

2025 Year-end Water Regulatory Update

December 10, 2025

Moderated by:

Paul Hagerty, P.G., P.E. – Directing Consultant / Water Tech Team

Presented by:

Lizzie Smith – Water Tech Team Lead



Logistics

How to ask questions?

- Please enter your questions in the Questions box.
- Q&A at the end.

Can I get a certificate of completion?

- Yes, attendees will automatically be sent a certificate of completion before the end of the week. Please email marketing@all4inc.com if you have any questions.

Will I get a recording of the webinar?

- Yes, we will post a recording of the webinar and copy of the slide deck on our website. A link will be emailed to registrants before the end of the week.



Agenda

- ❑ Federal Effluent Guidelines
- ❑ PFAS
- ❑ Lead and Copper Rule Improvements (LCRI)
- ❑ Industrial Stormwater
 - Trends
 - Multisector General Permit (MSGP) Renewals
- ❑ CWA Hazardous Substances Facility Response Plan (FRP) Rule
- ❑ Waters of the United States (WOTUS)
- ❑ Potpourri



Federal Effluent Limitation Guidelines (ELGs)

- ❑ **U.S. EPA Effluent Limitation Guidelines (ELG) Preliminary Plan 16**
 - Agency's roadmap for data collection, new or updated rules
 - Aspirational goals, not all come to fruition – especially on the timeline proposed
 - Some items from Plan 16 made it to the Spring Agenda
- ❑ **Battery Manufacturing Category (40 CFR 461)**
 - U.S. EPA has indicated a detailed study of the industry is warranted based on changes in the battery industry since the ELGs were promulgated in 1984 and revised in 1986
 - Specifically, manufacture of rechargeable lithium-ion batteries and recycling of batteries may not be adequately addressed by existing ELGs

Federal ELGs, continued

- ❑ **Oil and Gas ELG – U.S. EPA proposing rulemaking to:**
 - Increase opportunities for discharge of treated produced water by extending the geographic area where such discharges can occur
 - Evaluate increased opportunities to discharge for other uses (currently limited to agriculture and wildlife propagation – possible expansion to critical minerals extraction and industrial cooling water)
- ❑ **Steam-Electric Power Plants ELG**
 - 2024 updates imposed more stringent standard on coal-fired/steam-electric power plants, including zero-limitations for pollutants in certain waste streams
 - U.S. EPA reconsidering 2024 rule including revising technology-based requirements for leachate
 - Notice of proposed rulemaking target November 2025, final rule May 2026

PFAS in NPDES Permit Applications

Upcoming Regulatory Requirement

Anticipated rule proposing PFAS to be included
U.S. EPA's Form 2C – May 2027

Sampling for PFAS Pollutants

Pollutant list has not been updated since 1987
New and existing sources must sample for PFAS
pollutants in their regulated discharges

State Program Integration

States must update NPDES programs per 40 CFR
§123.25 and §123.62 to reflect federal program



United States
Environmental Protection Agency

Office of Water
Washington, D.C.

OMB No. 2040-0004
Expires 07/31/2026

Water Permits Division

Print All Pages

Print Form Only

Application Form 2C Existing Manufacturing, Commercial, Mining, and Silvicultural Operations NPDES Permitting Program

PFAS in Indirect Discharge – Federal



POTW Influent Study & NSSS

The study analyzes influent, effluent, and sludge data from POTWs to better understand wastewater contaminants

Data Requests from Dischargers

States may request data from industrial dischargers as part of wider adoption of data gathering programs

PFAS Contamination Focus

The study aims to improve understanding of PFAS presence in indirect discharges to guide future regulations and permit conditions



PFAS at the State Level

- ❑ NC – as of September 2024 requires PFAS monitoring for all industrial and NPDES permit holders
- ❑ GA House Bill 611 – proposed in February 2025 would require POTWs to seek information from industrial users relating to the manufacture or use of PFAS
- ❑ KY Senate Joint Resolution 149 – signed April 2024 – directs Energy and Environment Cabinet to provide guidance and consultation on BMPs for PFAS to entities that discharge to waterways or POTW
- ❑ MA – industrial dischargers may be required to test for PFAS
- ❑ NJ – issuing surveys and data requests for industrial dischargers
- ❑ NY draft TOGS 1.3.14 – establishes how guidance values will be applied to permits for POTWs
- ❑ VA – House and Senate bills with requirements for industrial users

PFAS in Drinking Water – Maximum Contaminant Levels (MCLs)

- April 2024, the U.S. EPA finalized MCLs for the following PFAS

Compounds	MCL
PFOA	4 ppt
PFOS	4 ppt
PFHxS	10 ppt
PFNA	10 ppt
HFPO-DA	10 ppt
Mixtures containing two of more (PFHxS, PFNA, HFPO-DA, and PFBS)	1 (unitless) Hazard Index

- May 2025, the U.S. EPA will keep the current MCL for PFOA and PFOS. Planning on rescinding MCLs for the others.
- Compliance deadlines to be pushed to 2031.

