

## Western Municipal Water District Federal Affairs Report – October 2024

### **Congress Passes CR to December 20 Without Farm Bill Extensions or Extra Disaster Funds**

Before leaving DC to campaign prior to the November election, Congress passed a continuing resolution (CR) funding bill to keep federal agencies open until December 20, 2024, but failed to include billions of dollars in requested supplemental disaster funding. The [bipartisan continuing resolution](#) passed the House on Wednesday on a 341-82 vote and hours later passed the Senate on a 78-18 vote, which maintains funding at current levels for FEMA (which does include some disaster funding). But many lawmakers, particularly from disaster-prone states, were upset that additional disaster relief funds were excluded.

The decision to leave out the additional disaster funding came despite urgent pleas for aid as Hurricane Helene (and now Milton headed to Florida) approached the Southeast and wildfires ravage the West. FEMA's disaster relief fund is already facing a significant deficit, and the stopgap measure will only sustain operations for a limited time. Lawmakers on both sides have expressed frustration with the decision, while discussions continue about addressing the funding gap in December when Congress returns after the election. However, President Biden has indicated that he may call Congress back into session if the situation worsens following Hurricanes Helene and Milton impacts. So far, Congress has not been eager to return, citing adequate existing funding in the FEMA budget.

Also, the CR did not extend the farm bill beyond its current extension through September 30. Most House Republicans, including Agriculture Committee Chair Glenn Thompson (R-PA), are urging GOP leadership to prioritize the 2024 farm bill after the November elections, stressing that farmers can't afford to wait due to rising production costs and falling commodity prices. The farm bill faces delays due to partisan disagreements over climate and nutrition programs, and a \$30 billion budget gap. Chairman Thompson believes a compromise can be reached, but a mix of Democratic votes will be needed to pass the bill on the House floor.

### **House, Senate Pass Energy/ Natural Resources Bills Before Leaving to Campaign**

As Congress left town to campaign in the final stretch before the elections, both the House and Senate passed a series of energy, environment, and natural resources bills. These include legislation on pipeline research (H.R. 7073), geothermal energy development (H.R. 7370), and several bills addressing public lands and water issues. Notably, bipartisan support emerged for the "Next Generation Pipelines Research and Development Act" and the "Geothermal Energy Opportunity Act." Other approved bills focus on coastal conservation, endangered species recovery, and electronic permitting modernization.

The House passed the following Western water legislation:

- [H.R. 4094](#), the "*Great Salt Lake Stewardship Act*," from Rep. John Curtis (R-UT), to designate unused funding from the Central Utah Project Completion Act toward water conservation projects in the Great Salt Lake basin.
- [H.R. 4596](#), the "*Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs Reauthorization Act*," from Rep. Lauren Boebert (R-CO), to reauthorize funding for two Colorado River Basin fish recovery programs.
- [S. 612](#), the "*Lake Tahoe Reauthorization Act*," from Sen. Catherine Cortez Masto (D-NV), to extend Lake Tahoe restoration efforts.

Additionally, the Senate passed an amended wildlife conservation bill, [H.R. 5009](#), by Rep. David Joyce (R-OH), to reauthorize the *Wildlife Innovation and Longevity Driver Act*. The bill, as passed by the House earlier this year, would extend the Partners for Fish and Wildlife Program, and it would reauthorize the Multinational Species Conservation Fund. Due to the fact the Senate amended the House passed bill, it must return to the House for further approval.

### **EPA's Deputy Administrator Announces Retirement**

Janet McCabe, the EPA Deputy Administrator since 2021, announced that her final day at the agency would be October 4, as she plans to return home to Indiana to be with her family. Jane Nishida, the Assistant Administrator for International and Tribal Affairs, will serve as acting Deputy Administrator. McCabe played a key role in managing the EPA through the challenges of the COVID-19 pandemic and oversaw a significant hiring increase. This is her second stint at the EPA, having previously served during the Obama Administration. It's unclear whether she plans to take another role after leaving the agency.

### **House NR Committee Approves GOP ESA Reform – Other Bills**

The House Natural Resources Committee advanced several bills, including a Republican-led effort to overhaul the Endangered Species Act (ESA) through the “ESA Amendments Act of 2024” (H.R. 9533), which passed along party lines. The bill seeks to reform the ESA by requiring economic impact assessments and allowing states to implement recovery strategies but faced strong Democratic opposition. The committee also passed bills related to public lands, right whale protections, and conservation efforts, including measures to roll back Bureau of Land Management (BLM) decisions and block a NOAA boating speed rule designed to protect endangered right whales. Other legislation focused on wildfire prevention, conservation laws, and public land use, as well as [H.R. 6107](#), the *Urban Canals Modernization Act* from Rep. Mike Simpson (R-ID).

