



Western States Water

Addressing Water Needs and Strategies for a Sustainable Future

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WATER QUALITY

BLM/Hydraulic Fracturing Rule

On December 28, the Bureau of Land Management (BLM) published its Federal Register notice of the final decision to rescind the stayed 2015 Hydraulic Fracturing Rule. BLM's review of the Rule found that all 32 of the states with federal oil and gas leases have regulations to address hydraulic fracturing, and that companies are disclosing the chemical content of their hydraulic fracturing fluids using FracFocus or other state regulatory databases. Rescinding the 2015 Rule is consistent with the Administration's Executive Order 13771 to reduce the costs of regulatory compliance.

EPA/Idaho/Injection Wells

On November 27, the U.S. Environmental Protection Agency (EPA) published its *Federal Register* notice of a voluntary transfer of Idaho's Underground Injection Control (UIC) program for Class II wells from Idaho to EPA. Class II injection wells inject fluids: (1) that are brought to the surface in connection with natural gas storage, or oil or natural gas production; or (2) for the purpose of enhanced oil or natural gas recovery; or (3) for the storage of hydrocarbons, which are liquid at standard temperature and pressure.

Idaho received primary implementation and enforcement authority for Class I, II, III, IV, and V injection wells in 1985, but Class II injection wells were banned by Idaho at the time, and this state ban was codified by EPA regulations. In 2013, the Idaho legislature allowed Class II wells, but EPA has not approved this change. Idaho has requested a voluntary transfer of authority that would allow EPA to implement the Class II underground injection program in Idaho, including permitting, compliance, and enforcement responsibilities. Idaho will retain its authority over Class I, III, IV, and V injection wells.

The public comment period closes on January 11. Comments may be made at www.regulations.gov, docket number EPA-HQ-OW-2017-0584.

EPA/Tribes

On December 12, EPA Region 10 announced awards of \$1M to 32 Northwest tribes through Clean Water Act §319, which authorizes EPA to provide states, tribes, and territories with guidance and grant funding to implement their non-point source programs. Agricultural and urban runoff and abandoned mine drainage are among the sources not always subject to federal or state regulation, and the funding fosters environmental programs and supports local watershed projects to address the pollution and improve water quality. Since 2006, these efforts have restored 6,000 miles of streams and over 164,000 acres of lakes. The grant money was distributed between tribes that demonstrated interest, capacity, and authority to run non-point pollution prevention programs within their reservation boundaries.

Ten of the tribes received an additional \$975,548 for specific restoration and protection projects under a competitive grant program. Projects include: reducing sediment from forest roads; controlling invasive species in degraded riparian areas; reducing a creek's water temperature by restoring the stream channel; replacing culverts to enable fish passage; increase groundwater recharge by constructing artificial beaver dams; creating stream channel stability by planting 35 acres of floodplain; and improving salmon habitat through installation of engineered logjams.

EPA Administrator Scott Pruitt said: "Providing funds directly to tribes is an excellent example of how EPA offers a helping hand to our partners to address their unique and critical environmental challenges. EPA is making these investments to empower tribes who know best how to protect resources, and grow their local economy and strengthen communities."

EPA/Lead and Copper Rule

On December 14, EPA sent letters to state partners to seek their input on forthcoming proposed regulatory revisions to the Lead and Copper Rule under the Safe Drinking Water Act. The rule applies to public water systems and agencies that enforce drinking water regulations in their jurisdiction. EPA is evaluating

changes to tap sampling, corrosion control treatment, transparency and public education, and service line replacement. The letters are part of a larger federalism consultation process, including a meeting at EPA headquarters on January 8. Additional groups and the public will have opportunities to comment throughout the rulemaking process. See <https://www.epa.gov>.

