

A Letter from the President of WESTCAS

WESTCAS, the Western Coalition of Arid States, is the “voice of water quality in the Arid West.” We are active on Capitol Hill, in the Administration, and in the courts -- anywhere we can affect a change in the laws, regulations and court cases, to better protect the quality and quantity of the scarce water resources in the Arid West.

Our message is simple. When it comes to water resources and water quality, the Arid West is a world away from the rest of the country. Many streams in the Arid West flow only temporarily, as a direct result of a rainstorm or briefly during snowmelt. Streams that do flow year-round often result from discharges of treated wastewater and urban runoff. In the desert, natural mineral sources often make water unpalatable for normal wildlife, and too saline for municipal uses. Flying from Washington D.C. to Los Angeles, it's hard to ignore the vast differences in the hydrologic landscape.

When Congress passed the Reclamation Act of 1902, it recognized both the harsh arid conditions of the West and also the value of water to future habitation and development in the region. Yet when Congress passed the Clean Water Act of 1972 and the Safe Drinking Water Act of 1984, it gave no recognition to those same conditions. It tried to place the whole country into a “one size fits all” regulatory scheme. Well, it doesn't work very well. Our mission is to work with legislators, regulators, and through the courts, when necessary, to bring about changes to the laws and regulations that are more appropriate for water conditions in the Arid West.

WESTCAS is actively pursuing legislation that fits the unique ecosystems of the Arid West, while at the same time supporting the basic regulatory principles suited for a majority of our country. We've taken the lead in such issues as Whole Effluent Toxicity testing procedures by challenging the EPA and its test methodology. We took the lead on new arsenic standards and secured a settlement allowing extra time for small utilities to comply.

We are pursuing the introduction of legislation to add a new section to the Clean Water Act that addresses ephemeral and effluent dominated streams of the Arid West. We have commented on new rules promulgated by EPA such as TMDLs and arsenic, as well as other water quality documents affecting our part of the country.

Over the past decade, the population of the Western states has grown by 19.7 percent -- greater than any other region of the United States. The demand for water has increased just as dramatically. Aging infrastructure, increasing environmental mandates, serious forest fires, and prolonged drought conditions have added to this demand, threatening communities and economies established throughout the West.

Please take the time to read through the rest of this document, and you will learn what WESTCAS is all about. You will find information about our organization

and our goals, our positions on the issues that are important to us, and how we can work together to protect the valuable water resources and environment of the Arid West where our WESTCAS members live.



Lawrence M. Libeu, President

TABLE OF CONTENTS

The WESTCAS MISSION STATEMENT	4
WHO IS WESTCAS?	4
HOW & WHY WAS WESTCAS FORMED?	4
HOW WESTCAS WORKS	5
WESTCAS WEBSITE, WASHINGTON, DC CONTACT INFORMATION	5
WESTCAS COMMITTEES	6
<u>WESTCAS REGULATORY COMMITTEE</u>	6
ESA Regulations Task Force	6
ESA Critical Habitat	7
Safe Harbor Agreements and "No Surprises"	7
Section 7 Consultations	8
Recovery Plans and Critical Habitat Conservation Plans	8
Drinking Water Regulations Task Force	9
Water Quality/Total Maximum Daily Load (TMDL) Task Force	10
Revisions to EPA Water Quality Standards (WQS) Regulations	10
Total Maximum Daily Load (TMDL) Standards and Regulations	11
Nutrient Criteria	11
<u>WESTCAS LEGISLATIVE/BUDGET COMMITTEE</u>	12
U.S. Environmental Protection Agency Team	13
U.S. Department of the Interior	14
U.S. Fish & Wildlife Service Team	14

U.S. Bureau of Land Management Team	15
U.S. Bureau of Reclamation Team	15
U.S. Geological Survey Team	16
U.S. Department of Agriculture Team	16
U.S. Army Corps of Engineers Team	17
U.S. Department of Commerce Team	18
Clean Water Act Task Force	18
<u>WESTCAS SCIENCE COMMITTEE</u>	19
Whole Effluent Toxicity (WET) Task Force	19
Reclaimed Water Task Force	20
<u>WESTCAS ASSOCIATES COMMITTEE</u>	20
CONCLUSION	21
HOW TO CONTACT WESTCAS	22
WESTCAS State Coordinators	22
WESTCAS Washington, DC Representative	23
WESTCAS Web Site	23
WESTCAS Board Of Directors	24
WESTCAS Committee Chairs	25

WESTERN COALITION OF ARID STATES

THE WESTCAS MISSION STATEMENT

WESTCAS is the Voice of Water Quality in the Arid West

As such, and on behalf of future generations, WESTCAS advocates wise use of water resources by promoting scientifically-sound laws, regulations, funding, and policies that protect the public health and the environment in the Arid West.

WHO IS WESTCAS?

