

EPA Issues Perchlorate Guidance

In January, the U.S. Environmental Protection Agency issued new protective guidance for cleaning up perchlorate contamination, recommending a preliminary clean-up goal of 24.5 parts per billion (ppb) perchlorate in water. EPA's guidance is derived from the agency's reference dose for perchlorate, which is based on the 2005 recommendations and conclusions of the National Academy of Sciences.

According to EPA, this preliminary goal is a starting point for an evaluation of site-specific conditions. The recent action was designed to offer clear guidance to site managers to help ensure national consistency in evaluating perchlorate in light of widely varying state guidance.

U.S. Senator Diane Feinstein from California issued a statement saying she "was surprised and disappointed" by EPA's guidance, and found it "unacceptable." "The fact that California ... has set a target for perchlorate remediation at 6 ppb for drinking water, and considers exposure to perchlorate contamination from both water and food sources, should cause real concern." EPA's preliminary standard is four times greater and, according to Feinstein, wrongly assumes that perchlorate

contamination comes only from drinking water. Furthermore, she said, it is "based on the consumption of water for a 155-pound adult. So this doesn't accurately reflect the risk to children."

EPA's guidance document is available at epa.gov/newsroom/perchlorate.pdf. Feinstein's comments are at feinstein.senate.gov/06_releases.html.

OK to Suck Your Neighbor Dry in AZ (as long as it's for good use)

In a ruling late last year, the 9th U.S. Circuit Court of Appeals determined that "landowners harmed by a neighbor's pumping of groundwater can legally be left high and dry without a right to sue for damages if the water was used in connection with reasonable use of the neighbor's own property," reported the *Associated Press*. The case concerned a pecan farmer in Casa Grande, Arizona, who lived next door to Abbott Laboratories, a pharmaceutical company.

According to *AP*, Abbott had a permit from the state to pump about two acre-feet of groundwater from its property in order to build an underground storage facility. The company planned to store the water in on-site retention ponds, from which it would eventually drain back into the aquifer. But Abbott ended up having to pump more than expected—122 acre-feet,

in fact, said *AP*. That volume flooded the basins and was drained into a ditch that ran off the property. As a result, the company was fined for violating its permit conditions, and paid about \$6,500 to the state, according to the report.

Meanwhile, *AP* said, the pecan farmers next door lost their orchards after the water table fell 16 feet in response to the pumping, so they sued Abbott. They initially were awarded \$1.2 million by a U.S. district judge, but Abbott appealed on the grounds that the company was not liable because its pumping had been a reasonable use for their property. In reversing the judgement, the 9th Circuit panel cited the Arizona Supreme Court's 1953 ruling "that use of groundwater in Arizona is governed by a common-law doctrine under which pumping is allowed as long as it is a reasonable use of the property," reported *AP*.

Visit www.azcentral.com.

Updated California Water Plan Released

The final *California Water Plan Update 2005* was released in late January 2006 by the California Department of Water Resources. According to Director Lester Snow, the most recent version "represents a fundamental transition in how we look at water resource management in California" in that it considers a broader range of management issues, competing water demands, potential new water supplies, and alternative financing options. The plan calls for California to invest in efficient water management, development of water supplies and technologies to sustain the state's future, and reliable, high-quality, sustainable, and affordable water conservation.

The plan also emphasizes the need for the state government to work with regional, local, and tribal entities and interest groups to address the state's water issues. However, it calls for the state to take the lead in large-scale projects

HydroFacts

The take-home message of the March/April '06 issue on aging infrastructure could be summarized as "maintain, rebuild, and expand, or else." Mexico City, host to the recent World Water Forum, is a cautionary example of what that "or else" might be: public water supplies that are inadequate, unreliable, nonsustainable, and nonpotable. This begets inconvenient, expensive, and inequitable coping strategies by affected individuals. Rebuilding our aging infrastructure will be expensive, but consider the costs of wildcat hookups, reliance on bottled water and cisterns, and subsidence from groundwater overdraft in Mexico:

- Percent leakage rate for Mexico City's public water system: 40
- Percentage of sewage generated in Mexico City that is treated: 12
- Estimated expenditures needed over next 5 years just to maintain adequate wastewater and storm water pumping capacity: \$2 billion
- Percentage of drinking water in Mexico City obtained from bottled water: 77

Top markets for bottled water as a percentage of world demand:

USA	16.7
Mexico	11.5
China	7.7
Brazil	7.5
Italy	6.9
Rest of world:	49.6

Top markets for bottled water (liters per capita per year):

Italy	183.6
Mexico	168.5
France	141.6
Spain	136.7
Switzerland	99.6
USA	90.5

Sources: *El Universal*, 16 March 2006; *Associated Press* "Mexico City thirsts for drinking water: Big issues as city hosts World Water Forum," *Associated Press*, March 13, 2006.

that regions could not accomplish on their own. The state is also responsible for defining and articulating the roles, authorities, and responsibilities of state, federal, and local agencies and governments dealing with water issues.

