

Government Affairs and Community
Outreach Committee Meeting and Special
Meeting of the Board of Directors

Wednesday, September 03, 2025
4:30 P.M.

Committee Members:

Anthony R. Fellow, Chair
Edward Chavez, Vice-Chair

*The Government Affairs and Community Outreach Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to the Government Affairs and Community Outreach Committee may attend and participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, members of the Board who are not assigned to the Government Affairs and Community Outreach Committee will not vote on matters before the Committee.

Communications

1. Call to Order
2. Public Comment

Discussion/Action

3. Legislative Update
 - a. Washington D.C
 - b. Sacramento
4. Federal Bill Summaries and Positions *(Staff memorandum enclosed)*

Oral Reports

5. Golden Mussel Update
6. Upper Water's Conservation Programs Update

Other Matters

- 7.

Adjournment

Next Meeting: Wednesday, October 01, 2025 at 4:30 p.m.

American Disabilities Act Compliance (Government Code Section 54954.2(a))

To request special assistance to participate in this meeting, please contact the District office at (626) 443-2297.





Upper San Gabriel Valley Municipal Water District

August 26, 2025

Ana Schwab, Lowry Crook, Michael Brain, Madeline Voitier, Chris Keosian, and Alex Dunn

Congress



Following a flurry of legislative action in July Congress is now adjourned for its annual August recess. Members of Congress traditionally use this time to meet with constituents and hold town hall meetings in their states and districts. The House and Senate are both set to return to Washington, D.C. on September 2, 2025.

Before adjourning for the August recess, Congress concentrated on the behind schedule, Fiscal Year 2026 (FY26) Appropriations process, holding numerous Subcommittee and Full-Committee markups in both chambers. Currently, the House has passed only two of the 12 Appropriations bills, while the Senate has passed three. With only 14 legislative days currently scheduled before the end of the fiscal year on September 30, 2025, Congress faces a tight deadline to reach a funding agreement and avoid a government shutdown.

Meanwhile, tensions between Senate Republicans and Democrats escalated due to disagreements over reconciliation, rescissions, the Department of Government Efficiency's (DOGE) funding freezes, federal layoffs, and the cancelation of some government programs. Senate Democrats continue to use their limited leverage to delay consideration of hundreds of Presidential appointees. President Trump publicly urged Senate Majority Leader John Thune (R-SD) to cancel the August recess to speed up the confirmation process, but Leader Thune resisted, opting to still give Senators in-state time to promote their recent legislative achievements. Prior to the recess, however, Leader Thune sought a deal with Senate Democrats to advance a significant number of nominations in exchange for certain government funding guarantees. While negotiations initially seemed promising, the deal fell through. Ultimately, a smaller agreement allowed the Senate to confirm seven nominees and a minibus of three Appropriations bills before adjourning for the August recess, including the Confirmation of Mr. Adam Telle as Assistant Secretary of the Army for Civil Works (discussed below).



Bipartisan Bill Introduced to Overhaul Federal Permitting Process Under NEPA

On July 25, 2025, House Natural Resources Committee Chairman Bruce Westerman (R-AR-04) and Representative Jared Golden (D-ME-02) introduced H.R. 4776, the *Standardizing Permitting and Expediting Economic Development (SPEED) Act*. This legislation seeks to amend the *National Environmental Policy Act of 1969* (NEPA) to narrow the scope of environmental reviews, increase applicant control over project timelines, and impose new limits on judicial review.

Key provisions of the bill include:

- Defines NEPA as a procedural statute that creates no substantive environmental rights or mandated outcomes;
- Limits consideration to effects with a "reasonably close causal relationship" and excludes speculative or distant impacts;
- Allows reliance on existing environmental reviews, expands categorical exclusions, and restricts new research requirements;
- Requires applicant approval for deadline extensions and mandates project purpose statements align with applicant goals; and
- Shortens the statute of limitations for legal challenges from six years to 150 days, restricts standing to detailed commenters, bars challenges to categorical exclusions, and requires 180-day court rulings.

Supporters of the *SPEED Act* argue the reforms will address the lengthy and costly review process that delays infrastructure projects. Critics, however, contend that the delays stem from chronic underfunding and understaffing of federal agencies rather than NEPA. Environmental advocates also warn that the bill would gut NEPA's central purpose by removing requirements to consider cumulative and indirect environmental effects.

