

March 9, 2026

Anne Lausier
U.S. Environmental Protection Agency
Office of Ground Water and Drinking Water
Standards and Risk Management Division
4607M
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

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

RE: U.S. Environmental Protection Agency: National Primary Drinking Water Regulation for Perchlorate — Docket ID No. EPA-HQ-OW-2024-0592

Dear Ms. Lausier:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Environmental Protection Agency's (EPA) proposed rule regarding the National Primary Drinking Water Regulation (NPDWR) for perchlorate.¹ ACWA supports EPA establishing a Maximum Contaminant Level (MCL) and Maximum Contaminant Level Goal (MCLG) for perchlorate to improve drinking water quality standards. ACWA urges EPA to set the perchlorate MCL and MCLG at 20 parts per billion (ppb) while utilizing all of the best available science and providing practical implementation strategies.

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.

Perchlorate—an inorganic manufactured chemical that can also occur naturally—is commonly used in munitions, fireworks, matches, and batteries, and may also be found in fertilizers and as a byproduct in hypochlorite water treatment solutions. Perchlorate contaminates groundwater, drinking water, and soil, particularly in arid regions like California and other southwestern states, which poses potential health risks.

ACWA urges EPA to consider the following comments in any final rule establishing a national drinking water standard for perchlorate.

¹ *National Primary Drinking Water Regulation for Perchlorate*, 91 Fed. Reg. 398 (January 6, 2026).
<https://www.govinfo.gov/content/pkg/FR-2026-01-06/pdf/2026-00021.pdf>.

I. Utilize the Best Available Science

EPA proposes to regulate perchlorate at an MCL of 20 ppb, 40 ppb, or 80 ppb and an MCLG of 20 ppb.² There is currently no national, enforceable MCL for perchlorate. Absent a federal MCL, vulnerable agencies and their customers may struggle with clean-up efforts and compliance. To safeguard communities from perchlorate exposure, ACWA urges EPA to establish the perchlorate MCL and MCLG at 20 ppb while utilizing the most current, best available science. This will provide greater public health protection than EPA's higher proposed MCL options. Furthermore, SDWA requires EPA to set the MCL as close to the MCLG as is feasible.³ EPA proposed only one MCLG of 20 ppb, so EPA should also set the MCL at 20 ppb.

Drinking water standards must be rooted in sound science, which is essential to help water providers like ACWA members supply safe water to customers. ACWA is concerned EPA is relying on outdated science to develop federal perchlorate standards. For example, EPA used the first Unregulated Contaminant Monitoring Rule (UCMR 1), which is not the best available data as the regulation became effective in 2001.⁴ Not only does EPA state it is aware that capabilities have improved since UCMR 1, but the more than 25-year-old UCMR 1 data collected from 2001 to 2005 does not capture current conditions to effectively manage drinking water quality standards.

ACWA acknowledges that science has developed since California's original testing and establishment of a perchlorate MCL of 6 ppb.⁵ The California State Water Resources Control Board (SWRCB) recently announced plans to prioritize revisiting the state's perchlorate MCL since it may not accurately reflect the latest data to justify California's current perchlorate MCL of 6 ppb.⁶ ACWA, together with the Southern California Water Coalition, recently raised this issue.⁷ To that end, ACWA reiterates its call for EPA to ensure use of the most current, best available science in any final federal regulation for perchlorate.

ACWA also encourages EPA to consider downstream states like California as perchlorate can enter these states' waterbodies from upstream states. For example, perchlorate is present in the Colorado River. Colorado River water is used for drinking water by over 19 million people in Southern California and irrigates over 600,000 acres of agricultural lands that produce fruits, vegetables, and other crops.⁸ As of January 1, 2019, perchlorate remediation activities in Southern

² EPA's action follows *National Resources Defense Council v. Regan*, which held EPA must regulate perchlorate in drinking water reasoning that EPA's 2020 withdrawal of its 2011 regulatory determination for perchlorate is prohibited under the Safe Drinking Water Act (SDWA). See *National Resources Defense Council v. Regan*, No. 20-1335 (D.C. Cir. May 9, 2023). <https://media.cadc.uscourts.gov/opinions/docs/2023/05/20-1335-1998466.pdf>.

³ SDWA section 1412(b)(4)(B).

⁴ *Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems*, 64 Fed. Reg. 50556 (September 17, 1999). <https://www.govinfo.gov/content/pkg/FR-1999-09-17/pdf/99-23030.pdf>.