WESTCAS is a coalition of over 125 entities, with over one hundred water and wastewater agencies from Arizona, California, Colorado, Nevada, New Mexico, Oregon, and Texas. WESTCAS members also include towns and municipalities, Native American nations, irrigation districts, academic institutions, scientists, attorneys, engineers, and water policy experts. Together, we are united by our concerns over management issues related to water quantity and quality throughout the Arid West. That is the driving force of WESTCAS and what our diverse members hold in common.

HOW & WHY WAS WESTCAS FORMED?

In March of 1991, representatives from several agencies in Arizona and California came together at a meeting of the Arizona Municipal Water Users Association. In discussing our respective issues and problems, we found we had many things in common, and our common issues, constraints, and regulatory conflicts were the genesis of WESTCAS. We share the fundamental belief that existing water regulations are being applied to an ecosystem that doesn't "fit the mold" of the rest of the country.

We held our first informal meeting in July of 1991. With representatives attending from Arizona, California and Nevada, we discovered our agenda of common issues was even larger than we had anticipated. In the following months we

organized: in October of 1991 we elected our first Board of Directors; by April of 1992 we incorporated as the "Western Coalition of Arid States," or WESTCAS.

In the beginning, WESTCAS meetings were one-day events, which we held four times a year throughout the Arid West. As time went on and the number and scope of issues increased, the meeting agendas grew accordingly. Today, WESTCAS conferences are held three times a year, each lasting for two and a half days.

HOW WESTCAS WORKS

WESTCAS is a no-frills organization. We are a "roll up our sleeves and get down to work" type of group. There are no WESTCAS golf tournaments or large catered events. Work product has been the key. We characterize our success with the following word -- *networking*. Solid relationships among WESTCAS members, teamwork, and the common goals we set -- all have been crucial factors in achieving our good reputation. And no matter how big or how small you or your organization may be, as a member of WESTCAS your voice will be heard.

WESTCAS is an organization of, and by, its membership. We pool our members' talents and resources to work on issues at both the state and federal levels. The WESTCAS Board of Directors directs our committees, some of which have subgroups called Task Forces or teams that act as ad hoc advocates for initiatives. Much of what we do is in cooperation with other groups with similar interests. On many issues WESTCAS Task Forces join with other associations to formulate comments and propose legislation.

HOW TO CONTACT WESTCAS

If you would like to contact WESTCAS and learn more about our policies and positions, or if you are interested in becoming a member, please feel free to contact us through our state coordinators (listed at the end of this document), our Washington office, or through our website: www.westcas.org.

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WESTCAS COMMITTEES

WESTCAS consists of three primary committees: the Regulatory Committee, the Legislative/Budget Committee, and the Science Committee.

Additionally, the Associates Committee is responsible for publishing and updating the WESTCAS Membership Directory and assists in funding special WESTCAS projects. The Board of Directors and all the committees support membership development communication, and services.

WESTCAS REGULATORY COMMITTEE

The Regulatory Committee is dedicated to being an active voice for water and wastewater agencies throughout the Arid West. The committee stays on top of current developments in the regulatory arenas, actively advocating WESTCAS positions, and educating WESTCAS members as well as the policy-makers. Committee members with legal and technical backgrounds are organized into Task Forces -- the goals, and action plans of which are reviewed regularly in light of current regulatory issues and agendas. The Regulatory Committee has improved the quality of science and environmental protection through its work on Clean Water Act amendments, Bio Monitoring, Safe Drinking Water Act implementation, and comments on regulatory proposals in many other areas.

The Regulatory Committee is organized into three separate Task Forces involved with the following regulatory issues:

- ESA Regulations Task Force
- Drinking Water Regulations Task Force
- Water Quality/TMDL Task Force

ESA Regulations Task Force

The Endangered Species Act (ESA), and regulations adopted pursuant to the Act, present particular challenges for WESTCAS members. The Act's "all-or-nothing" approach has completely shut down or incapacitated many water resource projects that are both precious and rare in the Arid and Semi-Arid West. The ESA Regulations Task Force works to educate Congress, regulatory agencies, and other organizations about the unique conditions and characteristics of the Arid and Semi-Arid West and how these unique characteristics affect water management and species conservation.

WESTCAS supports a reasonable, balanced approach to the application, enforcement, and reauthorization of the ESA, to assure the water resource needs of people are given due consideration. The ESA Regulations Task Force encourages Congress to reauthorize the ESA in a manner that addresses the concerns of WESTCAS members, adequately balancing the recovery, conservation, and habitat of threatened and endangered species with responsible development and economic growth. The ESA Regulations Task Force also assists and encourages the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service to implement the ESA in a manner that recognizes the unique environmental attributes of the Arid and Semi-Arid West, and the need for wise management and use of a scarce water resource.