H.R. 4776 has been referred to the House Committee on Natural Resources, where it awaits further consideration. Given Chairman Westerman's position on the Committee, the bill could see swift legislative movement.

Adam Telle Confirmed as Assistant Secretary of the Army for Civil Works

On August 2, 2025, the U.S. Senate confirmed Mr. Adam Telle as the Assistant Secretary of the Army for Civil Works by a 72–22 vote. Telle, a longtime Senate aide and former White House liaison, will oversee the Army Corps of Engineers' (Corps) Civil Works program, which manages U.S. waterways, flood control infrastructure, and coastal resilience efforts.



Telle most recently served as Chief of Staff to Senator Bill Hagerty (R-TN) and also worked under prominent Senate Appropriators, including former Senators Richard Shelby (R-AL) and Thad Cochran (R-MS). He briefly spent time as a staffer on the Senate Appropriations Committee Homeland Security Subcommittee.

During his confirmation hearing before the Senate Environment and Public Works Committee, Telle emphasized the need for modernizing flood models and acknowledged the growing risks posed by climate-related flooding and sea-level rise. He also voiced support for data-driven oversight of large infrastructure investments. His confirmation comes as broader political tensions have spilled into a typically bipartisan arena, including a recent controversy over how the Trump Administration is allocating Corps' funding across the states, particularly California.

Federal Budget/Appropriations



FY26 Appropriations Update

The Fiscal Year 2026 (FY26) Appropriations process has seen limited progress due to the House and Senate being in their August in-district work periods. Congress must advance and reconcile all 12 annual spending bills before September 30, 2025, deadline to fund the federal government, or reach agreement on a short-term continuing resolution.

Notably, the House's FY26 *Financial Services and General Government* bill, still awaiting floor consideration, includes a provision to implement the *Regulations from the Executive in Need of Scrutiny (REINS) Act*. The *REINS Act* would require Congressional approval for new regulations with annual economic impacts exceeding \$100 million. This provision is expected to spark significant partisan debate, as it marks a major shift in executive regulatory authority that Democrats have historically opposed. Earlier this year, the House pushed for the inclusion of the *REINS Act* within the *One Big Beautiful Bill Act*, before it was ultimately stripped by the Senate parliamentarian.

Meanwhile, the Senate has made more progress on its Appropriations agenda. Before adjourning for August recess, the Senate passed three FY26 bills—the *Agriculture-FDA*, *Legislative Branch*, and *Military Construction–Veterans Affairs* Appropriations bills—as part of a bipartisan "minibus" package, passing 87–9. This leaves nine Appropriations bills remaining for the Senate to consider.



When lawmakers return in September, both chambers will need to move quickly to avoid a government shutdown. Given the tight timeline and ongoing policy disagreements, a short-term continuing resolution (CR) to extend current funding levels is possible.

House Appropriators Seek EPA Update on CERCLA PFAS Enforcement Discretion Policy

Prior to the recess, the House Appropriations Committee approved the Interior, Environment, and Related Agencies Appropriations Act of 2026 with language that directs the Environmental Protection Agency (EPA) to submit to Congress a report on the implementation status of its Enforcement Discretion Policy for the 2024 Superfund PFAS rule. This directive, included in the report accompanying EPA’s FY26 Appropriations, reflects growing Congressional interest in how EPA is applying the policy—particularly to “passive receivers” of PFAS contamination. EPA’s policy was issued in tandem with the final rule designating PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund.

The Enforcement Discretion Policy was intended to limit EPA’s pursuit of cleanup and cost recovery actions to those responsible for substantial PFAS releases such as manufacturers and industrial dischargers. EPA indicated that it does not intend to target certain entities—including municipal water and wastewater systems, airports, landfills, and farms that land-apply bio-solids—for enforcement actions. While EPA’s policy limits federal action, it does not protect these entities from third party litigation—prompting calls for broader liability relief for “passive receivers” through legislation.

Senate Republicans previously indicated plans to pursue a liability waiver for “passive receivers” this Congress, and House lawmakers have already re-introduced a limited version of such legislation in H.R. 1267, *Water System PFAS Liability Protection Act*.

This Congressional interest in PFAS policy comes amid continued legal uncertainty surrounding the CERCLA PFAS rule. The pending litigation over the rule remains in abeyance. The filing is expected to reveal whether the Trump Administration will defend the regulation.