⁵ Sampling for perchlorate by the California Department of Health Services (which became the Department of Public Health (CDPH)) began in February 1997, when perchlorate was first found in drinking water wells in eastern Sacramento County, reflecting the use of ammonium perchlorate as a solid rocket propellant. See State Water Resources Control Board: Perchlorate in Drinking Water. January 5, 2026. https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Perchlorate.html.

⁶ California Office of Environmental Health Hazard Assessment: Perchlorate. <https://oehha.ca.gov/water/chemicals/perchlorate>; California State Water Resources Control Board: Board Meeting March 3, 2026. <https://www.youtube.com/watch?v=bKONIRuRtSI> at 2:03:43).

⁷ ACWA and Southern California Water Coalition: Letter regarding OEHHA'S Five-Year Review of the Perchlorate Public Health Goal. April 4, 2023. <https://www.acwa.com/wp-content/uploads/2023/04/23.04.04-Request-to-Review-Perchlorate-PHG-w-ACWA.pdf>.

⁸ California River Board of California: About Us. 2026. <https://crb.ca.gov/about-us>.

Nevada have resulted in the removal of more than 6,320 tons from the environment; the Las Vegas Washes showed a reduction from 1200 ppb in October 1998 to 53 ppb in April 2019 while Willow Beach, Arizona showed a reduction of 9.7 ppb in June 1999 to 1.0 ppb in April 2019.⁹ As a result of successful cleanup activities, perchlorate levels in Lake Mead have dropped to below 2 ppb. While the remedial efforts have been successful so far in reducing the perchlorate levels in Lake Mead, a large amount of perchlorate remains at the Henderson sites; groundwater at the Nevada Environmental Response Trust site contains high concentrations of perchlorate of up to 6.6 million ppb¹⁰ and continues to migrate downstream towards the Las Vegas Wash and ultimately to the Colorado River. ACWA therefore reiterates that EPA set a MCL and MCLG at 20 ppb to help preserve and better align with cleanup efforts at perchlorate contamination sites that impact the Colorado River and millions of downstream Colorado River users.

ACWA appreciates EPA's scientific and public engagement process for regulatory development. In this instance, EPA consulted with interested parties and entities such as water systems, State, Tribal, and local governments, the National Drinking Water Advisory Council, and the U.S. Department of Health and Human Services. But consultation with key federal agencies appears missing and is needed to ensure reliable, current data is considered when formulating a final NPDWR for perchlorate. For example, the U.S. Department of Defense detected perchlorate at 284 of its installations with detections ranging from less than 1 ppb to 2.6 million ppb, and NASA found perchlorate at four of seven sampled facilities.¹¹ To better assess the benefits of establishing a national standard for perchlorate, ACWA recommends EPA coordinate with DOD, NASA, and other federal agencies to obtain the most current data on perchlorate regarding drinking water.

ACWA encourages EPA to continue evaluating scientific and analytical methods to formulate a sensible perchlorate regulation. Ongoing scientific review, transparency, and engagement with other federal agencies and interested parties including state regulators and more water systems will help ensure EPA's final rule for perchlorate will encompass the best available data and maintain public confidence in drinking water standards.

II. Mitigate Implementation Challenges

Developing and implementing regulatory actions that mitigate contaminants like perchlorate will reduce the number of water systems that may be above the enforceable drinking water standards. In turn, this would lead to safer, cleaner water nationwide. For example, ACWA acknowledges that EPA proposed requirements for water systems to conduct monitoring for perchlorate in drinking water, take mitigation actions if the level exceeds the MCL, provide information about perchlorate to their consumers through public notification and consumer confidence reports, and report to their respective primary agency. ACWA encourages EPA to ensure any implementation of a perchlorate NPDWR does not adversely impact water suppliers.

⁹ Nevada Division of Environmental Protection: Perchlorate. <https://ndep.nv.gov/environmental-cleanup/black-mountain-industrial-bmi-complex/perchlorate#:~:text=As%20of%20January%201%2C%202019,1.0%20ppb%20in%20April%202019>.

¹⁰ Nevada Environmental Response Trust: *Remedial Investigation Report for OU-1 and OU-2, Revision 2* at ES-5 and 7-79. February 13, 2024. https://nertjoomla3.azurewebsites.net/index.php/project-documents/access-project-documents/file/Reports/2024/2024-02-13%20Remedial%20Investigation%20Report%20for%20OU-1%20and%20OU-2%2C%20Revision%202/2024-02-13%20RI%20Report%20OU-1%20OU-2_OCR.pdf.

