



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS

Nevada/Drought

On August 24, Governor Steve Sisolak (D-NV) met with Senator Jacky Rosen (D-NV), Representative Susie Lee (D-NV), and John Etsminger, Manager of the Southern Nevada Water Authority (SNWA) to discuss drought and water conservation efforts, including water recycling, nonfunctional turf removal, and the reduction of water consumption in response to Lake Mead declines. Governor Sisolak announced the creation of “a small group of water advisors, including Senior Climate Advisor Kristen Averyt and is preparing a water conservation and infrastructure package with American Rescue plan dollars to ensure our local governments have the tools they need to prepare for the State’s future.” Governor Sisolak said: “Our State has been preparing for this moment for decades – we’ve been a leader in water conservation and innovative technology and that’s not going to stop. Nevada’s doing our part – and we’re calling on all users of the Colorado to make sure all drops of water in the river are staying in the river and join us in our extensive measures to conserve and recycle.” See <https://gov.nv.gov/News/Press/2022/2022-08-24-WaterConservationLakeMead/>.

Oregon/Wildfire

On August 28, Governor Kate Brown (D-OR) issued an executive order proclaiming a state of emergency due to the imminent threat of wildfire. “We have experienced wildfires this season that resulted in evacuations, threatened critical infrastructure, homes and other structures. Our neighboring states of Washington, California, Nevada, and Idaho, continue to experience similar fires and weather. The extended climate forecast in Oregon calls for continued warm and dry conditions, resulting in imminent threat of fire over a broad area of the State.” Oregon currently has 29 active fires, including 6 large fires, that have burned over 21,000 acres.

On August 29, the National Interagency Fire Center reported 42 active large fires burning over 300,000 acres including: Arizona (1 fire); California (5); Idaho (14); Montana (10); Nevada (1); Oregon (6); Washington (3); and Utah (1). “To date, 47,918 wildfires have burned 6,127,402 acres in the United States. This continues to

be well above the 10-year average of 40,298 wildfires and 5,210,323 acres burned.”

Texas/Disaster Declarations

On August 5, Governor Greg Abbott (R-TX) renewed a declaration of exceptional drought for 227 of Texas’ 254 counties, authorizing the use of all available resources to cope with the disaster.

On August 15, Governor Abbott renewed a wildfire disaster proclamation for 73 counties, noting that the same conditions that started the wildfires in February continue to exist.

On August 23, Governor Abbott issued a flooding disaster declaration for 23 counties, noting that “severe storms and significant flooding pose a threat of imminent disaster, including widespread and severe property damage, injury, and loss of life, due to river flooding, flash flooding, and damaging winds.”

ADMINISTRATION/WATER QUALITY EPA/PFAS/CERCLA

On August 25, Environmental Protection Agency (EPA) Administrator Michael Regan submitted a proposed rule to the *Federal Register* titled “Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances.” The pre-publication draft of the proposed rule would: (1) require facilities to report any discharge of PFOA and PFOS of one pound or more within a 24-hour period; (2) require federal agencies to meet property transfer requirements in CERCLA §120(h); (3) enable EPA and delegated agencies to respond more quickly to releases or threatened releases of PFOA and PFOS; and (4) enable EPA and delegated agencies to require potentially responsible parties to address releases and recover cleanup costs. In particular, EPA is seeking comments on whether costs and benefits, including indirect costs, should be considered in making CERCLA designations, and the number of small entities that would be affected by costs and reporting requirements. Comments will be due within 60 days of publication, and may be made at www.regulations.gov, Docket ID No. EPA-HQ-OLEM-2019-0341.

EPA plans to seek further comments and data in an advanced notice of proposed rulemaking to assist in the development of potential future regulations pertaining to other PFAS designations under CERCLA.

