Issue #2524
September 30, 2022

Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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CONGRESS

Abandoned Mines

On September 29, the Senate Environment and Public Works Committee held a legislative hearing on the Good Samaritan Remediation of Abandoned Hardrock Mines Act (S. 3571). Witnesses included Misael Cabrera, Director of the Arizona Department of Environmental Quality and James Ogsbury, Executive Director of the Western Governors Association (WGA).

Cabrera said: "CERCLA and the Clean Water Act contain joint and several liability as well as other provisions that are helpful to holding responsible parties liable in the today; these same provisions only serve as obstacles and barriers to addressing pre-regulation AMLs where the responsible party no longer exists." He pointed to the estimated 22,500 abandoned mine features that need "solutions not barriers." He noted that the pilot program proposed by S. 3571 is a critical first step, particularly if coupled with funding of Section 40704 of the Infrastructure Investment and Jobs Act (IIJA).

Ogsbury noted that abandoned mines are having substantial, negative effects on water supplies, the environment, and economies of western communities. He said Western Governors have supported efforts to provide protections for Good Samaritans for nearly 30 years, and WGA Policy Resolution 2021-09, Cleaning Up Abandoned Hardrock Mines in the West, specifically supports the kind of pilot projects that S. 3571 authorizes. Ogsbury added: "There is one significant difference between the Governors' policy and the proposed legislation. S. 3571 would make EPA responsible for determining Good Samaritan eligibility. Western Governors submit that states are more than qualified to make this determination. Many states have agencies that administer the Clean Water Act, regulate and require financial assurance for reclamation of hardrock mines, remediate affected waters, and implement abandoned mine programs. These states are best suited to determine which entities should be eligible for Good Samaritan status and to review and determine the adequacy of Good Samaritan reclamation plans. Good Samaritan legislation should recognize state authority and expertise in these areas."

WESTERN GOVERNORS

Flooding/Disaster Declaration

On September 17, Governor Mike Dunleavy (R-AK) declared a state disaster in response to the damage caused by Typhoon Merbok. On September 20, he requested a federal declaration of a major disaster under the Stafford Act, noting the need to act quickly before the onset of winter.

The historic storm hit Alaska between September 15-20 and the water surged 10-18 feet above normal tide. Hurricane-force winds exceeded 90 mph and sea waves were over 50 feet. The wind damage, rain, and flooding impacted 40 cities and villages along 1,300 miles of the Western and Northwestern Alaska coastline, damaging drinking water systems, power, roads, and properties. The early warnings from the National Weather Service (NWS) enabled local and tribal governments to activate emergency response plans to protect their communities, preventing injury and loss of life. The NWS reported that the storm was the worst seen in 50 years, with widespread damage exceeding the 2011 and 1974 storms in some areas.

Governor Dunleavy said: "I am truly grateful for every Alaskan who stepped in to help their neighbors in a time of need. I appreciate all of the support from individuals, FEMA, Coast Guard, Tribal entities, Native corporations, Red Cross, Salvation Army, the State Emergency Operations Center staff, and so many more. The State is grateful for our partners and community leaders who helped protect lives before, during, and after the storm. Thankfully, there are still no reported injuries or deaths at this time. Once the federal disaster declaration is approved, that will aid in reimbursements and additional resources for long-term recovery."

WATER QUALITY/ORGANIZATIONS

ACWA/CWA

On September 14, the Association of Clean Water Managers and Environmental Protection Agency announced the release of a Clean Water Act Success Stories Map, in celebration of the 50th anniversary of the Clean Water Act (CWA). The Story Map includes

examples of how States, including Alaska, Arizona, Nebraska, Nevada, Oregon, Utah, and Texas, have worked to meet the goals of the CWA. See https://www.acwa-us.org/cwa-50/

WATER RESOURCES

Internet of Water Coalition

On September 22-23, the Internet of Water (IoW) Coalition held its inaugural meeting in Cambridge, Massachusetts at the offices of the Lincoln Institute of Land Policy. The Coalition is a group of organizations working together with federal, state, and local government partners to build foundational water data infrastructure across the United States. There are five founding Coalition members that include: Lincoln's Center for Geospatial Solutions; Duke University's Nicholas Institute for Energy, Environment and Sustainability; the Consortium of Universities for the Advancement of Hydrologic Sciences, Inc. (CUASHI); the Water Data Collaborative (WDC); and the Western States Water Council's Water Data Exchange (WaDE).

The Coalition's motto is "Better Water Data for Better Water Management," and it envisions a nation engaged in equitable, sustainable, and resilient water planning, management, and stewardship. The idea of an Internet of Water was first raised pursuant to an Aspen Institute Dialog Series on Water Data and formalized in a 2017 report, "The Internet of Water: Sharing and Integrating Water Data for Sustainability." In 2018, the Nicholas Institute launched the IoW project as part of their Water Policy Program, and in 2022 this project expanded to become the IoW Coalition. The WSWC WaDE program began in 2011, with support from the Western Governors' Association (WGA), and has since grown with funding from federal agencies and philanthropic organizations, in part through the Nicholas Institute.

The WaDE program is committed to assisting WSWC member states in publicly sharing water rights, allocation, supply, and use data through a common streamlined and standardized service that enables regional analyses to inform water resources planning and policies.

The IoW Coalition is designed to create a community of people and organizations using water data to make better decisions. Through close collaboration and engagement, the Coalition helps public agencies, water utilities, non-governmental organizations, and private partners modernize their water data infrastructure to make more effective water management decisions. The IoW Coalition supports water data management by providing tools that improve the discoverability, accessibility, and usability of water data, educational programs for data producers, users, and decisionmakers, and access to a nationwide community of practice. For further information on WaDE and the IoW Coalition, contact Tony Willardson, WSWC, Executive Director and Coalition Vice-Chair at twillardson@wswc.utah.gov or see westernstateswater.org/wade and internetofwater.org.

Research to Operations

On September 14, the National Aeronautics and Space Administration's (NASA) Jet Propulsion Laboratory issued a press release announcing the publication of "Paths to Research-Driven Decision Making in the Realms of Environment and Water." The study resulted from a Research to Operations (R2O) collaboration between WSWC and NASA's Western Water Application's Office, to support the transfer of technology to improve water management in the western U.S. The authors used two case studies, the Airborne Snow Observatory (ASO) and the Cyanobacteria Assessment Network (CyAN), to demonstrate how knowledge and technology are transferred to and from federal and state agencies, and advocate a framework of best practices in applied science. See https://wwao.jpl.nasa.gov/news-insight/articles/improving-water-management-decision-making-agencies/ and https://doi.org/10.1016/j.techsoc.2022.101994

MEETINGS

Western States Water Council - Fall Meetings

The WSWC Fall (200th) Meetings will be held in Sulphur, Oklahoma on October 19-21, at the Artesian Hotel, Casino and Spa. The room block cut-off date is October 11. All individuals need to register to attend, in person or virtually. There is no fee. For those attending in person, please register no later than October 11. For further information on the meetings, see: https://westernstateswater.org/events/2022-wswc-fall-200th-meetings/.

Schedule of Meetings

Wednesday, October 19

8:00 am	Abandoned Hardrock Mine Remediation Workshop
9:30 am	WOTUS Workshop
11:30 am	Field Trip

Thursday, October 20

8:00 am	Host State Presentation
8:45 am	Water Resources Committee Meeting
12:00 pm	Executive Committee (over lunch)
1:30 pm	Water Quality Committee Meeting
3:40 pm	Legal Committee Meeting
6:00 pm	Social Hour

Friday, October 21

8:00 am	WSWC Full Council (200th) Meeting