



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER QUALITY

EPA/IIJA/IRA

On January 13, the Environmental Protection Agency (EPA) released its 2024 Investing in America Report, which details progress under the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). The report provides a summary of priorities for implementation, a financial summary, and details investments in air, water and land management. EPA reported that it has obligated 93% of its \$41.5B in funding from the IRA. The IIJA stipulated that EPA would receive over \$60B in funding over five fiscal years. EPA has obligated 82% of the funds in the first three years. Altogether, the agency has announced close to \$83B and awarded nearly \$69B since the enactment of both bills. EPA also released an interactive map of where spending has been awarded broken down by investments in air, climate, land, community protection, and water. <https://www.epa.gov/invest/investments-epa-under-bip-artisan-infrastructure-law-and-inflation-reduction-act>

ADMINISTRATION/WATER RESOURCES

California/Executive Actions

On January 20, President Trump released a memorandum that directed the Secretaries of Commerce and Interior to “immediately restart work to route more water from the Sacramento-San Joaquin Delta to other parts of the state for use by the people there who desperately need a reliable water supply.” The order required the Secretaries to report to the President regarding progress in implementing the memorandum within 90 days. It read: “During my first term, the State of California, at the direction of its Governor, filed a lawsuit to stop my Administration from implementing improvements to California’s water infrastructure. My Administration’s plan would have allowed enormous amounts of water to flow from the snow melt and rainwater in rivers in Northern California to beneficial use in the Central Valley and Southern California. This catastrophic halt was allegedly in protection of the Delta smelt and other species of fish. Today, this enormous water supply flows wastefully into the Pacific Ocean. The recent deadly and historically destructive wildfires in Southern California underscore why the State of

California needs a reliable water supply and sound vegetation management practices in order to provide water desperately needed there, and why this plan must immediately be reimplemented.”

California/State Water Project

On January 28, Senator Alex Padilla (D-CA) sent a letter to Department of Defense Secretary Pete Hegseth requesting information regarding President Trump’s January 27th post on Truth Social. Trump wrote: “The United States Military just entered the Great State of California and, under Emergency Powers, TURNED ON THE WATER flowing abundantly from the Pacific Northwest, and beyond. The days of putting a Fake Environmental argument, over the PEOPLE, are OVER. Enjoy the water, California!!!”

Padilla asked that the Pentagon respond in writing with specifics about the deployment. He asked: (1) which units of the U.S. Armed Forces had been assigned; (2) where in California they were deployed, including specific cities and facilities where troops were assigned; (3) what specific actions were taken to turn on the water; (4) which Emergency Powers were invoked; (5) how much more water was now flowing compared to the week of January 13, 2025. He wrote: “Clarity and transparency on these matters are crucial to ensure that the public is properly informed and that any actions comply with federal laws governing the use of the U.S. military within the United States.”

The California Department of Water Resources (DWR) also responded to the President’s post: “The military did not enter California. The federal government restarted federal water pumps after they were offline for maintenance for three days. State water supplies in Southern California remain plentiful.” DWR recently announced an allocation increase for 2025 from 15% to 20% of requested supplies, due to additional 2024 storms and above-average reservoir storage.

On January 29, White House Press Secretary Karoline Leavitt stated: “The water has been turned back on in California, and this comes just days after President Trump visited Pacific Palisades and, as you all saw,

applied tremendous pressure on state and local officials in Pacific Palisades, including Los Angeles Mayor Karen Bass, to turn on the water and to direct that water to places in the south and in the middle of the state that have been incredibly dry, which has led to the expansion — the rapid expansion of these fires.... Again, the Army Corps of Engineers has been on the ground in California to respond to the devastation from these wildfires.”

EPA/Water Reuse

On January 15, EPA released its Risk-Based Framework for Developing Microbial Treatment Targets for Water Reuse. The document reviews the state of the science for a range of fit-for-purpose water reuse applications. It articulates the components of the quantitative microbial risk assessment (QMRA) framework and provides a rationale for input model parameters based on peer-reviewed literature to support States, Tribes and other regulatory entities interested in developing “log10” Reduction Targets (LRTs). The document is designed to provide these entities with sufficient detail to make their own informed decisions and provides considerations for decision-makers translating risk-based management into practical implementation. The state of the science review covers topics such as: (1) bacterial, viral, and protozoan reference pathogens to consider; (2) the latest data on pathogen densities, dose-response models, and health metrics; (3) peer-reviewed LRTs for both potable and non-potable applications; and (4) opportunities for future research.

LITIGATION

Federal Funding Freeze/ *State of New York v. Trump*

On January 28, Democratic attorneys general in 22 States, including California, Arizona, Colorado, Nevada, New Mexico, Oregon, and Washington, filed suit against the Office of Management and Budget’s (OMB) memo ordering agency heads to pause federal funding, pursuant to recent executive orders. The complaint argued that the OMB directive violated the Administrative Procedures Act (APA) and the Constitution, as it would permit the federal government to rescind already allocated dollars that have been included in recipient budgets. They alleged that none of President Trump’s executive orders “lawfully or reasonably provides authority for the OMB Directive’s disruption of all federal financial assistance”(*State of New York et al. v. Trump et al.*, U.S. District Court for Rhode Island, #25-cv-00039).

On the same day, the U.S. District Court for the District of Columbia ordered an administrative stay of the memo until February 3 (*National Council of Nonprofits et al. v. Office of Management and Budget et al.*, #25-cv-00239). Plaintiffs were a group of nonprofit

agencies who argued the freeze was arbitrary and capricious, violated federal law and the First Amendment by targeting recipients based on their political views, and exceeded OMB’s statutory authority. Following the court order, the White House rescinded the memo.

WATER RESOURCES

Utah/Infrastructure Permitting

On January 9, Governor Cox signed an executive order aimed at streamlining permitting processes when building critical infrastructure. The executive order directs the Utah Department of Environmental Quality (DEQ) and the Division of Oil, Gas, and Mining (DOGDM) to identify ways to expand and enhance permitting by rule and general permitting. The order also requires DEQ to evaluate and improve the processes for plantwide applicability limitation (PAL) permits. Under the executive order, DEQ and DOGDM will engage stakeholders, examine successful permitting frameworks from other States and assess opportunities to increase efficiency, reduce redundancies and enhance clarity in the permitting process. Cox said: “It shouldn’t take years to get approval for a project that benefits our communities and strengthens our economy.... If we want a future where the American Dream is available for the next generation, we must be builders: one family, one neighborhood and one community at a time.... The focus of this executive order is to empower Utahns to take the lead in creating the world we want for our children and grandchildren. It’s about a future of freedom, opportunity and abundance – built here.”

USGS/Water Availability Report

On January 15, the United States Geological Survey (USGS) simultaneously launched its Integrated Water Availability Assessment – 2010-2020, National Water Availability Data Companion (Data Companion) and an interactive visualization website. The assessment found that nearly 30 million people live in areas where available surface water supplies are limited relative to water use. Unlike previous iterations, the new assessment utilizes advanced models to bridge gaps between monitoring sites, and integrates water quality and use. The accompanying Data Companion is an online platform that offers access to datasets used in the assessment and provides tools for policymakers, scientists, and resource managers to better understand availability across the U.S. The Data Companion will feature regularly updated information on water quantity, quality, and use, as well as historical data and future projections. The interactive visualization website presents key findings of the assessment through a data-driven storymap. To access the report, Data Companion, and visualization website, please visit usgs.gov/iwaas.

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.