The ESA Regulations Task Force is also working with the WESTCAS Science Committee to assure that the best available science is used to define ESA requirements. Scientifically-based procedures, guidelines, and criteria have to be developed to ensure consistency and predictability in the implementation of the ESA. Current procedure allows FWS to respond late in the project review cycle. FWS has been afforded too much discretionary power and often requires mitigation based on ill-defined or non-existent goals for habitat protection and species recovery. The ESA regulatory framework should be changed to include: a) mandated deadlines for processing and reviewing permit applications, HCPs, and Section 7 consultations; b) realistic and measurable standards defining recovery; c) mitigation methods that define mitigation ratios; and d) an opportunity for public review and comments. Within the framework of the actions described above, the ESA Regulations Task Force is working on the following issues:

ESA Critical Habitat

Critical Habitat Designation: The practice of "blanketing" the landscape with the preliminary critical habitat designations is unrealistic and invites concerns about the credibility of the science throughout the process. Better science, better NEPA review, and better analysis of impacts are all embedded in this one issue. The data base used to support the designation is also of concern. "Sighting" or "hearing" a bird that is not corroborated by an expert should not constitute a "factual presence," which is currently the practice for determining that a species inhabits an area.

Safe Harbor Agreements and "No Surprises"

Safe Harbor Agreements: The current safe harbor policy, which provides incentives for non-Federal owners to restore, enhance, or maintain habitats for listed species, should be expanded to include habitat created by discharges of water or wastewater to otherwise dry or ephemeral streams or washes. Water and wastewater agencies need these agreements to overcome unfavorable adaptive management practices, put a sundown on habitat created by a contract or agreement action that might change when the contract expires, and protect property and water rights.

"No Surprises": Although the Administration and field offices have been operating in a "no surprises" mode for the past few years, the operating policy needs to be set forth in writing in an ESA reauthorization.

Section 7 Consultations

Formal vs. Informal Consultations: Some issues are relatively simple to determine baseline conditions, while others present impacts that are significant and where the required mitigation will be complex. Hence, not all actions need the same level of consultation. A procedure needs to be developed that allows for a less rigorous consultation, similar to determining whether an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under NEPA.

Exemption of Routine Operations, Maintenance, and Repair: The ongoing maintenance of water and wastewater facilities includes the use and upkeep of existing access roads to facilities, as well as repairs, safety modifications, or the removal of encroaching vegetation. Therefore, routine operations, maintenance, and repair should be exempt from consultation requirements.

Protection of Property and Water Rights: The FWS needs to commit to working with states and within state law regarding property and water rights and cease attempts to use ESA provisions, FERC license renewals, or other regulatory methods to control water rights that have been lawfully obtained and exercised in accordance with state law.

Recovery Plans and Habitat Conservation Plans

Recovery Plans (RP's) are more effective than designating critical habitat. Designation of critical habitat saves few, if any, species, whereas recovery plans include specific implementation tasks designed to recover species to self-sustaining levels. Critical habitat identification is expensive and often leads to litigation without actually saving a species. The requirement to designate critical habitat should be deleted and resources shifted to developing recovery plans or, at a minimum, critical habitat designation be tied to recovery plan development and time frames within the ESA adjusted accordingly.

Habitat Conservation Plans (HCPs): WESTCAS members need clarification and assurance that we can rely upon "interim" HCPs, when the parties have agreed to a concept plan or set of principles, before the formal HCP has been implemented. Currently, no credit for mitigation or habitat protection/preservation is given for an HCP still in development, even though a concept plan for implementation has been accepted and endorsed by all the parties, including FWS. Instead, FWS continues to determine the mitigation needs on a project-by-project basis rather than as part of a larger plan, even if individual projects are consistent with the concept plan, and even if the concept plan and HCP represent the desired recovery plan.

Drinking Water Regulations Task Force

WESTCAS member agencies are charged with a public mandate to protect water quality and public health for the citizens we serve, while still offering our communities drinking water at a reasonable cost. WESTCAS members take these duties very seriously, and we care deeply about the quality of the water we deliver. The Drinking Water Regulations Task Force supports and promotes the application of the best available science and accurate cost-benefit analysis in rulemaking by the Environmental Protection Agency under the Safe Drinking Water Act Amendments of 1996.

EPA rules that establish new standards ("maximum containment levels" or MCLs) for arsenic and radon in drinking water particularly affect WESTCAS members. The Western Arid states have some of the nation's highest levels of arsenic and radon because they (and other substances) occur naturally in higher concentrations in many Western groundwater sources.

The Drinking Water Regulations Task Force is also working to build a coalition with other water organizations to achieve a "Radon Rule" that is based on good science and protects the public, yet in a cost-efficient manner. In November 1999, the EPA proposed an MCL of 300 pCi/L and an alternative MCL of 4,000 pCi/L accompanied by a multimedia mitigation (MMM) program. WESTCAS is urging the EPA to adopt a drinking water MCL of 4,000 pCi/L with a mandatory MMM program implemented through state air programs, since 98% of the risk associated with radon is from air exposure. WESTCAS supports a dynamic approach to the MMM program based on indoor air levels. Technically, MMM programs – or the 300 pCi/L MCL – may not even be necessary if indoor radon levels are demonstrated (via state air monitoring programs) to be below the indoor threshold of 0.4 pCi/L.