WATER QUALITY/WATER RESOURCES **Utah/Municipal Water Supply**

On December 22, Utah State Representative Kim Coleman (R-West Jordan) introduced H.B. 124, Water Holdings Accountability and Transparency Amendments. The bill would require cities and special service districts that supply municipal water outside their jurisdictional boundaries to provide information to the public about costs, points of diversion, water rights descriptions, and maps. Coleman said the bill was the result of water management vulnerabilities noted in Governor Gary Herbert's (R-UT) Recommended State Water Strategy Report. Old cities with water rights are using temporary surplus water contracts to provide water to new cities and unincorporated areas with insufficient water, fostering development. "We lack a comprehensive picture of our overall inventory, who currently controls it and how they are managing and distributing these resources. Before we can determine where we are going, we need to establish how they are managing and distributing these resources." The bill proposes to make the State Engineer the gatekeeper of the information.

On December 28, Utah State Representative Mike Noel (R-Kanab) introduced H.B. 135, Extraterritorial Jurisdiction Amendments, which proposes to modify the regulatory authority of large cities over watersheds outside their boundaries, including upstream water quality protections. Noel called the old law redundant in light of the environmental safeguards through health department ordinances and state water quality laws. He argued that municipal-state conflicts over water quality authority are increasingly potential as cities grow and seek authority under the old law (*KSL News*, 12/30/17).

WATER RESOURCES **California/Water Data**

On December 6, the U.S. Bureau of Reclamation and the California Department of Water Resources (CDWR) announced the phased release of an updated beta version of CalSim 3.0, a modeling and planning tool for examining the operations of the interconnected federal Central Valley Project and the State Water Project. Water managers use the existing version to access information on water resources and water supply reliability. The updates include: (1) extension of hydrologic data through Water Year 2015; (2) new watersheds and streams; (3) greater detail and accuracy in rainfall-runoff, evapotranspiration, groundwater flow,

river seepage, the hydrologic network, and hydrology input development, with basin-wide consistency; and (4) a georeferenced schematic and internal linkage to groundwater model files supported by CDWR. The beta version is available for review and comments from stakeholders and technical experts, with the final version expected in the fall of 2018. The joint press release says: "Once finalized, the new version of CalSim will have improved ability to assess potential system changes, such as those to infrastructure, operating or regulatory criteria, Central Valley land uses, or climate." See <http://www.water.ca.gov/news/>.

Arizona/Groundwater

Kathleen Ferris, former Director of the Arizona Department of Water Resources, and film-writer Michael Schiffer have produced a 26-minute documentary called *Groundwater: To enact a law for the common good*. The documentary is intended to preserve the history of the negotiations, collaborations, and processes that ultimately led to the 1980 Groundwater Management Act in Arizona.

The film includes interviews and recollections of: former Arizona Governor Bruce Babbitt, a geologist and lawyer who later served as U.S. Secretary of the Interior under President Bill Clinton; former Arizona Senator Jon Kyl and Leroy Michael, who represented the Salt River Project and agricultural interests during the negotiations; Jim Bush, who represented mining interests; Jack DeBolske and Bill Stephens, who represented municipalities; Ron Rayner, an innovative environmental stewardship farmer and former President of the National Cotton Council; and Ferris, who was a State Senate staffer in 1977 when she was appointed to serve as Executive Director of the Groundwater Management Study Commission and led the drafting of the new groundwater law.

Ferris said: "Without the 1980 Groundwater Management Act, central Arizona would have mined its water resources into extinction. The battle to preserve our water is still being waged. We hope that getting this vital piece of history back in the public eye will encourage our elected leaders to continue that crucial fight." For more information, including a 16-minute podcast with Ferris and Schiffer on making the documentary. See <https://new.azwater.gov/news/articles/2017-21-12>.

PEOPLE

Governor Gary Herbert has appointed **Alan Matheson**, Executive Director, Utah Department of Environmental Quality (DEQ), and Senior Environmental Advisor to the Governor to replace Walt Baker on the Western States Water Council (WSWC). The Governor also appointed **Erica Gaddis**, Director, Division of Water Quality, DEQ as an alternate to the WSWC.

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.