EPA/CCR Regulations

On August 24, EPA held a consultation call with staff from Intergovernmental Associations, and the WSWC, regarding revisions to the Consumer Confidence Report (CCR) Regulations. The CCR is an annual water quality report that a community water system is required to provide to its customers. It represents an important component of the right-to-know requirements in the Safe Drinking Water Act (SDWA). The rule revisions aim to improve the “readability, understandability, and clarity” of CCRs. EPA is considering increasing the frequency of CCRs, improving translation to other languages, increasing the accuracy of risk communication, and improving data sharing tools between EPA, primacy agencies, and water systems. EPA is accepting comments from states, as co-regulators, ahead of the rulemaking through October 24, at OGWDWCCRrevisions@epa.gov. See: <https://www.epa.gov/ccr/consumer-confidence-report-rule-and-rule-history-water-systems>.

ADMINISTRATION/WATER RESOURCES FERC/Klamath River Basin/Dam Removal

On August 26, the Federal Energy Regulatory Commission (FERC) issued its final Environmental Impact Statement (EIS) on the proposed removal of the Lower Klamath Hydroelectric Project. FERC found that “any short- and long-term, adverse environmental effects and the loss of power generation resulting from the proposed action would be outweighed by the substantial long-term environmental benefits gained from project decommissioning, as stated in this final EIS. The environmental and public benefits of the proposed action, with additional staff recommendations, would exceed those of the no-action alternative (status quo). Therefore, [FERC] recommends approval of [the Klamath River Renewal Corporation’s] application for surrender of license, as proposed, with the above-stated additional staff recommendations and conditions from the water quality certifications issued by the California Water Board and Oregon [Department of Environmental Quality] and the [biological opinions] issued by [the National Marine Fisheries Service and Fish and Wildlife Service].” <https://klamathrenewal.org/press-releases/>

WATER QUALITY South Dakota

The South Dakota Department of Agriculture and Natural Resources (DANR) hosted a virtual public

meeting in August to discuss proposed changes to the Surface Water Quality Standards (Chapter 74:51, Administrative Rules of South Dakota). “The proposed rule changes include adopting/updating EPA’s recommended cadmium criterion, incorporating a seasonal component to the irrigation beneficial use criteria, updating the beneficial use classification for part of the Missouri River (Lake Sharpe), removal of breached or nonexistent dams from the classified lakes section, deleting an unused definition, and corrections/updates to minor errors.” The proposed changes will open for public comment in October.

Oregon/Kansas/HABs

On August 26, the Oregon Department of Human Services issued a recreational use advisory due to a microcystin bloom. It is the fifth harmful algal bloom (HAB) advisory across five counties in the past month, although one advisory has been lifted.

As of August 25, the Kansas Department of Health and Environment had 13 HAB advisories across ten counties, with ten of those advisories at the Warning level and the other three at the Watch level.

On June 15, the U.S. Government Accountability Office (GAO) published a report to Congress titled “Water Quality: Agencies Should Take More Actions to Manage Risks from Harmful Algal Blooms and Hypoxia.” GAO noted that most of the monitoring and forecasting actions by EPA has not covered the large number of inland freshwater bodies. GAO recommended a national goal to focus the agencies’ efforts on prevention, and a workgroup to develop a framework for prioritizing water bodies and identifying resource needs. See <https://www.gao.gov/assets/gao-22-104449.pdf>.

MEETINGS Western States Water Council

The WSWC Summer (200th) Meetings will be held in Sulphur, Oklahoma on October 19-21, at the Artesian Hotel, Casino and Spa. Sulphur is located about 85 miles southeast of Oklahoma City. A guest room block is being held for single/double occupancy at the rate of \$96.00 per night, plus tax. Guest room reservations can be made directly with the hotel by calling 1-580-622-8100 and reference the Western States Water Council group booking code: WSWC22. The room block will be held until October 4, 2022. Any reservations requested after the cut-off shall be accepted, based on availability.

Further information as it becomes available will be posted on our website. See: <https://westernstateswater.org/events/2022-wswc-fall-200th-meetings/>.

The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.