



**WESTCAS 2015 Fall Conference
October 28-30, 2015
Tucson, AZ**

WESTCAS STATE REPORTS

STATE: Arizona

NAME OF PRESENTER: Jim Kudlinski, Salt River Project

DATE: October 29, 2015

KEY STATE & LEGISLATIVE WATER ACTIVITIES SINCE JUNE 2015 CONFERENCE

Governor Ducey Announces Appoints New ADEQ Director

PHOENIX (Aug. 7, 2015) – Governor Doug Ducey today announced several staffing changes in his administration.

Ted Vogt, chief of operations for the governor, will be leaving the administration later this month to pursue a new opportunity in the private sector. Prior to his appointment in January, Mr. Vogt handled operations on Governor Ducey's transition team, served as director of the Arizona Department of Veterans Services from June 2013 through December 2014 and was a member of the Arizona House of Representatives from March 2010 through January 2013.

Replacing Mr. Vogt as chief of operations for Governor Ducey will be Henry Darwin, current director of the Arizona Department of Environmental Quality (ADEQ). To fill Mr. Darwin's position, Governor Ducey is appointing ADEQ deputy director Misael Cabrera as director of that agency.

"Mr. Darwin has a strong record of success in operations and driving outcomes," Governor Ducey said. "His leadership will be vital as we work every day to deliver results to the people of Arizona. The Arizona Department of Environmental Quality will be in great hands under the leadership of Mr. Cabrera, who brings both private and public sector experience to this critical role."

About Misael Cabrera: Mr. Cabrera was selected as ADEQ's Deputy Director in November 2011. A registered professional engineer, Mr. Cabrera has over two decades of experience in the environmental field. His background includes: business (profit and loss) and organizational leadership, regulatory negotiations, contract management, site characterization and remediation, permitting, design and construction management.

Before joining ADEQ, Mr. Cabrera served in a variety of leadership roles in private sector engineering and environmental consulting firms. He served as a senior client leader Haley & Aldrich's Industrial Environmental practice in Phoenix. He led the environmental business unit for AMEC Earth & Environmental and managed the environmental business group for CH2MHILL in Tempe.

Mr. Cabrera has lived in Arizona since 1984 and received his Bachelor of Science degree in civil engineering from the University of Arizona.

ADEQ Water Director Appointed to CWA §404 Assumable Waters Subcommittee

On September 8, EPA Administrator Gina McCarthy appointed 23 representatives from academia, industry, non-governmental organizations, and state, local and tribal governments to serve on the Assumable Waters Sub-Committee. Included in the list of representatives was **Trevor Baggione, ADEQ's Water Quality Division Director**. (Note: Baggione is the only Subcommittee member from an arid west state.)

Established under the [National Advisory Council for Environmental Policy and Technology \(NACEPT\)](#), the Subcommittee's primary Charter will be to provide advice and recommendations on how EPA can best clarify which waters a state or tribe can assume permitting responsibility for under an approved [Clean Water Act \(CWA\) section 404 program](#). Currently the U.S. Army Corps of administers the program in 48 states. No tribes and only two states (Michigan & New Jersey) have assumed the 404 program to date. The Subcommittee plans to initially meet on October 6-7 and hold bimonthly working sessions with a goal of forwarding their recommendations to NACEPT by September 2016.

Governor Doug Ducey Announces Arizona Water Initiative

PHOENIX (Oct. 5, 2015) – Governor Doug Ducey today announced a new two-track initiative through the Arizona Department of Water Resources to help ensure the certainty and vitality of Arizona's water supply long into the future.

The initiative, which is based off of and continues the work published in the 2014 Strategic Vision for Water Supply Sustainability Report, involves two tracks. The first will be to identify and prioritize the 22 planning areas identified in the report, beginning with rural areas. The goals of this track will be to look at refining the issues that are causing supply and demand imbalances; identify strategies that are likely to be successful in each planning area; and work together with local stakeholders to create solutions that Arizona can then implement to meet future water demands.

The second track will involve a team – appointed by the governor – that will investigate the long-term augmentation strategies identified for these areas, as well as explore additional water conservation opportunities, identify infrastructure needs and, ultimately, report back with policy direction or statutory changes to take Arizona into the future. The group, led by ADWR Director Thomas Buschatzke, will consist of a wide array of experts including water providers and leaders in Arizona agriculture, mining, agribusiness, homebuilding, watershed groups and government.

