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Submitted electronically via: <https://www.regulations.gov>

**RE: U.S. Environmental Protection Agency and U.S. Army Corps of Engineers Updated Definition of “Waters of the United States” — Docket ID No. EPA-HQ-OW-2025-0322**

Dear Director Jensen and Acting Director Boyd:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Environmental Protection Agency’s (EPA) and U.S. Army Corps of Engineers (USACE) (collectively “the agencies”) updated definition of “waters of the United States” (WOTUS).<sup>1</sup> ACWA appreciates the agencies’ progress and supporting materials<sup>2</sup> to develop a durable definition of WOTUS to meet the nation’s water supply and quality needs. ACWA’s recommendations are discussed below.

ACWA is the largest statewide coalition of public water agencies in the United States. ACWA represents approximately 470 member agencies that are responsible for delivering about 90 percent of the water to communities, farms, and businesses in California. ACWA represents water management entities in every sector of water supply, including municipal and agricultural water, water recycling, water reuse, wastewater management, and stormwater management. ACWA and its members are dedicated to providing a high-quality, reliable water supply in an environmentally sustainable and fiscally responsible manner.

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<sup>1</sup> *Updated Definition of “Waters of the United States”*, 90 Fed. Reg. 52498 (November 20, 2025).  
<https://www.govinfo.gov/content/pkg/FR-2025-11-20/pdf/2025-20402.pdf>.

<sup>2</sup> Available in Docket No. EPA-HQ-OW-2025-0322 at <https://www.regulations.gov/docket/EPA-HQ-OW-2025-0322> and EPA’s *Updated Definition of Waters of the United States* at <https://www.epa.gov/wotus/updated-definition-waters-united-states>.

## I. Introduction

ACWA recognizes the important water quality improvements brought about by passage and implementation of the Clean Water Act (CWA). Source water protection is vital to our members and ACWA has a history of encouraging EPA to use its authorities to prevent pollutants from entering California's water supply. To achieve water quality and supply goals of our nation's complex, unique water systems, water agencies need regulatory certainty and clarity in determining what waterbodies are subject to CWA jurisdiction. This helps protect our nation's water resources and facilitates the development and maintenance of critical water infrastructure necessary to support public health, the economy, and the environment. As such, ACWA has historically played an active role in influencing federal initiatives related to the jurisdictional scope of the CWA and what should constitute WOTUS.

One of the challenges, however, that has stemmed from CWA implementation is an unclear understanding of what may or may not constitute a WOTUS. Over the last decade, water providers have had to develop water infrastructure solutions under five different CWA regulatory regimes like the pre-2015 regulations and guidance, the 2015 Clean Water Rule, the 2020 Navigable Waters Protection Rule, the 2023 Rule, and the Amended 2023 Rule. As such, WOTUS has been at the forefront of the federal regulatory landscape for water providers. The lack of certainty surrounding what bodies of water should be governed by the CWA and a lack of a clear WOTUS definition have significantly impacted public water agencies like ACWA members. The U.S. Supreme Court's decision in *Sackett v. Environmental Protection Agency* provided judicial guidance that can help establish regulatory clarity in the agencies' updated definition of WOTUS.

ACWA appreciates the agencies' consideration of recent regulatory feedback from ACWA member agencies,<sup>3</sup> as well as national, regional, western, and other water industry players, in developing an updated WOTUS definition. As the agencies finalize a WOTUS definition, ACWA reiterates its previous comments, provides input on the agencies' updated WOTUS definition, and urges WOTUS implementation to safeguard water quality based on the following recommendations.

## II. Relatively Permanent Waters

The agencies' proposed rule defines "relatively permanent" as waters that are standing or continuously flowing year-round or at least during the wet season. ACWA generally agrees with this approach and supports progress towards a durable WOTUS definition. This scope can help identify what constitutes a WOTUS because both ordinary individuals and trained professionals should be able to understand it. In *Sackett*, the Court recognized lengthy and costly challenges to determine a WOTUS and noted the importance of statutes being defined in a manner so that ordinary people can understand what conduct is prohibited. This, combined with the Court's stipulation that "ordinary parlance" should be used when identifying WOTUS features, indicates the expectation that a feature can be easily identifiable.

