.80–141.93 closely: no change to the action levels, the 0.005 mg/L trigger level, sampling-site counts, monitoring frequencies, the 10%-per-year replacement rate, the deferral provisions or any compliance date. There are several issues worth flagging, mostly technical in nature:
    - **Lead MCL.** The proposal lowers the lead entry in Table 1 of Chapter 62-550 from 0.015 to 0.010 mg/L. Lead has no federal MCL. The change is not required by the LCRI, is not a federal-identical adoption, and would take effect October 29, 2026.
    - **Definition conflicts.** Rule 62-550.200 was not conformed to 40 C.F.R. § 141.2: Florida's "lead service line" definition still includes goosenecks and pigtails (federal "connectors"), the small- and medium-system definitions still break at 3,300 rather than 10,000 persons, and the "first draw sample" definition conflicts with the 250-mL school and child care sampling protocol.
    - **"State" replaced with "Department."** In roughly sixteen places the federal text refers to the State of Florida generally (statutes, the Florida Building Code), the state health agency or a licensing agency — not the primacy agency. The substitution affects the

service line access determination, customer cost-sharing disclosures, consent documentation, customer-initiated replacements, school-sampling exemptions and public-education referrals.
    - **Other seemingly unintended inconsistencies.** The service line categorization table omits the federal "galvanized requiring replacement" row; the school and child care sampling waiver is narrowed from "a State or local law or program" to a "Department approved program".
- **September 30, 2026 — the federal LCRI challenge was argued.** The D.C. Circuit heard oral argument in *American Water Works Association v. EPA*, No. 24-1376, AWWA's petition for review of the LCRI, which contends that "access does not equal control" under the SDWA, that nationwide replacement costs exceeding $100 billion will fall on ratepayers, and that the 2037 full-replacement deadline is infeasible. EPA is defending the rule; a decision is expected in 2027. Florida is therefore proposing to adopt, on an expedited track, a federal text whose validity is under review; § 403.8055(3), F.S. requires FDEP to stay implementation only if the federal rule itself is stayed.
- **October 22, 2026 — Notices of Correction.** FDEP published Notices of Correction to proposed Rules 62-550.800 and 62-560.620 (Florida Administrative Register Vol. 52/206; FLRules notices 31526763 and 31532292). The corrections were technical — widened federal public-notice cross-references for the interim period through November 1, 2027, a corrected incorporation date for 40 C.F.R. Part 136, Appendix B, and expanded rulemaking-authority citations — and did not address any of the deviations noted above.
- **October 29, 2026 — LCRI adopted and effective.** FDEP filed Rules 62-550.200, 62-550.730, 62-550.800 and 62-560.620, F.A.C., with the Secretary of State, **effective October 29, 2026** (Florida Administrative Register Vol. 52/212; FLRules notice 31564496). Rule 62-550.800 now incorporates the July 1, 2025 edition of 40 C.F.R. Part 141, Subpart I by reference, making the LCRI's inventory, service line replacement, sampling and 0.010 mg/L action level requirements enforceable by FDEP as state rule. The federal compliance date remains **November 1, 2027**.
- **FDEP has indicated it will enter into rulemaking to address utility concerns raised, after it has primacy over the rule.**

Florida Clean Water Act § 404 Assumption — Litigation Concludes in the D.C. Circuit

- In February 2024 the U.S. District Court for the District of Columbia vacated EPA's December 2020 approval of Florida's assumption of the Clean Water Act § 404 dredge-and-fill permitting program, returning § 404 permitting in Florida to the U.S. Army Corps of Engineers (*Center for Biological Diversity v. Regan*, No. 1:21-cv-00119-RDM). On March 27, 2026 a divided D.C. Circuit panel affirmed (*Center for Biological Diversity v. Zeldin*, No. 24-5101, consolidated with Nos. 24-5156 and 24-5159).
- **October 7, 2026 — rehearing denied.** The D.C. Circuit denied the State's and the federal government's petitions for rehearing en banc and panel rehearing. The en banc order recites that no member of the court requested a vote, so there is no dissent from denial.

- Impact: Projects that require § 404 authorization remain under Corps (Jacksonville District) permitting, with federal NEPA review and ESA § 7 consultation, for the foreseeable future.