ADEQ Appoints New Deputy Director

PHOENIX (Oct. 9, 2015) – The Arizona Department of Environmental Quality announced today the appointment of Bret Parke, currently General Counsel for the state’s Department of Administration, as the agency’s deputy director. In his new capacity, Mr. Parke will serve as chief of staff to ADEQ Director Misael Cabrera and oversee the agency’s operations, including its budget and administrative support functions.

The appointment, effective Oct. 26, 2015, marks a return to ADEQ for Mr. Parke, who began his legal career as a staff attorney for the agency before eventually becoming its Administrative Counsel in 2010. He held that post until April 2012 when he was named ADOA General Counsel, where he provided legal advice on the state’s myriad administrative practices – everything from procurement and risk management to government accounting and finance, state facilities construction, IT security, and employment and personnel services. As General Counsel, Mr. Parke also chaired the Governor’s Regulatory Review Council, which oversees and approves adoption of state agency rules.

As Administrative Counsel at ADEQ, Mr. Parke served as the top legal advisor to the agency director. He also chaired five internal committees, managed ADEQ’s Strategic Enforcement Unit and was the agency’s representative on the Arizona Power Plant and Transmission Line Siting Committee.

ADEQ Issues Fish Advisory for Bartlett Lake

PHOENIX (July 24, 2015) - The Arizona Department of Environmental Quality, in association with the Arizona Game and Fish Department, has issued a fish consumption advisory recommending that people limit consumption of channel catfish and largemouth bass caught from Bartlett Lake in Maricopa County. ADEQ is issuing this advisory because recent fish tissue samples from Bartlett Lake contained elevated levels of mercury.

ADEQ recommends that adults limit consumption of channel catfish and largemouth bass to 2.4 ounces (uncooked weight) per week and children 12 years of age and under limit consumption to two ounces per month (uncooked weight). This advisory does not limit the use of this waterbody for fishing, bird watching, swimming, or other recreational uses. In general, the level of contaminants in fish is several folds higher than levels found in water.

Any health risks associated with eating fish from this advisory area are based on long term consumption and are not representative of risk from eating fish occasionally. Fish are an excellent source of protein and can be an important part of a healthy, diverse diet as they are low in saturated fat and high in omega-3 fatty acids. The American Heart Association recommends that individuals eat at least two fish or seafood meals weekly.

ADEQ Releases Gila River TMDL for Boron and Selenium

On September 11, ADEQ public noticed the final Gila River (Centennial Wash to Gillespie Dam) TMDL for Boron and Selenium. Release of the final TMDL completes a 2 ½ year study that was initiated by ADEQ to identify the sources of pollutants that are causing the Gila River to not attain its Aquatic and Wildlife-effluent dependent water (A&Wedw) designated uses for boron and selenium. In the TMDL, ADEQ identified discharges of agricultural irrigation return water, discharges of poor quality agricultural drainage water, and certain up gradient industrial discharges as the primary sources of pollutants contributing to the impairment. As proposed, the draft TMDL imposes stringent effluent limitations for boron and selenium for several upstream AZPDES dischargers and requests three irrigation districts: the Arlington Canal Company, the Buckeye Water Conservation and Drainage District, and the Roosevelt Irrigation District, to implement voluntary agricultural best management practices to reduce boron and selenium pollutant loadings. Upon completion of the 45-day public notice period, the final TMDL will be submitted to EPA Region 9 for approval.

ADEQ Initiates Triennial Review

On September 18, ADEQ public noticed their intent to revise Arizona's Water Quality Standards. As required under §303(c) of the CWA, all states are required to review, and revise as necessary, surface water quality standards at least once every three years, subject to approval by the U.S. Environmental Protection Agency (EPA). ADEQ previously the Water Quality Standards in February 2009. That rulemaking received considerable stakeholder comments, amended most of the rule sections in Article 1, and reformatted the tables listing pollutant limits for specified designated uses. With such extensive amendments, some necessary elements were inadvertently omitted or listed erroneously. The intent of the current rulemaking is to correct all errors and make minor modifications to certain numeric standards and receiving water designated uses. Public comments must be submitted by October 19, 2015.

