



# UNDERGROUND

Summer 2003

## APPELLATE COURT REAFFIRMS WRD'S GROUNDWATER MANAGEMENT AUTHORITY

Officials of AGWA member agency the Water Replenishment District of Southern California (WRD) recently applauded an appellate court

decision, which upheld a prior ruling that the WRD has authority to manage water in underground basins.

“This decision reaffirms our position that a basin’s storage space is a public resource that will be managed in this region by the WRD,” said WRD General Manager and AGWA chairman Bruce Mowry.

The California State Appellate Court on June 12 agreed with Los Angeles Superior Court Judge Reginald Dunn’s decision to deny cities and private watercompanies control over available groundwater storage space in the Central Basin.

The Southern California Water Company and 11 other groundwater producers appealed Judge Dunn’s decision in October 2001. In the ruling, the appellate court unequivocally held that “the storage space in the Central Basin is a public resource.” The decision said that a 1965 Central Basin judgment did not grant the groundwater pumpers a separate storage right. The court held that the pumpers’ right to extract groundwater from the Central Basin does not create a corresponding right to store water in the Central Basin. Additionally, the ruling stated that the WRD’s management authority included conjunctive use.

WRD officials have always contended that the California Supreme Court and the state legislature

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Comments, story suggestions and articles are encouraged. Please call: (714) 964-1668, fax (714) 964-4614

or e-mail: [greenliefcomm@socal.rr.com](mailto:greenliefcomm@socal.rr.com)  
Visit the AGWA website at: [www.agwa.org](http://www.agwa.org)

already determined that storage space in a groundwater basin is a public resource. The appellate court's ruling validates the WRD's long-standing legal position.

"This decision defines WRD's lead management role in managing storage in the Central Basin," said WRD Board President Willard H. Murray, Jr. "We look forward to continuing our work with the groundwater basin stakeholders to optimize this resource for the regional public benefit."

The WRD, established by voters in 1959 to protect the groundwater resources and groundwater quality in the Central and West Coast Basins, serves residents and businesses in a 420 square-mile service area in southern Los Angeles County. Nearly four million people in the service area use about 250,000 acre-feet of groundwater annually, which amounts to about a third of the region's total demand for water.

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## **EPA PROPOSES DRINKING WATER RULES TO REDUCE ILLNESS, CANCER RISKS**

To further reduce the risk of illness from microbes and decrease cancer risks from chemicals that form during drinking water treatment, the U.S. Environmental Protection Agency (EPA) is proposing rules that would require drinking water systems to monitor for and increase protection against *Cryptosporidium* while expanding the monitoring and control of disinfection byproducts. Building upon rules now in effect, the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Stage 2 Disinfection Byproducts Rule are required by the Safe Drinking Water Act and were developed in partnership with a wide range of interests including water systems, environmental groups, and state and local health officials.

"These drinking water rules are important steps in protecting Americans' health," said EPA Acting Administrator Linda Fisher. "These rules take the right approach toward minimizing and balancing

the risks from microbial contamination and disinfection byproducts. They represent the culmination of more than a decade of analysis, research, and partnership focused on making the nation's drinking water safer."

*Cryptosporidium* is a widespread waterborne pathogen that is resistant to common disinfectants like chlorine. Ingestion of *Cryptosporidium* causes gastrointestinal illness—cryptosporidiosis. Health effects in sensitive populations, such as children, the elderly, and the immuno-compromised, can be severe, including risk of death. New data on *Cryptosporidium* indicate that most public water systems currently provide sufficient treatment. Some systems, however, may require greater protection because they are more vulnerable to *Cryptosporidium*. The proposed LT2 rule targets additional treatment requirements to these higher-risk drinking water systems. Specifically, the rule requires additional treatment by filtered systems with higher levels of *Cryptosporidium* in their water sources as well as by systems that do not filter surface water.

EPA estimates that full implementation of the LT2 rule will reduce cases of cryptosporidiosis by as many as 1,019,000 per year, with an associated reduction of up to 141 premature deaths. The economic benefit ranges up to \$1.4 billion annually. The additional treatment required under the LT2 rule may also reduce exposure to other pathogens.

Annual costs of the LT2 rule are estimated to range from approximately \$73.5 to \$111 million. The average annual household cost is estimated to be \$1.07 to \$1.68 per year, with more than 98 percent of households experiencing annual costs of less than \$12 per year. EPA's Web site has additional information on the proposed LT2 rule at <http://www.epa.gov/safewater/lt2/index.html>.

