

First Sulfate Restriction Issued in AZ Mine Permit

Last summer, the Arizona Department of Environmental Quality (ADEQ) issued a strict water quality permit, known as an aquifer protection permit (APP), for the Phelps Dodge Sierrita copper mine in southern Arizona.

The permit provides stringent new protections for groundwater in the area, including a 250 parts-per-million (ppm) limit for sulfate in drinking water affected by the mine's operations, the first sulfate restriction that ADEQ has ever imposed in a water quality permit.

Elevated sulfate levels attributable to the mine have been identified in groundwater samples from area wells. Although sulfate is considered a nonhazardous substance in water and is not regulated under federal or state law, ingestion of water containing levels of sulfate exceeding 250 ppm can cause health problems.

Other aspects of the permit require that the mine:

- implement pollution controls at all of its discharging facilities. Potential pollutants at the mine include metals such as arsenic, copper, chromium,

selenium and lead, as well as nitrate, benzene, and radiochemicals such as gross alpha particle activity, radium-226, and radium-228.

- maintain about \$18 million in financial assurance, the highest amount ever required in Arizona;
- characterize and mitigate the sulfate plume, conduct an inventory of wells in the area, and ensure that drinking water provided to area residents meets all applicable drinking water standards;
- conduct quarterly water quality sampling and keep community members informed of the company's activities.

The permit is available at www.azdeq.gov/download/sierrapermit.pdf.

Stockton Rejects Private Water Control

In July, the city council of Stockton, California, voted unanimously to regain control of its water systems and terminate its contract for services with private water giant OMI-Thames. The \$600 million, 20-year water contract was the largest of its kind in the West, according to a Sierra Club news release.

Stockton's residents were opposed to private management from the beginning; their fight to regain control was featured in the documentary film "Thirst: Fighting the Corporate Theft of Our Water." In 2003, they voted to approve a measure requiring a public vote to determine whether water services would be privatized, but the vote came less than two weeks after the city already signed the deal with OMI-Thames. The citizens' primary concern was that private water management would bring greater environmental impacts to the surrounding delta.

The Concerned Citizens Coalition, the Sierra Club, and the League of Women Voters of San Joaquin County jointly appealed to the courts on the grounds that the city did not abide by environmental requirements before signing the contract. The San Joaquin County Superior

Court ruled in favor of the plaintiffs, calling for the city to end the contract for water and sewer services. Last January, the city council voted to appeal the court's decision, but July's vote required the appeal to be withdrawn.

The *Stockton Record* reported that the city and OMI-Thames "struck a partial settlement in which the company will finish upgrading the city's sewer plant and will pay the city about \$2.1 million to settle outstanding issues before leaving Stockton." Public operation and management of the water systems will resume by March 1, 2008.

Visit www.sierraclub.org and www.recordnet.com.

Utah Debates Scenic River Status

While Utah is home to five national parks and six national forests, it is one of just 12 states with no federally designated Wild and Scenic rivers. The *Deseret Morning News* reported that for the past year, U.S. Forest Service and Bureau of Land Management personnel have been reviewing about 2,000 miles and 230 segments of rivers in the state to identify those which might be presented to Congress for designation.

The 1968 Wild and Scenic Rivers Act provides for the protection of free-flowing rivers with important scenic, recreational, fish and wildlife, and other values. The act prohibits construction of a dam, water conduit, reservoir, powerhouse, or other power-related works on or directly affecting rivers in the National Wild and Scenic Rivers System.

In Utah, as in other western states, water is scarce and past efforts to introduce Wild and Scenic designations have been defeated by those hesitant to restrict how water might be used in the future. Summit, Wasatch, and Utah county officials jointly sent a letter to the Forest Service in June, requesting that none of the segments in those counties be

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considered for inclusion in the system, the *Morning News* said. Their argument was that many of the segments in that area already are protected through the National Wilderness Preservation System, and adding another designation would require more resources to maintain the area, as it would likely draw more people there.

Meanwhile, environmentalists and recreationalists, including the Utah Rivers Council, are embracing the possibility that waterways in the state that they particularly value will be protected for the future.

Visit www.fs.fed.us/r4/river and www.deseretnews.com.

