

Current Context

Hurricane Ian [pounded coastal and inland Florida](#) at the end September, exposing a range of vulnerabilities, including widespread gaps in flood insurance for buildings that were rapidly developed under lax construction standards. The electricity needed to keep water flowing [went out in some areas](#), and water lines were severed by the storm, with some people losing water pressure and others losing water service outright. The Florida Department of Health is regularly updating a [list of boil-water advisories](#), which alert residents to the possibility of biological contamination in a water system. The Federal Emergency Management Agency is sending in millions of liters of water to affected residents. President Joe Biden declared nine Florida counties disaster areas. Of the 1.8 million households in those nine counties, only 29 percent have federal flood insurance, according to a [POLITICO](#) analysis. Many in Puerto Rico have [raised concerns](#) that the disaster in Florida will shift attention away from the US island territory, which was ravaged by Hurricane Fiona on September 18, and where power is still unstable.

Across the Atlantic, leaders in Denmark announced [plans to direct](#) about \$13 million to assist vulnerable countries that have suffered “[loss and damage](#)” from climate change—the first time in United Nations history a wealthy member state has pledged such compensation. While loss and damage funding has long been a rallying cry for climate justice advocates, wealthy nations, including the US, have avoided the policy for fear of legal liability for the growing threat of climate change.

Flooding of the Pearl River in August triggered equipment failures at water plants in the city of Jackson, MS, leaving about 150,000 people without reliable, clean drinking water for weeks. The crisis caught national attention with allegations of racial discrimination—Jackson's population is more than 80 percent Black—and as another example of havoc resulting from aging, vulnerable water infrastructure. Water service has since been restored in Jackson, but the water is still unsafe, and residents are [purchasing bottled water](#) on top of paying for water service. Officials in Jackson [said the crisis resulted from](#) a combination of the city's weak political influence, deferred maintenance at its water plant, insufficient staffing, and a chemistry issue that arose from the floodwaters. The Department of Justice has [threatened](#) legal action against the city.

As Congress prepares to negotiate a Farm Bill next year, new research shows how drought conditions and extreme weather have [destroyed](#) many row crops, fruits, and vegetables, with yields down by as much as a third compared with last year. American corn is on track to produce its lowest yield since the drought of 2012. The California rice harvest is likely to be less than half of what it was last year. And in Texas, cotton farmers gave up on nearly 70 percent of their crop due to weak harvest, according to

the US Department of Agriculture.

Federal Water Policy

Please continue to reach out with feedback that helps us provide the most relevant, timely information.

Congressional Actions and Updates

Senator Joe Manchin (D-WV) [pulled](#) his permitting legislation from the Continuing Resolution days before Congress passed, and the president signed, the stop gap spending bill to fund the government through December 16 and avert a partial shutdown in advance of the fall midterm election. The Continuing Resolution includes an extension of the National Flood Insurance Program, as well as \$20 million for Jackson, Mississippi water projects.

Water and environmental advocates had watched Manchin's side deal bill closely because of its potential impacts on permitting review authorities and processes under both the Clean Water Act and the National Environmental Policy Act. The most concerning component of Manchin's permitting bill—language to limit state and tribal authority under the Clean Water Act—[was axed](#) before the entire bill was shelved. The proposal had called to modify Section 401 of the Clean Water Act, which allows states and tribes to certify whether projects meet water quality rules. Rumors suggest some or all of the permitting bill may reappear in the National Defense Authorization Act. The Senate plans [to take up the NDAA](#) on October 11 and will vote on the legislation following the election.

Conservation will likely be a major topic of deliberation as the House Agriculture Committee crafts a Farm Bill next year, potentially under Republican control if the GOP takes the House. The upcoming Farm Bill renewal [overlaps with an infusion of money](#) from the Inflation Reduction Act (IRA), and lawmakers will determine whether to wrap the climate bill's funding into the Farm Bill—which could add that money to the bill's funding baseline—or to allow it to run separately. The IRA provides \$19.5 billion for agricultural conservation, including \$8.45 billion for the Environmental Quality Incentives program, which includes helping farmers address water-quality and erosion issues on their land. Both the IRA and the USDA's \$3.5 billion effort to promote "climate-smart commodities" focus on reducing greenhouse gas emissions and mitigating the effects of climate change. Republicans on the House Agriculture Committee are generally dismissive of such policies.

The first Alaska native elected to Congress, Democratic Rep. Mary Peltola, quickly won a seat on the House Natural Resources Committee, where she will work alongside a Democratic majority to consider reauthorization of the 1976 Magnuson-Stevens Fishery Conservation and Management Act, the law that sets the rules for fishing in all federal waters. The bill, [HR 4690](#), the "Sustaining America's Fisheries for the Future Act," would require the National Oceanic and Atmospheric Administration (NOAA) to create plans

for “climate ready fisheries” to manage the nation’s shifting stocks.