ADEQ Lifts Fish Consumption Advisory for Gila River and Tributaries

PHOENIX (September 30, 2015) – The Arizona Department of Environmental Quality (ADEQ) announced today that it has lifted the consumption advisory for fish caught in the Gila River and its tributaries within and downstream of the Phoenix metropolitan area – this includes 100 miles of streams and 286 acres of lakes. Fish caught from these waters are no longer unsafe to eat due to banned pesticides (DDT, chlordane or toxaphene). Lifting this advisory, which has been in place for 24 years, is credited to the cessation of the use of the pesticides in the 1970s, 1980s and 1990s. ADEQ and the U.S. Fish and Wildlife Service tested 67 fish tissue samples from eight different fish species in the Gila River and several of its tributaries west of Phoenix during 2011 and 2012. Fish tissue data demonstrated banned pesticide levels (DDT, toxaphene and chlordane) dropped from more than 160 times higher than threshold levels designed to protect human health in the 1990's, to 16 times lower than these thresholds in 2011 and 2012. On March 10, 2015, ADEQ requested that the U.S. Environmental Protection Agency (EPA) remove the Gila River and its tributaries from Arizona's Impaired Waters List, which EPA approved August 7, 2015. Each water body removed from the list also had a fish consumption advisory in effect. ADEQ has lifted the fish consumption advisory for the following waterbodies:

(See separate, accompanying handout on Fish Consumption Advisories Lifted by ADEQ)

City of Scottsdale Invests to Protect Water Supplies

SCOTTSDALE (Oct. 14, 2015) – The Scottsdale City Council has approved a three-year partnership with the National Forest Foundation (NFF) to help protect Scottsdale’s water supply. The NFF’s work will consist of watershed improvement projects on National Forest lands in northern Arizona.

Through the partnership, the City of Scottsdale Water Resources Division – Scottsdale Water – will invest \$120,000 over three years in the Northern Arizona Forest Fund, a program developed by the NFF and Salt River Project (SRP) that is designed to improve forest health and water quality in the Salt and Verde River watersheds.

The National Forests in northern Arizona provide most of the water to the Salt and Verde rivers, which are vital surface water supplies to downstream users in Scottsdale and the greater Phoenix metropolitan areas. Most of Arizona’s surface water resources are sustained by high-elevation forested watersheds that capture rain and snow and then carry surface water downstream. Increasingly severe wildfires, drought and historic forest management practices have affected the health of Arizona’s forests and the sustainability and quality of Arizona’s water supplies.

Developed in partnership with SRP, the NFF’s Northern Arizona Forest Fund works with local governments, businesses and Arizona residents that want to invest in the lands and watersheds they depend on. The NFF then partners with the U.S. Forest Service, local nonprofits and private contractors to implement projects that reduce wildfire risk, improve streams and wetlands, enhance wildlife habitat, restore native plants, and limit erosion and sediment into Arizona streams, rivers and reservoirs.

AZPDES General Discharge Permits Under Development

De Minimis – Expired on April 26, 2015. A Public Notice regarding the proposed 2015 DMGP was published in the Arizona Administrative Register (as required by A.A.C. R18-9-A907 (B)) on June 12, 2015. The public comment period ended on July 13, 2015.

Small MS4 – Expired on December 17, 2007. Replacement permit was Public Noticed in the Arizona Administrative Register on July 17, 2015. Public comment period closed on August 17, 2015. ADEQ expects to issue replacement permit in February 2016.

Multi-Sector – Expires on January 31, 2016. ADEQ has not initiated the stakeholder process to renew permit.

Pesticide – Expires on October 30, 2016. ADEQ has not initiated stakeholder process to renew permit.

STATE: California

NAME OF PRESENTER: Sara Toyoda Prepared this Report

DATE: October, 2015

Precipitation/Drought

There is no news in California that is more prominent than the drought. The California 2015 water year closed on September 30. The year not only ended as another dry year, becoming the fourth year of the drought, but was also California's warmest water year ever. In the last two years winter storms have been warmer than average so they have tended to produce more rain than snow. On April 1st the statewide snowpack contained about 5 percent of the average water content. It is too soon to know what water year 2016 will bring but another drought year is possible as California has experienced two six-year droughts from 1929-34 and 1987-92 (California Department of Water Resources, 2015) **(See accompanying handout)**

Mandate for 25 Percent Reductions

There has not been a shortage of regulation due to the drought. One of the most notable occurred on April 1, 2015, when Governor Brown mandated a 25 percent overall reduction in urban water use. Each month the State Water Resources Control Board (SWRCB) compares urban water supplier's water use to the water use in the same month in 2013. The SWRCB receives 406 reports each month and 291 (72 percent) are meeting or are within 1 percent of meeting the goal. SWRCB closely monitors agencies that do not meet the 25 percent reduction mandate. Since June, there have been 8 conservation orders issued, 92 information orders and 66 warning letters sent to various water suppliers depending on how close they are to meeting the state mandate. The overall conservation goal has been exceeded statewide for two months. In the month of July, the State as a whole reduced water use by 31.4 percent as compared to July 2013. In August there was a 27 percent reduction statewide (California Water Boards, 2015).