In addition, the Drinking Water Regulations Task Force is closely following the progress and development of the following issues, for evaluation and comment by WESTCAS and its members:

- Final rules for Groundwater, Filter Backwash, Long-term II/Enhanced Surface Water Treatment and stakeholder involvement in implementation of rules;
- Endocrine disrupters' health effects and other issues, which are being coordinated with the Reclaimed Water Task Force;
- Methyl Tertiary Butyl Ether (MTBE) and perchlorate standards;
- Contaminant Candidate List (CCL) and Unregulated Contaminant Monitoring Rule (UCMR);
- The Distribution Rule, due in a few years, which could have substantial consequences for all water systems, as well as new nitrate health impact studies regarding possible cancer risks associated with low concentrations (Iowa Study);
- Six-year review of the EPA Drinking Water Regulations. Most likely candidates for revision include the Total Coliform Rule and MCL's for Atrazine and TCE (trichloroethylene);
- California issues involving Chromium 6 and NDMA (N-nitrosodimethylamine);
- Region 9 and state activities on NPDES Deminimum Permits.

The Drinking Water Regulations Task Force is also working with the Clean Water Act Task Force to establish a linkage between source water protection and watershed management issues and to encourage state sponsorship of local well-head protection programs.

Water Quality/Total Maximum Daily Load (TMDL) Task Force

The Water Quality/TMDL Task Force is working to improve the water quality standards program and its application to the Arid West. Among its many goals for the coming years, the Task Force plans to address and educate WESTCAS members in the following two key areas:

Revisions to EPA Water Quality Standards (WQS) Regulations:

- Address WQS Regulations Revisions that may result from the Advanced Notice of Proposed Rulemaking (ANPRM) comments.
- Monitor and revise water quality criteria being developed by the EPA.
- Explore the feasibility of scientific research to fill existing gaps in data for national water quality criteria.

- Promote the acceptance as an “existing use” of effluent dominated/dependent ecosystems in water quality use classifications.
- Define WESTCAS positions concerning designated uses, refined criteria, anti-degradation, mixing zones, independent application, ephemeral and effluent dependent streams and other important ANPRM concepts, with an emphasis on how these impact arid and semi-arid discharges.

Total Maximum Daily Load (TMDL) Standards and Regulations:

- Evaluate the effects of TMDLs on local planning, listing and permitting.
- Advocate regulations that focus scarce regulatory and treatment resources on correcting real water quality problems.
- Support narrowing the scope of the program in Clean Water Act revisions.
- Inform WESTCAS members about issues and positions in litigation that could affect local planning, listing and permitting.
- Identify practical concerns regarding permits that are more restrictive than WQS-Based Effluent Limited permits.
- Locate and evaluate existing or proposed TMDLs that could reduce costs and assure compliance for WESTCAS members and publicly owned treatment works (POTWs).
- Develop a position on interim permitting policies, pending TMDL development.
- Determine WESTCAS position on the utility of the TMDL process, how to deal with the national watershed management agenda, and any national litigation issues or related necessary Clean Water Act amendments.

Nutrient Criteria

The Water Quality/TMDL Task Force is actively working with the EPA and the states to develop a reasonable, scientific approach for addressing eutrophication in the Arid West. The Task Force has submitted a comment letter on the Xeric West ecoregion criteria document for rivers and streams and is working with other wastewater associations to develop a consensus position on ecoregion nutrient criteria documents to present to the EPA. WESTCAS members have regularly attended meetings of EPA Regional Nutrient Technical Advisory Groups (RTAGs) to ensure that dischargers’ concerns are taken into account when state nutrient criteria strategies are developed. We have also put together talking points for WESTCAS members working with state regulators on nutrient strategies.

Under section 304(a) of the Clean Water Act, the EPA has issued recommended criteria for some of the nutrients that can cause eutrophication (phosphorus and nitrogen) and for some of the associated indicators (chlorophyll-a and turbidity). These guidelines were purportedly based on pristine natural conditions, and attempt to protect against over-enrichment. Each state may either adopt the EPA criteria or develop its own nutrient criteria plan, using the EPA's Technical Guidance Manuals or other scientifically defensible methods.

Nutrients are linked to eutrophication by their ability to promote excessive algal growth. However, algae levels are affected by numerous factors other than levels of nutrients like nitrogen and phosphorus - such as macro and micro nutrients, sunlight, substrate, flow and scouring conditions, grazing populations, and temperature. We are working to develop a broader process for addressing eutrophication, and shift the focus from controlling nutrients to controlling algae. While nitrate can cause problems with drinking water and ammonia can be toxic to aquatic life, there are separate criteria and standards that protect against these toxic endpoints, and the nutrient criteria program is not the appropriate place to address these problems. Moreover, waterbodies should be 303(d) listed only when dissolved oxygen or algae problems exist – not when nitrogen and phosphorus levels exceed standards that may or may not result in adverse responses. Once listed, resources can be devoted to identifying and controlling the actual causative factors.