### **Demands on Permitting Package Could Slow Progress as Congress Nears End**

Lawmakers from both parties are pushing to include their priorities in the Senate’s bipartisan permitting reform package, complicating its path to President Biden’s desk. Spearheaded by Senators Joe Manchin (I-WV) and John Barrasso (R-WY), the “*Energy Permitting Reform Act of 2024*” ([S. 4753](#)) has garnered both support and opposition. Democrats like Sen. Sheldon Whitehouse (D-RI) are advocating for offshore wind provisions, while Republicans like Sen. Kevin Cramer (R-ND) oppose transmission reforms. Last week, Sen. Lisa Murkowski (R-AK) said she would like to include hydroelectric permitting reforms for the Federal Energy Regulatory Commission (FERC) to help speed up hydropower licensing processes.

Additionally, some legal groups have raised concerns that the bill could set dangerous precedents, potentially impacting areas beyond environmental issues, including civil rights. Despite the complexities, Manchin and Barrasso are pushing to pass the bill by year’s end. Meanwhile, House Natural Resources Committee Chairman Bruce Westerman (R-AR) is working on a GOP version of reforms to the National Environmental Policy Act (NEPA) as a potential companion bill to the Senate effort.

### **GAO Report: Army Corps Inadequately Reporting on Environmental Mitigation**

A Government Accountability Office (GAO) [report](#) found that the Army Corps of Engineers (Corps) has inconsistently reported to Congress on the environmental mitigation efforts of its civil works projects over the past 12 years. These projects often impact waters and wetlands, requiring mitigation measures to reduce environmental damage. The GAO identified issues including incomplete data, inconsistent methodologies, and delays in reporting for 2021 and 2022, which hinder the ability to assess the effectiveness of these mitigation efforts. The Corps acknowledged the issues and agreed to improve reporting practices moving forward.

### **Biden Administration Unveils Final Lead and Copper Rule**

The Biden Administration has [finalized](#) a landmark rule aimed at addressing the national lead water pipe crisis by ordering the removal and replacement of lead water pipes over the next 10 years. This move, hailed as the most significant federal action on lead in drinking water in over three decades, seeks to protect public health from the dangers of lead contamination. The rule will cost an estimated \$1.47 to \$1.95 billion per year and is expected to benefit communities nationwide by reducing lead exposure, which has been linked to serious health issues, including irreversible brain damage in children.

The EPA's new rule reduces the allowable lead levels in drinking water from 15 to 10 parts per billion and mandates utilities to replace lead pipes. While some cities may get extensions, the overall deadline remains tight, and the rule encourages the distribution of filters in areas where lead levels exceed the limit. Although there is bipartisan support for this initiative, challenges include the high costs, the need for more federal funding, and the potential legal and political hurdles if the rule is overturned under a future administration.

Public health advocates and lawmakers have praised the rule as historic, though there remain concerns about funding for lead pipe replacements on private property, especially for low-income households. Federal funding from the 2021 bipartisan infrastructure law may help communities comply with the new requirements.

#### **Final Rule Updating Regulations on State Control of Wetlands Permitting Under OMB Review**

The Biden Administration is preparing to finalize an update to the process for states and tribes to assume control of wetlands permitting, a process that hasn't been revised in 30 years. The new rule, currently under review by the White House Office of Management and Budget (OMB), could make it easier for states and tribes to manage wetlands permits, which are typically issued by the Army Corps of Engineers (Corps) under the Clean Water Act (CWA).

Currently, only Michigan and New Jersey have been granted this authority, though Florida was controversially allowed to handle its own permitting under the Trump Administration—a decision later ruled to violate the Endangered Species Act (ESA). More states may seek control following a Supreme Court ruling in *Sackett v. EPA*, which reduced federal protections for wetlands.

The EPA's proposed changes aim to clarify the permitting takeover process and strengthen partnerships with states, but environmental groups are pushing back, arguing that stricter guardrails are needed to ensure environmental protections. The final rule is expected by November 1, 2024.

As always, it is a pleasure serving the Western Municipal Water District. If this report brings rise to any questions, please contact Mark Limbaugh at (202) 286-8887 or Christopher Kearney at (202) 549-1583.