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<sup>3</sup> Association of California Water Agencies: *Letter to U.S. Environmental Protection Agency and Army Corps of Engineers regarding clarification on a revised definition of WOTUS*. April 23, 2025. [https://www.acwa.com/wp-content/uploads/2025/04/EPA-HQ-OW-2025-0093-0511\\_ACWA.pdf](https://www.acwa.com/wp-content/uploads/2025/04/EPA-HQ-OW-2025-0093-0511_ACWA.pdf).

The agencies, however, explain that physical indicators of flow would be inadequate to define relatively permanent because streams that flow only in direct response to precipitation sometimes have an ordinary high water mark as well as bed and banks. This may cause agencies and the public to struggle with consistently and effectively using physical indicators to identify between a non-relatively and relatively permanent water. ACWA encourages the agencies to exercise caution if they consider establishing a WOTUS threshold using seasonal flow duration or geographic features. A fair amount of the controversy and challenges created by prior WOTUS rules over the last decade were linked to efforts to establish criteria based on flow and geographic features that might make sense in the Eastern United States but are not appropriate in the West.

If instances arise in the field where it is unclear whether a waterbody constitutes a relatively permanent water, ACWA encourages the agencies to consult with local water providers. Local water providers like ACWA members can provide technical advice as well as important information on historic flow regimes and relevant ecosystem considerations related to what may constitute a relatively permanent water.

#### **a. Treatment of Ephemeral Streams**

ACWA recognizes the unique challenge determining the jurisdictional status of ephemeral streams. Ephemeral streams flow infrequently for varying duration and may not qualify as relatively permanent waterbodies. However, many ephemeral streams will have what appears to be a bed, bank, and ordinary high-water mark and, if viewed at a time when water is present, could appear to be a jurisdictional body under “ordinary parlance.” In addition, according to EPA, “Nationwide, over 117 million people receive drinking water from public drinking water systems that rely at least in part on intermittent, ephemeral, or headwater streams. In the continental U.S., 357,404 total miles of streams provide water for public drinking water systems. Of that total, 58% (207,476 miles) are intermittent, ephemeral, or headwater streams.”<sup>4</sup> Similarly, a recent study found that ephemeral streams contribute more than half of the water in larger regional river systems.<sup>5</sup>

In short, some but not all ephemeral streams could be considered jurisdictional. The jurisdictional determination should be based on the ephemeral streams’ impact on traditional navigable waters. To establish jurisdiction, ACWA recommends the agencies develop a test for ephemeral streams based on reliable indicators of the presence of adverse water quality impacts to a traditional navigable water from an ephemeral stream. To do that, the test should require a direct physical hydrologic connection between the feature being evaluated and a traditional navigable water and proof of an adverse water quality impact on the traditional navigable water.

This type of test would protect water quality and ensure that the CWA provides the tools to fulfill its primary function of protecting water quality without being unnecessarily burdensome by

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<sup>4</sup> U.S. EPA: Percentage of Surface Drinking Water from Intermittent, Ephemeral, and Headwater Streams. [www.epa.gov/sites/default/files/2015-04/documents/2009\\_10\\_15\\_wetlands\\_science\\_surface\\_drinking\\_water\\_surface\\_drinking\\_water\\_national\\_counties.pdf](http://www.epa.gov/sites/default/files/2015-04/documents/2009_10_15_wetlands_science_surface_drinking_water_surface_drinking_water_national_counties.pdf).

<sup>5</sup> Craig B. Brinkerhoff *et al.*, *Ephemeral Stream Water Contributions to United States Drainage Networks*. Vol. 384 *Science* at 1476-82 (2024). <https://www.science.org/doi/10.1126/science.adg9430>.

avoiding jurisdiction over ephemeral drainages when the water flow from those features does not have a demonstrable effect on the physical, chemical, and biological integrity of a traditional navigable water.

### **b. Interstate and Intrastate Waters**

ACWA is concerned about the agencies' proposal to delete interstate and intrastate waters and seeks additional information and assurances that water quality in downstream states will not be adversely affected. The jurisdictional status of a water should not only be based on crossing a political boundary; instead, it should be based on a uniform set of fact and law-based criteria including considerations related to water quality impacts to downstream states. California, a downstream state that receives water from the Colorado River, could face adverse effects if upstream states increase unregulated discharges. The Colorado River, a critical source of water for California, would be protected as it is a traditional navigable water; however, many of the intermittent and ephemeral features that feed the Colorado River may no longer enjoy protections. ACWA asks that the agencies ensure downstream state water quality is not adversely affected by the proposed blanket removal of interstate and intrastate waters.