Owens Update: It's a River

In the ongoing effort to restore flow in the Lower Owens River in eastern-central California, an Inyo County judge declared in July that the "Lower Owens River is a river," reported the *Los Angeles Times*, and the \$5,000-a-day fine imposed on the Los Angeles Department of Water and Power (LADWP) for failing to meet earlier flow deadlines was lifted. Penalties had reached about \$3.3 million, according to the *Times*.

LADWP began diverting flow back into the Lower Owens River last December, 93 years after the city began diverting water away from it to supply its growing population (see *Southwest Hydrology*, March/April 2007). The recent judicial ruling recognized that a discharge of 40 cubic feet per second or greater now is being maintained in the channel, as verified by 10 flow-measuring stations. These conditions were among the provisions for restoration specified in a 1997 Memorandum of Understanding between LADWP, Inyo County, the California Department of Fish and Game, the State Lands Commission, the Owens Valley Committee, and the Sierra Club.

While the court ruling was welcome news to LADWP, the city still faces lawsuits filed by environmentalists, said the *Times*. Further, penalties will

again be levied if the flow or monitoring requirements are not met in the future.

Visit www.latimes.com.

SoCal Shrivels Under Record Dry Conditions

July 1, 2006 through June 30, 2007 was the driest year in Los Angeles since

records began 170 years ago in 1877, the National Weather Service reported, with just 3.21 inches of rain falling. The average precipitation for Los Angeles is 15.14 inches, and the previous record low was 4.42 inches during 2001-2002. It was the first year in which there was not a single month with at least one inch

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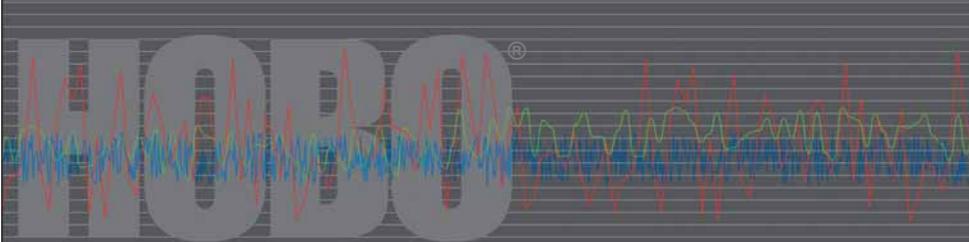
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GOVERNMENT (continued)

of rain; the maximum rainfall was just 0.5 inches, on April 20. Warm, dry Santa Ana winds, which typically blow 30 days of the year, were observed on more than 100 days, keeping firefighters on high alert. *The Los Angeles Times* reported that the eastern Sierra, the source of about half the city's water supply, recorded its second-lowest snowpack ever, and the Colorado River entered its eighth year of drought. However, reservoirs filled from the previous year of high precipitation kept water supply concerns relatively low, although residents are urged to cut their water usage by 10 percent.

Visit www.weather.gov/climate/local_data.php?wfo=lox and www.latimes.com.

Texas Receives Record Rainfall

While California remained parched over the summer, some areas of Texas received more than 300 percent of normal precipitation. Although the weather caused huge problems for many, the *San Antonio Business Journal* reported that the San Antonio Water System (SAWS) used the opportunity to store as much water as it could for the future.

According to the newspaper, SAWS estimated it would store nearly 42,000 acre-feet in its Twin Oaks Aquifer Storage and Recovery and Water Treatment Facility by the end of the year. The facility is an underground reservoir in

the Carrizo Aquifer that is used when the karstic Edwards Aquifer, SAWS' primary water source, is overflowing. Water is injected from the Edwards into the Carrizo for later use when needed.

Visit www.bizjournals.com/sanantonio/.

ADEQ Primacy Affirmed

In June, the U.S. Supreme Court upheld the authority of the Arizona Department of Environmental Quality (ADEQ) to operate the National Pollutant Discharge Elimination System (NPDES) Permit Program at the state level.

Arizona has administered the Arizona Pollutant Discharge Elimination System (AZPDES) program since December 2002 under a delegation agreement with the U.S. EPA. But in early 2003, ADEQ's authority to administer the program was challenged by Defenders of Wildlife and the Center for Biological Diversity in federal court. The plaintiffs claimed the state's program would not enforce endangered species regulations as thoroughly as federal statutes.

