



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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ADMINISTRATION UPDATE **FY 2012 Budget**

In a June 8 memo to all Executive Departments and Agencies, White House Chief of Staff Rahm Emmanuel and Office of Management and Budget (OMB) Director Peter Orszag state that the Administration has proposed a 3-year freeze in "non-security discretionary funding" and proposed some \$20B in budget cuts, "But we must do more." They instruct all agency heads to "...identify the programs and subprograms that have the lowest impact on your agency's mission and constitute at least five percent of your agency's discretionary budget. This information should be included with your FY 2012 budget submission [due to OMB on September 13], but is a separate exercise from the budget reductions necessary to meet the target for your agency's FY 2012 discretionary budget request."

To comply with the memo, federal agencies are to consider eliminating entire programs or cuts of at least 50%, that constitute at least 5% of their FY 2010 discretionary appropriations and not across-the-board reductions or administrative savings. They are to identify those programs that have an "unclear or duplicative purpose, uncertain Federal role, completed mission, or lack of demonstrated effectiveness." They should also "...disregard statutory, regulatory, or administrative challenges to actually eliminating or reducing a program, and focus purely on the extent to which the program advances your agency's mission." Mandatory programs are excluded, but agencies are encouraged to list low-impact mandatory programs separately. See: http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-20.pdf.

ADMINISTRATION UPDATE/WATER QUALITY **Environmental Protection Agency/Stormwater**

The Environmental Protection Agency (EPA) has released its Clean Watersheds Needs Survey 2008 Report to Congress, which summarizes the results of the agency's 15th national survey of capital costs to address water quality or water quality-related health problems. The report estimates the total wastewater and stormwater needs for the Nation to be \$298.1B as of January 1, 2008 (representing documented needs for a 20-year period). This amount includes \$192.2B for wastewater treatment and collection systems, and

buying and installing new pipes; \$63.6B for combined sewer overflow corrections; and \$42.3B for stormwater management. In addition to the \$298.1B, other EPA documented needs include \$22.8B for non-point source pollution prevention, and \$23.9B for decentralized wastewater systems. For more information, please see: <http://www.epa.gov/owm/mtb/cwns/2008reportdata.htm>.

CONGRESSIONAL UPDATE/WATER RESOURCES **Hydropower/Perchlorate/Bureau of Reclamation**

On June 9, the Senate Energy and Natural Resources Subcommittee on Water and Power held a hearing on a number of bills regarding water and energy projects with impacts in Arizona, California, Colorado, and Nevada. The hearing first addressed the Hoover Power Allocation Act (S. 2891), which Senate Majority Leader Harry Reid (D-NV) introduced to extend current Hoover Dam power contracts for fifty years (to 2067). Senator John Ensign (D-NV) said the bill was "essential" to the residents of Nevada, Arizona, and California, which receive power from the dam. Representatives from the Colorado River Commission of Nevada, the Arizona Power Authority, and the Pasadena Water and Power Department also testified in support of the bill. A House companion bill (H.R. 4349) was recently passed.

Next, Rep. Joe Baca (D-CA) testified in favor of the Inland Empire Perchlorate Ground Water Plume Assessment Act (H.R. 4252), which the House passed in March. The bill directs the U.S. Geological Survey (USGS) to study water resources in California's Rialto-Colton Basin and to investigate a plume of water that Baca said has "very high" levels of perchlorate. "We know that the contaminated water in this plume is traveling underground," he said. "We do not know how big the plume is, or how fast the water is moving. We need to know more about the plume in order to permanently fix the problem."

Senator Mark Udall spoke in favor of two bills that he has introduced. S. 3387 would provide for the release of 5,412.5 acre-feet of water/year from Ruedi Reservoir (part of the Bureau of Reclamation's Fryingpan-Arkansas Project) for the benefit of four endangered Colorado River fish. A Colorado River Water Conservation District official said the water is needed for the Upper Colorado River Recovery Program and to meet the requirements of a programmatic biological opinion on Upper Colorado

River operations issued by the Fish and Wildlife Service. However, Reclamation Commissioner Mike Connor said the bill would require the release of water without a contract with non-federal beneficiaries, thereby forcing the federal government to absorb non-federal cost sharing obligations. Nevertheless, Connor said he is willing to work to identify reasonable alternatives.

