Issue #2685
November 14, 2025

Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/WATER QUALITY

Waters of the United States

On November 7, the Trump Administration indicated it had finished reviewing the Environmental Protection Agency's (EPA) upcoming rule on the definition of "waters of the United States." More details will be forthcoming as the proposed rule is published. See https://www.reginfo.gov/public/do/eoDetails?rrid=1074811

PFAS/TSCA

On November 10, EPA released a proposal to reduce the scope of its per- and polyfluoroalkyl substances (PFAS) reporting regulations under the Toxic Substances Control Act (TSCA). The exemptions and modifications that EPA is proposing would exempt reporting on activities that manufacturers are least likely to know or reasonably determine, including: (1) PFAS manufactured (including imported) in mixtures or products at concentrations 0.1% or lower; (2) Imported articles; (3) Certain byproducts; (4) Impurities; (5) Research and development chemicals; and (6) Non-isolated intermediates. The agency is also proposing technical corrections. https://www.epa.gov/newsreleases/epa-proposes-changes-make-pfas-reporting-requirements-more-practical-and-0

Texas/Groundwater

On November 12, EPA announced a final rule approving the State of Texas' request to administer permitting for Class VI underground injection wells under the Safe Drinking Water Act. With this approval, Texas will implement Underground Injection Control (UIC) programs covering all well-types (Class I-VI). EPA's news release noted: "This action recognizes that Texas is best positioned to protect its underground sources of drinking water while bolstering economic growth and energy dominance."

"Texas has always led the way in responsible energy development, and today's decision affirms that leadership. By granting Texas primacy over Class VI wells, EPA is recognizing what we already know: no one is better equipped to protect our drinking water, advance American energy independence, and streamline permitting than the great State of Texas," said Congressman Brian Babin (R-TX).

Depending on the type of well, either the Texas Commission on Environmental Quality (TCEQ) or the Texas Railroad Commission (RRC) already regulate Class I-V injection wells.. Wei Wang, RRC Executive Director said: "This approval by the EPA recognizes RRC's expertise to add Class VI wells to our UIC program, to continue our work of protecting Texans and our natural resources. Additionally, primacy will streamline the application process and provide the regulatory certainty that is critical to Texas, which is one of the most productive energy regions in the world." **https://www.epa.gov/newsreleases/epa-grants-state-texas-primacy-protect-underground-water-resources**

CONGRESS

Appropriations FY2025-2026

On November 12, President Trump signed into law the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act (H.R. 5371), ending a 46-day government shutdown. The House passed the revised package in a 222-209 vote after a 60-40 vote in the Senate earlier in the week.

The bill provided FY2026 continuing appropriations for most federal agencies through January 30, 2026, with most activities funded at FY2025 levels. Federal Emergency Management Administration (FEMA) and Wildland Fire Management funds, were provided "up to the rate necessary to carry out response/recovery activities or wildfire suppression activities respectively. It also provided retroactive civilian personnel compensation "up to the rate needed to avoid furloughs," prohibited further Reduction in Force (RIF) and rescinded layoff notices issued since October 1, 2025.

The bill included three measures to provide full-year appropriations for the Department of Agriculture (USDA), Food and Drug Administration (FDA), Department of Veterans Affairs (VA), Department of Defense Military Construction, Legislative Branch, and several independent and related agencies. It also extended 2018 Farm Bill programs through September, 2026.

USDA funding totaled approximately $203.4B. This included $26.7B in net discretionary funding for the USDA, Rural Development, FDA and related agencies. Mandatory spending, included $107.5B in Special Supplemental Nutrition Assistance Program (SNAP). The bill also funded the Farm Service Agency ($1.1B) and the Grassroots Source Water Protection Program ($7.5M).

The Natural Resources Conservation Service (NRCS) received a total of $850M through FY2026, with $34.6M earmarked for Community Project Funding/Congressionally Directed Spending (CDS). NRCS funding included an additional $50M for Watershed and Flood Prevention Operations, of which $10M was allocated to "multi-benefit" irrigation modernization projects and activities that increase fish or wildlife habitat, reduce drought impact, improve water quality or instream flow, or provide off-channel renewable energy production, and $32.4M was earmarked for CDS. The Watershed Rehabilitation Program (WRP) received $3M. A general provision prohibited the use of any funds to close or consolidate NRCS field offices or relocate field-based employees resulting in an office of two or fewer employees without congressional approval.

Under Rural Development Programs, the bill provided $1B for direct loans under the Rural Water and Waste Disposal Program Account, and another $50M for guaranteed loans. A general provision required infrastructure projects seeking this funding to source all iron and steel products in the United States. The requirement can be waived depending on public interest, availability of products, and if project cost would be impacted by more than 25%. The bill included a general provision appropriating $2M for non-renewable water banking agreements, including flooded agricultural lands.

