



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

682 East Vine Street / Suite 7 / Murray, UT 84107 / (801) 685-2555 / Fax 685-2559 / [www.westernstateswater.org](http://www.westernstateswater.org)

Chair - Jon Niermann; Executive Director - Tony Willardson; Editor - Michelle Bushman; Subscriptions - Julie Groat

### **ADMINISTRATION/WATER QUALITY**

#### **EPA/GAO/PFAS**

On September 24, the Government Accountability Office (GAO) released a report examining per- and polyfluoroalkyl substances (PFAS) related challenges for public water systems (PWS). Specifically, the report examined how systems in selected States have (1) treated PFAS in drinking water and (2) managed the resulting PFAS-contaminated waste, and challenges the systems faced in doing so. GAO surveyed water systems in Illinois, Massachusetts, New Hampshire, New Jersey, Ohio, and Vermont – states GAO previously identified as having concentrations of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) at or above the Environmental Protection Agency's (EPA) recently established maximum contaminant levels of 4 parts per trillion (WSW #2605).

GAO estimated that 77% of PWS's have not yet fully implemented a PFAS treatment method. Among the systems that have implemented treatment, most said they need more information on how to safely dispose of the resulting waste. An estimated 86% of large systems that were treating drinking water for PFAS found it challenging to communicate effectively with customers about PFAS health risks. GAO estimated that 41% of public water systems treating PFAS have managed the resulting PFAS-contaminated waste. Most systems – both those that have and have not begun managing waste – would find additional guidance on appropriate methods for managing waste helpful.

GAO recommended that EPA: (1) issue a Small Entity Compliance Guide, as required under federal law; (2) increase efforts to help water systems acquire federal funding; (3) establish a time frame for issuing additional resources to help systems communicate PFAS health risks to customers and (4) create a straightforward resource relevant to systems' disposal of PFAS-contaminated waste. EPA agreed with the first three recommendations and said the fourth could be addressed in the EPA's next disposal guidance. See [https://www.gao.gov/products/gao-24-106523#summary\\_recommend](https://www.gao.gov/products/gao-24-106523#summary_recommend).

### **EPA/WIFIA**

On October 10, the EPA announced a \$24M Water Infrastructure Finance and Innovation Act (WIFIA) loan to the City of Sandy in northern Oregon. The loan will support the city's plan to modernize their wastewater facilities and increase capacity to protect water quality in local waterways. A community of 13,000 residents, the City of Sandy will receive WIFIA financing for nearly 80% of its project costs, a flexibility offered to small community borrowers. This WIFIA loan, combined with \$7M in funding from the Oregon Clean Water State Revolving fund, will provide low-cost, flexible financing for this critical wastewater infrastructure project. With this WIFIA loan, the city will save an estimated \$2.6M and create about 80 jobs.

EPA's Principal Deputy Assistant Administrator for Water Bruno Pigott said: "Clean and safe water is essential to vibrant communities. Through WIFIA and the [IIJA], EPA is working with states and communities to upgrade water infrastructure to protect public health and the environment while creating jobs. EPA is proud to partner with the City of Sandy and finance nearly 80% of the project to reduce costs while strengthening local waters." See <https://www.epa.gov/wifia>.

### **ADMINISTRATION/WATER RESOURCES**

#### **Colorado River/Reclamation**

On September 25, Bureau of Reclamation Commissioner Camille Calimlim Touton joined leaders from the Imperial Irrigation District (CA), Bard Water District (CA), Metropolitan Water District (CA), and the Gila River Indian Community (AZ) to sign five water conservation agreements. The short-term agreements with the Imperial Irrigation District, Bard Water District, and Metropolitan Water District are expected to conserve over 717,000 acre-feet of water by 2026. Reclamation announced a Finding of No Significant Impact for the 700,000 acre-feet deal with Imperial Irrigation District in August (WSW #2622). The agreement with the Bard Water District, in partnership with the Metropolitan Water District, conserves up to 17,100 acre-feet of water at a cost of about \$6.8M. This water will remain in Lake Mead in an effort to benefit the Colorado River System and its users. The two agreements with the Gila River Indian

Community have the potential to create system conservation of over 73,000 acre-feet within the next 10 years. Reclamation has now executed 25 agreements that are projected to conserve more than 2.28 million acre-feet (MAF) of water. The agreements are part of the 3.0 MAF of system conservation commitments made by the Lower Basin states. See <https://www.usbr.gov/newsroom/news-release/4972>.