¹¹ U.S. Government Accountability Office: *Perchlorate: Occurrence Is Widespread but at Vary Levels; Federal Agencies Have Taken Some Actions to Respond to and Lessen Releases*. GAO-10-769. August 2010. <https://www.gao.gov/assets/gao-10-769.pdf>.

ACWA understands the complexity of regulating perchlorate, which should occur in a manner that incorporates sound data and fully reflects realistic regulatory timelines. For this reason, ACWA encourages EPA to ensure it initiates enhanced outreach to and collaborates closely with water utilities, and state, local, and tribal leaders, as well as provide them with resources and tools to address potential perchlorate challenges. As water utilities like ACWA members are and will be impacted by EPA's perchlorate regulations, their engagement in these and related efforts is essential.

a. Reduce Duplicative Monitoring

ACWA appreciates that EPA's proposal includes provisions that would attempt to reduce burden on both systems and states. This includes provisions that would automatically reduce monitoring frequency for systems based on initial sampling results.

Specifically, EPA is proposing states can allow systems to use perchlorate data collected after January 1, 2021, to satisfy the initial monitoring requirements. EPA is aware of systems that may have conducted sampling earlier than the cutoff date, such as part of UCMR 1 sampling and is concerned older data may not capture current conditions. EPA is proposing this provision to account for systems that are already monitoring for perchlorate, including in states with perchlorate drinking water requirements like California. For example, some systems have years of annual or triennial perchlorate monitoring data demonstrating perchlorate levels far below the proposed MCL. EPA does not intend for these systems to restart at quarterly monitoring provided the state approves the use of previously collected data. EPA is proposing a cut-off date of approximately six years prior to the beginning of the initial monitoring period (January 1, 2021).

As EPA finalizes a national standard for perchlorate, it is critical that it recognize and coordinate with existing state regulatory programs. Explicit consideration of state programs will help avoid duplicative or conflicting requirements and ensure that water systems already meeting protective state standards are not subject to unnecessary additional regulatory burdens that do not yield commensurate public health benefits.

b. Ensure Realistic Compliance Timelines

In accordance with SDWA, EPA is proposing setting the compliance date three years after the date of publication of the final rule. EPA is proposing water systems complete all initial monitoring by the compliance date. Similarly, water systems exceeding the MCL after the rule compliance date would be required to take actions to reduce their perchlorate levels below the MCL and conduct public notification.

SDWA grants EPA or the State (in the case of an individual water system) the authority to allow up to two additional years to comply with an MCL if additional time is necessary for capital improvements. However, ACWA is concerned the proposed compliance timelines may not adequately account for real-world challenges faced by water systems. This includes planning, permitting, financing, and constructing new treatment facilities. Without sufficient flexibility in compliance schedules, water systems may be forced to make rushed or suboptimal decisions that increase costs and undermine long-term system reliability. EPA should therefore consider

additional extended compliance timelines and phased implementation approaches that realistically reflect these constraints.

c. Consider Cost Impacts and Affordability

ACWA understands that water systems that exceed the proposed perchlorate MCL would need to adopt new treatment strategies to reduce perchlorate to a level that complies with the MCL. This may include installing water treatment facilities, connecting to or drilling a new well for an uncontaminated water source, or investing in new technologies like reverse osmosis. However the planning, operation, and maintenance costs associated with perchlorate treatment can be substantial, particularly for small and rural systems. Many public water agencies like ACWA members have already made substantial investments, including their own resources, to comply with state standards to mitigate perchlorate from drinking water. To ensure water systems remain in and become compliant with a perchlorate MCL, EPA should work with Congress to provide robust federal funding for perchlorate initiatives such as the Drinking Water State Revolving Fund.

III. Conclusion

ACWA appreciates the opportunity to comment and urges EPA to set the perchlorate MCL and MCLG at 20 ppb while utilizing all of the best available science and providing practical implementation strategies. Please let us know if there are further opportunities for ACWA to collaborate on perchlorate efforts or if we can provide additional information and resources. If you have any questions or would like to follow up on this matter, please contact ACWA Federal Relations Representative, Caleb Raspler, at calebr@acwa.com or (202) 434-4762.

Respectfully,

A handwritten signature in dark ink, appearing to read "Caleb Raspler", is written over a light blue horizontal line.

Caleb Raspler
Federal Relations Representative
Association of California Water Agencies