## **III. Continuous Surface Connection**

The agencies' proposed rule defines "continuous surface connection" as abutting a jurisdictional water *and* having surface water at least during the wet season. The agencies' definition of "abutting" would mean "touching" consistent with the March 2025 Continuous Surface Connection Guidance. The agencies are not proposing to revise the definition of "adjacent" which means "having a continuous surface connection." ACWA generally agrees with this approach and supports progress towards a durable WOTUS definition.

The previous, multiple approaches to determine what constituted a wetland and the various connecting factors have caused a great deal of confusion over the last decade. This proposed rule aligns with *Sackett* and prior regulatory efforts to shed clarity and consistency. For example, *Sackett* held the CWA extends to relatively permanent bodies of water connected to traditional navigable waters and wetlands with a continuous surface connection such that it is difficult to determine where the water ends and the wetland begins. This treatment of wetlands is also similar to the pre-2015 regulatory regime.

## **IV. Wet Season**

The agencies propose using the term "wet season" in the definition of "relatively permanent" and "continuous surface connection" to determine what waters should be considered a WOTUS. For example, regarding "relatively permanent," the phrase "at least during the wet season" is intended to include extended periods of predictable, continuous surface flow occurring in the same geographic feature year after year during the rainy or wet season such as when average monthly precipitation exceeds average monthly evapotranspiration.<sup>6</sup> Additionally, regarding "continuous

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<sup>6</sup> *Updated Definition of "Waters of the United States"*, 90 Fed. Reg. 52518 (November 20, 2025). <https://www.govinfo.gov/content/pkg/FR-2025-11-20/pdf/2025-20402.pdf>; EPA and USACE: *Regulatory Impact Analysis for*

surface connection,” the agencies propose to implement “having surface water at least during the wet season” to mean that surface water persists throughout the wet season in most years (except, for example, in times of drought).<sup>7</sup>

The agencies outline in the proposed rule what is intended to be a wet season. However, in many watersheds, the timing and duration of the wet season may not be reliably defined by fixed dates or regional averages. The agencies acknowledge the wet season will vary from region to region nationwide and that “surface hydrology may not always exactly overlap with the wet season, for example in regions exhibiting a time lag or delay in demonstration of surface hydrology.” For instance, snowpack might accumulate during the wet season, but snowpack melt might then fill channels during the subsequent drier seasons. For example, California’s “wet season” is highly variable year to year and differs substantially across the state due to diverse geography, different climates, prolonged drought, and extreme precipitation; many California landscapes, particularly in desert and foothill regions, experience sudden bursts of flow that are hydrologically disconnected from longer-term wet-season processes.

Yet “wet season”—a critical part of the agencies’ proposed rule to clarify “relatively permanent” and “continuous surface connection”—is not referenced in *Sackett* or defined by the agencies. This term carries significant implications for CWA jurisdiction, permitting obligations, and the operational flexibility needed for sound water management. To ensure regulatory clarity, the agencies should work with ACWA and other interested parties to develop implementation guidance of what constitutes a “wet season.” This will enhance CWA implementation while preserving the flexibility and clarity needed for water agencies nationwide to plan, invest, and operate effectively in an era of increasing hydrological uncertainty.

## V. Ditches

ACWA appreciates the agencies’ attention to ditches and efforts to provide a clear and easily understood exclusion for ditches from the CWA. The proposed definition attempts to provide clarity and consistency for identifying ditches excluded under the proposed rule by eliminating jurisdiction over ditches dug in dry land regardless of flow.<sup>8</sup> Specifically, the proposed ditch exclusion is provided in two parts:

- The agencies state ditches (including roadside ditches) that are constructed or excavated entirely in dry land are not “waters of the United States.”
- The agencies propose defining the term “ditch” at paragraph (c)(4) of the agencies’ regulations to mean “a constructed or excavated channel used to convey water.”

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*the Proposed Updated Definition of Waters of the United States Rule* (November 2025).

[https://www.epa.gov/system/files/documents/2025-11/11132.1-01-ow\\_wotus\\_nprm\\_ria\\_20251110\\_508.pdf](https://www.epa.gov/system/files/documents/2025-11/11132.1-01-ow_wotus_nprm_ria_20251110_508.pdf).

<sup>7</sup> *Updated Definition of “Waters of the United States”*, 90 Fed. Reg. 52531 (November 20, 2025).

<https://www.govinfo.gov/content/pkg/FR-2025-11-20/pdf/2025-20402.pdf>; EPA and USACE: *Regulatory Impact Analysis for the Proposed Updated Definition of Waters of the United States Rule* (November 2025).