The EPA's Ambient Water Quality Criteria Recommendations, Lakes and Reservoirs in Nutrient Ecoregion III (the Xeric West Lake Document) is fundamentally flawed in several respects. Contrary to the requirements of the Clean Water Act, the proposed criteria are not based upon the latest scientific knowledge. No attempt was made to identify natural pristine conditions in the area; rather, the EPA arbitrarily chose the 25th percentile as the criteria standard. Decreasing the nutrient supply in Xeric West lakes will inevitably cause a reduction in the fish population, yet there was no scientific assessment of the effects of the nutrient criteria on fish health and productivity. EPA should also be concerned that, if the Xeric West nutrient criteria are implemented, they may lead to a significant increase in mercury concentrations in undernourished fish, creating a serious health risk to people who eat those fish.

The Water Quality/TMDL Task Force will continue to submit comment letters and communicate with EPA on any nutrient issues that may affect WESTCAS members, keep WESTCAS members informed of any new developments relating to nutrient criteria in the Arid West, and communicate with other wastewater associations on nutrient issues.

WESTCAS LEGISLATIVE/BUDGET COMMITTEE

The mission of the Legislative/Budget Committee is to promote WESTCAS objectives to assure financial support for issues critical to the Arid West, by reviewing and analyzing federal budget requests and appropriations, interacting with state and national associations, and influencing Congressional appropriations.

The Legislative/Budget Committee was established as an alternative approach to influencing Congressional action. The primary efforts of WESTCAS are focused on ensuring that federal programs and regulations are fair in their treatment of the Western Arid states. Most of the WESTCAS Task Forces are devoted to influencing the language of the legislation that reauthorizes the Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and Endangered Species Act (ESA), as the reauthorization Acts form the basis for regulatory and administrative action.

WESTCAS leaders, however, realized that there was another avenue available to influence this process. The federal departments and agencies that conduct business under, or enforce the regulations of the CWA, SDWA and ESA are themselves the subject of legislation for their own budgets and appropriations. The Legislative/Budget Committee was created to influence the appropriate processes that provide these agencies with their funding, thereby complementing the work of the WESTCAS Task Forces.

The Legislative/Budget Committee is organized into separate teams, which focus their efforts on the programs, budgets, and funding for the following federal departments and agencies that directly affect Western water quality issues:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior
 - U.S. Fish & Wildlife Service
 - U.S. Bureau of Land Management
 - U.S. Bureau of Reclamation
 - U.S. Geological Survey
- U.S. Department of Agriculture
- U.S. Army Corps of Engineers
- U.S. Department of Commerce

U.S. Environmental Protection Agency (EPA) Team

The EPA Team monitors budget proposals for the EPA in proposed legislation, as well as proposed legislation that relates to EPA functions and programs. The EPA is the primary federal agency with control over the daily operations of most WESTCAS members, and it is imperative that the agency's rules, regulations, and administrative actions provide an acceptable level of fairness for the unique physical, chemical, and biological conditions of the Arid West.

WESTCAS supports the continued funding for the following items in the EPA budget: (1) Clean Water Act Non-Point Source Grants; (2) Clean Water Act State Revolving Fund at a minimum of \$1.35 billion; (3) Drinking Water State Revolving Fund at a minimum of \$750 million; (4) Research & Development for Drinking Water Issues (Arsenic, Radon, Perchlorate); (5) Section 106 Control Agency Resource Supplemental Grants; (6) Source Water Protection Programs; (7) Superfund Appropriation of approximately \$1.3 billion, and; (8) Wetlands Program Development Grants.

WESTCAS supports the following budgetary goals of EPA:

- Ensuring that 95% of the population served by community water systems will meet all water quality standards;
- Modernization of the EPA data access, quality, and reliability;
- Continued efforts in emergency preparedness, response, and homeland security;
- Protecting the distribution system is a critical role for any water purveyor. WESTCAS members would like to assist EPA in designing a program that will provide information to both regulators and the regulated community, and;
- The development of Water Quality Standards and Criteria Strategy for site-specific criteria that is to be developed with the cooperation of states, tribes, and the public.

U.S. Department of the Interior

The Committee monitors proposed legislation related to the Department of Interior's annual budget and its many functions and programs. Focus teams review the annual budgets and programs of the Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and U.S. Geological Survey -- each of which is addressed separately below. In addition, programs related to environmental issues, water and wastewater regulations, and land management within the Bureau of Indian Affairs are monitored for compatibility with state rules and regulations.

WESTCAS is concerned about the amount of land acquisition in the budgets of most of the agencies of the Department of Interior. It would seem that with a better coordination of needs, the total amount of land to be acquired and removed from the tax rolls could be reduced. Similarly, WESTCAS is concerned about a duplication of roles. Conversely, WESTCAS supports those programs that are coordinated and which overlap agencies, such as the Land and Water Conservation Fund and the Colorado River Salinity Control Program.