Lake Okeechobee Operations and Water Supply

- **July 20, 2026:** USACE announced no changes to Lake Okeechobee operational guidance for the 2026 wet season. Target releases are unchanged, and the Corps' stated objective is to retain water and recover the lake to 14.5–15.5 feet by the end of the wet season despite persistent drought (Lake Okeechobee News, July 20, 2026).
- As of **August 5, 2026** the lake stage stands at **10.89 feet NGVD** — below the roughly 11 feet reported in early July and well beneath the 12.5–15.5 foot managed regulation range, leaving little margin above the water shortage management band with the wet season already underway (USACE Jacksonville District, Current Lake Okeechobee Water Level).
- A toxic blue-green algae health alert was issued for portions of Lake Okeechobee in late July 2026.
- Impact: With the Corps holding releases to rebuild storage, recovery now depends entirely on wet season rainfall. A lake that fails to reach the 14.5–15.5 foot band by the end of the wet season would enter the 2026–27 dry season with materially reduced supply available to Lower East Coast users and an increased likelihood of SFWMD water shortage restrictions.
- As of **September 7, 2026** the lake stage stands at **11.03 feet NGVD** — approximately 0.13 feet above the level one week earlier and roughly **3.33 feet below the 1965-2007 average for the date (14.36 feet)**.
- Region appears to be entering the 2026-27 dry season with Lake Okeechobee near the bottom of the managed regulation range and materially closer to the water shortage management band than in a normal year.
- As of **November 2, 2026** the lake stage stands at 13.02 feet NGVD — up roughly one foot since October 5 and about 0.5 feet over the prior week on late-season inflows, but still 2.01 feet below the 1965–2007 average for the date (15.03 feet). Scheduled releases to the Caloosahatchee (S-79) and St. Lucie (S-80) are 0 cfs (USACE Jacksonville District daily status report, Nov. 2, 2026).
- The lake enters the 2026–27 dry season roughly two feet below normal storage — better than the early-September low but well short of the Corps' 14.5–15.5 foot recovery target.

Municipal Utility Rate Setting and Reporting to the Public Service Commission — Chapter 2026-135

- **Section 180.191(1)(b), F.S. is amended to cut the outside-city rate cap from 50 percent to 25 percent** above what the municipality charges inside-city customers for corresponding service under the "just and equitable" method — the method most large municipal systems use. New **§ 180.191(1)(c), F.S.** permits a municipality to continue an outside-boundary surcharge in effect **before March 1, 2026**, but **only to the extent**

necessary to comply with bond covenants in effect as of July 1, 2024, and requires that the surcharge be **phased out by July 1, 2029** or upon the retirement, expiration or refinancing of the applicable debt obligation, whichever occurs earlier. These provisions take effect **July 1, 2027**.

- **New § 180.19(3), F.S. makes a public meeting a condition precedent to extraterritorial service.** Any new agreement, or the extension, renewal or material amendment of an agreement, to provide electric, water, natural gas or sewer service at retail to another municipality or to owners outside corporate limits must be **in writing** and **may not become effective** until an appointed representative of the serving municipality has participated, with the governing body of **each** municipality and unincorporated area served, in a **public meeting held within each such area** addressing the nature of the services; the rates and any differential with inside-city rates, the basis for the differential and how long it is expected to last; **the extent to which utility revenues will be used to fund or finance nonutility government functions**; and any other matter the parties deem relevant. An **annual public customer meeting** in each served area is separately required. Effective **July 1, 2027**.
- **New § 180.192, F.S. requires** each municipality providing electric, water, natural gas or sewer service outside its boundaries to report to the **Florida Public Service Commission by January 1, 2027**, and annually thereafter, for each service type: the number and percentage of customers served outside its boundaries; sales volume, percentage and **gross revenues** attributable to those customers; whether and by how much rates charged outside differ from rates charged inside; and **the percentage of utility revenues used to fund nonutility government functions together with the percentage of the municipality's nonutility budget funded by those revenues**. **Failure to file subjects the municipality to the penalties in §§ 366.095 and 367.161, F.S.** Notwithstanding § 367.171, F.S., **the Commission has jurisdiction over these municipal utilities for the limited purpose of enforcing the section**. The Commission must compile the reports and submit them to the Governor, the President of the Senate and the Speaker of the House **by March 31, 2027**, and annually thereafter.
- **No implementing guidance has been published.** As of **September 8, 2026** the Public Service Commission has opened no rulemaking, no docket and no reporting form under § 180.192, and no Commission notice addressing the section has appeared in the Florida Administrative Register.
- **Impact:** the reporting obligation is in force now, the first report is due in under three months. The hardest figure to produce is the percentage of utility revenues used to fund nonutility government functions and the share of the municipality's nonutility budget those revenues carry — a number that requires an accounting position rather than a query, and one that will be published and compiled statewide.
- **September 30, 2026 — the PSC says § 180.192 is "self-executing."** In its 2026 Regulatory Plan published under § 120.74, F.S. (Florida Administrative Register Vol. 52/190), the Public Service Commission states that § 180.192 "is specific as to all requirements and is self-executing" and that no rulemaking is necessary. The first reports remain due **January 1, 2027**.