Administration/Agency



DOD Releases Update on Critical PFAS Uses, Recommends Risk-Based Approach

On July 17, 2025, the U.S. Department of Defense (DOD) published a report entitled *Update on Critical Per- and Polyfluoroalkyl Substance Uses*. The report was prompted by a directive from U.S. House lawmakers in the Fiscal Year 2024 (FY24) Defense Appropriations bill to coordinate PFAS alternatives research with other agencies, industry, and academia. DOD warned that many mission-critical PFAS products are at risk of becoming unusable before alternatives are identified due to PFAS manufacturers exiting the market, manufacturer liability concerns, and regulatory uncertainty impacting the PFAS supply chain.

The report outlines a phased strategy to address the use of PFAS in mission-critical defense applications. First, DOD plans to focus on researching alternatives in five key sectors—kinetic capabilities, energy storage and batteries, microelectronic and semiconductors, castings and forgings, and strategic and critical minerals—while also maintaining domestic availability of PFAS where no viable alternatives exist. The DOD acknowledged that many PFAS applications have no current substitutes and that developing viable alternatives could take anywhere from 5 years to over 20 years.

The phased plan includes reviewing current PFAS uses (Phase I), developing alternatives in the five critical sectors identified above (Phase II), developing alternatives to other mission critical PFAS not identified in Phase II like aqueous film-forming foam (AFFF), and engaging external experts such as the National Academies to assess performance tradeoffs of PFAS alternatives (Phase IV).

DOD stressed that PFAS are essential for durability, protection, and performance in military equipment, medical devices, and other systems and warned against sweeping regulations that could disrupt defense readiness. However, the report also points out data limitations, including a lack of transparency in the defense supply chain and insufficient information about PFAS content in many products.

DOD also critiqued the use of broad definitions of PFAS that do not account for toxicity or exposure risks and instead advocates for a more nuanced, risk-based approach that considers the chemical and physical properties as well as exposure pathways.



DOD emphasized that collaboration across federal agencies, industry, and academia is essential to successfully addressing the most critical PFAS uses, which may take a decade or more to replace.

President Trump Issues AI Infrastructure and Environmental Streamlining Executive Order

On July 23, 2025, President Trump issued an Executive Order (EO) entitled *Accelerating Federal Permitting of Data Center Infrastructure*. The Order outlines a comprehensive federal strategy to expedite the deployment of artificial intelligence (AI) infrastructure across the United States. The plan includes dozens of policy initiatives aimed at reducing regulatory barriers and speeding up the construction of data centers and their related infrastructure.

Central to the EO are proposed changes to environmental permitting processes. Notably, the Order calls for creating new categorical exclusions under the National Environmental Policy Act (NEPA) for data center projects that are deemed unlikely to cause significant environmental impact. Additionally, the EO proposes the development of a nationwide Clean Water Act (CWA) Section 404 Permit tailored to AI-related construction. The Order also suggests easing regulations under laws such as the Clean Air Act and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for data center construction and management.

Another major component of the plan encourages federal agencies to prioritize the use of federal lands—including Brownfield and Superfund sites—for the development of data centers and energy infrastructure. These measures are meant to speed up construction, reduce regulatory delays, and facilitate easier access the energy and water resources which AI facilities and data centers draw upon heavily.

However, critics argue that relaxing protections under the CWA and NEPA could pose risks to public health and local ecosystems. Data centers often require large amounts of water for cooling and consume significant amounts of energy to power their computer systems, raising concerns about the potential environmental impact of such rapid expansion.

Advisory Council Meets to Discuss Future PFAS Drinking Water Rule Revisions

On July 28, 2025, the National Drinking Water Advisory Council (NDWAC) hosted a public meeting to advise the Environmental Protection Agency (EPA) on its planned revisions to the PFAS drinking water rule. The NDWAC is a federal advisory committee, established under the Safe Drinking Water Act (SDWA), that provides EPA with advice and recommendations regarding national drinking water programs. The Committee met in



response to EPA's recent request to consult on its plans to partially revise the agency's drinking water rule that sets limits on certain PFAS.