El Nino

A strong El Nino is developing in the Pacific which forecasters have said could trigger strong rains throughout California. Any rain is welcome. Unfortunately, even if the predictions are correct, and California does get widespread ample rain, it would probably not be enough to end the drought. However, there would likely be flooding. On October 16, 2015, California Department of Water Resources sent out a media advisory warning of the potential for catastrophic flooding due to the El Nino predictions. (California Department of Water Resources, 2015)

Storm Water

Storm water management is becoming more and more prominent in California. Integrated Regional Water Management has been a water management tool in California for many years. Storm water is being pulled toward similar adaptive management strategies. The State Water Resources Control Board has completed the Storm Water Strategic Initiative with the following vision statement:

To shift regulation and management of storm water to provide incentives for multiple-benefit approaches that achieve tangible results for improved water quality and supply.

This is significant because it indicates a shift from simple end-of-pipe regulation. Perhaps propelled by the drought, another strong message in storm water management is that storm water should be treated as a resource. In order to receive funding for storm water projects from the 2014 water bond, storm water managers will have to develop Storm Water Resource Plans (State Water Resources Control Board, 2015).

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STATE: Colorado

NAME OF PRESENTER: Scott C. Miller, Esq.

DATE: October 28, 2015

Colorado Water Plan

The Colorado Water Plan is still a topic of great interest in Colorado, and is nearing finalization. This Plan is the result of an executive order issued by Governor John Hickenlooper on May 14, 2013. That order directed the Colorado Water Conservation Board to begin preparing such a plan in order to best plan for Colorado's water future. A second draft of the Plan was released for public review on July 15, 2015. Following that, a public comment period took place lasting until September 17, 2015. Currently, the final 2015 Colorado Water Plan is scheduled to be submitted to the Governor by December 10, 2015.

One of the most controversial aspects of the Plan involves the future of transmountain diversions. The newest draft plan addresses this highly contentious topic by proposing seven principles that should guide any new transmountain diversions. The seven principles included in the draft's conceptual framework are as follows:

1. East Slope water providers are not looking for firm yield from a new transmountain diversion (TMD) and the project proponent would accept hydrologic risk for that project.
2. A new TMD would be used conjunctively with East Slope supplies, such as interruptible supply agreements, Denver basin aquifer resources, carry-over storage, terminal storage, drought restriction savings, and other non-West Slope water sources.
3. In order to manage when a new TMD would be able to divert, triggers are needed.
4. A collaborative program that protects against involuntary curtailment is needed for existing uses and some reasonable increment of future development in the Colorado River System, but it will not cover a new TMD.
5. Future West Slope needs should be accommodated as part of a new TMD project.
6. Colorado will continue its commitment to improve conservation and reuse.
7. Environmental resiliency and recreational needs must be addressed both before and conjunctively with a new TMD.

On August 25, 2015, a milestone in state water planning was reached in Keystone, Colorado, as members of the state's Interbasin Compact Committee unanimously endorsed the latest version of a "conceptual framework" to guide discussions between East and West Slope interests about any new transmountain diversion. The latest draft of the framework will be forwarded to the Colorado Water Conservation Board for inclusion in the final Colorado Water Plan.

Hydraulic Fracturing Cases

The Colorado Supreme Court is set to take up the issue of local v. state control in terms of hydraulic fracturing in two upcoming cases. On Monday September 21, 2015, the Colorado Supreme Court granted certiorari in *Food & Water Watch v. Top Operating Co.*, No. 15SC667. The issue before the Supreme Court is whether home-rule cities are preempted from promulgating local land-use regulations that prohibit the use of hydraulic fracturing in oil and gas operations and the storage of such waste products within city limits when the Colorado Oil and Gas Conservation Commission regulates hydraulic fracturing within the state. The case involves a 2012 ban on hydraulic fracturing that was added to the City of Longmont's city charter by the voters. After its passage, the Colorado Oil and Gas Association filed a complaint for declaratory judgment arguing that the resolution was invalid. In July 2014, Boulder County District Judge D.D. Mallard granted summary judgment declaring that the resolution was invalid and enjoined its enforcement. The decision, however, was stayed pending appeal.