SFWMD Upper East Coast Water Supply Plan Update — Draft Released; First Use of the East Coast Surficial Model

- SFWMD released the **Draft 2026 Upper East Coast Water Supply Plan Update** on September 30, 2026, following stakeholder meetings on April 28, June 18 and September 14, 2026. The plan projects demands and evaluates water sources through 2050 for Martin, St. Lucie and eastern Okeechobee counties. **Public comments were due October 29, 2026 at 5:00 p.m.**
- **The plan is the first public use of SFWMD's new East Coast Surficial Model (ECSM)**, which the District intends to use for the Lower East Coast (LEC) Water Supply Plan Update in approximately two years. The ECSM applies density-dependent flow to assess water quality impacts associated with sea level rise, water use and other factors.
- **Impact:** Because the ECSM will underpin the demand, source-availability and alternative water supply conclusions of the next LEC plan the model's calibration and assumptions warrant monitoring and potential comment.

Continuing to Monitor/No Update

PFAS Sampling and Reporting for Biosolids and Treated Effluent — § 403.086(11), F.S.

- Section 3 of **Chapter 2026-158, Laws of Florida** (CS/CS/SB 1230, the Joe Casello Act; House companion HB 1019) amended **§ 403.086, F.S., effective July 1, 2026**. The operative text provides that all public entities disposing of domestic wastewater biosolids and treated effluent that have an ADF of 25,000 or more gallons per day must **quarterly** conduct at least one biosolids and treated effluent sampling, as applicable, for **PFAS — including perfluorooctanoic acid and perfluorooctane sulfonate — and submit the results to FDEP**. The sampling "must be conducted in accordance with the department's rules." Until water quality standards for PFAS are established by EPA and adopted by FDEP, the sampling and reporting is "**for informational purposes only and may not be the basis for any department enforcement action or other cause of action**."
- **The first statutory quarter closed September 30, 2026**.
- **Reminder — the quarterly PFAS sampling and reporting requirement is now in effect.** FDEP has implemented the § 403.086(11) requirement through letter modifications to domestic wastewater facility permits that specify the sampling and reporting requirements.

PFAS – CERCLA Passive Receiver Liability Protection

- EPA's May 2024 designation of PFOA and PFOS as CERCLA hazardous substances (effective July 8, 2024) exposes water and wastewater utilities to Superfund liability as "passive receivers" — entities that neither manufactured nor generated PFAS but receive it through influent, consumer products, and waste inputs. EPA's April 19, 2024 PFAS Enforcement Discretion and Settlement Policy states that EPA will focus

enforcement on manufacturers and significant contributors rather than public water systems, POTWs, MS4s, publicly owned landfills and airports, and farms applying biosolids — but the policy does not bind private potentially responsible parties, who may still pursue contribution claims against utilities. In September 2025 EPA acknowledged that "the best, most enduring solution to this issue is a statutory fix."

- H.R. 1267, the Water Systems PFAS Liability Protection Act (Reps. Gluesenkamp Perez and Maloy), would exempt public water systems, publicly and privately owned treatment works, municipalities holding stormwater discharge permits, political subdivisions acting as wholesale water agencies, and contractors performing those functions from CERCLA PFAS liability where they comply with applicable law, excepting gross negligence and willful misconduct. It was referred to the House Subcommittee on Water Resources and Environment in February 2025 and has had no committee action since. To date no passive receiver bill has received committee action.
- Impact: Because EPA's enforcement discretion policy cannot foreclose private contribution claims, members' practical exposure turns on whether a statutory shield is enacted — not on EPA's stated enforcement posture.
- **August 18, 2026 — the D.C. Circuit upheld the CERCLA designation.** In *Chamber of Commerce of the United States v. EPA*, No. 24-1193, a unanimous panel denied the consolidated petitions for review of EPA's 2024 rule designating PFOA and PFOS as CERCLA hazardous substances. The court construed CERCLA § 102(a) independently rather than deferring to EPA, held that "may present a substantial danger" reaches the **possibility** of substantial danger and does not require EPA to establish that danger will certainly result from a release, and read "substantial danger" as the limit on EPA's authority — requiring a risk that is "serious and real, not hypothesized." The designation stands, together with its release-reporting obligations and EPA's authority to pursue potentially responsible parties for abatement and cost recovery. Petitioners have not indicated whether they will seek panel rehearing, rehearing en banc, or certiorari.