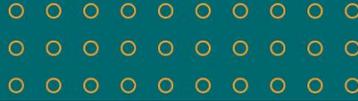
Specifically, EPA plans to retain the National Primary Drinking Water Regulation (NPDWR) for PFOA and PFOS at four parts-per-trillion (ppt) individually, while also extending the associated compliance deadline two additional years. EPA also aims to rescind the maximum contaminant levels (MCLs) for PFHxS, PFNA, and HFPO-DA (GenX Chemicals) set at 10ppt individually, as well as the novel Hazard Index (HI) MCL for any combination of PFHxS, GenX Chemicals, PFNA, and PFBS. EPA argues that this move is necessary to ensure these determinations and subsequent regulations adhere to the legal framework of the SDWA.

The Committee received a broad array of public feedback on EPA's proposal from both industry and the general public. The American Water Works Association (AWWA), which is challenging the rule in court, submitted written comments ahead of the meeting advising the Committee to support the revisions and reiterating its previously legal arguments. Namely, that the rule is infeasible, too expensive for water systems to implement, departs from long-standing EPA policy by using the hazard index (HI) to set a regulatory standard, and lacks scientific support.

During the meeting, many participants offered public comments on the proposal. Most commenters represented environmental and community organizations—with the majority opposing the rule revisions. Commenters argued that the revisions eliminating regulation of short chain PFAS like GenX Chemicals mean only legacy PFAS will be treated by water systems and will make it easier for manufacturers to boost production of newer generation PFAS.

After the public comment section concluded, the meeting was turned over to the members of NDWAC for feedback. Several Committee members voiced concerns and opposition to the agency's planned revisions. The members cited numerous issues including undermining public trust in water quality, complicating state-led efforts to regulate PFAS, violating SDWA's anti-backsliding provision, litigation risks, as well as expected public health impacts.

While no NDWAC members expressed support for the revisions, some Committee members expressed concerns about the existing rule's cost and feasibility for small systems and pointed to Clean Water Act source reduction efforts as alternative ways to reduce PFAS in drinking water sources.



In closing the meeting, EPA officials reiterated the agency’s plans to issue a proposed rule this Fall, followed by public comment and another consultation with NDWAC before issuing a final rule in Spring 2026.

Separately, on July 21, 2025, EPA indicated in court filings that it plans to move forward with defending the NPDWR for PFOA and PFOS in court. The litigation is ongoing.

GAO Affirms EPA’s PFAS Rule Cost Assessment Process, Avoids Underlying Cost Review

The Government Accountability Office (GAO) issued a July 30, 2025 report entitled *Persistent Chemicals: Information on EPA’s Analysis of Costs for its PFAS Drinking Water Regulation* to Congress. The report states that the Environmental Protection Agency (EPA) followed the Safe Drinking Water Act’s (SDWA) procedural requirements when estimating the costs of its final PFAS drinking water rule. The report, however, does not evaluate the accuracy or validity of the underlying cost estimates—citing ongoing litigation challenging the rule.

In the report, GAO affirms that EPA adhered to the SDWA’s procedural requirements by making its cost analysis public and updating its estimates based on stakeholder feedback. GAO further states that EPA included descriptions of non-quantifiable costs and sources of uncertainty in the rulemaking, as required by the SDWA.

EPA gathered newly available data and refined previous assumptions about equipment pricing and treatment technologies, which increased projected capital costs for public water systems significantly. GAO determined that EPA doubled its cost estimate to about \$1.5 billion after receiving public comment.

Importantly, GAO limited its analysis to procedural compliance—citing ongoing litigation—and did not examine the validity or completeness of EPA’s cost projections. EPA recently indicated in court filings that it will defend portions of the rule while also planning to propose revisions and compliance delays.

Tariff Policy and Trade Negotiations Continue

President Trump has introduced a new sweeping set of tariffs targeting imports from more than 180 countries, marking a significant development in the evolving re-structuring of U.S. trade policy. Most of these tariffs took effect on August 7, 2025, following months of negotiations, delays, and executive actions.

The Administration has framed its trade posture as a strategic effort to reshape global trade norms, incentivize domestic manufacturing, and boost federal revenue. However, critics warn of higher consumer prices, retaliatory measures from trading partners, and the potential for broader economic disruptions.

The newly announced duties range from 15 to 50 percent, depending on the country and product category. A 10 percent baseline tariff now applies to dozens of nations not assigned specific rates. India initially faced a 25 percent tariff, but the duty was raised to 50 percent as a reaction to India's continued purchases of Russian oil.

Other countries subject to elevated rates—ranging from 15 to 39 percent—include Switzerland, South Africa, Thailand, Malaysia, and Taiwan. The U.S. and China have been in ongoing trade negotiations, and on Monday, August 11, President Trump announced a 90-day extension of the current tariff truce between the two countries to allow for negotiations to continue.

