

agricultural operations and Irrigation Districts. In short, we were told that ADEQ will start with EPA's view but adjust to Arizona's specific conditions. They encouraged all who are impacted to comment to the EPA and forward a copy to them as they develop the state's General Permit. For more information, please contact me at the office: 480-558-5301. If you would like to review the proposed General Permit, please go to: http://cfpub.epa.gov/npdes/home.cfm?program_id=410 or contact ADEQ staff directly by calling Christopher M. Henniger, Supervisor, Stormwater and General Permits Unit at: 602-771-4508.

Chris Udall
Executive Director

WHAT'S HAPPENING IN WASHINGTON?

Provided by: Adrian Coffey, National Water Resources Association

Senate Committee Advances Critical Legislation

The Senate Environment and Public Works Committee held a full committee markup June 30 to vote on a slew of bills, including S 1816, The Chesapeake Bay Restoration Act. S 1816 aims to create a program to clean up and restore the Chesapeake Bay watershed in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, which would put into place new environmental protections in the watershed and create new "councils" to deal with the mounting issues in the "Bay states". The bill's sponsor Sen. Ben Cardin (D-MD) said the bill "puts the states front and center" in the development and enforcement of these new standards and does not seek "to give EPA any new regulatory jurisdiction".

While the current legislation only directly applies to the Chesapeake Bay states, there is mounting concern that the bill may serve as a template for a national program administered by the EPA or for other areas such as the California Bay-Delta. The legislation as it was originally written included several provisions that could be of concern to NWRA members, including TMDL prescriptions and language which suggests non-point sources would be subject to section 402 permitting.

Ultimately, the bill was approved by a voice vote, with a few modifications Cardin did give the agricultural community a nod and offered an accepted amendment (attached) which removed the TMDL language from his original bill and disallowed EPA from directly requiring and issuing a 402 permit to a non-point source. Despite that measure, the EPA would still have the authority to "take over or enforce" a state's non-point source implementation program, including permitting.

Prior to the markup, NWRA signed onto a coalition letter, which was included in the hearing record, urging committee members to reconsider provisions of the bill and expressing concerns with the impacts the language could have on agriculture, family farmers and water managers, especially given the information that EPA may plan to use the bill as a national template. The coalition group plans to meet regularly to formulate and discuss a strategy as the bill moves forward.

"America's Commitment to Clean Water Act" Introduced

House Transportation and Infrastructure Committee Chairman Jim Oberstar (D-MN) introduced HR 5088, "America's Commitment to Clean Water Act", on April 21, 2010. Though Oberstar has previously introduced similar bills as the Clean Water Restoration Act, the language in the ACCWA differs slightly to "accommodate concerns" raised by groups in opposition to the CWRA. During a news conference on the bill, Representative Oberstar told audience members that he believes "clean, safe water is a basic right and unless we act, we can't ensure that right" and thus his bill aims to clarify the "original intent of Congress" and the 1972 CWA. Oberstar said the ACCWA will "cover the same waters as [the CWA] did under regulatory decisions in place prior to 2001" and that the definition of "waters of the United States" will be the current regulatory language and thus, "if it was not regulated pre 2001, it will not be regulated now".

The bill also includes codified exemptions for prior converted cropland, wastewater treatment facilities and all groundwater. Oberstar also expressed his belief that the new language in the bill will satisfy the concerns of many groups that opposed the CWRA and those groups who may still oppose the ACC. Despite Oberstar's concessions, the bill still removes the term "navigable" from the original Clean Water Act and replaces it with "waters of the United States" and when questioned as to how many previously unregulated waters would now fall subject to CWA jurisdiction, Oberstar and his staff were unable to provide a clear answer saying only, "we are restoring the original intent and you can see there is a great need. We don't, and neither does EPA, know the specific numbers".

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On June 22, Ranking Members of three key House Committees sent a letter to their Chairmen expressing concerns with Rep. Jim Oberstar (D-MN)'s HR 5088, "America's Commitment to Clean Water Act". Representative Doc Hastings (R-WA) of the Natural Resources Committee, Rep. Frank Lucas (R-OK) of the Agriculture Committee and Rep. Sam Graves (R-MO) of the Small Business Committee called for hearings in their committees on the bill, writing

"Although the bill has been referred to the House Transportation and Infrastructure Committee, this far-reaching legislation could have a great impact on Western irrigation projects, farming and ranching operations, mining and small businesses that are within the jurisdiction of the committees of which you are Chairs and we are Ranking Members. At a time when creating and protecting jobs should be our top priority, we need to gain a full understanding of the effects this bill will have on the economies of rural communities and the nation as a whole."

Representative Oberstar has previously publicly said he hopes to bring the bill to the full House floor in the fall despite the fact that no time has been scheduled for the bill's consideration within his own committee.

NWRA has sent a letter (if you would like a copy, please contact ABC) to all western Members urging them not to co-sponsor the bill and has developed a more extensive set of talking points which detail specific concerns with the bill's language and objectives. We will continue to work with other groups opposing the bill and are developing a "vote matrix" in order to track Member positions on the bill to target members to meet with as appropriate.

EVERYTHING OLD IS NEW AGAIN

Provided by: Joe Blankenship and Kenneth R. Saline, P.E.

As Phoenix, AZ, began its modernization and entry into the 20th century, electricity came from drops along canals that were built primarily for irrigation. These were small generating units that supplemented a wood-fired boiler that would have never had enough fuel for an expanding population. Early in the 20th Century, Roosevelt Dam was completed and electricity from hydro became available in larger quantities. As a result, the canal generating sites gradually declined.

Irrigation canals are again coming into the limelight as potential electricity generation sites, as a new technology is being commercially demonstrated at a drop on the South Extension of the Buckeye Canal. Two years ago, Buckeye Water Conservation and Drainage District (BWCDD) was approached about allowing one of its sites to be used for demonstration of a technology that had been tested in hydraulic laboratories and undergone