



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WESTERN GOVERNORS

California/Atmospheric Rivers/Flooding

On February 4, Governor Gavin Newsom declared a state of emergency in eight counties including Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura counties. Beginning February 1, a powerful slow moving atmospheric river struck California and was reinforced by a second event on February 4. The atmospheric rivers brought on heavy precipitation, extensive flooding, numerous landslides and record rainfall totals. Heaviest accumulations occurred along the coast near the Oregon border, as well as the Los Angeles Basin coast.

On February 2, Governor Newsom announced mobilization of over 8,300 personnel to prepare for the winter storms, including firefighters, swift water rescue teams, search and rescue teams, highway patrol, and the California National Guard. The state also prepositioned water pumps, sandbags, as well as sheltering and food supplies for over 37,000 people.

Ariel Cohen, Chief National Weather Service meteorologist in Los Angeles told an evening news conference: "We're talking about one of the wettest storm systems to impact the greater Los Angeles area since records began. Going back to the 1870s, this is one of the top three."

The California Department of Water Resources reports that major reservoirs are at 118% of average levels for this time of the water year. The storms have also boosted critical snowpack from 50% of the average at the end of January to 75% of the average as of February 8. <https://www.gov.ca.gov/2024/02/04/>

ADMINISTRATION/WATER QUALITY

EPA/PFAS

On February 1, the Environmental Protection Agency (EPA) announced two new proposed rules to address per- and polyfluoroalkyl (PFAS) pollution. One would list nine PFAS as "hazardous constituents" under the Resource Conservation and Recovery Act (RCRA). The other would amend the definition of "hazardous waste"

applicable to corrective action to make it easier for states and EPA to require cleanup at solid waste sites contaminated by PFAS.

The first proposed rule, "Listing of Specific PFAS as Hazardous Constituents" (89 FR 8606) would add nine PFAS as "hazardous constituents" to RCRA's Appendix VIII (40 CFR. 261). The classification would subject the nine PFAS to consideration in facility assessments and, where necessary, further investigation and cleanup through the corrective action process. Classification as "hazardous constituents" is also a preliminary step to classification as "hazardous waste." Comments are due by April 8.

The second proposed rule, "Definition of Hazardous Waste Applicable to Corrective Action for Releases from Solid Waste Management Units" (89 FR 8598) would clarify that the RCRA Corrective Action Program has authority to require cleanup of hazardous waste under RCRA's statutory definition. Currently, solid waste management unit corrective action uses a regulatory definition, which depends on identification of a substance as "hazardous waste." Comments are due March 11.

The proposed rules are a response to a 2021 petition to EPA by New Mexico Governor Michelle Lujan Grisham to list PFAS as hazardous waste under RCRA's cradle-to-grave management system. Governor Michelle Lujan Grisham said: "States like New Mexico are on the front lines of protecting communities from forever chemicals, and stronger federal regulations are essential in addressing such contamination. EPA's proposed rules are a direct result of New Mexico's leadership in holding polluters accountable by treating PFAS like the toxic waste they are." <https://www.epa.gov/newsreleases/biden-harris-administration-announces-new-steps-protect-communities-pfas-and-other>

ADMINISTRATION/WATER RESOURCES

NOAA/Drought

On February 7, the National Oceanic and Atmospheric Administration's (NOAA) National Integrated Drought Information System (NIDIS) released a drought status update assessing snow drought

conditions in the west. The report indicated that the spatial extent of snow drought has decreased since early January, but the snow water equivalent (SWE) remains below normal at 78% of stations in the west. The northern Rocky Mountains, including Missouri River Headwaters, are experiencing the greatest deficits at 40%-65% of normal SWE. Storms are expected to improve conditions throughout the southwest.

Following a period of above-freezing temperatures, rain-on-snow events, and a heatwave, Washington and Oregon snowpack is currently below normal across most of the Cascade Range. Eastern Washington slopes and the Olympic mountains report less than 50% of normal SWE. In Colorado and Utah, SWE ranges from 90%-100% of normal. Snowpack conditions in New Mexico and Arizona are also generally near-to-above normal. Sierra Nevada conditions have improved since early January, and are expected to improve considerably following a present storm cycle. Snowpack remains above normal for most of the Great Basin. Alaska drought conditions remain minimal with south-central Alaska SWE ranging from 132%-152% above normal.

WATER RESOURCES

Kansas Legislature/Groundwater

On January 30, the Kansas House Committee on Water (HCOW) heard the last remaining ground management district (GMD) report for 2023, pursuant to last year's HB 2279, which requires each of Kansas' five GMDs to report on activities and financial information annually.

Dawn Buehler, Director, Kansas Water Authority (KWA), presented the Annual Water Authority Report, gave an overview of the KWA's efforts and discussed State Water Plan funding and Ogallala aquifer initiatives. She said that a fully funded water plan will require an additional \$30.3M. She highlighted initiatives in motion to support Ogallala aquifer supplies, including Water Conservation Areas (WCA), Local Enhanced Management Areas (LEMA), the Kansas Department of Agriculture's (KDA) Irrigation Technology Program, and the Kansas Water Office's (KWO) Water Innovation Systems and Education (WISE) initiative.

The GMDs reported on their conservation efforts, each demonstrating how their expenditures contributed to water conservation and a stable agricultural economy. Beyond regular administrative efforts, most GMD's indicated significant emphasis on implementation of WCAs, LEMAs, and cost share programs for improved irrigation and metering equipment. Many districts also reported significant allocations toward research, water quality and quantity data collection, and model development. Some districts reported efforts to develop

long term improvements such as public outreach, updating management programs, and developing revenue sources.

On February 2, the HCOW held a hearing on HB 2459, which would prohibit the change of the point of diversion of a water right if such change causes the safe yield of the source of water supply to be exceeded. It also defines safe yield as "the long-term sustainable yield of the source of the water supply, including hydraulically connected surface water or groundwater." The bill was overwhelmingly opposed by the Kansas Farm Bureau, the KDA, all state GMDs, as well as a number of stakeholder groups including the Kansas Livestock Association, and the Water Protection Association of Central Kansas. Opponents of the bill expressed concern that it ties the hands of farmers who need the flexibility to maintain existing wells and respond quickly in the case of catastrophic well failure. Many opponents appreciated the general intent of the bill to ensure water supply into the future. However, they also indicated that the wording of the bill was too broad and unclear, and would subject the state to unintended consequences.

MEETINGS

Western States Water Council

The WSWC Spring (203rd) Meetings and Washington Roundtable will be held in Washington, DC on March 13-15. The Roundtable is sponsored jointly by the Interstate Council on Water Policy (ICWP). Registration and payment are required for all members and non-members to attend, and will be held in person only. The WSWC meetings on Thursday will be a hybrid meeting, and requires a separate, no-fee registration. Friday will be a meeting with WestFAST Principles, and all WSWC and ICWP members are encouraged to attend.

Please note the cut-off date for our hotel room block is February 17. For further information on the meetings, including registration see: <https://westernstateswater.org/events/2024-wswc-spring-203rd-meetings-and-washington-roundtable/>.

Schedule of Meetings

(Times listed are Eastern Daylight Savings Time)

Wednesday, March 13

8:00 am Joint ICWP-WSWC Roundtable

5:00 pm Joint ICWP-WSWC Reception

Thursday, March 14

10:00 am WSWC Committee and Full Council Meetings

Friday, March 15

9:00 am WestFAST Principals Meeting

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.