In addition to country-specific measures, the Administration has imposed tariffs on certain industries, including 50 percent duties on steel, aluminum, copper, and auto parts. Tariffs are also under consideration for the lumber, semiconductors, pharmaceuticals, and aircraft sectors. In some instances, industry-wide tariffs may overlap with country-specific measures; though individual trade agreements may address these redundancies.

While the long-term economic impact of these tariffs remains uncertain, early signals from financial markets and U.S. businesses point to increased volatility, rising import costs, and sustained diplomatic friction.

Interior Department Releases 2025 Colorado River Basin Study, Forecasts More Cuts

On August 15, 2025, Reclamation released its August 2025 24-Month Study for the Colorado River Basin. The study provides an outlook on hydrologic conditions and informs federal water-delivery decisions for Colorado River reservoirs over the next two years. The study also sets the 2026 operating conditions for Lakes Powell and Mead pursuant to the 2007 Record of Decision on Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations of Lake Powell and Lake Mead (Interim Guidelines), the Lower Basin Drought Contingency Plan (Lower Basin DCP), and the Supplemental Environmental Impact Statement for Near-term Colorado River Operations Record of Decision (2024 Interim Guidelines SEIS).

Specifically, projections in the study set (1) the operational tier for Coordinated Operations of Lakes Powell and Mead for water year 2026 and (2) the Shortage Condition governing



Lake Mead for calendar year 2026 consistent with the 2007 Interim Guidelines and the Lower Basin DCP.

Regarding coordinated operations, the study projects the January 1, 2026 Lake Powell elevation to be less than 3,575 feet and at or above 3,525 feet and the Lake Mead elevation to be at or above 1,025 feet. Consistent with the Interim Guidelines, as amended by the 2024 Interim Guidelines SEIS, the operational tier for Lake Powell in water year 2026 is the Mid-Elevation Release Tier and the water year release volume from Lake Powell is projected to be 7.48 million acre-feet. If hydrologic conditions worsen, the water year release volume may be reduced in accordance with the 2024 Interim Guidelines SEIS.

Regarding shortage conditions, the study projects the January 1, 2026, Lake Mead elevation to be below 1,075 feet and above 1,050 feet. Consistent with the Interim Guidelines, a shortage condition will govern the operation of Lake Mead for calendar year 2026. In addition, the Lower Basin DCP Agreement will govern the operation of Lake Mead for calendar year 2026. This shortage condition is referred to as Level 1 and calls for Arizona to give up 512,000 acre-feet, about 18% of its annual apportionment, Nevada to give up 21,000 acre-feet or 7% of its annual apportionment, and Mexico to give up 80,000 acre-feet or 5% of its annual allotment.

In light of these findings, Interior officials emphasized that prolonged dry conditions show the need for the seven basin states to develop a durable, long-term management framework for the Colorado River. Existing agreements for managing the Colorado River expire at the end of 2026.

Judicial/Courts



Coalition Sues EPA Over Termination of Climate Justice Grants

On June 25, 2025, a coalition of local governments and nonprofit groups filed a class action lawsuit—*Appalachian Voices v. U.S. EPA*—against the U.S. Environmental Protection Agency (EPA) challenging the termination of the Environmental and Climate Justice Block Grant program. EPA halted the program following Executive Orders (EOs) issued by President Trump directing federal agencies to freeze disbursements from the Inflation Reduction Act (IRA) and terminate “equity-related” grants. The lawsuit, filed in the U.S. District Court for the District of Columbia, alleges this action violates constitutional separation of powers and the Administrative Procedures Act (APA). Plaintiffs are seeking a preliminary injunction to reinstate the program and ensure that EPA has the commiserate staff and resources to implement it.

Specifically, plaintiffs argue that the termination of the program is unlawful because it overrides Congress’ enactment of the program and impounds congressionally appropriated funds based solely on presidential policy disagreements. Additionally, plaintiffs assert that EPA’s decision to terminate the program lacked “reasoned decision-making” as required under the APA. They also cite the ongoing negative impacts of the program’s cancellation on plaintiffs including forced staff layoffs and cancelled contracts.

