



ARID WEST HOT TOPICS IN ENVIRONMENTAL LAW FOR NACWA'S SEMINAR

November 17-19, 2010

Presented by Harlan Agnew, Deputy County Attorney For
Pima County

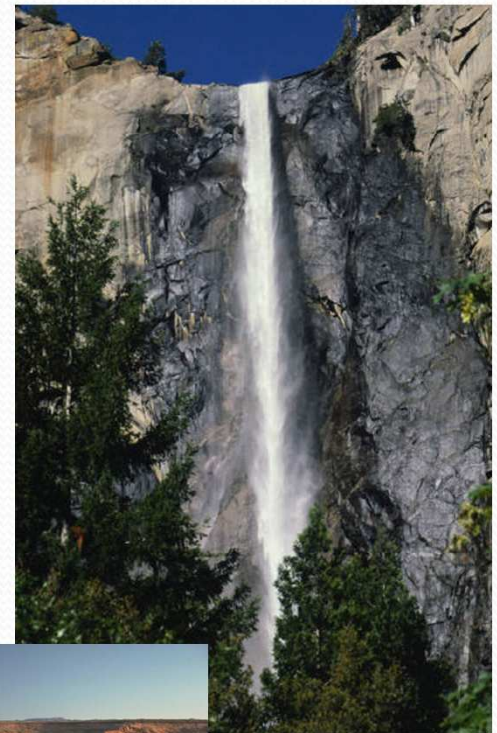




WESTCAS

- **WESTCAS Vision**

Sustainable water quality and quantity in the Arid West





WESTCAS MISSION STATEMENT

- To be:
- The premier, grass-roots organization for providers of water, wastewater and reclaimed water
- services in the Arid West
- A responsive coalition on behalf of our members and their customers
- A reliable source of information about water quality issues to our members and the public
- An advocate for environmentally sound management of water resources and the protection of
- public health
- A contributor to policy, regulations, science, legislation, and appropriations on Arid West water
- quality issues



No. 10



WESTCAS State Reports

- ❖ Arizona
 - New Environmental Fees
 - New Permits
- ❖ California
 - On-going Water Crisis
- ❖ Colorado
 - 303(d)
 - Nutrients
 - Whole Effluent Toxicity



WESTCAS State Reports

- ❖ New Mexico - Stormwater Issues
 - Water Quality Standard Issues
 - Drinking Water
- ❖ Nevada
 - Water Levels in Lake Mead
- ❖ Texas
 - Whole Effluent Toxicity

No. 9





Water & Wastewater Infrastructure, Supply & Planning Study

- ❖ Phase II: Resolution adopted by Board of Supervisors and Tucson City Council.

- ❖ Phase III: The City/County Water and Wastewater Study was a multi-year effort to begin evaluating with experts, stakeholders, and the public how to develop a sustainable water future for our community. The draft Water Sustainability Action Plan describes specific steps the City and County plan to take toward water sustainability over the next five years.

- ❖ Action Plan presented to City and Council in November, 2010

<http://www.Tucsonpimawaterstudy.com/>



Attachment B: *Joint City/County Study on Planning for a Sustainable Water Future*, by Melaney Seacat

Arizona's Blue Ribbon Panel on Water Sustainability



- ❖ Benjamin Grumbles – Former top EPA Water Administrator, now Director of ADEQ
- ❖ The 3 R's of water sustainability: Reducing waste, Reusing water and Restoring watershed

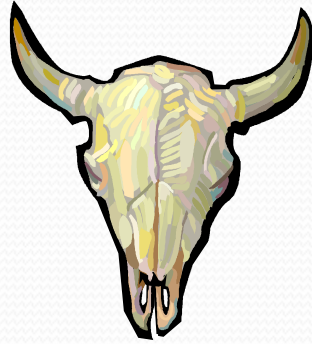
Attachment 9A - Regulation and Permit Working Group

Attachment 9B - "The 3 R's of Water Sustainability"

No. 8



Climate Change and the Arid West



- ❖ Drought
- ❖ Colorado River Shortages
- ❖ Desalinization
 - New Mexico
 - California
 - Nevada Pat Mulroy



Attachment 8 – Article “Water Woes”



