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Restricting the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility: Water Environment Federation/Other Water Organizations Submit Comments on FAA Proposed Rule

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The Water Environment Federation submitted August 5th comments on the Federal Aviation Administration's ("FAA") proposed rule:

Designation-Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility ("Proposed Rule").

See Docket: FAA-2026-4558.

The other organizations joining the comments include:

- American Water Works Association
- Association of Metropolitan Water Agencies
- National Association of Clean Water Agencies
- National Association of Water Companies

(Collectively, "WEF").

The Proposed Rule establishes a process for operators of certain critical infrastructure to petition the FAA to restrict drone operations over sites for safety and security reasons.

The FAA has stated in support of the rule that its purpose is to:

- Balance security needs with economic growth and public interest.
- Address the rapid increase in drone operations and the risks they can pose to sensitive facilities.

Applicants petitioning the FAA to restrict drone operations over their sites would have to demonstrate that the restriction is necessary for either:

- Aviation safety.
- Protection people and property on the ground.
- National security.
- Homeland security.

The unmanned aircraft flight restriction would impose specific vertical and lateral boundaries that limit drone operations within its boundaries. The restriction would not be a physical or electronic barrier.

The duration of a full-time unmanned aircraft flight restriction (“UAFR”) would be in effect 24/7. A part-time UAFR would be in effect 24 hours a day but, for no more than 290 consecutive days annually.

WEF initially states in their August 5th comments that the Proposed Rule has the potential to impact each of the nation’s approximately 150,000 public water systems and 15,000 wastewater systems. Their comments focus on what is described as the “prospective complexity, scope and burden associated with the pending regulatory action.”

The comments address:

- Minimum Requirements for Restriction
- Eligible Facilities: Facility Risk and Impact Criteria
- Protective Security Measures Requirement
- Demonstration of Need
- Contamination threats
- Operational disruption
- Surveillance/reconnaissance
- Externalities
- Environmental Impact
- Eligibility Criteria
- What types of drinking water and wastewater systems should be considered in development of gating criteria?
- What are the characteristics of drinking water and wastewater systems that should be considered in development of gating criteria?
- Should population served by a drinking water or wastewater system be considered in development of gating criteria, and if so, what are appropriate population thresholds?
- Should critical customers served by a drinking water or wastewater system be considered in development of gating criteria?
- Should a history of unauthorized drone flight over a drinking water or wastewater system be considered in development of gating criteria?
- Access to Unmanned Aircraft Flight Restriction
- Data Protection

A copy of the WEF comments can be found [here](#).