The government subsequently filed a motion to dismiss the case on July 14, 2025. Defendants argued that the lawsuit is moot because the passage of H.R. 1, the *One Big Beautiful Bill Act*, rescinded the contested funds. They also argue the Court does not have subject matter jurisdiction, alleging that these claims are essentially contractual and fall outside the Court’s jurisdiction pursuant to the Tucker Act.

Plaintiffs, in their opposition to the motion to dismiss, dispute the assertion that the case is moot and argue nearly \$2.5 billion in previously congressionally appropriated funding remains obligated and has not been lawfully rescinded. They distinguish their claims from those covered by the Tucker Act, which grants the U.S. Court of Federal Claims jurisdiction over monetary claims against the federal government. Instead, plaintiffs assert that their challenge is based on constitutional and administrative law grounds—not contract law—and seeks equitable relief rather than compensatory damages.



On August 21, 2025, the U.S. Supreme Court ruled in a separate case—*National Institutes of Health (NIH) v. American Public Health Association (APHA)*—that will inform the District Court’s analysis in *Appalachian Voices v. U.S. EPA*. In *NIH v. APHA*, the Supreme Court held that while district courts have jurisdiction to hear APA challenges to agency actions, claims seeking monetary relief—such as the restoration of terminated federal grants—fall under the jurisdiction of the U.S. Court of Federal Claims via the Tucker Act.

As the D.C. District Court considers the pending motion to dismiss, it will look to the Supreme Court’s recent ruling to determine whether—and to what extent—that precedent constrains its authority to grant the relief plaintiffs seek.

States Sue Over FEMA BRIC Program Cancellation

On July 16, 2025, 20 Democratic state Attorneys General filed suit against the Trump Administration in the U.S. District Court in Massachusetts. In *State of Washington v. FEMA*, plaintiffs challenge the April cancellation of the Federal Emergency Management Agency’s (FEMA) Building Resilient Infrastructure and Communities (BRIC) program. Plaintiffs allege that the Administration lacks statutory authority to terminate the BRIC program and sought a preliminary injunction to restore the funding. Additionally, the suit alleges that FEMA’s Acting Administrator, David Richardson, is serving unlawfully in violation of certain statutory requirements for a FEMA Administrator.

Plaintiffs argue that the abrupt withdrawal of BRIC funds has a direct and adverse impact on state and local mitigation projects targeting natural disasters including flood, wildfire, and other climate-related risks. This lawsuit is one of several ongoing legal challenges filed by Democratic attorneys general opposing Trump Administration FEMA decisions, including efforts to tie disaster aid to state cooperation on immigration enforcement in *Illinois v. FEMA*.

Defendants contend that the states lack standing, the claims are not ripe, and no final agency action has occurred under the Administrative Procedures Act (APA) that would trigger judicial review. Instead, the government argues that FEMA has neither terminated BRIC or formally denied any BRIC project to date. The Administration contends that although the 2024 BRIC Notice of Funding Opportunity (NOFO) was removed from Grants.gov, funding remains available for future BRIC opportunities. The Administration asserts it is continuing to evaluate whether to end the BRIC program and that any final decisions must be approved by Department of Homeland Security leadership. A declaration of FEMA’s Acting Administrator, David Richardson, filed by the agency supports this proposition.



Additionally, defendants argue that the Stafford Act precludes judicial review of discretionary FEMA funding decisions, and that even if it did not, the Tucker Act would require these claims seeking monetary damages be brought exclusively in the Court of Federal Claims. Defendants also assert that plaintiffs cannot show irreparable harm sufficient to warrant injunctive relief, as their alleged injury is financial and potentially compensable without an injunction.

U.S. District Judge Richard G. Stearns was not convinced by the government’s arguments and granted the plaintiff’s preliminary injunction on August 5, 2025. Judge Stearns wrote “[t]he States have shown a realistic existence of irreparable harm. The funds, if spent on other purposes, will be lost forever. The States have also shown that the balance of hardship and public interest factors tip in their favor.” (citations omitted). The injunction temporarily blocks the Trump Administration from reallocating BRIC funding until the Court issues a final ruling on the merits of the case.

As litigation proceeds, the U.S. Supreme Court’s recent decision in *NIH v. APHA* (discussed above) will also inform how the District Court assess its jurisdiction—particularly whether the states’ claims for funding restoration can proceed under the APA or must instead be brought in the Court of Federal Claims under the *Tucker Act*.

