



**ASSOCIATION OF
METROPOLITAN
WATER AGENCIES**

LEADERS IN WATER

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May 8, 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-2025-0313 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention

Dear Administrator Zeldin:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on EPA’s proposed changes to the Risk Management Program (RMP) Rule. AMWA is an organization of the largest publicly owned drinking water systems in the United States. Each of the association’s members typically serves over 100,000 people and collectively provide clean drinking water to over 160 million Americans. Many of our members are regulated under the RMP, as authorized by Section 112(r) of the Clean Air Act, due to their use of gaseous chlorine as a primary disinfectant of drinking water supplies, or anhydrous ammonia as a secondary disinfectant.

AMWA supports EPA’s proposed rescission of many aspects of the 2024 Safer Communities by Chemical Accident Prevention (SCCAP) rule amendments. The RMP requirements as they existed before those amendments required a substantial baseline level of effort and had been largely successful in minimizing incident risk across all industries. EPA reports that the Water and POTW sector had an average accident rate of 0.11 accidents per facility from 2016-2020.¹ The association

¹ U.S. EPA, Regulatory Impact Analysis, Safer Communities by Chemical Accident Prevention Final Rule. August 30, 2023. <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P101EA3E.TXT>

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believes that many of requirements imposed by the 2024 SCCAP rule amendments create additional cost and resource burdens on covered drinking water systems, without generating meaningful reductions in the frequency of incidents or their effects.

Although AMWA is generally supportive of the proposed rule's plan to rescind many of these requirements, a few parts of the proposed amendments raise concern for covered drinking water systems. AMWA's comments below address several specific aspects of the proposed rule that are most directly relevant to drinking water systems subject to RMP regulation.

#1— Safer Technology Alternatives Analysis (STAA)

EPA proposes that the initial STAA evaluation requirement currently in 40 CFR 68.67(c)(9)(i) apply to all new Program 3 processes, regardless of NAICS code. As written, this revision would expand STAA requirements beyond the previously regulated processes in petroleum and coal products manufacturing and chemical manufacturing to all other industries, including drinking water systems. Across multiple past iterations of the RMP rule, AMWA has consistently advised against any mandatory STAA review or implementation requirements for drinking water facilities, and we reiterate that position here.

AMWA urges the Agency to explicitly exempt drinking water treatment facilities from any mandatory STAA requirements in the final rule. AMWA does not believe that any form of mandatory inherently safer technology requirements could appropriately capture the variety of contingencies our members must consider when choosing an appropriate drinking water treatment chemical. Drinking water systems operate under public health mandates established by the Safe Drinking Water Act (SDWA) that impose strict legal requirements governing the selection of treatment processes and disinfection chemicals. Any determination of a "safer" chemical alternative under the RMP framework focuses narrowly on reducing the risk of accidental chemical release, but a comprehensive evaluation of "safety" for a drinking water utility must also account for the risk to all water consumers of inadequate disinfection, the potential for waterborne disease outbreaks, and compliance with SDWA regulatory standards. These risk trade-offs are not captured within the RMP STAA framework and cannot be adequately addressed by it.

In addition, the already low accident rate in the water sector provides no empirical basis for concluding that mandatory STAA evaluation would yield measurable safety improvements. Imposing a new analytical requirement in the absence of demonstrated benefit has the potential to divert resources from more pressing operational priorities. EPA itself has previously recognized that STAA requirements are inappropriate for drinking water systems by excluding drinking water and wastewater utilities from STAA requirements in both the 2019 Reconsideration rule and the 2024 SCCAP rule. AMWA urges EPA to remain consistent with this prior reasoning.

AMWA does not support the alternative of creating a petition-based exemption process requiring facilities to appeal to the Administrator. Such a process would impose significant administrative costs

on water systems without any guarantee of relief and would be contrary to the administration's stated goal of reducing unnecessary regulatory burdens.

#2—Information Availability

Historically, AMWA has supported efforts that make necessary RMP information available to appropriate emergency response personnel while restricting access for those who may misuse that information. Since 2016, AMWA's comments on this rule have expressed concerns that making information about hazardous chemicals held at specific water treatment facilities broadly available to the public would create meaningful physical and cybersecurity risks. The association reiterates these comments here in light of EPA's proposal to make RMP data available via the Public Data Tool.