[https://www.epa.gov/system/files/documents/2025-11/11132.1-01-ow\\_wotus\\_nprm\\_ria\\_20251110\\_508.pdf](https://www.epa.gov/system/files/documents/2025-11/11132.1-01-ow_wotus_nprm_ria_20251110_508.pdf).

<sup>8</sup> U.S. EPA: *Updated Definition of “Waters of the United States” Proposed Rule Fact Sheet for the Agricultural Community*. November 20, 2025. [https://www.epa.gov/system/files/documents/2025-11/ag\\_factsheet\\_wotus\\_nprm.pdf](https://www.epa.gov/system/files/documents/2025-11/ag_factsheet_wotus_nprm.pdf)

The dry landscapes of the Western United States require irrigation water to grow crops and provide a livelihood for residents. Irrigation ditches provide water for agricultural operations throughout California and help grow more than 400 different commodities. California's agricultural production benefits the entire nation by providing a third of the country's vegetables and over three-quarters of the country's fruits and nuts.<sup>9</sup> Most irrigation districts in California's Central Valley own miles of drainage ditches as part of their canal distribution systems. Water in these canals that are not utilized for irrigation flows is released into these drains and flows downstream into a WOTUS. While irrigation canals do not typically use natural channels for conveyance, many irrigation district drains were constructed in natural channels, and they drain into wetlands or into the Sacramento or San Joaquin Rivers. If not for the irrigation drainage water present in these drainage ditches, the ditches would not have connectivity to the downstream WOTUS.

ACWA asks the agencies to ensure the implementation and exclusions of ditches rely on prior practical guidance, including the 2020 Ditch Memo.<sup>10</sup> The 2020 Ditch Memo provided necessary exemptions for irrigation and drainage ditch construction and maintenance even if the activity took place in an area that was a WOTUS if certain conditions were met. ACWA recognizes the agencies state in explanatory language that "the mere interface between the excluded ditch constructed or excavated entirely in dry land and a jurisdictional water does not make that ditch jurisdictional consistent with longstanding practice." Additionally, the agencies should adhere to the 2020 Ditch Memo (and previously RGL 07-02) which made clear that construction and maintenance exemptions for irrigation and drainage ditches included related structures (including but not limited to siphons, pumps, irrigation canals, etc.).

## VI. Tributary

The agencies propose to define "tributary" as "a body of water with relatively permanent flow, and a bed and bank, that connects to a downstream traditional navigable water or the territorial seas, either directly or through one or more waters or features that convey relatively permanent flow." ACWA appreciates the agencies defining a tributary aligned with *Sackett* and elements from the pre-2015 regulatory regime like relatively permanent and year-round flow but urges a final regulatory definition to clearly distinguish between a jurisdictional and non-jurisdictional tributary.

ACWA acknowledges some tributaries *may* be considered a WOTUS based on this definition. Under the proposed rule and consistent with previous practice, tributaries would include natural, human-altered, and human-made waterbodies like rivers, streams, lakes, ponds, ditches, canals, and impoundments if these waters meet the proposed definition of "tributary." As discussed in

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<sup>9</sup> California Department of Food and Agriculture: *California's Top 10 Agricultural Commodities*. (2025). <https://www.cdfa.ca.gov/Statistics>.

<sup>10</sup> *Joint Memorandum to the Field Between the U.S. Environmental Protection Agency Concerning Exempt Construction or Maintenance of Irrigation Ditches and Exempt Maintenance of Drainage Ditches Under Section 404 of the Clean Water Act* (July 24, 2020) available at [https://www.epa.gov/sites/default/files/2020-07/documents/final\\_ditch\\_exemption\\_memo\\_july\\_2020\\_with\\_epa.pdf](https://www.epa.gov/sites/default/files/2020-07/documents/final_ditch_exemption_memo_july_2020_with_epa.pdf); *Regulatory Guidance Letter (RGL) No. 07-02: Exemptions for Construction or Maintenance of Irrigation Ditches and Maintenance of Drainage Ditches Under Section 404 of the Clean Water Act*, (July 4, 2007) available at <https://www.nap.usace.army.mil/Portals/39/docs/regulatory/rgls/rgl07-02.pdf>; *Permits for Activities in Navigable Waters or Ocean Waters*, 40 Fed. Reg. 31320 (July 25, 1975) available at [https://archives.federalregister.gov/issue\\_slice/1975/7/25/31314-31344.pdf#page=7](https://archives.federalregister.gov/issue_slice/1975/7/25/31314-31344.pdf#page=7); *Regulatory Program of the Corps of Engineers: Permits for Discharges of Dredged or Fill Material Into Waters of the United States*, 42 Fed. Reg. 37122, 37144 (July 19, 1977) available at [https://archives.federalregister.gov/issue\\_slice/1977/7/19/37088-37142.pdf#page=35](https://archives.federalregister.gov/issue_slice/1977/7/19/37088-37142.pdf#page=35).