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.
- The two virtual public meetings were held **August 11 and 12, 2026**, and the comment period **closed August 31, 2026** (Docket EPA-HQ-OW-2023-0469). EPA is reviewing

comments; the final monitoring list and schedule will fix members' sampling obligations for the 2028-2030 monitoring period. ASDWA filed comments on August 13 urging EPA to align UCMR contaminant selection with the contaminants the agency actually intends to carry forward toward a regulatory determination.

SFWMD Consumptive Use Permitting — Chapter 40E-2 Enters Its Five-Year Rule Review Year

- SFWMD's **2026-2027 Annual Regulatory Plan**, proposed for adoption as Consent Item 20 at the Governing Board's **September 10, 2026** meeting**.**, places **Rules 40E-2.010 through 40E-2.501, F.A.C. — Consumptive Use Permits — in the five-year rule review year beginning October 1, 2026**. That chapter, together with the *Applicant's Handbook* water use permit: permits required, exemptions, duration, transfer and permit conditions. **Chapter 40E-3** (Water Wells) and **Chapter 40E-5** are in the same review year. **Chapter 40E-8** (Minimum Flows and Levels, including minimum aquifer levels) is scheduled for the final year of the cycle, FY2029-30.
- The Plan was adopted on consent on September 10, 2026 and published in the Florida Administrative Register on September 29, 2026 (FLRules notice 31407162). The Chapter 40E-2 review year opened **October 1, 2026**; no rule notice has been published. The Plan also certifies SB 484 as self-implementing and forecasts discretionary rulemaking, before July 1, 2027, to clarify stormwater and navigation terms, to adopt new rules on vegetation, trash and debris discharged into the Works of the District, and to clarify the Lake Istokpoga–Indian Prairie Area and St. Lucie County Agricultural Area rules. The Sandstone/Mid-Hawthorn restricted allocation area package withdrawn on August 28, 2026 has not reappeared.

SB 484 / Chapter 2026-65 — Large-Scale Data Centers and Consumptive Use Permitting

- **Chapter 2026-65, Laws of Florida** (CS/CS/SB 484), effective **July 1, 2026**, amended **§§ 373.203, 373.239 and 373.262, F.S.** — core Part II consumptive use permitting provisions. The act establishes distinct consumptive use permit requirements and a separate application process for **large-scale data centers**; **authorizes the water management districts or FDEP to require a large-scale data center to use some portion of reclaimed water as a condition of CUP approval**; and requires that **a CUP modification involving a large-scale data center be treated as a new, initial application** rather than a modification. It also bars utilities from shifting data center costs (including electricity) to residential and small business customers, preserves local government comprehensive planning and land development authority, and directs OPPAGA to contract for an independent study.
- **Two districts have now certified that no rulemaking is required.** In its 2026-2027 Annual Regulatory Plan SFWMD certified to JAPC that SB 484 is **self-implementing and requires no District rulemaking**; SRWMD earlier marked rulemaking under the act not mandatory.

PFAS – Biosolids Risk Reduction Guidance

- EPA released draft guidance for reducing risk from PFOA and PFOS in biosolids on July 6, 2026, opening comment period (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.
- **The comment period has closed.** EPA extended the comment period on the draft biosolids guidance by 30 days, to **October 5, 2026** (Docket EPA-HQ-OW-2026-2509). Reaction to the draft has split as expected — wastewater and agricultural organizations welcomed EPA's continued support for land application; environmental organizations argued the guidance shifts the burden to farmers and consumers.

