



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **ADMINISTRATION UPDATE/WATER QUALITY** **EPA/Clean Water Act/NPDES Program**

On June 22, the Environmental Protection Agency's (EPA) Office of Water and Office of Enforcement and Compliance Assurance issued an interim guidance document to the agency's regional directors, directing them to implement two actions outlined in EPA's Clean Water Act (CWA) Action Plan. The Plan is intended to establish clear expectations for state performance, hold states consistently accountable, and set the same expectations for EPA where it implements programs. The document notes that the actions are intended to help test the Plan's direction and additional changes to EPA's oversight of state programs may be needed.

The first action asks EPA regions to expand their National Pollutant Discharge Elimination System (NPDES) annual planning to include "...consideration of enforcement and permitting in an integrated way, using data and analyses from other CWA programs (such as water quality standards, assessment and monitoring), and working together with states to ensure that planned activities combine to improve water quality and that our limited resources address the most serious problems." The second states that "...EPA regions across the country should take action where states have demonstrated long-standing problems with their permit quality or enforcement programs to demonstrate the deterrent value of enforcement, ensure a fair and level playing field across states, and equal protection for all citizens." The document also asks regions to identify the most serious sources of pollution, conduct routine and regular meetings with states to discuss progress, and carry out regular reviews of state performance.

Of note, a memorandum accompanying the document directs regions to work with state partners to "...identify water quality priorities at the national, regional and state level and to use those priorities to guide the investment of our limited resources toward addressing the most significant water quality problems and the most serious violations. Where states are experiencing significant resource reductions, regions and states should engage in discussions about how to get the most important work done by exploring work-sharing and other creative approaches." Please see: <http://www.epa.gov/oecaerth/resources/policies/civil/cwa/interim-guid-npdes-062210.pdf>.

### **CONGRESSIONAL UPDATE/WATER QUALITY** **Clean Water Act/Green Infrastructure/Stormwater**

Last week, Senator Tom Udall (D-NM) introduced the "Green Infrastructure for Clean Water Act of 2010" (S. 3561), which seeks to encourage the research, development and promotion of "green infrastructure" management techniques that use natural processes to address stormwater runoff. The bill would establish up to five regional centers that would research and develop these techniques and provide technical assistance to state, tribal, and local governments relating to the construction, operation, and maintenance of green infrastructure projects. The bill would also create a green infrastructure program within EPA's Office of Water to coordinate and promote the use of new stormwater techniques, and integrate green infrastructure into permitting programs.

As for funding, the bill would authorize EPA to provide competitive grants to states, tribes, local governments, and local wastewater utilities to carry out green infrastructure projects. Grants would be limited to \$200,000 for planning and development and \$3M for implementation activities. Although the federal cost share would not exceed 65% of a project's total cost, EPA would be able to waive this limitation for eligible entities that adequately demonstrate financial need. The Association of State and Interstate Water Pollution Control Administrators, the National Association of Clean Water Agencies, American Rivers, and others have supported the bill. For more information, please see: [http://tomudall.senate.gov/?p=press\\_release&id=590](http://tomudall.senate.gov/?p=press_release&id=590).

### **WATER QUALITY** **Clean Water Act/Texas/Water Quality Standards**

The Texas Commission on Environmental Quality (TCEQ) has adopted revisions to the Texas Water Quality Standards and Implementation Procedures. The revisions update numerous toxic criteria, establish numerical nutrient criteria for 75 reservoirs, and create new categories of recreation standards that are intended to more realistically classify water bodies. Before proposing the revisions, TCEQ analyzed scientific information to determine the mechanisms that protect the environment and public health and promote efficient and effective water quality management. "The TCEQ has historically evaluated its water rules periodically to make

sure they keep pace with changes in science and technology,” said Office of Water Deputy Director L’Oreal Stepney. For more information, please see: [http://www.tceq.state.tx.us/comm\\_exec/communication/media/6-10WaterQuality6-30](http://www.tceq.state.tx.us/comm_exec/communication/media/6-10WaterQuality6-30).