U.S. Fish & Wildlife Service Team

WESTCAS supports the "no surprises" concept used in biological consultations, as well as the concept of multi-species habitat conservation plans to assure the best overall ecological balance with human needs. WESTCAS supports continued funding for the following specific U.S. Fish and Wildlife programs:

(1) Cooperative Endangered Species Conservation Fund; (2) Development of Endangered Species Recovery Plans; (3) Habitat Conservation Plans; (4) National Fish and Wildlife Foundation; (5) National Wildlife Refuge System; and (6) North American Wetlands Conservation Fund.

More specifically, WESTCAS supports the net programmatic increases in the Resource Management account of \$4.2 million for the Partners for Fish and Wildlife program; \$3.0 million for the Coastal program; \$7.7 million for the refuge system challenge cost share program; and \$2.6 million for the Migratory Bird Joint Ventures program. To support conservation partnerships, WESTCAS supports the increased budget proposals for FWS cooperative grant programs, including \$18.3 million for Landowner Incentive Program grants, \$3.1 million for Private Stewardship grants, \$5.0 million for the State and Tribal Wildlife grant program, and \$12.5 million for the North American Wetlands Conservation Fund. WESTCAS also supports the proposed funding of \$80 million for the Cooperative Endangered Species Conservation Fund.

U.S. Bureau of Land Management Team

WESTCAS recognizes that the Bureau of Land Management is manager of an enormous amount of federal land. Land grazing practices and mining tail-water drainage are but two examples of land management practices that can significantly affect the quality of surface water that is used for water supply. Consequently, WESTCAS monitors and supports increased appropriations to the BLM for programs related to improved land management that will reduce the introduction of contaminants into the waters of the United States. WESTCAS supports the budget proposal of \$960.2 million for BLM's two operating accounts, an increase of \$15.9 million over the 2005 enacted level.

U.S. Bureau of Reclamation Team

The seventeen Western states are long overdue for critical water supply improvements, yet the Bureau of Reclamation budget has declined 36 percent in the past 10 years. WESTCAS, together with the "Invest in the West" coalition, worked to bring the Bureau's annual Water and Related Resources budget up to \$1 billion by FY 2005. Historically, we worked with Congress to increase the FY 2002 budget, which was funded at \$762 million, including a \$115 million increase above the Administration's request for water projects throughout the West. WESTCAS was encouraged by the Administration holding the line in its FY 2003 budget request for the Bureau. However, since FY 2003, progress has been painfully slow toward reaching the \$1.0 billion budget goal. The FY 2006 budget request of \$946.7 million

appears to be headed in the right direction and has our WESTCAS support. However, the proposed budget is \$18.2 million less than the FY 2005 enacted level of \$964.9 million. Of greatest concern is the \$50.0 million in the Water and Related Resources (Construction) account of the Bureau. The greatest reductions were seen in the Middle Rio Grande, Central Arizona and the Title XVI projects. Although the proposed budget emphasizes Reclamation's core mission of delivering water and power, with a focus on ensuring facility integrity, site security, and working smarter to efficiently manage the West's limited water supplies, an increase in appropriations is critical. For example, the Title XVI program warrants higher appropriations simply because there are approximately \$600 million in backlogged projects for Title XVI funding at this time. These projects are one of the most cost-effective ways of developing and providing water in the West. WESTCAS believes that a minimum annual appropriation of \$50 million for Title XVI projects should begin in FY 2006. WESTCAS is also urging the Administration and Congress to recognize the importance of Western water infrastructure to the nation's health, economy and environment, in light of recent threats to our common domestic security.

WESTCAS believes that some consideration should be given to an annual authorization for appropriations similar to the Corps of Engineers' 1135 program, where funds are authorized every fiscal year in a set amount and project sponsors are eligible to get an appropriation from that authorized amount of money. This would serve to reduce the number of Congressional "write-ins" which reflect negatively on the Title XVI program. To facilitate that authorization program, through testimony, WESTCAS requested that the Committee ask the Secretary of Interior to look into the possibility of restructuring the Title XVI program.

In terms of specific Bureau of Reclamation programs, WESTCAS strongly supports continued funding of the following: (1) California Bay-Delta Ecosystem Restoration Program; (2) Colorado River Salinity Control Program; (3) Desalination Research & Development Program; (4) Efficiency Incentives Program; (5) Endangered Species Recovery Implementation; (6) Small Reclamation Loan Program; (7) Water Management Conservation Program; (8) Water Reuse and Recycling Program; (9) National Fish & Wildlife Foundation; and (10) Emergency Drought Assistance.

U.S. Geological Survey Team

The U.S. Geological Survey (USGS) provides important geological and other scientific information regarding environmental, mineral, energy, water and biological resources, as well as natural hazards. WESTCAS members consult and rely upon the agency's maps, reports, and data to assist them in managing, developing, and protecting resources. WESTCAS supports continued funding for the traditional role of the USGS, as well as the following specific programs: (1) Biological Research (an increase of \$2.3 million proposed in FY 2006); (2) Continued water quality surveys through the National Water Quality Assessment (NAWQA)

studies; (3) Federal/State Cooperative Water Programs; (4) National Mapping Program; (5) Water Resources Assessments, and: (6) Water Resources Research Programs.