The second Udall bill, the Leadville Mine Drainage Tunnel Act of 2010 (S. 3404), would amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require Reclamation to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Colorado. Udall said the tunnel, which Reclamation acquired in 1959, poses public safety problems and acidic discharges threaten water supplies in and around the City of Leadville. He also said the bill is needed to clarify uncertainty over Reclamation's responsibilities regarding the tunnel. However, Connor testified that his agency is currently "managing safely" the discharges and that Reclamation is waiting for EPA to publish a revised Record of Decision that will describe EPA's remedial actions. Until then, he said no legislation should be enacted. For more detailed information and statements, please see: <http://energy.senate.gov/public/index.cfm?FuseAction=Hearings.ByMonth>. (WSW #1774)

WATER QUALITY

Colorado/Uranium Mining

On June 8, Colorado Governor Bill Ritter (D) signed a bill (HB 1348) that requires operators of uranium mines to comply with all clean-up orders before the State will process new permits for expansion or restructuring of operations. The bill also requires operators to inform residents about threats to their water supply if they have wells in close proximity to known groundwater contamination. "We all want a safe environment for our families, our children and our communities," said Ritter during a visit to the Arkansas River. "Future Coloradans will want to raft, kayak and fish this river, just as we're able to do today. It's up to us to make sure they get that opportunity. This bill will help make that happen." For more information, see: <http://www.colorado.gov/cs/Satellite/GovRitter/GOVR/1177024890447>.

Wyoming/Hydraulic Fracturing

Wyoming's Oil and Gas Conservation Commission unanimously approved new rules this week that will require oil and gas drillers to disclose the chemicals they use during hydraulic fracturing, an extraction process that involves pumping pressurized water, sand, and chemicals underground to crack open fissures in the rock. The rule, also specifies that information considered to be a trade secret will be protected from public disclosure under the State's open record laws.

The oil and gas industry has long maintained that hydraulic fracturing is safe, but environmentalists have expressed concerns that it could contaminate water supplies. The EPA is also currently conducting a Congressionally-mandated study into the practice's effect on drinking water and Congressional Democrats have proposed legislation (H.R. 2766 and S. 1215) that would use the federal Safe Drinking Water Act to require companies to disclose the chemicals they use. Both bills are currently stalled in committee.

Hydraulic fracturing is used widely in western Wyoming and Wyoming Governor Dave Freudenthal (D) directed the Commission to draft the rules as a way of assuring federal regulators that Wyoming is adequately regulating the practice. "But it is imperative that it continue in a way that is properly supervised and overseen by the Wyoming Oil and Gas Commission," said Freudenthal in a statement. Wyoming Oil and Gas Supervisor Tom Doll also said Freudenthal wanted clear guidelines ahead of any EPA regulations. "I know on the national scene, people were waiting for a state to come forward. I think we're one of the first, if not the first."

Although oil and gas industry groups have opposed federal regulation, John Robitaille of the Petroleum Association of Wyoming said the Wyoming rule appears to be workable. "What we're seeing at the federal level is more onerous than what's required in Wyoming.... All that's required here is to submit what chemicals you're going to use, and after you finish, you submit what you did. Essentially [the information] will stay with the Commission until such time there is some question about something being contaminated." Steve Jones, an attorney for the Wyoming Outdoor Council, also called the new rules a "step forward" and noted, "It's going to be important for landowners and the public to get access to that information, to know what fluids they are using."

PEOPLE

Duane Smith, Oklahoma Water Resources Board (OWRB) Director, a WSWC member and former Chair, has announced his retirement after 32 years of public service. Since February, Duane has been on a six-month leave of absence working for the U.S. Army Corps of Engineers in Afghanistan overseeing water and infrastructure development. Oklahoma's Secretary of Environment, JD Strong, also a WSWC member, has served as OWRB's interim director in Duane's absence and will continue to do so until the OWRB can consider long-term plans for a permanent replacement. "To say that Duane will be sorely missed by the State of Oklahoma is an understatement," said JD. "Duane has capably served the OWRB for over 30 years, and his leadership on numerous water initiatives of significant importance to the state has earned him well-deserved respect both in Oklahoma and nationally." We wish Duane all the best in his retirement. (WSW #1865)

The WESTERN STATES WATER COUNCIL is an organization of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.