Additionally, also on September 21, 2015, the Supreme Court also granted certiorari in *City of Fort Collins v. Colorado Oil and Gas Association*, 15SC668. The *Fort Collins* case presents a similar issue and deals with a 2013 voter approved five year moratorium hydraulic fracturing and storage of waste products within the city limits. After the moratorium's enactment, the Colorado Oil and Gas Association sued the city. In August of 2014 the Larimer County District Court ruled in the Colorado Oil and Gas Association's favor on summary judgment. The district court also declined to stay its ruling pending appeal of the case.

In both cases, the Colorado Court of Appeals recommended that the Supreme Court take on the cases and certified the cases due to the matters of significant public interest and the significant legal principles involved. Thus, it seems there will be some judicial guidance on the issue of hydraulic fracturing in Colorado from the highest court in the near future.

Gold King Mine Spill

On August 5, 2015, Environmental Protection Agency personnel along with workers for Environmental Restoration LLC caused the release of wastewater when attempting to add a tap to the tailing pond for the Gold King Mine located near Silverton, Colorado. The release cause approximately 3 million gallons of wastewater to spill into Cement Creek a tributary to the Animas River. On September 22, 2015, Senators Tom Udall, D – Colorado, Michael Bennet, D – Colorado, and Martin Heinrich D – New Mexico introduced the bill, entitled "The Gold King Mine Spill Recovery Act of 2015." The bill aims to confirm that the EPA provides quick compensation for the property and financial losses sustained by the communities of southwestern Colorado and northwest New Mexico as well as the Navajo Nation and the Southern Ute Indian tribe. The bill — the first such legislation to be introduced following the Aug. 5 disaster — works to ensure spill victims can receive compensation for their losses by outlining allowable damages and setting up an Office of Gold King Mine Spill Claims within the EPA to expeditiously carry out the compensation process under the Federal Tort Claims Act. Under the bill, property, business, and financial losses would all be considered for compensation. Additionally, the legislation would require the EPA to monitor water in the Animas and San Juan rivers by working with affected states and tribes to develop, fund, and implement long-term water quality monitoring. The results of all water quality data must be provided to the public in a format that compares the results to all relevant water quality standards. The EPA would also be required to identify abandoned mines that are the most in need of remediation and to establish a priority plan for work on those mines, and to develop contingency and notification plans in the event of a similar incident. Currently, the bill has been assigned congressional committee which will consider it before it is potentially sent to the House or Senate as whole.

Ruedi Reservoir Releases benefit Endangered Species

On September 2, 2015, the Colorado Water Conservation Board initiated releases of water from Ruedi Reservoir for the month of September to benefit endangered fish in the Colorado River Basin. The Board previously entered into a lease agreement with the Ute Water Conservancy District for water stored in the reservoir to supplement its existing instream flows on the Colorado River. The agreement allows the Board to lease between 6,000 acre-feet and 12,000 acre-feet for instream flow use on the 15-Mile Reach of the Colorado River, near Palisade, Colorado. This area is critical spawning habitat for many endangered fish species including the Colorado pikeminnow, razorback sucker, humpback chub, and bonytail. This lease marks the first occasion in which the Species Conservation Trust Fund has been used to purchase stored water to supplement flows to critical habitat for endangered fish. The water released from Ruedi Reservoir under this lease was also available for non-consumptive power generation immediately above the reach, providing benefits to the local area.

Colorado Springs budget focusing on stormwater

On October 5, 2015, Colorado Springs mayor and former Colorado Attorney General John Suthers released the proposed 2016 budget for the city. A major focus of this budget will be on stormwater management – a problem that has plagued Colorado Springs for years. The city is proposing to set aside \$16 million with an additional \$3 million coming from Colorado Springs Utilities. Stormwater projects are vitally needed to ameliorate Fountain Creek flooding effects on the city of Pueblo, which is directly downstream. Also, past city funds for stormwater have been eliminated and the Lower Arkansas Water Conservancy District has threatened a federal lawsuit because of pollutants in Fountain Creek that have allegedly originated in Colorado Springs due to its lack of stormwater program funding. Thus, stormwater management and funding is a top priority in this new budget proposal which left staffing requests, raises, and capital projects unfunded in order to make ends meet.