AMWA supports EPA's proposed alternative to rescind all 2024 SCCAP rule provisions related to information availability and to take the RMP Public Data Tool permanently offline. Following the September 11, 2001 terrorist attacks, EPA removed RMP database information from its public website, acknowledging that broad electronic access to this information could provide bad actors with a roadmap for attacking a facility. Making this information available again through the Public Data Tool – even with modified search functionality – would represent a step backward from that policy. Restricting searches to the county level does not fully address the underlying security concern; although it would reduce the precision of results, it leaves critical security information available to anyone with an internet connection. Public access by more secure means, such as through public reading rooms where there is accountability and a paper trail when accessing sensitive information, is more in line with security needs in our current threat environment.

AMWA also recommends that EPA update its evaluation of security risks² relating to publicly available RMP information. Since this report was released in 2000, the threat landscape has grown more complex, with water systems facing increasingly sophisticated threats from a variety of malicious actors. A better understanding of the potential security risks related to disclosing RMP information should inform EPA's approach to information availability.

Nevertheless, AMWA continues to support efforts to make chemical hazard information available directly to those engaged in emergency planning and response. First responders, Local Emergency Planning Committees (LEPCs), and local emergency response agencies already receive direct access to facility chemical hazard information through the Emergency Planning and Community Right-to-Know Act (EPCRA), Sections 301–303. That existing channel is specifically designed for emergency planning purposes and provides appropriate access controls not available through a public online database. Removing the RMP Public Data Tool will not impair the emergency planning capabilities of legitimate responders.

² EPA & DOJ, Assessment of the increased risk of Terrorist or Other Criminal Activity Associated with Posting of Off-Site Consequence Analysis Information on the Internet (April 18, 2000), <https://www.regulations.gov/document/EPA-HQ-OLEM-2022-0174-0009>

AMWA does not support codifying the Public Data Tool in regulation in any form, as doing so would entrench a public access mechanism that creates unacceptable security risk and would complicate efforts to restrict access in the future.

#3—Third-Party Compliance Audits

AMWA supports efforts to ensure that all serious security incidents are thoroughly investigated and that lessons learned are effectively utilized to prevent future accidents. However, the scope of the investigation should be related to the scale of the event. AMWA believes that the 2024 SCCAP rule requirement to conduct a third-party compliance audit following any reportable incident was overly prescriptive and therefore supports EPA’s proposed alternative of rescinding the mandatory third-party audit requirement entirely.

There is no empirical evidence that third party audits are generally more robust or objective than well-structured internal compliance audits. Automatic triggering by a single incident, regardless of severity or offsite consequences, imposes significant costs and is unnecessarily burdensome. Third party compliance audits may be a reasonable option for major accidents that result in significant offsite impacts, but discretion to require should be left to state and local officials who are most familiar with the specific incident, the facility’s capabilities, and the local emergency management structure.

If EPA decides not to fully rescind the requirement, AMWA would find EPA’s second proposed alternative – limiting third-party audit requirements to facilities with two or more accidents within a five-year period while collecting data on the efficacy of third-party audits – to be a meaningful improvement over the current rule. However, since it is often difficult in practice to source a third-party vendor to complete a thorough compliance audit, AMWA recommends adding language that provides flexibility for facilities to select a “knowledgeable person” if a third-party vendor is unavailable. This would align with California’s requirements under 19 CCR 5100.8 for the Program 3 prevention program, which requires audits every three years by one knowledgeable person in the process.

#4—Employee Participation

The safety of employees is a key priority for AMWA members, who work hard to ensure risk of accidental release is minimal both for its employees’ health and the health of the public. Water utilities are also already subject to extensive worker safety requirements under OSHA’s Process Safety Management (PSM) standard, which addresses many of the same objectives as the 2024 SCCAP rule’s employee participation provisions. AMWA therefore supports EPA’s proposal to rescind the additional training and reporting requirements and appreciates the recognition that existing regulatory frameworks provide adequate protection without further mandate.

In place of prescriptive regulatory requirements, AMWA recommends that EPA provide brief, practical guidance to facilities on implementing effective worker safety protocols and anonymous

reporting opportunities. Guidance-based approaches allow facilities to tailor their programs to local conditions and operational realities, which is particularly important given the wide variation in scale and infrastructure among drinking water systems.

