



**ASSOCIATION OF
METROPOLITAN
WATER AGENCIES**

LEADERS IN WATER

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April 6, 2026

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted electronically via www.regulations.gov.

Re: EPA-HQ-OLEM-2021-0585 Clean Water Act Hazardous Substance Facility Response Plans:
Compliance Date Delay and Changes to Reflect Administration Policy

Dear Administrator Zeldin:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the proposed compliance date delay and changes to reflect Administration policy regarding the Clean Water Act hazardous substance facility response plans (FRPs). AMWA is an organization representing the largest publicly owned drinking water systems in the United States, and its membership serves more than 160 million people. As drinking water providers, AMWA members place immense value on protecting drinking water sources and believe the best defense against the negative impacts from chemical spills is preventing them. Simultaneously, as regulated entities, public water systems (PWSs) recognize the importance of clarity and consistency in establishing compliance deadlines for major regulations. For these reasons, the Association reiterates its call for EPA to exempt water treatment facilities from the applicability threshold determination, as described in our previous comments on the amendment considerations to the FRPs.¹ As the Agency weighs its

¹ AMWA. (March 19, 2023). AMWA Comments on EPA-HQ-OLEM-2025-1707 Clean Water Act Hazardous Substance Facility Response Plans; Amendment Reconsideration. <https://www.amwa.net/testimonycomments/amwa-comments-cwa-hazardous-substance-facility-response-plan-rule>.

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amendments to the rule, however, AMWA supports a three-year extension to the compliance deadline for public water systems. Finally, in extending deadline, AMWA encourages EPA to continue to recognize the importance of source water protection and the need for stringent regulations that prevent hazardous chemical spills.

Exemption from the applicability threshold determination

AMWA first reiterates its belief that EPA should explicitly make water treatment facilities exempt from the applicability threshold determination in the hazardous substance FRP. As currently written, the rule requires some PWSs to submit a FRP for CWA hazardous substances that are simultaneously regulated under the under the Clean Air Act (CAA) Risk Management Program (RMP). For example, some large water systems rely on gaseous chlorine for water disinfection to ultimately supply safe drinking water to the public. Chlorine is listed as a CWA hazardous substance, and some water systems with large stores of it meet the threshold requirement in this CWA rule. AMWA therefore believes that requiring public water systems to submit an FRP under this rule, particularly for substances already covered by the CAA RMP, would lead to duplicative efforts that ultimately redirect resources away from other important operations.

Support for a compliance deadline extension

Although AMWA believes that water treatment facilities should be fully exempt from the applicability threshold determination in the hazardous substance FRP, the Association supports a three-year delay in the compliance deadline for applicable water treatment facilities. The delay will ensure that the Agency has time to properly coordinate and incorporate any amendments to the rule, creating consistency for regulated entities. Without a timely extension, water systems would be required to spend resources on initial modeling and developing plans that the Agency may not require of them in a revised version of the rule, ultimately leading to wasted ratepayer resources. Moreover, the delay will allow PWSs more capacity and time to attain compliance with major ongoing regulations, such as the per- and polyfluoroalkyl substances (PFAS) National Primary Drinking Water Regulations and the Lead and Copper Rule Improvements (LCRI). These two major rulemakings are years-long complex rules that require extensive capital planning, procurement, community engagement, and financial resources that are occurring while water systems simultaneously face rising costs related to regular asset management, infrastructure maintenance, construction, treatment, and meeting customer needs. These requirements will place a significant strain on the budgets and personnel at PWSs, highlighting the need for water systems to spend resources wisely. As water systems work to achieve compliance and maintain affordability, the Association urges EPA to develop a compliance deadline that will ensure water systems do not have to waste limited resources.

Source water protection considerations

Protecting the source waters that drinking water systems rely on for supply is a foremost concern for AMWA's members, and the Association encourages EPA to maintain strong contamination

prevention requirements while revising the CWA hazardous substance FRPs and the compliance deadline for regulated entities. It is essential to protect the source waters that drinking water systems rely on because the impacts and costs of a water source contamination event can be significant. For example, when facilities cause contamination, local and state governments may be required to spend resources on remediation, while drinking water systems – and ultimately their ratepayers – must spend resources on treatment and/or interim alternate supplies. Drinking water systems' top priority is protecting public health, and holding facilities accountable for preventing and quickly responding to contamination events is key to providing safe, reliable, and affordable drinking water.

Conclusion

The Association foremost believes that public water systems should not be required to duplicate efforts already mandated by the RMP and should therefore be exempted from the applicability threshold determination in this rule. As EPA works to revise the rule, the Association maintains that a compliance deadline delay of three years is necessary to ensure consistency with EPA's revisions to the rule, as well as help water systems achieve compliance with other major upcoming regulations. Finally, the Association encourages EPA to continue to use its authorities to address water pollution at the source and to hold polluters responsible to reduce burdens on water systems.

AMWA thanks EPA for the opportunity to provide comments on the proposed compliance date delay and changes to reflection Administration policy on the CWA hazardous substance FRPs. If you have any questions about the content of this letter, please contact Jessica Evans, AMWA's Director of Regulatory Affairs, at evans@amwa.net.

Sincerely,



Tom Dobbins
Chief Executive Officer

cc: Rebecca Broussard, Office of Land and Emergency Management

Appendix 1. AMWA Comments on EPA-HQ-OLEM-2025-1707 Clean Water Act Hazardous Substance Facility Response Plans; Amendment Reconsideration.