No. 7

2011 is the Golden Year for Environmental Regulation

❖ Water Quality Standards Rules — Attachment 7 - fed reg. notice

❖ New Stormwater Regulations

❖ The Arid West Water Quality Research Program (AWWQRP)

Developing Water Quality Criteria for the Arid West

<http://www.pima.gov/wwm/wqrp/index.htm>



2011 is the Golden Year for Environmental Regulation

- ❖ Resolution of the WESTCAS Board of Directors asks the: “Executive and Legislative branches of government to involve the public and local governments in all water policy legislation”



No. 6



Indian Lands and Water Quality Standards

❖ “Keep Effluent Out”

1) Gila River Indian Community and Phoenix’s
91st Avenues NPDES Permits

2) The Navajo and Yellow Snow on San
Francisco Peaks



Indian Lands and Water Quality Standards

3) Ak-Chin Indian Community and Petition to have ADEQ adopt a Water Quality Standards prohibiting the flow of effluent onto their land from the Santa Cruz River (Not adopted)

R18-11-123 Discharge Prohibitions

This Section adds two new discharge prohibitions that prevent source discharge of wastewater to listed ephemeral waters that flow onto the Ak-Chin Indian Reservation

Arizona Administrative Register Vol. 14, Issue 52

No. 5



Endangered Species - Pima County Multi-Species Conservation Plan for 30-years Section 10 permit.



Attachment 5: December 17, 2009 Memorandum from County Administration to Pima County Board of Supervisors.

<http://www.pima.gov/CMO/SDCP/>

No. 4





The Forgotten Rapanos

❖ Navigable Waters

National Association of Home Builders v. United States Environmental Agency, U.S. District Court for the District of Columbia Memorandum Opinion, 08-18-10.

See Attachment 4

The Court held:

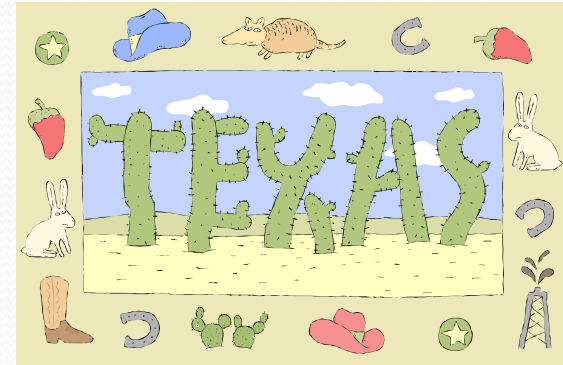
“the CWA precludes judicial review of a Traditional Navigable Waters (TNW) determination until the EPA or the Corps decides to bring an enforcement action against a particular party, or the Corps issues an adverse permitting decision, at which time the aggrieved party will be able to challenge the basis for asserting federal jurisdiction over waters on its property, including the TNW determination underlying the assertion of that jurisdiction.” pg.9



No. 3

Developments on Whole Effluent Toxicity

- ❖ Texas is the center of developing issues.



The San Jacinto River Authority (“SJRA”) permit was federalized by EPA when the TCEQ refused to put in WET limits for lethal failures. When EPA issued the permit, it had both lethal and sublethal WET limits. SJRA maintains that this action by EPA is arbitrary and capricious.

Developments on Whole Effluent Toxicity



❖ CALIFORNIA

California State Water Resources Board Proposed WET Draft Policy For Toxicity Assessment and Control. See Attachment 3A, 3B, 3C, 3D, 3E and 3F

No. 2



Pharmaceuticals

- ❖ Subset of Contaminants of Emerging Concern
- ❖ The Problem with Pharmaceuticals
 - Health – drug abuse
 - Environmental Contamination
- ❖ The Solution
 - Local Efforts – Drug take-back programs
 - Dispose-A-Med Program



Pharmaceuticals



- Federal

Secure and Responsible Drug Disposal Act 2010
signed into Law on October 12, 2010

- Attorney General to adopt rules to implement
- Not required by law, the EPA needs to develop standards for protection of health and drinking water

Attachment 2 – Public Law No. 111-273

Dispose-a-Med Program



An environmentally friendly alternative to safely dispose of your unused medications



**Pima County
Regional Wastewater
Reclamation
740-6500**

[http://www.pima.gov/www/
programs/dispose med/](http://www.pima.gov/www/programs/dispose med/)

Proper disposal of unused prescription and over-the-counter medications can help to protect our environment.