STATE: Nevada

NAME OF PRESENTER: Brenda Pohlmann

DATE: October 28, 2015

Drought:

Due to the on-going drought, Governor Brian Sandoval issued Executive Order 2015-03 on April 8, 2015 establishing the Nevada Drought Forum. The forum was established to build on the activities of an existing Nevada Drought Response Committee, evaluate key findings and the next steps identified in the Western Governors' Drought Forum Final Report as they relate to the state of Nevada, meet with relevant stakeholders including agricultural producers, municipal water suppliers, the industrial sector, recreation interests, Tribal Nations, and members of the general public. The forum is chaired by Leo Drozdoff, Director of the Nevada Department of Conservation and Natural Resources and is expected to prepare and deliver a written report to the governor by November 1st.

In southern Nevada, water levels in Lake Mead continue to decline. The elevation of Lake Mead was at 1,078.10 feet above mean sea level (MSL) at the end of September. At this point it is estimated that the lake elevation will be below 1,075 MSL by mid-2016 at which time shortage conditions will be declared.

In addition to water quantity, water quality is also affected by the lowering lake levels. The Las Vegas Wash discharges into Lake Mead carrying with it treated wastewater effluent, urban runoff and a small amount of groundwater that surfaces into the wash. This lower quality water tends to float on the surface of the lake in a zone referred to as the epilimnion throughout most of the year. When the drinking water intakes draw water from greater depths, the water is drawn from a zone beneath the epilimnion and is generally of higher quality and lower temperature. As the water levels have dropped, the intakes have been drawing water from a zone closer to this epilimnion.

In order to avoid pumping water out of this warm shallower zone with poorer water quality, the Southern Nevada Water Authority (SNWA) constructed a new intake capable of pumping water from Lake Mead at a deeper elevation of 1,000 feet. The new intake went on-line in August of this year. There has already been a water quality improvement as a result since this water is cooler and less prone to generating disinfection by-products. Since water levels are expected to continue to decline, SNWA is constructing a third pumping station capable of lifting and conveying water from the lowest elevations of the lake at approximately 860 feet.

Stormwater:

In the state of Nevada, the Nevada Division of Environmental Protection (NDEP) has been delegated Clean Water Act authority and as a result, usually conducts any stormwater audits of Nevada permittees. In 2011, however, EPA came into Nevada and did a statewide audit of the Nevada Department of Transportation (NDOT). NDOT received their final audit report in 2012 noting a number of deficiencies. NDOT did not hear from EPA again until 2014 when NDOT was given a copy of a Consent Decree from EPA. In the Consent Decree, EPA indicated their intent to take enforcement actions against NDOT which included millions of dollars in fines. NDOT met with EPA in February 2015 and has been working with them in an attempt to address the deficiencies and decrease the fines that EPA is currently assessing

NDEP conducted a program audit of the Las Vegas Valley's stormwater program in February 2014. The City of Henderson, City of Las Vegas, City of North Las Vegas, Clark County, and the Clark County Regional Flood Control District are co-permittees and the audit included each of the entities. NDEP has presented the audit findings, with a response date of December 4th. As anticipated the audit report concluded that the municipalities have not been adequately funding their respective stormwater. NDEP has also indicated that they want one entity to be responsible for the entire program valley-wide, rather than the current situation which has five separate co-permittees running their own separate stormwater programs under a single MS4 permit. The co-permittees are currently developing a response to the audit and are already creating new positions to address NDEP's concerns that the programs are not adequately staffed.

STATE: New Mexico

NAME OF PRESENTER: Aaron Chavez

DATE: October 29, 2015

Hydrologic Conditions

Hydrologic conditions for the water year 2015 started out extremely dry. Then positive equatorial sea surface temperature anomalies appeared and resulted in "El Nino." The region has seen a considerable amount of precipitation, the eight month period from January through August ranked as the 3rd wettest year on record. There is an approximately 95% chance that El Nino will continue in the Northern Hemisphere through winter 2015-16, gradually weakening through spring 2016. More precipitation is in the forecast for the fall and winter.