The Stage 2 Disinfection Byproducts Rule further protects public health from byproducts formed during chemical disinfection widely used by public water systems as a principal barrier to microbial pathogens in drinking water. This rule contains a risk-targeting approach to better identify monitoring sites where customers are exposed

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to high levels of disinfection byproducts, which have been linked both to bladder, rectal, and colon cancer and to a potential risk of reproductive and developmental health concerns.

“The Stage 2 Disinfection Byproducts Rule stresses the importance of addressing potential risks of miscarriage and fetal loss. Although the science is still uncertain, EPA must act on the weight of existing research to protect human life, and our efforts will be focused in this area in the coming years,” EPA Assistant Administrator for Water G. Tracy Mehan III said.

EPA estimates the Stage 2 Rule will reduce the incidence of bladder cancer cases by up to 182 cases per year, with an associated reduction of up to 47 premature deaths. The economic benefits from these avoided illnesses and deaths are estimated to be up to \$986 million annually. EPA also expects the Stage 2 Rule to reduce fetal losses and other reproductive and developmental health effects. The annual cost of the Stage 2 Rule is expected to be \$54.3 to \$63.9 million. The average annual household cost is estimated to be 51 cents per year, and more than 99 percent of households will experience annual costs of less than \$12 per year. More information on the proposed Stage 2 Rule is available on EPA’s Web site at <http://www.epa.gov/safewater/stage2/index.html>.

In other actions, EPA has concluded a Six-Year Review of 69 Drinking Water Regulations and has finalized regulatory determinations for nine contaminants on the Contaminant Candidate List. For both of these decisions, EPA’s review included the best available data on health effects, analytical methods, treatment technologies, and occurrence. For the Six-Year Review, EPA has concluded that the monitoring requirements for Total Coliform (an indicator of bacterial contamination of drinking water) should be revised. EPA also finalized determinations on nine contaminants and found that at this time it is not appropriate to develop regulations for Acanthamoeba, Aldrin, Dieldrin, Hexachlorobutadiene, Manganese, Metribuzin, Naphthalene, Sodium, and Sulfate. Information on the Six-Year Review is available at EPA’s Web site <http://www.epa.gov/safewater/review.html>, and the information on the Contaminant Candi-

date List Regulatory Determinations is available on EPA’s Web site at <http://www.epa.gov/safewater/ccl/cclregdetermine.html>.

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## **ORANGE COUNTY WATER DISTRICT INITIATES LAWSUIT AGAINST GASOLINE COMPANIES, MANUFACTURERS OF MTBE**

In an effort to protect Orange County’s drinking water supply from further contamination by methyl tertiary-butyl ether (MTBE) and other oxygenates, AGWA member agency Orange County Water District (OCWD) has filed suit against oil companies, manufacturers and other responsible parties for polluting and damaging the shallow aquifer of Orange County’s groundwater basin.

Though water being delivered to the public today is safe, the lawsuit—filed in Orange County Superior Court—seeks to recover funds needed to investigate, monitor and remove MTBE and other gasoline oxygenate contamination from Orange County soil, groundwater and drinking water supplies. MTBE is a controversial gasoline additive currently being phased out of use in California, along with other oxygenates that have contaminated water supplies around the state and across the nation. Faced with expensive clean-up costs of MTBE and other oxygenate contamination, public water managers want the responsible parties—oil companies—to clean up the contamination. OCWD’s lawsuit complements earlier actions taken or being taken against certain companies in Orange County by the Orange County District Attorney.

“The water from the wells currently operating in Orange County is safe, but millions of dollars will need to be spent to make sure Orange County’s drinking water is not further polluted by MTBE and other oxygenates,” said Virginia Grebbien, Orange County Water District’s general manager. “These contaminants are looming over the groundwater basin and have significantly polluted parts of

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our shallow aquifer zone. This lawsuit will assure that the cost of protecting our water supply from MTBE and other oxygenates is paid for by the companies responsible for the problem, and not by OCWD or the public.”

The defendants named in the action are the manufacturers, designers, promoters, marketers, formulators, refiners, distributors, suppliers and retailers of MTBE and other oxygenates that contaminate the shallow zone of OCWD’s groundwater basin. The suit contends that these companies “knowingly and willfully promoted and marketed gasoline containing MTBE and other oxygenates, when they knew or reasonably should have known that these compounds would reach groundwater, pollute public water supplies, render drinking water unusable and unsafe and threaten the public health and welfare as they have done within the district.”

The public can call OCWD’s MTBE hotline at (714) 378-8273 or their local water provider for more information.

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## **INTERIOR HOSTS WATER 2025 CONFERENCE IN CALIFORNIA**

In the third of eight regional consulting meetings throughout the Western U.S., the Department of Interior held its Water 2025 conference in Sacramento July 10.