EPA Moves Forward with Lead and Copper Rule Improvements (LCRI) Litigation

On August 4, 2025, the Environmental Protection Agency (EPA) asked the U.S. Court of Appeals for the D.C. Circuit to resume litigation over the Biden-era Lead and Copper Rule Improvements (LCRI). The 2024 LCRI mandates near total replacement of lead service lines by 2037 and is being challenged by the American Water Works Association (AWWA), which argues that the rule is not feasible under the Safe Drinking Water Act (SDWA).

The LCRI builds on the Trump-era Lead and Copper Rule Revisions (LCRR), which required utilities to develop lead service line inventories, lowered the lead action level, and improved public outreach and education regarding lead service lines.

While EPA has not formally stated its position on the LCRI, recent comments from Trump Administration officials suggest EPA may seek to preserve parts of the rule while providing compliance flexibilities. Any revisions would face legal hurdles due to the SDWA’s anti-backsliding provision, which requires new rules to be equally or more protective of public health. The anti-backsliding provision not been tested in court.



Federal Funding Opportunities



EPA Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program

This funding opportunity by the Environmental Protection Agency (EPA) is to support infrastructure projects that increase the resilience of midsize and large drinking water systems to natural hazards, extreme weather events, and that reduce cybersecurity threats. Funding must be used for the planning, design, construction, implementation, operation, or maintenance of a program or project that increases resilience of public water systems to natural hazards and extreme weather events or reduces cybersecurity vulnerabilities.

Eligible applicants for this grant program include public water systems that serve a population of 10,000 people or more.

- National Priority Area 1: Midsize Community Infrastructure Investments for Drinking Water System Resilience - 10,000 - 100,000 population
- National Priority Area 2: Large Community Infrastructure Investments for Drinking Water System Resilience - 100,000+ population

Total Funding Available: \$9,500,000

- National Priority Area 1: \$1,000,000 to no more than \$1,187,500
- National Priority Area 2: \$2,000,000 to no more than \$2,375,000

Four awards are expected for Priority Area 1, and Two Awards are expected for Priority Area 2. Applications are due **October 6, 2025**.

More information can be found [here](#).



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MEMORANDUM

Date: September 3, 2025
To: Government and Community Affairs Committee and Board of Directors
From: General Manager
Subject: Federal Bill Summaries and Positions

Recommendation

Approve staff recommendations for the following federal bills: H.R. 3717 and H.R. 4776 which are consistent with Upper Water's 2025-26 Legislative Policy Principles adopted by the Board in January 2025.

Federal Bill Analysis

H.R. 3717 – Golden Mussel Eradication and Control Act

Introduced in the House on June 4, 2025, by Rep. Josh Harder [D-CA-9].

Summary: The Golden Mussel Eradication and Control Act would amend the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 to specifically address the golden mussel, with a focus on the Sacramento-San Joaquin Delta. It authorizes \$15 million annually from FY2026–FY2030 to support research, demonstration programs, and competitive grants for prevention, monitoring, control, and eradication response methods. The legislation also directs the development of guidelines, early warning systems, and coordination among federal, state, and local entities to mitigate ecological and infrastructure impacts.

Action: On June 4, 2025, the bill was referred to the House Committee on Transportation and Infrastructure, as well as the House Committee on Natural Resources.

STAFF RECOMMENDATION: Support

H.R. 4776 – Standardizing Permitting and Expediting Economic Development (SPEED) Act

Introduced in the House on July 25, 2025, by Rep. Bruce Westerman.

Summary: This legislation seeks to amend the National Environmental Policy Act of 1969 (NEPA) to narrow the scope of environmental reviews, address the lengthy and costly review process that delays infrastructure projects, and increase applicant control over project timelines. Key provisions of the bill include:

- Defining NEPA as a procedural statute that creates no substantive environmental rights or mandated outcomes;
- Limiting consideration of effects with a "reasonably close causal relationship" and excluding speculative or distant impacts;
- Allowing reliance on existing environmental reviews, expanding categorical exclusions, and restricting new research requirements;
- Require applicant approval for deadline extensions and mandating that project purpose statements align with applicant goals;

- Imposing new limits on judicial review, including shortening the statute of limitations for legal challenges from six years to 150 days, restricting standing to detailed commenters, barring challenges to categorical exclusions, and requiring court rulings with 180-day.

Action: On June 4, 2025, the bill was referred to the House Committee on Natural Resources.

STAFF RECOMMENDATION: Support