Congress is poised to pass [S 3662](#), the "Preventing PFAS Runoff at Airports Act," to allow the Federal Aviation Administration to pay for testing fire suppression equipment that doesn't release PFAs. PFAS in firefighting foam has [polluted land and waters](#) at military facilities around the country. Awaiting signature by the president is [HR 5641](#) to change what qualifies as a “small project” under existing federal disaster response law, with the goal of cutting red tape for medium-size projects. Check out our [Bill Tracker](#) to stay current on water and infrastructure-related legislation.

Advocacy Highlights:

- The Water Hub at Climate Nexus released a [national poll](#) on water that included questions about infrastructure spending, the Clean Water Act, the Farm Bill, drought response, and water bill assistance.

Administration Actions and Updates

The US Departments of Agriculture (USDA) and Interior co-lead the Drought Resilience Interagency Working Group (IWG), which recently released its [Drought Resilience 2022 Year One Summary Report](#). Drought Resilience IWG members are working together to deploy the \$8.3 billion in funding from the Infrastructure Investment and Jobs Act (IIJA) for the Department of Interior’s Bureau of Reclamation’s to increase water resilience and the \$918 million in USDA’s Natural Resources Conservation Service for watershed infrastructure projects. The IWG has also coordinated drought relief activities in the Klamath, Rio Grande, California’s Central Valley, and the Colorado River basin, as well as launching a Federal-State task force with the Western Governors’ Association to advance drought and soil monitoring systems.

The Centers for Disease Control and Prevention (CDC) added a drought indicator to the [National Environmental Public Health Tracking Network](#) that includes historical drought measures, the report notes. The new data is downloadable, mappable, and can be paired with health data. CDC is also working on a large-scale research project examining the health impacts of drought utilizing insurance claims information.

The Bureau of Reclamation [outlined the loose contours of a strategy](#) for spending the \$4 billion the agency received for drought resilience and the Colorado River Basin through the Inflation Reduction Act (IRA). While a detailed breakdown of that spending plan has not yet been released, a large portion could include buying water from the agricultural sector to boost water levels in the nation’s largest reservoirs. The agency also has plans for longer-term, “[durable system efficiency](#)” projects that improve the region’s water infrastructure. That could include re-lining canals to prevent water seepage, removing non-essential turf, aquatic ecosystem restoration, marginal land idling, and crop water efficiency projects.

Interior awarded \$560 million to [plug orphaned oil and gas wells](#) across 24 states—an unprecedented investment in oil field clean up with big implications for water quality. The funding is part of a \$4.7 billion orphaned well program greenlighted by last year's IIJA. The program offers grant dollars to qualifying states to pay for finding abandoned wells, tracking their methane releases, plugging the wells to contain polluting gases, and restoring surface lands. Twenty-two states have been allocated \$25 million in initial grants, with Arkansas and Mississippi receiving \$5 million each. Arkansas, Kansas, New Mexico, and Ohio have committed to prioritizing clean up in disadvantaged communities.

Interior also released a [snapshot of individual project funding](#) for \$310 million from the IIJA and \$1 million in appropriated funding for the planning, design and construction of water reuse projects across the country, as well as [announcing](#) that it has invested over \$7.5 million in fiscal year 2022 funding from the bipartisan infrastructure law to advance wildfire resilience work and support fuels management projects in California.

USDA will award \$15 million this year in the [Conservation Innovation Grants \(CIG\)](#) Classic program to agricultural businesses and nongovernmental organizations (NGOS) with experience working with agricultural producers on water quality and quantity issues. Ten percent of the program funding is set aside for proposals that benefit historically underserved producers, and [applications will be accepted through October 11](#).

USDA also announced that [70 projects around the country](#) will receive \$2.8 billion under Partnerships for Climate-Smart Commodities, a program aimed at encouraging "climate-smart" food production. These projects could reach more than 50,000 farms and cover between 20 million and 25 million acres, and there is significant demand. The agency received 450 applications for large projects as well as 600 applications for the yet to be selected smaller projects. USDA [anticipates](#) the program will total \$3.5 billion over as much as five years.