Senate Agriculture Committee Chair John Boozman (R-AR) said: "Ending the government shutdown ensures critical USDA services resume so vulnerable families no longer experience disruptions to nutrition benefits, farmers can access the programs and personnel they rely on to keep their operations running efficiently and disaster assistance is delivered,"

Farm groups, including the National Association of Wheat Growers and the National Farmers Union, have largely applauded the measure. The American Farm Bureau Federation commended both the House and Senate on their respective votes. "We also appreciate the Senate's action to extend the U.S. Grain Standards Act and key farm bill programs, as well as authorizing USDA's 2026 budget. These actions, along with the improvements to farm programs in the One Big Beautiful Bill Act, will provide much-needed certainty for farmers as we work with Congress to pass a modernized five-year farm bill."

The National Sustainable Agriculture Coalition expressed concerns over farm program cuts. NSAC Policy Director Mike Lavender said: "After weeks of uncertainty, legislation unveiled over the weekend opts to needlessly restrict farmers' ability to reduce input costs, invest in clean water, and build healthy soil. The FY2026 agriculture appropriations bill cuts nearly $100M in support for conservation technical assistance, and the proposed farm bill extension fails to extend conservation program payment limits…. Taken together, these bills make it harder for a wide variety of family farmers to enhance their productivity and protect natural resources, and bias federal conservation programs towards serving the largest operations first and foremost.... While the bill manages level funding for many essential programs and avoids harmful riders that would limit USDA from promoting fair market competition for livestock and poultry growers, it nonetheless falls short of delivering meaningful progress."

Nominations

On October 29, the Senate Environment and Public Works Committee approved two EPA nominees: Jeffrey Hall, nominated to serve as Assistant Administrator for Enforcement and Compliance Assurance, and Douglas Troutman, nominated to be Assistant Administrator for Toxic Substances. Both nominees were reported out favorably on 10–9 votes.

On November 3, the Senate Agriculture Committee voted 13–10 to advance Yvette Herrell for the position of USDA Assistant Secretary for Congressional Relations. On November 5, the Senate Agriculture Committee held a confirmation hearing for Glen R. Smith, the nominee for Undersecretary for Rural Development at USDA. Edward Forst, nominated to be Administrator of the General Services Administration, was reported favorably out of the Committee on Homeland Security and Governmental Affairs. Stevan Pearce, nominated to lead the Bureau of Land Management, was formally referred to the Senate Energy and Natural Resources Committee for review.

WATER RESOURCES

Colorado River

On November 12, Colorado River State negotiators, along with the Department of Interior and the Bureau of Reclamation, issued a joint statement addressing the passage of the November 11 deadline to reach a preliminary agreement over future river operations. In June, Scott Cameron, then acting assistant secretary for Water and Science at DOI, told the States they should reach at least an "agreement in principle." He emphasized that DOI Secretary Doug Burgum strongly preferred a seven-State solution, but was prepared to make a decision if the States could not reach consensus.

The joint statement read: "The seven Colorado River Basin states together with the Department of the Interior and the Bureau of Reclamation recognize the serious and ongoing challenges facing the Colorado River. Prolonged drought and low reservoir conditions have placed extraordinary pressure on this critical water resource that supports 40 million people, tribal nations, agriculture, and industry. While more work needs to be done, collective progress has been made that warrants continued efforts to define and approve details for a finalized agreement. Through continued cooperation and coordinated action, there is a shared commitment to ensuring the long-term sustainability and resilience of the Colorado River system."

In a letter to Interior on November 11, Arizona Governor Katie Hobbs (D) and Arizona State lawmakers asked the Administration to "ensure that the future framework maintains compliance with the Compact" as it guides negotiations after the deadline. Hobbs emphasized the Lower Basin's conservation measures, including proposals to conserve 1.5 million acre-feet (AF) of water per year, and the 3 million AF Lower Basin States have conserved since 2023.

The letter said: "With such high stakes for Arizona and the Nation, we find it alarming that the Upper Basin States have repeatedly refused to implement any volume of binding, verifiable water supply reductions. This extreme negotiating posture–four of the seven Basin States refusing to participate in any sharing of water shortages–has led to a fundamental impasse that is preventing the successful development of a 7-State consensus plan for management of the Colorado River…. We urge you to utilize your authorities to ensure that whatever alternative is considered by the Department of Interior contains measurable and enforceable conservation requirements for the Upper Basin to make certain that this crucial water resource remains available for Arizona and its contributions to the economy and national security of this country."

Gene Shawcroft, chair of the Colorado River Authority of Utah, said in a virtual press conference that the States had not missed a deadline. "We were able to have enough of a framework put together that the federal government agrees with us that... [it] can be continued to be refined in order for us to have a deal by the middle of February."

John Entsminger, Nevada's lead negotiator and general manager of the Southern Nevada Water Authority told the Las Vegas Review Journal "I've been staring at these people for the better part of two years…. We're making progress, and no single state has pushed back from the table. I think that's positive."

MEETINGS

On November 19, the Interstate Council on Water Policy (ICWP) and WSWC will host a webinar on Water Workforce Development: Insights, Strategies, and Solutions. The virtual meeting will explore pathways into water careers, featuring presentations and a panel discussion on workforce development strategies. The event will bring together experts from the public, private, and academic sectors. For more information, contact mbushman@wswc.utah.gov or beth@icwp.org