FDEP Water Quality Enhancement Areas — New Chapter 62-332 and ERP Amendments

- On **August 3, 2026** FDEP published three linked Notices of Proposed Rule (Florida Administrative Register Vol. 52/149) implementing § 373.4134, F.S.: a new **Chapter 62-332, F.A.C.**, "Environmental Resource Permitting for Water Quality Enhancement Areas" (Rules 62-332.100 through .920), with conforming amendments to the ERP chapter, Chapter 62-330, and to Rule 62-4.050 (Permits). The rules create a voluntary WQEA permit authorizing a landowner to build, operate, and perpetually manage offsite regional natural system treatment and to generate, value, sell, and track "enhancement credits," each representing a standard unit of pollutant removed. Credits may be purchased by ERP applicants to satisfy the "net improvement" test under § 373.414(1)(b)3., F.S. or performance standards under § 373.4131, F.S., **or by governmental entities to meet an assigned BMAP allocation or an adopted RAP**. Credits must be generated within a service area no smaller than the HUC-8 sub-basin, and WQEA lands must be placed under a perpetual conservation easement conveyed to FDEP. (FLRules notices 31189979, 31189688, and 31189494.)
- **Written comments were due August 24, 2026, and a public hearing was held August 25, 2026 at 1:00 p.m. EDT** at FDEP, 3900 Commonwealth Boulevard, Tallahassee (Douglas Conference Room 137) and virtually via Teams. Contact: Timothy Rach, FDEP Division of Water Resource Management, (850) 245-8015.
- **September 9, 2026 — Notices of Change.** FDEP published Notices of Change to both proposed rules (Florida Administrative Register Vol. 52/175; FLRules notices 31332569 and 31325876). The Chapter 62-330 change incorporates an **October 2026 edition of ERP Applicant's Handbook Volume I** carrying the Chapter 2026-60 statutory definitions, a hydrologic-connectivity requirement for compensating treatment, and three new Handbook sections establishing financial-responsibility, cost-estimate and transaction-ledger requirements for regional stormwater management systems. The Chapter 62-332

change confirms the governmental-purchaser clause for BMAP and RAP compliance, sets the credit service area at a HUC-8 minimum, allows an "equivalent valuation model" in place of the Locational Valuation Factor, and permits a first release of up to 20 percent of credits at the operation-and-maintenance phase. Chapter 62-4 (the WQEA fee) was not changed. The 20-day challenge window under § 120.56(2), F.S. ran to approximately September 29, 2026; as of October 6, 2026 no adoption filing had appeared in the Florida Administrative Register, notwithstanding the October 1, 2026 filing date in § 373.4134(9), F.S.

Water Resources Development Act of 2026 (WRDA 2026)

- The **Senate Environment and Public Works Committee unanimously passed S. 4949 on July 15, 2026**, and the **House Transportation and Infrastructure Committee unanimously approved the companion H.R. 9497 on July 14, 2026**. As of August 5, 2026 neither chamber has held a floor vote.
- **Division B — Drinking Water and Wastewater Infrastructure.** The bill reauthorizes the **Drinking Water State Revolving Fund** at $3.75 billion (FY2027), $4.0 billion (FY2028), $4.25 billion (FY2029), and $4.5 billion (FY2030) — $16.5 billion over four years — and the **Clean Water State Revolving Fund** at $3.5 billion annually for FY2027–2030. Both funds would expressly make **PFAS treatment and lead service line replacement projects eligible**. Also reauthorized: Reducing Lead in Drinking Water at $100 million annually; Sewer Overflow and Stormwater Reuse Municipal Grants at $280 million annually; Alternative Water Source Projects at $5 million annually; the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program at $40 million annually; Operational Sustainability of Small Public Water Systems at $50 million annually; and small system technical assistance and emergency grants. The package adds a new **PFAS Point-of-Use Filtration Pilot Program** of competitive grants for point-of-use treatment of PFAS and lead.
- **Existing SRF program authorizations lapse September 30, 2026.** Absent floor action in both chambers before that date, the primary federal capital funding pipeline for member water and wastewater infrastructure lapses. This is the single largest federal funding variable for member capital programs.
- **Lake Okeechobee and USACE provisions.** Various provisions regarding ongoing funding for harmful algal blooms and project feasibility studies associated with Lake Okeechobee and Everglades restoration.

EPA Contaminate Candidate Lists (CCL) 6

- March 17, 2026: EPA announced determination it would not develop regulations for nine contaminates on CCL 5: 2- aminotoluene, cylindrospermopsin, ethoprop, microcystins, molybdenum, permethrin, profenofos, tebuconazole, and tribufos.
- April 6, 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 met 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.
- EPA's final CCL 6 is expected on or about **November 17, 2026** (Docket EPA-HQ-OW-2022-0946).

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.

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.