New Mexico Reservoir Storage Summary – October 2015

NM STATEWIDE	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)	Current %Capacity	Last Year %Capacity	Average %Capacity	Current %Average	Last Year %Average
Abiquiu Reservoir	141.6	129.9	157.9	1192.8	12%	11%	13%	90%	82%
Bluewater Lake	2.2	2.7	6.1	38.5	6%	7%	16%	36%	44%
Brantley Lake nr Carlsbad	21.1	76.7	21.2	1008.2	2%	8%	2%	100%	362%
Caballo Reservoir	23.8	31.1	58.7	332.0	7%	9%	18%	41%	53%
Cochiti Lake	47.0	47.2	60.1	491.0	10%	10%	12%	78%	79%
Conchas Lake	115.0	96.8	201.5	254.2	45%	38%	79%	57%	48%
Costilla Reservoir	8.0	2.0	4.4	16.0	50%	13%	28%	182%	45%
Eagle Nest Lake near Eagle Nest, NM	29.6	18.4	54.1	79.0	37%	23%	68%	55%	34%
El Vado Reservoir	87.4	23.3	106.9	190.3	46%	12%	56%	82%	22%
Elephant Butte Reservoir	168.4	172.1	1160.0	2195.0	8%	8%	53%	15%	15%
Heron Reservoir	84.0	70.6	325.7	400.0	21%	18%	81%	26%	22%
Lake Avalon	5.1	4.4	1.4	4.0	128%	110%	34%	375%	324%
Lake Sumner	31.0	36.7	20.6	102.0	30%	36%	20%	150%	178%
Navajo Reservoir	1391.8	1080.6	1377.0	1696.0	82%	64%	81%	101%	78%
Santa Rosa Reservoir	100.2	71.9	52.8	438.3	23%	16%	12%	190%	136%
Basin-wide Total	2256.2	1864.4	3608.4	8437.3	27%	22%	43%	63%	52%

Animas River Mine Water Spill

On August 5, 2015 approximately three million gallons of contaminated water were discharged from the Gold King Mine in Silverton, Colorado, into the upper portions of Cement Creek, a tributary of which connects to the Upper Animas River Watershed. The Gold King Mine wastewater contained high levels of heavy metals, including aluminum, arsenic, cadmium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel and zinc. The contaminated water was carried by the Animas River into New Mexico and impacted the water supplies for drinking and other domestic use, agriculture, recreation, and wildlife. New Mexico's Governor declared a state of emergency for San Juan County, NM to provide necessary resources to assist local efforts to minimize economic or physical harm and to take the actions necessary to protect the public health, safety, welfare and property of the citizens of San Juan County.

New Mexico Office of the State Engineer and Interstate Stream Commission

Tom Blaine was appointed as the New Mexico State Engineer by Governor Susanne Martinez. Mr. Blaine brings over 28 years of civil and transportation engineering experience from both the private and public sector.

The New Mexico Legislature recognized the state's need for water planning and created the state's regional water planning program in 1987 to balance current and future water needs for a region. The legislature gave the Interstate Stream Commission the responsibility of overseeing a regional planning grant program and the planning process itself. The Interstate Stream Commission is currently working on the Regional Water Planning updates for all 16 regions in the state. All drafts were completed and submitted to the Interstate Stream Commission for review by June 2015. As the drafts are reviewed by the Interstate Stream Commission, they will be sent back to the region for final review and acceptance before final publication. Once regional water plans are completed or in final draft, the Office of the State Engineer and Commission staff must review them. A regional water plan is completed when it is accepted by the Commission.

San Juan Basin Recovery Program

The San Juan River Basin recovery programs respond to the challenge of water management by working with local, state, federal, and tribal agencies to meet the needs of people and endangered fish. The programs' goal is to achieve full recovery (delisting) of the endangered fishes, not just to avoid jeopardy (offset impacts of water project depletions) under the Endangered Species Act (ESA). The recovery programs provide ESA compliance for water development and management activities for federal, tribal, and non-federal water users. The recovery programs currently provide ESA compliance for 2,391 water projects depleting more than 3.7 million acre-feet per year. To date, no lawsuits have been filed on ESA compliance for any of these water projects.

