

Current Context

Midterm elections loom and may lead to a shift in control of Congress as inflation, the economy, and crime top the list of voter concerns, and [polls show](#) voters who peg the economy as their top issue favor Republicans more than two-to-one. Meanwhile, President Biden, squeezed with a low approval rating of 43 percent, has [struggled](#) to find a cohesive message on climate change that can appeal to both climate activists and a general public concerned about gas prices.

Multiple wildfires across the Pacific Northwest gave Seattle the unfortunate distinction of having the [worst air quality in the world](#) in mid-October. A recent [study](#) found that California wildfires in 2020 [wiped out 16 years of progress](#) the state made on greenhouse gas reductions. Another [study](#) linked the increase of wildfires in the West to extreme storms in other states like Colorado, Wyoming, Oklahoma, and Nebraska. [According to the study](#), the heat produced by wildfires shifts air pressure in the atmosphere, creating strong winds that flow East. Those gusts deliver particles found in smoke and atmospheric moisture to amplify storms elsewhere.

More than 80 percent of the US is experiencing dry conditions or drought—the largest proportion since the National Oceanic and Atmospheric Administration (NOAA) began tracking 20 years ago. The agency's [2022-23 Winter Outlook](#) predicts continued below-average rainfall and snowpack for much of the country, including Southern California, the Southwest, the southern Rockies and Plains, the Gulf Coast, and much of the South, potentially damaging crops and increasing fire risks in regions that don't usually face such dangers. Below-normal precipitation could continue to [be problematic](#) for the Mississippi River, as low water levels have threatened municipal water supplies and slowed barge traffic, [vital for transporting crude oil](#), corn, and soybeans. Forty-two percent of the drought is attributable to human-caused climate change, according to a [recent study](#) in the journal Nature Climate Change.

On the 50th anniversary of the Clean Water Act (CWA), President Biden said his administration was “more committed than ever” to protecting the landmark law. In

a [Presidential Proclamation](#), Biden highlighted the bipartisan infrastructure law as the “biggest-ever investment in water” and the Inflation Reduction Act (IRA) as “America’s most aggressive climate action ever.” The president also pointed to his administration’s efforts “across the federal government” to combat pollution from per- and polyfluoroalkyl substances (PFAS). The Environmental Protection Agency (EPA) held a [commemorative event](#) for the CWA anniversary on the banks of the Cuyahoga River, which notoriously caught fire multiple times in the 1960s and sparked a response that eventually led to the law’s passage.

Federal Water Policy

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Congressional Actions and Updates

Congress has [attached](#) the Water Resources Development Act (WRDA) to the National Defense Authorization Act (NDAA). The new WRDA [would authorize](#) \$55 billion worth of projects and sharpen the federal government's ability to tackle sea-level rise and flooding. The legislation would approve 30 projects around the country for navigation, storm risk management, and ecosystem restoration, including a massive \$19.2 billion coastal protection plan along the Texas coast to buffer the effects of hurricanes and protect ports. It also includes a phaseout of firefighting equipment containing PFAS. The NDAA and the omnibus government funding bill are considered must-pass legislation during the post-election lame duck session.

Top House Democrats are [investigating](#) whether Mississippi’s Republican leadership blocked funding from reaching the city of Jackson, which continues to struggle with a failing drinking water system. In a [letter](#), Homeland Security Chair Bennie Thompson (D-MS) and Oversight and Reform Chair Carolyn Maloney (D-NY) questioned restrictions the state put on federal dollars tied to the American Rescue Plan Act and the bipartisan infrastructure law—money that was meant to flow to areas deemed “disadvantaged.” The letter mentions the [NAACP civil rights complaint](#) against Mississippi that urged EPA to investigate whether the state discriminated against Black residents in Jackson by diverting their public funding.

Senator Marco Rubio (R-FL), who sits on the Appropriations Committee, [submitted](#) a [\\$33 billion request](#) for Florida aid funding to help the state recover from Hurricane Ian. Rubio's proposal included \$12.3 billion for Army Corps of Engineers (Army Corps) repair and recovery projects; \$10 billion for Federal Emergency Management Agency (FEMA) disaster aid; \$1 billion for EPA, mainly focused on clean water drinking grants; \$200 million to NOAA for fisheries recovery assistance; and \$120 million to the Fish and Wildlife Service and National Park Service for cleanup and repairs.

A bipartisan trio of House lawmakers [introduced legislation](#) aimed at shoring up water conservation in the Colorado River Basin. New Mexico Rep. Melanie Stansbury (D), Arizona Rep. Debbie Lesko (R) and Nevada Rep. Susie Lee (D) introduced the Colorado River Basin Conservation Act ([HR 9173](#)). The bill, which has companion legislation in the Senate ([S 4579](#)) led by Sens. John Hickenlooper (D-CO) and John Barrasso (R-WY), would reauthorize the System Conservation Pilot Program through fiscal year 2026.