Sections II, V, VI, and VII, ACWA urges the agencies to exclude some of these waters from being considered a WOTUS and, thus, they should be excluded as a jurisdictional tributary. For example, California's hydrology is uniquely complex. Many tributaries in the state are highly variable, intermittent, or ephemeral due to the state's climate and topography. Also, many water infrastructure facilities used for supply and conveyance interact with tributaries that operate differently from those in other regions.

The proposed definition also clarifies a tributary does not include a waterbody that contributes surface water flow to a downstream jurisdictional water through a feature like a channelized non-jurisdictional surface water feature, subterranean river, culvert, dam, tunnel, or similar artificial feature, or through a debris pile, boulder field, wetland, or similar natural feature, if such feature does not convey relatively permanent flow. These forms of water infrastructure are essential components of California's integrated water management system.

## **VII. Human-Built Structures regarding Stormwater, Water Reuse, Water Supply, Wastewater Recycling, Artificial Conveyance, Terminal Reservoirs, and Constructed Wetlands**

The economic, agricultural, public health, and climate resilient infrastructure that has been engineered in the United States would not be possible without the ability to divert, transport, store, treat, and deliver water for human consumption and ecosystem restoration. Potentially designating water supply systems as a WOTUS could trigger additional legal requirements regarding water infrastructure maintenance and operation and decrease water quality and other goals of the CWA.

### **a. Exclusions for Human-Built Structures**

ACWA therefore urges the agencies to provide exclusions for human-built structures regarding groundwater recharge including stormwater capture for groundwater recharge or direct non potable reuse, stormwater control features like the municipal separate storm sewer systems (MS4), water reuse, water supply, water recycling, and wastewater treatment features. The proposed rule does not currently include any explicit exclusions for these features and states any exclusion will depend on the specific attributes of the control and the water feature and thus will need to be made on a case-by-case basis. However, under the 2015 Clean Water Rule and the Navigable Waters Protection Rule, these features were excluded from WOTUS with certain geographic limitations like being constructed in "dry land" or "uplands." Narrowing the exclusions to these geographic characteristics unnecessarily limits the exclusions and creates confusion and ambiguity about what components, if any, fall within the exclusions. Geographic limitations are also inconsistent with *Sackett*. ACWA requests the agencies to exclude these features and remove geographic limitations.

The agencies should also include exclusions for artificial conveyance, terminal reservoirs, and constructed wetlands from being considered a WOTUS.

Terminal reservoirs—artificial, human-built water storage infrastructure that could be mistaken for a lake or pond in ordinary parlance—are categorized as an impoundment regarding what constitutes a jurisdictional water. Under the proposed rule, impoundments that contain standing or continuous flowing water year-round or at least during the wet season would be considered "a

body of water with relatively permanent flow” and thus be considered a WOTUS. While some exceptions exist for impoundments constructed in upland areas or non-jurisdictional waters, this only applies if they are not impoundments of jurisdictional waters. Yet these facilities are not and do not abut (touch) a jurisdictional water because they are separated from jurisdictional waters by human-built infrastructure. Therefore, terminal reservoirs do not have a “continuous surface connection” as required by *Sackett* and cannot be considered a WOTUS.

Additionally, constructed wetlands do not meet the criteria to be considered a WOTUS. Constructed wetlands are human-built, nature-based treatment systems designed to treat runoff and remove pollutants before they enter a WOTUS. These wetlands help control dust emissions and remove many pollutant constituents and are often designed as a series of facilities throughout a watershed. Overregulation of these types of facilities would discourage the use of these treatment methods, which currently provide a benefit to receiving waters. ACWA therefore requests the agencies interpret constructed wetlands as excluded within any water reuse system or stormwater control feature exclusions.