## **WATER RESOURCES/ENVIRONMENT** **USGS/Water Data/Climate Change**

The U.S. Geological Survey (USGS) has released a white paper on its role and capabilities with respect to climate change. Entitled “Water - the Nation’s Fundamental Climate Issue” The paper (Circular 1347) finds that USGS can make a “major contribution” to the understanding of the role that climate variability and change can have on the nation’s water resources and aquatic ecosystems. According to the paper, “The key attributes that will enable USGS to make that contribution are: (1) “the ability to ensure the continued monitoring of a wide range of hydrologic systems (particularly those that already have long records and limited influences of man on the landscape);” and (2) “the capacity to substantially increase efforts to analyze existing records to understand changes that are taking place and to differentiate the relations of water resources to climate variation, climate change, and direct human activities on the landscape.”

The paper also notes that USGS needs to “continually improve and strengthen” its capability to preserve the continuity of long-term water data collection, and analyze and interpret water data to determine how the nation’s water resources are changing. “The USGS needs to be unambiguous in communicating with its customers and stakeholders, and with officials at the Department of Interior, that although modeling future impacts of climate change is important, there is no more critical role for the USGS in climate change science than that of measuring and describing the changes that are currently underway,” it said. “[W]hile we might want to initiate monitoring of important aspects of our natural resources, the data that will prove to be the most useful in the next few years are those records that already have long-term continuity. USGS streamflow and groundwater level data are excellent examples of such long-term records.” See: <http://pubs.usgs.gov/circ/1347/>. (WSW #1881)

## **WATER RESOURCES** **Border Water Issues/Colorado River**

The International Boundary and Water Commission (IBWC), which the United States and Mexico created to administer boundary and water-rights treaties, has reached an agreement (Minute No. 317) that seeks to define mechanisms under which the two countries may share the costs and benefits of projects and promote the sustainable management of the Colorado River Basin. In particular, the agreement notes the

Commission’s interest in exploring opportunities for binational projects that conserve water, minimize the impacts of potential Colorado River shortage conditions, and generate additional volumes of water by investing in infrastructure and desalinization facilities. The agreement also notes the possibility of permitting Mexico to use U.S. infrastructure to store water.

To develop these opportunities, the agreement formalizes a process for stakeholder participation through various binational groups to explore potential areas of cooperation and to consider projects or initiatives of interest to both countries. “The Commission has an opportunity to promote cooperative actions that will benefit both countries for decades to come,” said U.S. Commissioner Edward Drusina. “This agreement establishes a mechanism to ensure that this work will continue so that we can address many challenges in the basin, including the ongoing drought.” Please see: [http://www.ibwc.state.gov/Files/Minutes/Minute\\_317.pdf](http://www.ibwc.state.gov/Files/Minutes/Minute_317.pdf).

## **WATER RIGHTS** **Indian Water Rights Settlements/EFISH**

The Department of Interior has agreed to a request from the WSWC, the Western Governors’ Association (WGA), and the Native American Rights Fund (NARF) for quarterly conference calls to discuss their efforts and the Administration’s efforts regarding Indian water rights settlements. “I greatly appreciate all the good work that... your organizations have done in furthering Indian water rights settlements in the past and your commitment to continue advancing future settlements,” said Deputy Interior Secretary David Hayes in a letter dated July 2. “My office, the Secretary’s Indian Water Rights Office, and others in the Department working on settlements, and the Emergency Fund for Indian Safety and Health (EFISH) would be happy to participate in quarterly conference calls to discuss these efforts.” The WSWC, WGA, and NARF have specifically offered their support to Interior as it develops spending plans for EFISH, which authorizes \$1B over a five-year period for water supply and water-related infrastructure projects that are part of Congressionally-authorized settlements. (WSW #1853)

## **PEOPLE**

Colonel **Thomas Kula** has been named as the Commander and Division Engineer for the U.S. Army Corps of Engineers’ Southwestern Division, which includes all or part of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. Colonel Kula has a Bachelor of Science in Civil Engineering from the U.S. Military Academy and a Master’s Degree in Military Arts and Science from the School of Advanced Military Studies, Command and General Staff College. We wish Colonel Kula the best in his new assignment.

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