



● Report on Activities from Washington, D.C.

Summary

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Purpose

(3) Informational

Attachments

Attachment #1 – July 2022 Federal Legislative Matrix

Detailed Report

Schedule

The House and Senate returned to session on July 11 after a two-week break for a last legislative sprint until Congress adjourns for the August recess. The House is scheduled to break for the summer on July 29 and the Senate on August 4.

Appropriations

The House Appropriations Committee worked in June to advance their Fiscal Year 2023 (FY 23) appropriations bills; the House remains on track to approve their bills before the August recess. The House bills are moving forward despite not having an agreement with the Senate on top line numbers for each appropriations bill.

The House Interior and Environment bill funds several federal agencies including the Environmental Protection Agency (EPA). The House bill proposes level funding for EPA's state revolving fund program, \$1.75 B for the clean water state revolving fund and \$1.13 B for the drinking water state revolving fund. This funding is in addition to the \$2.2 B each fund will receive in FY 23 from the Infrastructure Investment and Jobs Act.

Additionally, the House bill provides \$10 million for EPA's alternative water sources program. If enacted, this would be the first time the program receives funding and would provide a new source of grant funding for water recycling projects. Senator Alex Padilla (D-CA) championed the passage of this program in the Senate and his staff is working to secure similar funding in the Senate appropriations bill.

The House Energy and Water appropriations bill funds the Bureau of Reclamation (BOR) and other agencies. The bill provides \$1.75 billion for the BOR water and related resources account. This includes \$63 million for water recycling projects, \$134 million for water storage projects, and \$75 million for WaterSMART grants. This funding is in addition to the \$1.6 billion BOR will receive in FY 23 from the Infrastructure Investments and Jobs Act.

There is a long way until enactment and these numbers are likely to change; staff will provide updates as the process moves forward.

National Defense Authorization Act

The House and Senate have begun working on their respective versions of the National Defense Authorization Act of 2023. This bill authorizes Department of Defense (DoD) programs and activities

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and is sometimes a vehicle to attach other legislation. In prior years, a broad range of issues/programs ranging from PFAS regulations to climate change programs have been added to the bill.

The House bill was marked up on June 22, and an amendment was adopted that would require DoD to remediate PFAS to the most stringent standard, including EPA's Health Advisories. Similar language failed to be incorporated in the final NDAA in FY 22 because of the impact of this provision on DoD's budget; staff will provide updates on the fate of this provision in this Congress.

The only PFAS provisions in the Senate version of the bill extends the authorization for an ongoing study on the health impacts of PFAS in drinking water being conducted by the Centers for Disease Control and Prevention.

Senate Energy and Natural Resources Hearing

The Commissioner of the Bureau of Reclamation Camille Touton, appeared before the Senate Energy and Natural Resources Committee on June 14 at a hearing entitled "Short- and Long-term Solutions to the Extreme Western Drought."

During her opening statement, the Commissioner said that Colorado River water users need to conserve an additional 2-4 million acre-feet of water per year starting in 2023 in order to protect critical elevations at Lake Powell and Lake Mead. In response to questions, she reported that the states have 60 days to come up with a plan and if they do not, the Department of Interior has the authority to act unilaterally to protect the system. This statement garnered a lot of Congressional interest.

Staff will monitor closely and provide an update if legislation is developed to help implement a new agreement or if the Department of Interior proceeds to act unilaterally.

Regulations

- The Administration released its latest regulatory agenda, laying out plans for the coming months and beyond on June 22. It includes two particularly notable items relating to water quality: EPA says it will propose a nation drinking water standard for PFOA and PFOS in December of this year and finalize the standards a year later.
- EPA also intends to release an Advance Notice of Proposed Rulemaking in which the Agency will seek public input on further PFAS-related designations under CERCLA. As examples, the Agency may request input regarding the potential hazardous substance designation of precursors to PFOA and PFOS; hazardous substance designation of additional PFAS; and designation, or designations of classes or sub-classes of PFAS as hazardous substances.

Conclusion

Staff continues to actively monitor and engage on Metropolitan policy and program priorities and will provide regular updates to the Board on these issues as they develop.