These exclusions provide much-needed regulatory clarity for water providers and the communities that rely on them. They also provide balance in protecting water sources with the need for a functional permitting process that allows for efficient water infrastructure construction, operation, and maintenance. In turn, this can encourage the development of beneficial projects that increase California’s water supply resiliency. These exclusions align with *Sackett* as none of these features are streams, oceans, rivers, and lakes.

#### **b. Exclusions and Definition for Artificial Water Supply Infrastructure**

As discussed above, ACWA supports an exclusion for ditches and a variety of artificially constructed infrastructure. ACWA believes further clarity could be provided if an express exclusion and definition for artificial “water supply infrastructure” was included in 40 C.F.R. § 120.2(b) and defining it in 40 C.F.R. § 120.2(c) as follows:

“Water supply infrastructure” means all constructed infrastructure necessary for the supply, transportation, storage, treatment, and delivery of water for municipal, agricultural, and industrial beneficial uses, including canals, siphons, pipelines, tunnels, off-stream reservoirs, groundwater recharge basins, dewatering structures, water treatment plants, and pumping plants. “Water supply infrastructure” does not include constructed infrastructure that channelizes, impounds, or replaces a naturally occurring body of water that would qualify in its unaltered state as a water of the United States under this rule. Conveyance of waters of the United States through “water supply infrastructure” would continue to be classified as a water transfer, as that term is applied under 40 CFR 122.3.

Excluding artificial water supply infrastructure from the definition of WOTUS would be consistent with the purpose and text of the CWA, the *Rapanos* plurality, and the logic supporting the exclusion of waste treatment systems. For water management agencies, such an exclusion and definition, coupled with a clear statement that waters conveyed through these facilities in a manner consistent with the requirements of the Water Transfers Rule would continue to be exempt from

NPDES requirements, would provide clarity and certainty regarding the jurisdictional status of these critical facilities.

### **VIII. Water Transfers Rule**

ACWA, and much of the western water community, has long supported the Water Transfers Rule and appreciates the agencies' recognition of the continued importance of the rule, especially in the arid West. The Water Transfers Rule exempts water transfers from NPDES permit requirements if the transferred water is not subject to "intervening industrial, municipal, or commercial use." Thousands of water transfers are currently in place in the United States, often administered by various federal, state, and local agencies (including some ACWA members). In addition, these water transfers are an integral component of U.S. water supply infrastructure. In the Water Transfers Rule, EPA rightly found that deference should be granted to "congressional concerns that the statute (Clean Water Act) not unnecessarily burden water quality management activities," and that "water transfers are an essential component of the nation's infrastructure for delivering water that users are entitled to receive under State law."<sup>11</sup>

### **IX. Groundwater**

ACWA appreciates the agencies specifically excluding groundwater, including groundwater drained through subsurface drainage systems, groundwater recharge, underground rivers, and groundwater storage, from being considered a WOTUS in the proposed rule.

Congress and the states have relied on numerous authorities other than the CWA to regulate groundwater. The CWA is just one part of a broader set of applicable federal laws that are specifically intended to handle pollutants that reach groundwater such as the Safe Drinking Water Act's Underground Injection Control program, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) which addresses hazardous substances released into the "environment" (a term that includes groundwater), and the Resource Conservation and Recovery Act. In addition, all 50 states have adopted laws and regulations that prohibit or regulate the release of pollutants into groundwater. ACWA supports the agencies' decision to exclude groundwater as has been longstanding practice.

While the agencies have never interpreted WOTUS to include groundwater, this regulatory text would ensure that practice is continued.

### **X. Conclusion**

ACWA thanks the agencies for their work to develop a durable WOTUS definition that can help safeguard the quality of California's water supply while not unduly hindering water treatment, storage, and distribution activities. Please let us know if there are further opportunities for ACWA to collaborate with the agencies on the definition of WOTUS that balances the broad interests and goals of the CWA, or if we can provide additional information and resources. If you have any

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<sup>11</sup> *National Pollutant Discharge Elimination System (NPDES) Water Transfers Rule*, 73 Fed. Reg. 33697 (June 13, 2008). <https://www.govinfo.gov/content/pkg/FR-2025-11-20/pdf/2025-20402.pdf>.

questions or would like to follow up on this matter, please contact ACWA Federal Relations Representative, Caleb Raspler, at [calebr@acwa.com](mailto:calebr@acwa.com) or (202) 434-4762.

Respectfully,

A handwritten signature in black ink, appearing to read "Caleb Raspler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Caleb Raspler  
Federal Relations Representative  
Association of California Water Agencies