U.S. Department of Agriculture Team

With strong links between water quality issues and agriculture programs, there could be substantial cost savings in having these issues addressed on a watershed basis. WESTCAS has been actively involved in trying to bring about better coordination and funding for these efforts. WESTCAS would like to see greater coordination between the USDA water quality research programs and those of the EPA, National Public Health Service, and National Academy of Sciences.

Most of the water and wastewater related funding in the USDA's budget is found in the Natural Resources Conservation Service (NRCS) budget. In the FY 2006 appropriation request, several programs received slight increases, e.g. the Ground and Surface Water Conservation program, and WESTCAS supports those increases. However, most programs' budgets have been reduced and WESTCAS advocates restoring these funds to -at least- the FY 2005 enacted levels. These programs include:

- Environmental Quality Incentives Program (EQIP), that provides funding for "innovative approaches to leveraging Federal investment in environmental enhancement and protection in conjunction with agricultural production";
- Watershed and Flood Prevention Program that had funding eliminated entirely for three of its programs;
- Watershed Surveys and Planning's budget, that has been decreased each of the last two years;
- Conservation Technical Assistance Program;
- Watershed Rehabilitation Program that provides funding for dam safety, and;
- Technical assistance budget for Resource Conservation and Development that was reduced by 50%.

WESTCAS supports the following programs in the USDA budget:

(1) Alternative Agricultural Research; (2) Colorado River Salinity Control Program; (3) Environmental Quality Incentives Program; (4) Natural Resources Conservation Service; (5) Rural Utilities Program; (6) Water and Waste Disposal Loans and Grants; (7) Watershed and Flood Prevention Operations; (8) Watershed Surveys and Planning; (9) Wetlands Reserve Program; and (10) Wildlife Habitat Incentive Program.

U.S. Army Corps of Engineers Team

WESTCAS supports the civil works program of the U.S. Army Corps of Engineers (USACE) budget, and the Legislative/Budget Committee monitors the program's relationship to overall water and wastewater programs in the Arid West. Since the USACE has expanded its activities into watershed planning, to reduce the potential risk associated with flood losses, there is greater potential for use of civil works funds. With more involvement in environmental enhancement, there has been an increase in USACE appropriations for participation in coordinated land and conservation programs. On the other hand, WESTCAS is concerned about the broad interpretation of the term "waters of the United States" as well as interstate commerce designations regarding Section 404 of the Clean Water Act.

The FY 2006 budget transmitted to Congress by the USACE included \$4.215 billion in new federal funding for the Civil Works program. The FY 2006 budget is very much a performance-based budget, because in recent years more construction projects have been authorized, initiated, and continued than can be constructed efficiently. This has led to the postponement of benefits from the most worthy projects, which has significantly reduced the overall program performance. To remedy this situation, the proposed budget provides a high level of construction funding for 61 projects that offer the highest returns, and substantial funding for 44 other high-return projects. WESTCAS supports this approach to performance-based budgeting, while understanding that certain projects in the arid WEST may be delayed due to prioritization in this manner.

U.S. Department of Commerce Team

The prime area of interest for WESTCAS in the Commerce Department budget involves funding for the National Marine Fisheries Service (NMFS). WESTCAS coastal members seek assurance that the NMFS budget contains adequate resources to base rules and regulations upon sound scientific decisions. And the large number of species that are listed, or are proposed for listing as endangered, is increasingly becoming a serious water management problem for WESTCAS members. Both federal and state funding is needed to help solve these marine biology issues, and WESTCAS will continue to support a strong research program for marine biology.

Clean Water Act Task Force

The goal of the Clean Water Act Task Force is to assist Congress and federal and state regulatory agencies in recognizing and addressing the unique aquatic environments of the Arid West -- our countless ephemeral streams, effluent-dependent streams, and man-made water conveyance systems.

The Clean Water Act Task Force actively seeks Congressional support for the Arid West Water Quality Act (AWWQA), to address the unique water quality needs of the Arid West regions of the nation. The Act promotes the use of reclaimed

water, a valuable and necessary resource in the Arid West and allows states to consider the beneficial use of reclaimed water in the development and application of water quality standards. The AWWQA also encourages the development of regional and site-specific water quality criteria through the establishment of criteria for ephemeral and effluent-dependent streams in the Arid West, as well as guidance to the states on the development of water quality standards for these streams. The Act would allow states to take into account the unique conditions of ephemeral and effluent-dependent streams and constructed water conveyance systems (manmade canals) when developing appropriate water quality criteria and standards. The Act would also authorize continued funding for the Arid West Water Quality Research Project, now supported under an EPA assistance grant.