At the Environmental Protection Agency (EPA), the Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTAC) Program is [accepting applications](#) to establish technical assistance centers across the nation. EJ TCTAC funding has increased to \$10 million per award for 5–10 technical assistance centers across the nation. The new technical assistance centers will serve communities with environmental justice concerns by providing training, assistance, and capacity building on writing grant proposals, navigating federal systems such as Grants.gov and SAM.gov, and effectively managing grant funding. These centers will also provide guidance on community engagement and meeting facilitation, as well as translation and interpretation services. **The application deadline is November 1.**

The EPA has also released a [set of FAQs](#) to help federal agencies understand how they can integrate environmental justice and civil rights into environmental permitting

processes, as well as an environmental justice “[action plan](#)” for cleaning up toxic waste sites through the Office of Land and Emergency Management. In addition, EPA [announced funding](#) for the first 18 states for water improvement projects from the bipartisan infrastructure law: Arizona, Colorado, Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Montana, New Hampshire, New Mexico, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, and West Virginia. The funds arrive in the form of state revolving fund (SRF) capitalization grants after the EPA has reviewed state intended use plans.

EPA and the US Army Corps of Engineers are also currently crafting a new Waters of the US (WOTUS) rule to replace the Trump-era changes. Late last year, the EPA released a proposal to remove the Trump regulation and reinstate pre-2015 Clean Water Act rules. The White House [launched its review](#) in mid-September of EPA’s draft final rule, according to [RegInfo.gov](#). A final rule is expected early next year. Meanwhile, the Supreme Court heard oral arguments on October 3 in a challenge to the scope of WOTUS. The case, *Sackett v. EPA*, concerns a family’s long battle to build a house on their Idaho property without federal permits. The high court’s ruling could shape EPA’s authority and ability to regulate isolated wetlands, tributaries, and ephemeral streams under the Clean Water Act.

The White House launched the [Climate Mapping and Resilience Portal](#), which allows communities to track real-time impacts of climate change and projects future climate impacts based on different emissions scenarios. More than [20 federal agencies](#) also released [annual reports](#) showing how they are addressing climate risks and vulnerabilities.

David Hayes, senior climate official at the White House, is [stepping down](#), along with Gina McCarthy, the president’s national climate advisor. McCarthy will be succeeded by her deputy, Ali Zaidi. The administration has [hired John Podesta](#) to oversee implementation of the clean energy investments in the Inflation Reduction Act. Podesta was chief of staff to President Bill Clinton and founder of the Center for American Progress. He will step down as chair of its board.

Advocacy Highlights:

- House Natural Resources Chair Raúl Grijalva (D-AZ) sent a [letter](#) to the Interior Department urging the agency to require significant water conservation in the Colorado River basin, and arguing that the \$4 billion for drought in the Inflation Reduction Act [should be used](#) to help ensure Tribes and underserved communities across the basin can access drinking water and sanitation.
- A group of congressional Democrats from the upper Colorado River basin sent a [letter](#) to the Bureau of Reclamation arguing for [a long-term strategy](#) that aims for “permanent solutions on the River.”
- EPIC and River Network launched an [SRF advocacy tracking spreadsheet](#). [EPIC’s recent blog post](#) describes lessons learned from advocates

in Wisconsin after a year of working to reform the state's SRF priorities and processes.

- Earthjustice released a PFAS “[roadmap](#)” documenting potential upcoming regulatory milestones, EPA's progress, and the EPA office responsible for each one. Community groups, represented by Earthjustice, also filed a [motion](#) asking the US Court of Appeals for the DC Circuit to allow them to defend EPA's new advisories on PFAS advisories, which have [come under attack](#) by the American Chemistry Council.
- The National Association of Counties released an [explainer](#) on how counties are using American Rescue Plan Act funding.

Further Reading

Find some notable news stories and commentary below.

Associated Press: [New Mexico Supreme Court details ruling on stream access](#)

Arizona Republic: [Disconnected and 'dehumanized': How thousands across Phoenix survive without running water](#)

Calmatters: [California approves microplastics testing of drinking water sources](#)

Climatewire: [Hundreds of thousands drop flood insurance as rates rise](#)

Energywire: [Climate law: What to watch at Interior, FERC and DOE](#)

Greenwire: [Can modern water management save the Rio Grande?](#)

Greenwire: [FERC endorses nation's largest dam removal project](#)

Greenwire: [NOAA calls Snake River dam breaching 'centerpiece' of salmon rescue](#)

Grist: [How Kentuckians want to hold coal companies accountable for deadly flooding](#)

Los Angeles Times: [Dirty water, drying wells: Central Californians shoulder drought's inequities](#)

New York Times: [Another Challenge for Hardest-Hit Parts of Florida: Finding Clean Drinking Water](#)

New York Times: [How New Mexico's Largest Wildfire Set Off a Drinking Water Crisis](#)

Scientific American: [A Growing Drinking Water Crisis Threatens American Cities and Towns](#)