In a related news release, the Pacific Institute, a nonprofit research and policy analysis organization, praised the new water plan for acknowledging the risks climate change poses to the state's water resources, but criticized it heavily for failing to pay even greater attention to the potential improvements in water use efficiency that could be attained. In addition, the Pacific Institute said the new report predicts substantial increases in urban water use in the future, but states that past projections have far exceeded actual use. Such overestimations, the Pacific Institute said, drive water planners to seek expensive and potentially environmentally damaging new water sources, while its own research has shown that a more aggressive conservation program could provide sufficient water for the state's future and still maintain a growing population and healthy economy.

The California Water Plan Update 2005 is available at www.waterplan.water.ca.gov/cwpu2005/index.cfm. Also visit www.pacinst.org.

CO Maintains Stormwater Authority over Energy Industry

After the 2005 Energy Act exempted oil and gas operators from complying with federal stormwater runoff rules, the oil and gas industry urged Colorado's Water Quality Control Commission to transfer state regulatory responsibility from the Department of Public Health and Environment to the Colorado Oil and Gas Conservation Commission, which recently adopted its own stringent stormwater rules, reported the *Denver Post*. However, the water-quality control commission voted in January to keep the responsibility with DPHE, the agency it deemed most qualified to enforce Clean Water Act provisions in the state, the paper said.

The decision pleased environmental groups, farmers, water-conservation districts, and other groups, particularly in Colorado's Western Slope, who complained that all the new oil and gas operations were causing widespread erosion and impacting streams, said the *Post*. Nearly 14,000 new wells have been permitted in the state in the last five years.

Visit www.denverpost.com.

NM Struggles with Arsenic Standard

Since the more stringent arsenic drinking water standard went into effect in January, communities throughout the country reported having difficulty complying, particularly in rural areas where naturally occurring arsenic is plentiful and budgets for advanced removal technologies are nonexistent. New Mexico has found one way to comply – or at least to not be in violation: by postponing testing. No data equals no violation.

A spokesman from the New Mexico Environment Department told the *Albuquerque Tribune* that the department plans to delay testing some water systems for as long as it can to help those communities that are struggling hardest to meet the new standard. However, all of the state's 1,280 drinking water systems must be tested by the end of 2007, according to the EPA rules, said the *Tribune*. It is hoped that the additional time will enable utilities to consider more options, bring new technologies to the market, and allow funding mechanisms to be worked out.

The *Tribune* reported that Albuquerque and some larger communities have used a different option and filed a three-year extension to meet the new standard. Albuquerque's drinking water source is groundwater that averages 13 to 15 parts per billion (ppb) arsenic, the paper said, compared to the new 10 ppb standard. In early 2008 the city plans to begin supplementing its supply with surface water from the San Juan Basin diverted

through the Rio Grande, according to the *Tribune*. The river water has much lower concentrations of arsenic, so once it is used either as the sole source or blended with groundwater, compliance should not be a problem.

Visit www.nmemv.state.nm.us and www.abqtrib.com.

Utah Ready to Receive CO River Water

Utah is not using all of its 1.7 million acre-feet per year allocation of Colorado River water; 420,000 acre-feet per year remain unused. Concerned that its unused water could be given to another state, Utah's House and Senate worked this spring to pass legislature supporting a pipeline from Lake Powell into the southern part of the state, reported the *Deseret Morning News*. The Lake Powell Pipeline Development Act would authorize the State Board of Water Resources to build the project and contract for the sale of the water and operation of the project, but it would not appropriate any money for it, Senator Tom Hatch, the bill's chief sponsor, told the paper. Costs would be repaid by water users.

The *Morning News* said the pipeline would cross Arizona, requiring that state's support of the project. The issue is complicated by the fact that Utah is in the Upper Basin and Arizona is in the Lower Basin, and Colorado River water rights are divided by basin. According to the newspaper, the Upper Basin supports the project, as does, Hatch said, "everyone from environmentalists to government officials."

The pipeline would bring water to Washington County in the far southwest corner of Utah, where the population has jumped from 13,000 to 130,000 since 1970, Ronald Thompson of the Washington County Water Conservancy District told the newspaper. However, the project has also attracted the interest of neighboring Kane and Central Iron counties.

The text of the proposed legislature can be read at www.le.state.ut.us/~2006/bills/sbillint/sb0027.htm. Also visit deseretnews.com.