On October 14, Touton and Interior Secretary Deb Haaland co-authored an op-ed published in the Arizona Republic titled "Opinion: Colorado River is vital to Arizona. Here's how we're protecting it." Halaand and Touton emphasized the importance of short-term savings in Lake Mead in reducing short-term risk, setting the stage for the development of long-term solutions. They celebrated having reached more than half of the system conservation commitments made by the Lower Basin States. They emphasized the importance of the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) in reducing water demand through voluntary water conservation incentives. They also reported on efforts to craft a post-2026 operations agreement.

They wrote: "We are harnessing the best available science to create robust and adaptive guidelines that can withstand the impacts of ongoing drought and a changing climate. Every viable option is being explored as we seek solutions that address the diverse needs of all that depend on the basin. A cornerstone of this effort is our unprecedented federal-tribes-states working group.... This working group has met seven times since its creation in August 2023. We have also held 38 tribal information exchanges to ensure ongoing dialogue and information sharing."

## **LITIGATION/WATER RESOURCES**

### **Army Corps/Colorado River**

On October 16, the U.S. District Court for the District of Colorado found that the Army Corps of Engineers (Corps) had violated the Clean Water Act (CWA) and the National Environmental Policy Act (NEPA) in issuing a dredge-and-fill permit for the Gross Dam and Reservoir expansion project (*Save the Colorado et al. v. Semonite et al.*, #18-cv-03258). The court ruled that Corps violated federal law when it granted Denver Water permission to discharge dredge and fill material into wetlands. The project, in construction since 2022, plans to raise Gross Reservoir by 131 feet to capture an additional 18,000 acre-feet of water per year. In its decision, the court acknowledged interstate dependence on the Colorado River. The court accepted Denver Water's need for supplemental water supply, but rejected the Corps' definition of "project purposes." The court found that, despite warnings from EPA, the Corps improperly combined both the water supply need and its need to

have the water routed through the North System's treatment plant. Having improperly narrowed the test for what makes an alternative practicable the Corps had failed to prove the necessity of wetland impacts.

The court also criticized the Corps for not considering the potential impacts of climate change, and for relying on outdated data. Acknowledging that halting construction could compromise the dam's integrity, the court directed petitioners (a coalition of six environmental groups), Denver Water and the Corps to discuss potential remedies. The decision reads: "The administrative record makes abundantly clear that a plethora of stakeholders in the Colorado River and Front Range's water resources are deeply concerned about any proposal that tampers with the region's already precarious water management system and uncertain hydrological future. And rightfully so – there is a massive and ongoing intersectional discussion about the 'Law of the Colorado River.' Considerable public discourse persists because the Colorado River supports seven states – Colorado, Wyoming, Arizona, Utah, New Mexico, Nevada, and California – and multiple federally recognized Indian tribes, including the massive Navajo Nation."

## **MEETINGS**

On October 24, EPA is hosting the first of two webinars on the recent Lead and Copper Rule Improvements. The first is an informational webinar for the general public. The second is a webinar for drinking water utilities and professionals, held on November 14. For more information, including links to registration and materials available after the webinars, please see <https://www.epa.gov/ground-water-and-drinking-water/lead-and-copper-rule-improvements>.

## **PEOPLE**

**Patrick T. Tyrrell**, 67, passed away at the Davis Hospice Center in Cheyenne, Wyoming on September 28, 2024, after a courageous battle with pancreatic cancer. Before retiring in April 2019, Pat was the longest serving State Engineer in Wyoming history, serving under four governors. Pat was appointed to the WSWC by former Governors Jim Geringer (March 2001); Dave Freudenthal (June 2003); and Matthew Mead (2013 and 2018), before announcing his plan to retire in 2019. Pat made invaluable contributions to the work of the WSWC as Chair (2014-2016); Vice-Chair (2012-2014); Secretary/Treasurer (2010-2012); Chair of the WSWC's Water Resources Committee (2008-2010); and as a member of the Executive and Water Quality Committees and various subcommittees during his tenure of service. We express our sincerest condolences to Pat's family and friends. He will be missed.

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**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.**