



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER QUALITY **EPA/CAFO/Effluent Guidelines**

On August 15, the Environmental Protection Agency (EPA) denied two petitions seeking to revise regulations for the National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operations (CAFOs) program. The petitions sought to address the need for greater operator coverage, enhanced monitoring and reporting, and better nutrient management plans. EPA announced that it would conduct a comprehensive evaluation of the effluent guidelines and detailed study of the CAFO program that would include these issues. The results of that study will help EPA to determine whether rulemaking is needed to revise the CAFO guidelines. EPA is creating a new Animal Agriculture and Water Quality subcommittee under the existing Farm, Ranch, and Rural Communities Committee, which will engage with a diverse array of stakeholders to inform EPA's efforts to improve its CAFO program. <https://www.epa.gov/npdes/animal-agriculture-water-quality-subcommittee>

EPA/PFAS

On August 17, EPA released the first set of data collected under the fifth Unregulated Contaminant Monitoring Rule (UCMR 5), which provided nationally representative data on the occurrence of lithium and 29 PFAS contaminants in drinking water; the number of people potentially being exposed; and an estimate of the levels of that exposure. The data represent approximately 7% of the total results EPA expects to receive over the next three years. EPA will update the results quarterly. <https://www.epa.gov/>

CDC/HABS

On July 11, the Centers for Disease Control and Prevention (CDC) published its summary report on the One Health Harmful Algal Bloom System (OHHABS) for data collected in 2021. Sixteen states (including AZ, CA, KS, OR, UT, WA, and WY) voluntarily reported 368 harmful algal blooms (HABs), most of which occurred in the summer months, peaking in August 2021. Most of

the events (90%) occurred in fresh water, primarily in lakes, reservoirs, and impoundments. Testing for algal toxins and species usually occurred due to monitoring (65%) and citizen complaints (27%). Additional data are available at <https://www.cdc.gov/habs/data/2021-ohhabs-data-summary.html>.

WATER RESOURCES

Subseasonal to Seasonal Precipitation Forecasting

On August 15-17, the California Department of Water Resources (CDWR) in cooperation with the Western States Water Council (WSWC) hosted the latest in a series of annual workshops on Improving Subseasonal to Seasonal (S2S) Precipitation Forecasting in San Diego, California. The meeting emphasized the need for more research to improve the skill of S2S projections (three weeks to months to up to two years) in order to provide water managers with actionable information for operational decisionmaking. At present, S2S forecasts lack sufficient skill to be useful, though given certain atmospheric and sea surface conditions there may be opportunities to provide some guidance.

The workshop brought together over 45 federal, state, and local water managers, as well as academics, researchers and scientists. In addition to the WSWC and CDWR, the Colorado River Board of California and Texas Water Development Board were represented, as well as the Portland Water Bureau, Salt River Project, Sonoma Water, Truckee Meadows Water Authority, Turlock Irrigation District, and Yuba County Water Authority.

Also participating and presenting were officials from the U.S. Department of Agriculture, Army Corps of Engineers, Bureau of Reclamation, U.S. Geological Survey, National Atmospheric and Space Administration's Western Water Applications Office, National Oceanic and Atmospheric Administration (NOAA) and the Climate Prediction Center, Earth Systems Research Lab, National Weather Service, and Office of Atmospheric Research-Weather Program Office. Others participating came from the University of

Arizona, and the University of California system including UC Irvine, UCLA, UC San Diego and the Scripps Institution of Oceanography. A summary of the workshop is planned.

Internet of Water/WestDAAT

On August 17, the Internet of Water (IoW) blogged an article on the WSWC's new Western States Water Data Access and Analysis Tool (WestDAAT), reporting it as a "breakthrough in water rights data management." The article said: "WestDAAT marks the latest milestone for the WSWC's Water Data Exchange (WaDE) program which facilitates sharing of member states' water-related data through a common platform. The WaDE program, launched in 2011, provides standardized water data shared by state and other public agencies that are findable, accessible, interoperable, and reusable (FAIR) and is a key hub of a growing Internet of Water Coalition. For over a decade, the WSWC has nurtured WaDE's development with financial support from state and federal agencies and philanthropic organizations."

WestDAAT is a novel access point to geospatial water rights and water use data. The tool compiles data from western states and allows users to generate a report on water rights information for a selected geospatial water location. Data can be filtered by owner information, point of diversion, place of use, priority date, beneficial use, source of supply, permitted withdrawals by volume or rate of flow, and basin. Once a location is selected, users can also view upstream and downstream diversion points and place of use, and USGS gage stations. This is functionality is possible thanks to integration of IoW's Geoconnex technology. WestDAAT enables water rights data sharing and access through a common user-friendly system, delivering water data to decision makers at any level. See <https://internetofwater.org/blog/> and <https://westdaat.westernstateswater.org/>

ORGANIZATIONS

CWAG/Attorney General Alliance

On August 10-11, the Attorney General Alliance (AGA) met in Seattle for an Energy and Environmental Summit. The Conference of Western Attorneys General (CWAG) organized the more broadly focused AGA to address emerging national and international legal issues.

Summit topics included utility regulation, unstable energy costs, environmental sustainability, decarbonization, cyber security, PFAS, and wildfires. One panel discussed the future of water policy in the West. Michelle Bushman, WSWC Staff, moderated the panel of two speakers, Ken Knox, Director of Water Resources, Extraction Oil & Gas, and Bill Jackson, Partner, Kelley Drye & Warren LLP. Knox talked about

the complexities of interstate water conflicts and river compacts, and lessons learned about meeting with all the right people to address the challenges and identify opportunities. He also talked about the water-energy nexus, and developing policies that consider the real impacts of energy development on water resources. Jackson talked about retreating federal authority under recent U.S. Supreme Court decisions, including *Sackett v. EPA*, and the role of States to step up to that increasing power to regulate, enforce, and protect the waters of the States.

PEOPLE

Idaho Governor Brad Little has appointed **Mathew Weaver** to serve as the new Director of the Idaho Department of Water Resources (IDWR). Weaver served as the IDWR Deputy Director and the rules and regulations officer for ten years, and as a staff engineer and technical engineer for another five years. Weaver replaces WSWC Member Gary Spackman, who is retiring after 14 years of service as IDWR Director.

Governor Little said: "I want to sincerely thank Gary Spackman for his dedicated, compassionate leadership. His expertise on water issues has been a true asset to the State of Idaho and regional water users. I look forward to working with Mat Weaver, whose rich experience with the agency and love for the state will make him a great fit for this important post."

On August 5, the American Bar Association (ABA) honored **John Echohawk**, Executive Director and co-founder of the Native American Rights Fund (NARF) with the Thurgood Marshall Award. The ABA said: "The award honors U.S. Supreme Court Justice Thurgood Marshall, who epitomized individual commitment, in word and action, to the cause of civil rights in this country. The award recognizes similar long-term contributions by other members of the legal profession to the advancement of civil rights, social justice and human rights in the United States."

Juan Thomas, Chair of the ABA Section of Civil Rights and Social Justice said: "John Echohawk is a pioneer. John has been a beacon of light for the cause of advancing civil rights for Native Americans in the United States. For over 50 years, John fought, advocated and litigated for full equity, inclusion and self-determination for our Native American brothers and sisters. You cannot call the roll of the 20th century civil rights icons akin to Thurgood Marshall, John Lewis, Ruth Bader Ginsburg and Sherrilyn Ifill without saying the name John Echohawk." <https://www.americanbar.org/news/abanews/aba-news-archives/2023/06/thurgood-marshall-award-recipient/>

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.