The court proceedings were monitored by other states who feared similar legal challenges if the environmental interests won, however the recent ruling affirms ADEQ's authority in this area.

Meanwhile, ADEQ is working on a major revision of Arizona's drinking water

rules in order to maintain the state's primary enforcement authority of the federal Safe Drinking Water Act. In this new rulemaking process, many of the state's current drinking water rules will be repealed or restructured to incorporate the federal National Primary Drinking Water Regulations by reference.

This action will update the state drinking water regulations so that they are as stringent as the federal rules rather than restating the federal regulations. The aim is to reduce the potential for conflict between state and federal laws and ensure Arizona retains jurisdiction to implement the Safe Drinking Water Act. Incorporation by reference will also facilitate review and approval of Arizona's rules by applicable state and federal entities.

Visit www.azdeq.gov/environ/water/dw/rules.html.

EPA Releases List of Compounds to Screen for Endocrine Disruption

In June, the U.S. EPA released a list of 73 chemicals that are the first to be considered for screening under the 1996 Federal Food, Drug, and Cosmetic Act. The act required EPA to initiate an endocrine disruptor screening program (EDSP) to screen pesticide chemicals and environmental contaminants for their potential to affect the endocrine systems of humans and wildlife.

Endocrine disruptor screening is currently proceeding on three fronts: 1) scientific and technical testing to validate the endocrine disruptor screens and tests; 2) setting priorities for selecting chemicals for initial screening and testing; and 3) developing the policies and procedures the agency will use to require testing.

In June 2007, EPA published a prepublication *Federal Register* notice announcing the draft list of 69 pesticides and four inerts used in pesticides to be considered for screening under the

HydroFacts

Cartographic alterations in the 2007 edition of *The Times Comprehensive Atlas of the World* attributed to climate change:

Percent reduction in Aral Sea since 1967:	75
Percent reduction in Lake Chad since 1963:	95
Decline in the Dead Sea since 1957, in feet:	82
Major rivers no longer reliably reaching the sea or drying out in summer:	
Rio Grande, Colorado, Yellow, Tigris	
Percent of coral reefs destroyed or degraded in recent decades:	40

Number of U.S. Earth-observing satellites:	42
Number predicted by 2010:	25
Percent change in NASA's earth-science budget, 2000-2006:	-30

(Source: National Resource Council)

Federal Food, Drug and Cosmetic Act. The 73 chemicals are to be screened under Tier 1 of the program.

Comments were due to EPA in mid-September. After reviewing the comments, EPA will issue a second *Federal Register* notice containing the final list of chemicals. Nothing in the approach for generating the initial list provides a basis to infer that any of the chemicals selected interfere with or are suspected to interfere with the endocrine systems of humans or other species.

The list was released eight years late and leaves much to be desired, according to a July 3 article in *Environmental Science and Technology Online*. Researchers cited in the article said the list appears unbiased for not favoring business interests, but considered the subjection to screening of many compounds widely and generally

known to be endocrine disruptors to be a waste of time and resources.

Furthermore, said the article, some of the pesticides themselves may not impact endocrine activity, but their metabolites may, and that impact would be missed by the proposed screening process. Other critics pointed out that single-compound assays will not address the multicomponent exposures most people receive, and questioned whether the assays would be sensitive enough to detect low-dose exposures.

Visit www.epa.gov/scipoly/oscpendo/ and pubs.acs.org/subscribe/journals/esthag-w/2007/july/policy/nl_endocrine.html

EPA Launches Tribal Portal Website

In July, the U.S. EPA launched the first-of-its-kind portal website to help tribal communities and the public find

tribal environmental information and data through a single access point.

The portal is part of EPA's effort to strengthen its partnership with Indian tribes and governments to protect human health and the environment. The new cross-agency website allows EPA to consolidate and share environmental information reflecting tribal perspectives and needs into a central, easy-to-navigate structure. Various EPA programs, such as enforcement, waste, underground storage tanks, and water are also consolidating their tribal information through this website.

Main categories on the portal include basic information (executive orders, EPA Indian policies, presidential documents, newsletters), grants and funding, laws and regulations, tribal programs, and tribal contacts.

Visit www.epa.gov/tribalportal.



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