More than 400 people attended the event, which allowed California water officials to exchange ideas with federal officials regarding how to best prepare for the West’s future water needs.

Assistant Interior Secretary for Water and Science Bennett Raley provided an overview of the department’s plan, which is supposed to serve as a framework for helping the Western states “prevent crises and conflict” over water.

In his presentation, Raley described Water 2025, breaking it down by “six principles to guide

Interior in addressing water problems, five realities that drive water crises and four key tools to help proactively manage scarce water resources.”

The Water 2025 regional consulting meetings will conclude August 14 in Austin, Texas. The Bureau of Reclamation is requesting feedback from any groups or individuals that would like to comment on its Water 2025 plan. Specifically, it is asking for input on identifying areas where existing supplies are not adequate to meet water demands for people, for farms and for the environment.

Feedback should be forwarded to: U.S. Department of the Interior, Bureau of Reclamation, WATER 2025, 1849 C. Street, N.W., Washington, DC 20240, or you can submit comments online at <http://www.usbr.gov/water2025/feedback.cfm>.

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## **\$200 MILLION WASTEWATER SECURITY FUNDING ON DECK IN CONGRESS**

A wastewater security funding bill is scheduled to soon move through the U.S. Senate (S. 1039) with bipartisan support, according to the Association of Metropolitan Sewerage Agencies (AMSA).

The funding could provide as much as \$200 million to municipalities, according to the National Rural Water Association (NRWA). Already, nearly identical legislation has passed the U.S. House (H.R. 866) by a vote of 413-2, while S. 1039 has passed the Senate Environment and Public Works Committee by a vote of 13-6.

“The swift passage of the bill would provide much needed funding to cities and counties whose budgets are stagnant and declining, to help them perform vulnerability assessments and enhance security throughout their wastewater systems,” AMSA Executive Director Ken Kirk said in a letter to Sen. James Inhofe, chairman of the Senate Committee on Environment and Public Works.

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## DEPARTMENT OF DEFENSE TO HELP CLEAN UP PERCHLORATE IN SAN BERNARDINO

The Department of Defense has agreed to help pay to clean up a rocket fuel ingredient that polluted the water supply in San Bernardino County.

For the first time, the department July 11 agreed to work with local water agencies and to commit funds to deal with perchlorate contamination that closed 20 wells in Rialto, Fontana and Colton. No specific dollar figures were announced.

"It shows a willingness that is really new to the Inland Empire," said AGWA member agency Cucamonga County Water District president Robert Neufeld, one of the five signatories.

The Inland Empire was a favorite site for defense contractors because of its open spaces and proximity to Los Angeles.

Perchlorate has been linked to damage to the thyroid--and may be especially harmful to infants--although there is debate about what constitutes dangerous levels of the pollutant.

Perchlorate has been found in 20 states and 329 drinking water sources in California since 1997, when the ability to detect low levels was perfected.

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## WATER DROPS...

- Proceedings of the 2003 American Water Works Association (AWWA) Annual Conference and Exposition held June 15-19 in Anaheim, Calif., are now available. The CD-ROM provides current information on all aspects of drinking water. Topics include water quality, water resources and conservation, water utility security, water utility vulnerability assessments, conventional and advanced water treatment, desalination, water reclamation and reuse, water transmission and distribution, system infrastructure, water utility management, water plant operations, privatization and

competition, automation, regulations and benchmarking. To reserve a copy, visit the organization's Web site at [www.awwa.org](http://www.awwa.org).

- President George W. Bush July 10 announced his intention to designate two individuals to serve in his administration. The President intends to designate Marianne Lamont Horinko of Virginia, to be Acting Administrator of the U.S. Environmental Protection Agency (EPA). He also intends to designate Stephen L. Johnson of Maryland, to be Acting Deputy Administrator of EPA.
- The House Energy and Water Subcommittee voted July 8 to provide the CALFED Bay-Delta Program with zero dollars for fiscal year 2004. Rep. John Doolittle (R-4), the only Californian on the subcommittee, opposed providing money for CALFED because it is not an authorized program. Overall, the U.S. Bureau of Reclamation netted \$948 million, \$25 million over the President's request, but \$24 million below last year's enacted funding. President Bush had requested \$15 million for CALFED under existing authorities. The Senate is expected to act on July 15 and 17. Sen. Dianne Feinstein's office is hoping for \$30 million for CALFED, but has not learned of any funding yet. Additionally, Reps. George Miller (D-7) and Ellen Tauscher (D-10) introduced HR 2641--another CALFED bill, but the measure does not enjoy bipartisan support, was not widely circulated among CALFED stakeholders before introduction, and appears unlikely to receive a hearing.

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