



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION/ORGANIZATIONS

EPA Transition

On January 6, WSWC signed onto a letter introducing the EPA transition team to national organizations that represent state, tribal, and local partners on environmental policy. Other signees included the Association of Clean Water Administrators (ACWA), the Association of State Drinking Water Administrators (ASDWA), the Environmental Council of the States (ECOS), the Association of State And Territorial Solid Waste Management Officials (ASTSWMO), the Ground Water Protection Council (GWPC), the Council of Infrastructure Financing Authorities (CIFA), the National Association of Wetland Managers (NAWM), the Association of Air Pollution Control Agencies (AAPCA), and the National Association of Clean Air Agencies (NACAA). The letter emphasized the importance of cooperative federalism, offers assistance, advocates for collaboration, and provided background for each organization.

The letter read: "The nation's environmental laws are based upon the concept of cooperative federalism. Cooperative federalism is key to successful implementation and emphasizes shared priorities, authority, responsibility, and problem-solving opportunities between and among the federal government and its state, tribal and local partners.... By its nature, cooperative federalism requires EPA and the state, tribal and locals to work together with stakeholders to identify priorities, solve problems, streamline and modernize environmental programs, enhance and improve overall program performance to meet desired outcomes. [These] organizations stand ready to work with you and your team as you prepare to implement the federal, state, tribal and local environmental agency priorities."

ADMINISTRATION/WATER QUALITY

EPA/Water Quality Standards

On December 12, the Environmental Protection Agency (EPA) released three draft chapters of its primary guidance document for the National Water Quality Standards (WQS) Program, the WQS Handbook, for a 90-day public comment period including updates to

Chapter 2 on Designated Uses, Chapter 4 on Antidegradation, and a new chapter on WQS Variances. The update responds to questions received during the 2015 revision process for EPA's Part 131 WQS regulation. They are based on questions received, experiences from implementing the revised regulation, and input the EPA sought from States and authorized Tribes.

Chapter 2 focuses on designated uses, explaining their role under the Clean Water Act (CWA) and offering guidance on designation, revision, and removal, with an emphasis on public engagement and protecting existing uses. Chapter 4 outlines antidegradation policies, detailing the three tiers of protection for water quality. It also discusses thermal discharge requirements, as well as how antidegradation relates to various CWA programs. The WQS Variances chapter covers their purpose, federal regulations, types, requirements, duration, implementation and their role in permitting and Total Maximum Daily Loads (TMDLs). EPA will host informational webinars in late February to provide overviews and answer questions. The public comment period closes March 12, 2025 (Docket ID No. EPA-HQ-OW-2024-0517).

ADMINISTRATION/WATER RESOURCES

PCAST/Groundwater

On December 14, the President's Council of Advisors on Science and Technology (PCAST) released its report on America's groundwater resources. The report offers evidence-based strategies to support state, tribal, and local efforts to address groundwater challenges such as depletion, contamination, and limited data systems. PCAST stated: "The critical issue of groundwater remains insufficiently addressed. The federal government has limited authority to regulate groundwater. However, there are many ways federal agencies engage with and address groundwater issues."

PCAST's recommendations to the White House included: (1) establishing an interagency working group on groundwater security and sustainability; (2) expanding research on groundwater technologies; (3) establishing a network of regionally tailored hubs; (4) developing a federal incentive program for sustainable groundwater

management; (5) developing methodologies to account for the value of natural capital including groundwater resources; and (6) launching a campaign to develop groundwater science and management workforce.

PCAST outlined the range of states approaches to groundwater including absolute landowner ownership, public trust management, and state-administered permits. The report reads: "This decentralized system allows states to address specific challenges and opportunities within their jurisdictions, but it can also result in inconsistencies and gaps in groundwater management across the country. To improve groundwater governance, states often focus on improving data collection and monitoring, updating legal frameworks, and promoting public participation and education. Collaborative efforts among state agencies, local governments, and stakeholders are crucial for developing and implementing effective groundwater management strategies."

PCAST applauded the work of federal and state agencies, and provided examples of statewide actions to address groundwater sustainability including: (1) Kansas' establishment of Local Enhanced Management Areas (LEMA's) and a Groundwater Management District (GMD); (2) Arizona's passage of the Groundwater Management Act in 1980; (3) California's passage of the Sustainable Groundwater Management Act (SGMA) in 2014; (4) Idaho's monitoring of water levels in over 2300 wells; (5) Texas' use of individual Groundwater Conservation Districts (GCD); and (6) New Mexico's Water Policy and Infrastructure Task Force.

Concluding, PCAST stated: "Groundwater challenges are complex and heterogeneous, influenced by a combination of environmental, economic, and technological factors. Effective groundwater management requires a coordinated, multifaceted approach that acknowledges and uplifts local efforts, while addressing broader challenges across the nation."

LITIGATION/WATER RESOURCES

Arizona/Groundwater

On December 11, Arizona Attorney General Kristin Mayes announced a lawsuit against a Saudi-backed alfalfa farm (*Arizona v. Fondomonte*). The complaint, filed in the Maricopa County Superior Court, alleged that Fondomonte's pumping has caused significant decline in basin groundwater levels and irreversible land subsidence, drying neighboring wells and it is likely to deteriorate water quality in the basin. The complaint alleged that in 2023 Fondomonte used 31,196 acre-feet of groundwater within the basin, constituting over 81% of all groundwater extracted in the basin that year. It read: "Left unaddressed, Fondomonte's excessive pumping will continue to gravely affect the people, neighborhoods,

and communities living on the Ranegras Basin and relying on the Ranegras Basin for water.... Recovery from damage caused by Fondomonte's conduct could take centuries and, in some circumstances, the damage is permanent and catastrophic."

The complaint asked the court to declare that Fondomonte's conduct constitutes a public nuisance, enjoin it from excessively pumping groundwater, and require it to establish an abatement fund. Attorney General Mayes said: "Fondomonte's unsustainable groundwater pumping has caused devastating consequences for the Ranegras Plain Basin, putting the health and future of the residents of La Paz County at risk." <https://www.azag.gov/press-releases>

WATER RESOURCES

Arizona/Groundwater

On December 19, the Arizona Department of Water Resources (ADWR) officially designated the Willcox Groundwater Basin as the State's seventh Active Management Area (AMA) (WSW #2634). The designation took effect on January 8. Under the designation, irrigation users may irrigate only those acres of land within the Willcox AMA which were legally irrigated at any time during the five years preceding October 23, 2024. Additionally, persons withdrawing groundwater from non-exempt wells are required to measure their withdrawals with an approved method and report them to ADWR.

MEETINGS

Western States Water Council - Spring Meetings

The WSWC Spring Meetings will be held in Lincoln, Nebraska April 22-25, 2025, at the Courtyard by Marriott Lincoln Downtown. The groundwater workshop will be held on the 22nd. Our full day field trip will be on the 23rd. **Our room block deadline is March 31.** There is no registration fee to attend the meetings, but we are asking all individuals participating in person, or virtually to register. For further information, please see: <https://westernstateswater.org/events/2025-wswc-spring-206th-meetings-in-lincoln-nebraska/>

PEOPLE

Jon Niermann stepped down as chairman of the Texas Council on Environmental Quality (TCEQ) and as Chair of Western States Water Council. He said: "I am excited to see where this outstanding group of leaders takes the Council in the years ahead. I have truly enjoyed being part of this remarkable organization for nearly eight years and value our friendship." Julie Cunningham will serve as interim chair.

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.