In a bid to curb extractive groundwater pumping in Arizona, Democrats also [introduced legislation](#) that would impose a 300 percent tax on alfalfa grown with Arizona groundwater and shipped abroad. The Domestic Water Protection Act of 2022 ([HR 9194](#)), is aimed at Saudi Arabia's largest dairy company and its subsidiary Fondomonte, which grows alfalfa in western Arizona for export.

Advocacy Highlights:

- Researchers at Northeastern University identified [more than 57,000 sites](#) that are likely polluted with PFAS in a new [study](#).
- The American Farm Bureau Federation [posted its priorities](#) for the upcoming five-year Farm Bill, [arguing](#) that adequate staffing for technical assistance to farmers is among its most important goals, a nod to a challenge faced by the US Department of Agriculture (USDA) as it manages billions of additional dollars Congress recently approved for conservation programs.
- Senator Mark Kelly (D-AZ) submitted a [letter](#) calling on the Interior Department to withhold funding for environmental cleanup at the Salton Sea until California agrees to use less of its share of the river. He also urged the

Department of Reclamation to “compel an agreement” if Colorado River basin states connect reach one.

Administration Actions and Updates

November 15 marks the one-year anniversary of the passage of the Infrastructure Investment and Jobs Act (IIJA). The White House released an [Action Plan for Accelerating Infrastructure](#) to highlight the ways the administration is expediting progress on infrastructure projects, including:

- [Closing America’s Wastewater Access Gap Community Initiative](#), which provides technical support to rural communities facing wastewater infrastructure gaps.
- Pre-approved standard templates for engineering and construction for projects funded under the Water and Waste Disposal program by the USDA Rural Utilities Service, aimed at making the program more accessible for rural and disadvantaged communities.
- The Army Corps [Planning Assistance to States](#) program, which offers technical guidance for the development and conservation of water and related land resources; [Floodplain Management Services](#) program, which provides planning-level technical assistance focused on flooding and floodplain management; and [Environmental Infrastructure Assistance](#) program, which supports construction assistance for drinking water and wastewater infrastructure.

The Department of Transportation (DOT) announced the [Thriving Communities Program](#), which aims to ensure that disadvantaged communities have the technical tools and organizational capacity to compete for IIJA funding. DOT opened two funding opportunities: communities interested in receiving support may submit a letter of interest by December 6 and organizations interested in providing support may apply to become a “Capacity Builder” by November 22.

Last week, the Bureau of Reclamation [announced plans](#) to explore revising operating guidelines for dams along the Colorado River. Reclamation will [analyze](#)

[several options](#), including a consensus-based “framework” agreement that would build on water reductions previously agreed to under a [2007 plan](#) and the 2019 Drought Contingency Plan. Another option involves using federal authority to alter reservoir operations for 2023 and 2024. “We are committed to taking prompt and decisive action necessary to protect the Colorado River System and all those who depend on it,” said Secretary of the Interior Deb Haaland in a [statement](#). The agency aims to issue a final Supplemental Environmental Impact Statement and Record of Decision in late summer 2023.

Department of the Interior also [offered some details](#) on how the \$4 billion dedicated to drought resilience from the Inflation Reduction Act will be spent, announcing a new plan for direct payments to water users to forgo water deliveries from Lake Mead or the Central Arizona Project. Interior hasn’t specified how much money will be available in total for that first round of payments, but is offering a fixed price program for \$330 per acre-foot for a one-year agreement, \$365 for two years, and \$400 for a three-year commitment. Interior will also offer a separate varying price program that allows water users to propose a price, conservation volume, start date, and duration. These programs are accepting proposals until November 21. A third program, beginning in early 2023, will solicit proposals for long-term system efficiency improvements that will result in multi-year conservation.

Interior also [requested](#) that the Supreme Court [overturn](#) a lower court ruling that Interior “owes the Navajo Nation an affirmative, judicially enforceable fiduciary duty to assess and address the Navajo Nation’s water needs.”

Separately, Interior [awarded](#) \$210 million in IIJA funding to expand drought-resilient water storage in Arizona, California, Colorado, Montana and Washington. Interior awarded \$392 million to [reclaim abandoned mine lands](#) in Pennsylvania, Kentucky, Ohio, Maryland, and Virginia.

The Army Corps released details on [\\$800 million](#) in IIJA funding for supply chain resilience, flood mitigation, and coastal storm damage protection. The spending plan invests in flood mitigation and safeguarding coastal communities by funding the construction of 31 new projects and 11 previously announced projects. The

plan also includes \$221 million for a comprehensive flood damage reduction plan for the Pearl River in Jackson, Mississippi.