Unused medications should not be flushed down drains and toilets. Some chemicals found in medications are not completely removed in the wastewater treatment process and could end up in the environment.

There are also dangers with unused medications getting into the wrong hands. The Center for Disease Control (CDC) conducted a survey in 2009 and found that 20% of high school students in the United States have taken prescription drugs without a doctor's prescription.

You can help protect our environment from pollutants and keep medications away from those who might abuse them.

There is now a safe and environmentally friendly way to properly dispose of your unused over-the-counter and prescription medications.

The Pima County Regional Wastewater Reclamation Department and its partners invite you to drop off and safely dispose of your unused medications.



Dispose-a-Med 2010 Event Schedule

September 18

10:00 a.m. – 2:00 p.m.

Oro Valley Target-10555 N Oracle Road

October 9

9:00 a.m. – noon

Fry's Market Place-15950 S Rancho Sahuarita Center Way

October 16

9:00 a.m. – 12:00 p.m.

Saddlebrooke Mountain View Club House
38691 S Mountain View Blvd.

October 19

9:00 a.m. – noon

Quail Creek Community Center-1100 N Eagle Hollow Road

October 23

10:00 a.m. – 2:00 p.m.

Oro Valley Target-10555 N Oracle Road

November 20

10:00 a.m. – 2:00 p.m.

Oro Valley Target-10555 N Oracle Road

November 20

9:00 a.m. – noon

Sahuarita Town Hall-375 W Sahuarita Center Way
In conjunction with Household Hazardous Waste

December 11

9:00 a.m. – noon

Wal-Mart-18680 S Nogales Highway

December 14

9:00 a.m. – noon

Rancho Resort Clubhouse-15900 S Rancho Resort Blvd.

December 18

10:00 a.m. – 2:00 p.m.

Oro Valley Target-10555 N Oracle Road

Green Valley

Boxes are located at the following fire stations during daylight hours:

Station #151 – 250 N La Canada Drive

Station #152 – 3005 S Camino Del Sol

Station #153 – 210 E Continental Road

Dispose-a-Med Program Partners



Clean out your medicine cabinet
and bring your outdated
medications to a drop off
location listed below.

National Take Back Day

On September 25, 2010, the U.S. Drug Enforcement Agency will coordinate a collaborative effort with state and local law enforcement agencies to remove potentially dangerous controlled substances from our nation's medicine cabinets.

Collection activities will take place at sites established throughout the country.

The National Take-Back Day provides an opportunity for the public to surrender expired, unwanted, or unused pharmaceutical controlled substances and other medications for destruction. These drugs are a potential source of supply for illegal use and an unacceptable risk to public health and safety.



This one-day effort is intended to bring national focus to the issue of increasing pharmaceutical controlled substance abuse.

- The program is anonymous.
- Prescription and over-the-counter solid dosage medications, i.e. tablets and capsules accepted.
- Intra-venous solutions, injectables, needles, illicit substances such as marijuana or methamphetamines will not be accepted.



National Take-Back Day September 25

Between 10:00 a.m. – 2:00 p.m.
Participating locations:

Arizona Department of Public Safety
6401 S Tucson Blvd

Marana Police Department
Target – 3901 W Ina Road

Oro Valley Police Department
Kyle Franks Golf Classic
Tucson Omni Golf Resort
2727 W Club Drive

Pima County Sheriff's Department
Elle Towne Neighborhood Center
1660 W Ruthrauff Road

Sahuarita Police Department
(Wal-Mart)
18680 S Nogales Hwy

Tucson Police Department Substations
(Downtown) 270 S Stone Avenue
(Midtown) 1100 S Alvernon Way
(Santa Cruz) 4410 S Park Avenue
(Rincon) 9670 E Golf Links Road
(West) 1310 W Miracle Mile Road

Thanks so much for your support.
For additional information please refer to
our website,
[http://www.pima.gov/www/programs/
dispose_med/](http://www.pima.gov/www/programs/dispose_med/)

No. 1



Funding for Infrastructure for the Arid West



Is the Biggest Issue facing Public Water and Wastewater Agencies

- ❖ Pima County alone is facing a \$700 million dollar Regional Optimization Master Plan expense

QUESTIONS



?

?

?

?

?