#5—Community and Emergency Responder Notification

AMWA supports EPA's proposed approach of requiring facilities to partner with local emergency response agencies to ensure that necessary information is available to responders and adding language to clarify that responders may relay that information through a community notification system to warn the public. However, given that not all RMP facilities are covered by the Integrated Public Alert & Warning System (IPAWS) and EPA's own assessment that not all areas have active LEPCs, there should be an option for an RMP facility to indicate that the LEPC has not been responsive to attempts to coordinate.

#6—Stationary Source Siting

AMWA's prior comments emphasized the importance of refraining from adding any burdens to facilities through the addition of amplifying language on stationary source siting, noting that the explicit language was redundant with the evaluations already required prior to the 2024 SCCAP rule. For this reason, AMWA supports the proposed modification to remove the amplifying text.

#7—Natural Hazards

AMWA strongly encourages efforts by all facilities to prepare for natural hazards that could result in accidental chemical releases. Drinking water systems have already taken significant steps to improve climate resilience and infrastructure reliability. However, as AMWA noted in prior comments, the stand-alone regulatory provision requiring separate evaluation of natural hazard risks added administrative burden without a commensurate effect on incident rates, given that natural hazard risks are already captured in the context of a comprehensive all-hazards analysis. AMWA therefore appreciates EPA's proposal to remove this stand-alone provision.

#8—Power Loss

Large water systems typically maintain significant backup power capacity to sustain operations during outages, and this need is already addressed through the existing hazard analysis process. AMWA members believe that the amplifying language added by the 2024 SCCAP rule requiring a separate power loss evaluation was unnecessary. The association therefore supports EPA's proposal to rescind that provision.

AMWA also notes that backup power requirements for water utilities exist in tension with EPA's Reciprocating Internal Combustion Engine (RICE) regulations, which limit the permissible operating hours of backup generators and impose associated maintenance requirements. EPA should consider

this regulatory interaction when evaluating any future provisions regarding standby power, to avoid imposing conflicting obligations on the same facilities.

#9—Declined Recommendations

AMWA supports EPA’s proposal to rescind the requirements introduced in the 2024 SCCAP rule for documenting declined recommendations for natural hazards, power loss, siting, and RAGAGEP. Documenting and providing justifications for recommendations that have not been adopted creates an unnecessary burden on covered facilities, can lead to public pressure on facility decision-making, and would not be expected to change accident rates.

#11—Safety Information and RAGAGEP

AMWA supports EPA’s proposal to rescind the stand-alone requirement for RAGAGEP gap analysis under the process hazard analysis. This change will streamline compliance with OSHA’s PSM requirements for process safety information and eliminate confusion.

#15—Compliance Dates

AMWA requests more clarity on the various proposed compliance dates. If EPA rescinds certain provisions, those changes could take effect immediately when the rule is finalized because facilities will not be required to take any additional action. However, if EPA modifies existing requirements or adds new provisions, the compliance dates should be three years after the effective date of the final rule because facilities will need time to meet the compliance timeline.

Conclusion

AMWA appreciates the opportunity to comment on these proposed revisions to the RMP and reiterates its longstanding support for the program and the chemical accident prevention objectives it promotes. The RMP as it existed prior to the 2024 SCCAP amendments achieved an exceptionally low accident rate in the water sector and across all regulated industries. AMWA believes that the proposed rescission of the 2024 amendments would reduce the burden on covered facilities without compromising safety.

In particular, AMWA urges EPA to: (1) exempt drinking water treatment facilities from any STAA requirements; (2) take the RMP Public Data Tool permanently offline to reduce the vulnerability of critical infrastructure to bad actors; and (3) rescind the mandatory third-party audit requirement. Taken together, these steps would enable drinking water systems to ensure safety from accidental chemical releases while balancing their many other regulatory and operational demands.

If you have any questions about the content of this letter, please contact Liz Jordan, AMWA’s Manager of Sustainability and Resilience Policy, at jordan@amwa.net.

The Honorable Lee Zeldin
May 8, 2026
Page 7 of 7

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Dobbins".

Tom Dobbins
Chief Executive Officer

cc: Jessica Kramer, EPA Office of Water
Peggy Browne, EPA Office of Water
Jennifer McLain, EPA Office of Groundwater and Drinking Water