NOAA issued a handbook to help climate adaptation practitioners work with local governments and nonprofits to incorporate climate risk and equity into decision making. The new resource, [Implementing the Steps to Resilience: A Practitioner's Guide](#), builds on the previously released [US Climate Resilience Toolkit](#) and [Steps to Resilience](#) framework, as well as the new [Ready-to-Fund Resilience](#) paper and practitioner's guide to [Centering Equity in Climate Resilience Planning and Action](#).

FEMA's fiscal year 2022 application period for the [Building Resilient Infrastructure and Communities](#) (BRIC) grant program opened on September 30, 2022 and will close on January 27, 2023. BRIC offers grants to states, local communities, Tribes, and territories to prepare for natural disasters like wildfire, drought, hurricane, earthquake, extreme heat, and flooding. This year's applicants will have the chance to test out an alternative [benefit-cost analysis methodology](#) aimed at helping to ensure the BRIC program reaches more underserved communities. The program also offers [non-financial technical assistance](#) for hazard mitigation planning and project support. FEMA also launched a new map-based [Resilience Analysis and Planning Tool](#) to support community decisions around emergency planning, response, and recovery.

EPA [announced](#) a new Office of Environmental Justice and External Civil Rights, which will dedicate more than 200 EPA staff toward solving environmental challenges in underserved communities. EPA said the staff will also engage with Tribal, state, and local partners, manage and disburse grants and technical assistance, incorporate environmental justice across the agency, and ensure EPA funding recipients comply with applicable civil rights laws. EPA is also holding a November 2 [webinar](#) to inform communities about PFAS in drinking water. The webinar will also explore actions under the Safe Drinking Water Act to develop a proposed PFAS drinking water regulation, and how to participate in the rulemaking process.

Siva Sundaresan was appointed [Deputy Director](#) of the Fish and Wildlife Service. He has been serving as a program officer at the Wilburforce Foundation and

previously led on conservation at the Greater Yellowstone Coalition.

Advocacy Highlights:

- The Center for American Progress recently published [two reports](#) examining how and why rural areas often miss out on federal wildfire and climate resilience funding.
- EPIC and NRDC released a new [report](#) on equity and the Clean Water State Revolving Fund (CWSRF), the nation's largest source of funding for wastewater and stormwater infrastructure. They report found that while municipalities with more water quality violations and lower median incomes are statistically more likely to receive assistance, smaller communities, and those with larger populations of color, are less likely to receive funding.
- A [Green 2.0 poll](#) tracked perceptions on climate change by voters of color. Respondents said that climate change was generally as important to them as issues like immigration, abortion, and gun violence.
- River Network released a revised [Clean Water Act Owner's Manual](#) updated to reflect environmental injustice and climate change.
- Natural Resources Defense Council (NRDC) and National Consumer Law Center (NCLC) released a [Water Affordability Advocacy Toolkit](#), which tallies utility- and state-level opportunities and amplifies best practices and policy recommendations.
- The National Coalition for Legislation on Affordable Water released a trailer for a new [documentary film](#), *Whose Water? The People's Movement for Safe, Affordable Water and Sanitation in the United States*.
- The BlueGreen Alliance released a [User Guide to the Inflation Reduction Act](#). The handbook explains funding mechanisms, eligible entities, and provisions related to labor, equity, and justice.
- Twenty groups, including the US Chamber of Commerce, American Petroleum Institute, and American Chemistry Council, [warned](#) EPA in a [letter](#) that its PFAS crackdown will harm businesses with liability problems and "other significant unintended consequences and costs."
- WaterKeeper Alliance published an [analysis](#) of 114 waterways across 34 states and the District of Columbia that showed at least one PFAS

compound at detectable levels across 83 percent of the tested rivers and streams.

Further Reading

Find some notable news stories and commentary below.

E&E News: [California tribes will manage, protect state coastal areas](#)

E&E News: [Biden's promise to tribes faces test in Great Lakes](#)

E&E News: [Inside the environmental justice movement's big win](#)

Fast Company: [The infrastructure act commits \\$50 billion to improving water systems. Here's how to make it count](#)

Greenwire: [West Point to offer cadets classes in infrastructure resilience, sustainability and climate science-related topics.](#)

Greenwire: [Pollution still flows through Clean Water Act loophole](#)

Grist: [Why the Salton Sea might be key to meeting America's clean energy goals](#)

Inside Climate News: [In Texas, a New Study Will Determine Where Extreme Weather Hazards and Environmental Justice Collide](#)