CWA Methods Update Rule 22

PFAS Updates

- Add new U.S. EPA methods for PFAS, AOF, and PCB congeners
- PFAS Method 1633 for aqueous matrix

Other updates:

- Eliminate obsolete or superseded analytical methods
- Simplify sample preservation for acrolein and acrylonitrile
- Correct and clean up text, tables, and footnotes
- Remove outdated PCB Aroclor parameters and methods





Lead and Copper Rule Improvements (LCRI)

- ❑ U.S. EPA has signaled it is ready to move forward in defending itself in the litigation against the LCRI brought by the American Water Works Association (AWWA).
- ❑ Congressional repeal of LCRI failed in May 2025.
- ❑ U.S. EPA plans to provide “practical implementation flexibilities and regulatory clarity,” particularly in regard to the lead service line replacement requirement.
- ❑ Other LCRI requirements include identifying connectors in their baseline inventories, reduction of lead action levels, and additional public notification requirements.





U.S. EPA MSGP renewal

- ❑ **Additional Implementation Measures (AIM)**
 - Further reporting requirements when exceeding benchmark (corrective actions, follow-up, inspection to identify source of pollutant)
 - Background exceptions
- ❑ **Benchmark Monitoring Schedule**
 - Quarterly monitoring first three years of permit, may discontinue if no AIM
- ❑ **New Benchmark Monitoring Subsectors**
 - E3, I1, L2, N2, O1, P1, R1, U3, Y2, AB1, AD1 – based on 2021 MSGP indicator monitoring
- ❑ **Impaired Waters**
 - Quarterly monitoring to be required for entirety of permit
 - Corrective actions to comply with AIM Level 1 response



U.S. EPA MSGP renewal



<https://www.faypwc.com/pfas-facts/>

- ❑ PFAS Indicator Monitoring
 - New monitoring for certain sectors [4.2.1.1(c)]
 - Applies to 40 PFAS compounds listed in U.S. EPA Method 1633
 - Quarterly for term of permit
 - No longer use benchmarks
 - Sectors: A, B, C, D, F, I, K, L, M, N, P, R, S, T, U, V, W, X, Y, Z, AA, AB, AC
 - B – Paper and Allied Products
 - C – Chemical and Allied Products
 - I – Oil and Gas Extraction
 - K – Haz Waste TSDF
 - U – Food and Kindred Products

Stormwater: Trends – Resiliency Planning

- ❑ **2021 U.S. EPA MSGP included “resiliency planning” requirements**
 - Resilience = *the ability to prepare for, withstand, and successfully recover from a disaster*
 - Permittees required to *consider* mitigation measures to minimize impact of stormwater discharges from major storm events as a function of climate change
- ❑ **Some states (ex. RI, CT, VT) have since renewed their permits and included similar requirements**
- ❑ **DRAFT 2026 U.S. EPA MSGP includes even more robust “resiliency planning” requirements**

For more information, see ALL4’s [2025 Lookahead: Resiliency Planning in Stormwater](#) blog from January 2025

Stormwater: Trends – Electronic Reporting

- ❑ **General permit renewals over the last few years have been implementing electronic reporting requirements through systems such as NetDMR (ex. GA, TX) or state-based systems (ex. CA, WA, MI)**
 - Makes discharge data more accessible to the public
 - ALL4 webinar on litigation activity – recording available online
- ❑ **Some states require or provide an option for sites to submit SWPPPs and/or make them electronically available to the public on their own website (ex. TN optional, CT and PA required)**

Stormwater: Upcoming General Permit Expirations/Renewals

State	Date/Notes
Minnesota	<i>Renewed June 1, 2025 – e-Services application for 2025 permit not yet available</i>
Alaska	<i>Expired March 31, 2025 – administratively continued and draft not yet available</i>
Wisconsin	<i>Expired June 2, 2025 – administratively continued</i>
Connecticut	<i>Expired September 30, 2024 – SWPPP and NOI submittals due by April 1, 2026</i>
Vermont	<i>Renewed July 2025 – SWPPP updates and NOI submittals due by January 10, 2026</i>
Mississippi	<i>Expired November 30, 2025 – administratively continued</i>
U.S. EPA – DC, Mass, NH, NM+	Expires February 28, 2026 – draft issued late 2024 and extended public comment period has ended
Oregon	Expires June 30, 2026; Information meeting planned for December 2025
Texas	Expires August 13, 2026; Draft permit public comment period ends December 15, 2025; public meeting scheduled for the same day
Kansas	Expires October 31, 2026
Louisiana	Expires October 26, 2026; LDEQ developing electronic NOIs/forms (tends to resemble U.S. EPA MSGP)

CWA Hazardous Substances Facility Response Plan (FRP) Rule

❑ What is it?

- Existing FRP requirements for oil under 40 CFR Part 112 – same regulation as SPCC, higher thresholds
- FRP = enhanced version of a spill response plan
- CWA Hazardous Substance FRP rule applies to 296 CWA Hazardous Substances – resulted from litigation that U.S. EPA failed to regulate worst-case discharges

❑ Compliance Date

- Currently June 1, 2027 however U.S. EPA plans to propose compliance date delay and administrative changes.