WESTCAS SCIENCE COMMITTEE

The mission of the Science Committee is to serve the WESTCAS membership by acquiring, evaluating, disseminating, and advocating scientific research pertaining to issues critical to water quantity and quality in the West. Scientific information is the cornerstone for public policy initiatives that affect WESTCAS members, both individually and as a group. By collaborating on complex technical issues and by sharing research information, the Science Committee provides WESTCAS with an informed and scientifically credible perspective.

The committee evaluates regulatory and legislative initiatives involving scientific information, and then provides input to the Regulatory and Legislative/Budget Committees. In collaboration with the Legislative/Budget Committee, the Science Committee reviews the scientific research aspects of Federal budget proposals to identify opportunities to increase funding for WESTCAS research priorities. The committee also provides technical input to the Arid West Water Quality Research Project and pursues continued funding for the project. Additionally, the committee monitors federal science initiatives, maintains liaisons with research organizations such as the Water Environment Research Foundation and academic institutions, and participates on the Bureau of Reclamation's Science and Technology Steering Team.

The Science Committee oversees the direction and progress of the Whole Effluent Toxicity (WET) Task Force and the Reclaimed Water Task Force.

Whole Effluent Toxicity (WET) Task Force

The Whole Effluent Toxicity (WET) Task Force was created to monitor EPA compliance with the Consent Decree in *Edison Electric Institute, et al. V. United States Environmental Protection Agency, et al*, No. 96-1062 (consolidated cases), U.S. Court of Appeals, District of Columbia. In a settlement of the WESTCAS challenge to the promulgation of EPA's test procedure for water quality standards,

the agency agreed to review the test procedure, issue implementation guidance, and issue corrections. The EPA has issued a final WET regulation.

The WET Task Force is involved in ensuring that effluent toxicity evaluations employ valid and reliable test methods, and that state authorities provide maximum allowable flexibility for WET testing as required in NPDES permits. WESTCAS members are provided with the most current information on WET methods, permitting implementation, and enforcement. Possible modifications to WET methods, guidance, and regulations are evaluated, in coordination with other organizations (AMSA, WET Coalition, Federal Water Quality Coalition, CASA, etc.). Ongoing efforts include influencing EPA permit implementation issues related to WET testing, and tracking changes on state implementation procedures for WET testing in the arid, western States. The WET Task Force also makes recommendations to the Arid West Water Quality Research Project for useful areas of scientific study related to toxicity testing.

Reclaimed Water Task Force

With limited water resources in the Arid and Semi-Arid West, reclamation is a major priority. The Reclaimed Water Task Force works with other WESTCAS committees to monitor regional and national regulatory and policy developments affecting water reclamation. Specifically, the Task Force coordinates, through the Science Committee, to identify "net risk" data on reclaimed water.

The Reclaimed Water Task Force is working to identify recycling requirements in member states' water programs that impact municipality and end-user abilities to reclaim effluent safely, efficiently, and flexibly. Other efforts include evaluating current research on water reuse in the Arid West and incorporating public education materials on reclamation into the WESTCAS web site, and to other information resources. We also work to inform the public, as well as regulatory agencies, of the real and perceived risks associated with the various uses of reclaimed water.

WESTCAS is working to coordinate with each state to gather information on water reclamation, common issues facing various user groups in each of the member states, and providing members information on anticipated changes. We have identified the following specific issues that impact water reclamation:

- Salt tolerance/accumulation – TMDL issues;
- Surface and near surface water impacts – Fate and transport of pharmaceutically active chemicals, endocrine disrupters, and pathogens;
- Public health risk – Dose response issues; and
- Cross connection – Regulatory issues.

WESTCAS ASSOCIATES COMMITTEE

The Associates Committee consists of engineers, scientists, lawyers and consultants that provide professional support services to Regular and Affiliate members of WESTCAS. The Associates Committee's support activities include:

- Develop resources to support the mission of WESTCAS
- Publish and maintain the WESTCAS Membership Directory
- Provide technical support to WESTCAS activities and committees
- Provide additional networks for distribution of WESTCAS information
- Bridge between WESTCAS and technical, environmental and academic organizations
- Promote WESTCAS initiatives through participation in other organizations

In addition, the Associates Committee membership dues are used to assist in funding special WESTCAS projects and to provide financial assistance at WESTCAS meetings.

CONCLUSION

We hope this brochure has piqued your interest in WESTCAS. As our motto states, we are "the voice of water quality in the Arid West." Our committees and Task Forces are focused on improving the development and application of regulations and legislation that apply to the unique ecosystems of the Arid West. Furthermore, our committees and Task Forces actively champion federal funding for water quality and quantity issues, programs, and infrastructure in the Arid West.

We encourage you to consult our web site, www.westcas.org, to get more details on the issues outlined here. We also welcome your input and participation. If you're interested in becoming a member, just contact one of our state coordinators or Board members listed on the following pages. We meet three times a year in access-friendly locations within our member states. Although our members are "out West," our Washington, D.C. office affords you with immediate access to WESTCAS when you're in the nation's capital.

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