Triennial Review – New Mexico's Surface Water Quality Standards

The New Mexico Water Quality Control Commission held the state's Triennial Review of surface water quality standards in Santa Fe from October 13-16, 2015. The last Triennial Review hearing was held in December 2009. The parties participating in the Triennial Review hearing were the New Mexico Environment Department Surface Water Quality Bureau, Amigos Bravos (a statewide river conservation organization), Chevron Mining, Inc., Freeport-McMoRan Chino Mines Company, and San Juan Water Commission. Primary issues addressed by the parties during the hearing included:

1. adoption of a temporary standards or variance procedure;
2. upgrading nine stream segments with a secondary contact recreation designated use to a primary contact recreation designated given the absence of a Use Attainability Analysis (“UAA”) showing the segments are not fishable/swimmable;
3. downgrading 30 ephemeral stream segments from primary contact recreation/marginal warmwater aquatic life designated uses to secondary contact recreation/limited aquatic life designated uses based on UAAs performed since the last Triennial Review;
4. objection to imposition of EPA’s rebuttable presumption that all ephemeral waters are fishable/swimmable absent proof otherwise through a UAA;
5. repeal of the current hardness-based aquatic life criteria for aluminum and reversion to the pre-2009 total recoverable aluminum criteria; and
6. adoption of site-specific acute and chronic aquatic life criteria for copper (based on alkalinity concentration and dissolved organic carbon concentration) for certain surface waters located within the Chino Mines Smelter Tailings and Soil Investigation Unit in southwestern New Mexico.

Post-hearing briefing is expected to be filed sometime in December, and the Water Quality Control Commission will deliberate during one of its regularly scheduled meetings in early 2016.

STATE: Texas

NAME OF PRESENTER: Dr. Peggy Glass

DATE: October 28, 2015

Things have been relatively quiet in Texas since the drought broke. However, many areas of the state are returning to various drought stages. So far, El Nino has not been very helpful. The main activities related to water are in the areas of groundwater management and water quality standards—and actions related to those topics are pretty low-key. For a specific summary of actions taken by the 2015 Legislature related to these topics, see the Texas State Report presented at the 2015 WESTCAS Annual Conference.

GROUNDWATER MANAGEMENT AND BRACKISH GROUNDWATER

Many (but not all) areas of the State have groundwater management in the form of Groundwater Conservation Districts (GCDs), which have some limited authority to permit wells within their jurisdictions. At this point, to the extent that there are GCDs, management requirements apply only to freshwater. There have been fairly extensive discussions on whether brackish groundwater [water with total dissolved solids (TDS) concentrations between 1,000 milligrams per liter (mg/L) and 10,000 mg/L] should be regulated. The thought is that brackish groundwater may be a valuable resource for some purposes (agriculture, for example) and, in some cases, could be treated to provide a potable water supply. There has been extensive discussion regarding what level of TDS between 1,000 mg/L and 10,000 mg/L should appropriately be regulated. One driver for this discussion has been the oil boom. Brackish waters are used extensively in oil and gas exploration, development, and production.

IMPLEMENTATION OF TOTAL DISSOLVED SOLIDS WATER QUALITY STANDARDS

The Texas water quality agency established water quality standards for TDS many years ago. These standards are becoming a greater and greater challenge as time goes by. Factors contributing to the challenge include drought conditions, conservation, reuse, a need to develop additional water supplies—potentially by treating brackish groundwater or seawater, severe limitations on options for disposal of the brine reject, and increasing pressure by U.S. Environmental Protection Agency (EPA) Region 6 to do assessments and impose permit limits for TDS in Texas Pollutant Discharge Elimination System (TPDES) permits. A workgroup has been created involving representatives of the Texas Water Conservation Association (National Water Resources Association affiliate), Water Environment Association of Texas (Water Environment Federation affiliate) and Texas Association of Clean Water Agencies (National Association of Clean Water Agencies affiliate) to seek an approach to management of TDS that is both environmentally sound and practical.

TRIENNIAL REVISION OF WATER QUALITY STANDARDS

The next triennial revision of water quality standards in Texas is scheduled for 2017. The staff of the Texas Commission on Environmental Quality has begun work on this revision, but nothing has been made available for review at this time.

STATE AND REGIONAL WATER SUPPLY PLANNING

The State is wrapping up its fourth round of regional water planning. The process takes place in five-year cycles. Each cycle of the planning process water demand and supply are projected for a 50-year period. Then water management strategies are developed to meet identified needs within the State.

The State is divided into 16 regions, usually along river basin boundaries. Each region develops a regional water plan using directives and guidelines from the State's water planning agency, the Texas Water Development Board (TWDB). The 16 regional plans will be adopted by December 1, 2015 and submitted to the TWDB. The TWDB will then bring the regional plans together into one State Water Plan by the end of 2016.

Water management strategies identified in the regional plans are prioritized for funding through a combination of a regional ranking process and a TWDB prioritization process. The prioritization is used to identify candidates for funding for water management strategies to meet the State's water demands.