For more information, see ALL4's [CWA Hazardous Substances FRP Implementation Delay](#) blog



CWA Hazardous Substances FRP Rule

□ What could be changing? *What we're hearing...*

- Up to five year delay in compliance deadline (2027 > 2032)
- Changes or clarifications to definitions including adverse weather conditions and conveyance
- Increasing threshold quantity to originally proposed 10,000x reportable quantity (RQ) rather than the 1,000x RQ in the final rule
- Guidance on measuring one half-mile screening criterion
- Modifying requirements around modeling impact of worst case discharges
- Removing mention of environmental justice and climate change
- Modifying exemptions including substances covered by 40 CFR Part 112 and wastewater treated by POTWs under the NPDES program
- Changing how chemical reaction intermediates and byproducts are to be treated, and
- Changing FRP requirements



CWA Hazardous Substance FRP Rule

❑ What should I be doing?

- Keep an eye out for updates
 - Think about providing input if/when U.S. EPA solicits feedback
- Begin initial applicability evaluations based on chemical inventory and distance to navigable water
 - Brainstorm chemicals that can be swapped for current CWA Hazardous Substances
 - Develop plans/strategy to manage Hazardous Substances under thresholds
- Await further guidance on modeling





Waters of the United States (WOTUS)

- ❑ Navigable Waters = WOTUS [CWA Section 502(7)]
- ❑ CWA grants authority to U.S. EPA and U.S. ACE to define WOTUS in regulations
- ❑ Definition has changed multiple times based on court rulings and administration changes
- ❑ March 12, 2025 – U.S. EPA announced review guided by SCOTUS decision in *Sackett vs. U.S. EPA*
 - Relatively permanent, standing or continuously flowing bodies of water forming streams, oceans, rivers, and lakes
 - Wetlands included only when having a continuous surface connection to WOTUS – more guidance coming





WOTUS Update

- ❑ In mid-November, U.S. EPA and the U.S. ACE released a pre-publication version of the proposed rule to amend the WOTUS definition
- ❑ Fully implements direction provided by SCOTUS decision in *Sackett v. EPA*
- ❑ Defines “relatively permanent,” “tributary,” and “continuous surface connection,” and more
- ❑ Revised exclusions for WWTS, prior converted cropland, ditches; adds exclusion for groundwater
- ❑ Definition *does not* consider ecological importance or impacts
- ❑ Overall, a narrowing of the jurisdictional waters that are WOTUS



WOTUS Update Impacts

- ❑ Estimated 81% decrease in total wetland acreage subject to federal wetlands protections
- ❑ CWA 404 program likely to see decrease in permits and required mitigation
- ❑ Flexibilities for states with differing hydrology via use of “wet season” data
- ❑ Possible room for states to implement protections where federal protections will lapse?





Potpourri

- ❑ **Multiple states have petitioned U.S. EPA to include microplastics in the 2027 renewal of the agency's Unregulated Contaminant Monitoring Rule (UCMR-6)**
 - Often the first step in determining whether drinking water standards are needed
- ❑ **Regulatory uncertainty**

Get ALL4 Updates



Your Part
Environm
Safety Co

ALL4 is a globally-recognized
distinction for employees, cli

CONTACT US →



Lead Copper Rule Improvements Update

Posted: October 30th, 2025

The Lead and Copper Rule Improvements were finalized in October 2024 with Federal requirements as a national baseline including, but not limited to: Lead Service Line Replacement (LSLR) by 2037, Submitting an updated sampling plan to [...]

READ ARTICLE >



Water Regulatory Update: U.S. EPA's Latest Agenda

Posted: October 30th, 2025

The Spring Unified Agenda of Regulatory and Deregulatory Actions was (finally) published in early September at reginfo.gov and it brought some anticipated but abbreviated insights into the water regulatory priorities of the U.S. Environmental Protection Agency (U.S. EPA). Some key [...]

READ ARTICLE >



CTDEEP Industrial Stormwater General Permit Reissuance

Posted: October 23rd, 2025

The Connecticut Department of Energy and Environmental Protection (DEEP) reissued the industrial stormwater general permit (IGP) on October 1, 2025 with an effective date of November 1, 2025. The previous DEEP National Pollutant Discharge Elimination System (NPDES) General Permit for [...]

READ ARTICLE >



Turning Exposure Data Into Safer Workplaces

Posted: October 23rd, 2025

Understanding Workplace Airborne Hazards In many workplaces employees handle chemicals that can cause both immediate and long-term health effects. Whether it be in a research and development laboratory or a manufacturing environment, airborne contaminants can pose risks if not properly [...]

CONTACT US



Sign up for 4 The Record to
stay up to date on technical
and regulatory topics!

www.all4inc.com

Questions or Comments?

Contact Information:

Lizzie Smith – Managing Consultant / Water Tech Team Lead
– *lsmith@all4inc.com*

Paul Hagerty, P.G., P.E. – Directing Consultant / Water Tech Team
– *phagerty@all4inc.com*

www.all4inc.com