



March 13, 2025

U.S. Environmental Protection Agency
EPA Docket Center
Office of Ground Water and Drinking Water Docket
Mail code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OW-2024-0456

Comment Clerk:

American Water Works Company, Inc. (American Water) appreciates the opportunity to provide comment to the U.S. Environmental Protection Agency (U.S. EPA) regarding its preliminary regulatory determinations for contaminants on the fifth Drinking Water Contaminant Candidate List (CCL) as described in the January 15, 2025, *Federal Register* (90 FR 3830). American Water provides drinking water and wastewater service to an estimated 14 million people with regulated operations in 14 states, including more than 300 public drinking water systems. In addition to our regulated operations, the company also provides water and wastewater services to 18 military installations across the country through its Military Services Group and currently operates under 50-year contracts with these installations as part of the U.S. Government's Utilities Privatization Program. The company's comments are based on its extensive experience in designing, installing and operating treatment for groundwater and surface water that allows it to meet state standards and implement drinking water regulations across its national footprint.

American Water supports U.S. EPA's preliminary determinations to not regulate nine contaminants from CCL 5: 2-aminotoluene, cylindrospermopsin, ethoprop, microcystins, molybdenum, permethrin, profenofos, tebuconazole and tribufos. U.S. EPA provides rationale in the proposal for how each of these contaminants do not meet one or more of the criteria for making a positive regulatory determination as described in the Safe Drinking Water Act (SDWA). American Water recommends that U.S. EPA finalize the regulatory determinations as proposed.

American Water further supports U.S. EPA's decision to not make preliminary regulatory determinations for five contaminants: 1,2,3-trichloropropane, 1,4-dioxane, manganese, quinoline and strontium. The company agrees that U.S. EPA should continue to analyze health effects and occurrence data to evaluate and determine whether these contaminants occur at levels of public health concern in finished drinking water, and to characterize the potential meaningful opportunity for health risk reduction if they were to be regulated under the SDWA. American Water agrees that U.S. EPA must complete a more thorough analysis and evaluation before making a positive regulatory determination, especially given the inability to withdraw a positive regulatory determination even if evidence identified during the rulemaking would change the Administrator's conclusion of the potential for meaningful opportunity for health risk reduction by regulating a contaminant as described in the proposal.

"As noted in section III.A.3 of this document, the 2023 panel ruling from the D.C. Circuit Court of Appeals in *NRDC v. EPA* (D.C. Cir., 2023) established that the agency cannot withdraw a positive determination even if evidence identified during the rulemaking would change the EPA's conclusion of the potential for meaningful opportunity for health risk reduction by regulating a contaminant. Prior to this ruling, formal evaluation of the potential health benefits and analysis of

the availability and feasibility of treatment options were conducted during the rule development process as part of the HRRCA. Because of the 2023 ruling, however, the EPA now has concluded that while the SDWA does not require a full HRRCA as part of regulatory determination prior to rule development, the agency will need to conduct preliminary benefits analyses, treatment feasibility analyses or both prior to making determinations for contaminants that may warrant regulation under the SDWA.”

In conclusion, providing safe, clean, reliable, and affordable water service is American Water’s charge, and the company looks forward to working cooperatively and collaboratively with the U.S. EPA, regulators, and policymakers in the determination and development of drinking water regulations that will provide meaningful opportunity to protect customers, communities, and the general public.

Please direct any questions regarding these comments to my attention at 856-676-5799 or Lynda.DiMenna@amwater.com.

Sincerely,
Lynda DiMenna
Vice President, Environmental Policy, Research, and Planning