

OKLAHOMA WATER NEWS

Bimonthly Newsletter of the Oklahoma Water Resources Board

Water Systems Ask Alternatives, Flexibility, Funding from EPA

EPA expects compliance with expensive, impossible new regulations, say cities, towns, water districts

Answers to the tough dilemma posed by the theme of the Governor's Water Conference, "How Clean? How Costly? How Can We?" were not forthcoming, but more than 350 conferees heard the educated guesses of experts. Attendees at the Thirteenth Annual Governor's Water Conference at the Oklahoma City Marriott Hotel on November 18 left the meeting fearful of the implications of Reauthorization of the Clean Water Act and Safe Drinking Water Act and hoping the sting of the measures might be dulled by the 103rd Congress.

Ben Lesser, representing EPA's Office of Water in Washington, was the first to the podium to recount progress in cleaning up the nation's environment. According to Lesser, water pollution control laws have been on the books since 1948, but it wasn't until 1972 that Congress set a goal to restore the chemical, biological and physical integrity of the nation's waters by controlling the discharge of pollutants.

Lesser credited the 75,000 National Pollutant Discharge Elimination System (NPDES) permits issued since 1972 for significantly reducing pollution in America's rivers and streams.

"Now 70 percent of our stream and river miles meet the water quality

standards the states have set for them compared to 36 percent in 1974," Lesser pointed out. "Nationally, 60 percent of lake and reservoir acres meet Clean Water Act goals. In Oklahoma, 58 percent of the state's river miles and 56 percent of lake acres meet the goals of being fishable and swimmable."

In summarizing EPA's stand on the new rules, Lesser said the rules have passed through scientific review and public comment, and the agency believes they are necessary.

Eric Groves, former Oklahoma City councilman and partner in a private law firm, sketched for conferees the administrative and criminal sanctions available to state and federal regulatory agencies in enforcing the Clean Water Act. Groves pointed out that administrative sanctions allow flexibility and work with the entities to achieve compliance. Groves explained that in criminal sanctions, there are knowing violations and negligent violations. "Under the Clean Water Act, negligence can be a criminal violation. A knowing violation—knowingly endangering the public health—can bring a 15-year prison term.

"In an Oklahoma case, operators of a publicly owned sewage treat-

ment plant were charged with 48 counts of willfully and negligently discharging raw sewage into a creek without a permit. The first 30 counts represented each day the plant was in violation; counts 31 through 48 for the falsification of reports—in this case, Daily Monitoring Reports," Groves said.

In 1989, EPA Administrator William Reilly stated that two-thirds of the nation's 15,600 waste treatment plants were noncompliant, Groves continued. However, Reilly conceded that the cost of the required improvements would consume EPA's



Congressman Mike Synar asked EPA cooperation in easing the burden of small water systems.

annual budget of \$4.89 billion for the next 17 years—or \$83 billion. In May, that cost was reestimated at \$150 billion.

"It is important to understand that

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the EPA has a very powerful arsenal of weapons that it can bring to bear. Since they cannot afford to enforce against all, they may choose to make examples of a few egregious violators," Groves concluded.

Next to the podium and next to attack new EPA regs was Steve Elstein, Assistant Director for Water Quality Issues at the General Accounting Office. Elstein co-authored a July 1992 GAO report to the Congress on the nation's drinking water crisis.

"My message to you today is not upbeat. It picks at the deepening crisis that threatens the fabric of the primary program that protects the nation's drinking water supply," he said.

EPA soon will issue regs that will cost water systems \$3 billion a year for the next three decades, he said. "This is over and above capital requirements of \$150 billion, most of which is needed to repair and maintain the infrastructure needed to deliver water to customers."

Elstein warned that the states' costs are expected to increase by tens of millions of dollars annually. While the Safe Drinking Water Act authorizes EPA to provide up to 75 percent of costs to state drinking water programs, the agency actually provides 40 percent or less, he said. As an alternative, the EPA set short-term priorities, encouraging states to focus on highest priorities first, while "building resources" in order to fully implement the program after a five-year period.

"We believe EPA's program is in an extremely precarious position because many states and drinking water systems simply do not have the funds to implement the program in any credible fashion. The numbers will never add up, Elstein pointed out. "In the near-term, EPA's priority-setting strategy would eliminate important program elements. State oversight would be directed at larger water systems, although systems of 500 or less account for 70 percent of all systems with drinking water violations," he said.

Short-term strategies shift funds away from the quality assurance and technical assistance activities that have been the backbone of many

drinking water programs. Further, states cannot even afford to accomplish their top-priority oversight activities, he explained.

"The long-term strategy deals no better with the problem. At the time we were preparing our recent report, 30 states were experiencing budget deficits in fiscal 1992 totaling \$50 billion. Many drinking water systems face budget cuts, layoffs and furloughs," Elstein said.

In closing, Elstein projected annualized environmental costs to local governments to reach \$32 billion (in constant dollars) by the end of the century. These needs are competing with health care, transportation and housing, also shifted to state and local levels.

"All of this calls into question the long-term viability of the EPA drinking water program," Elstein concluded.

Congressman Mike Synar noted the burden of excessively high costs to small water systems. "Federal funding has been virtually nonexistent and most assistance programs have favored large systems over small, rural and poor areas. Mandates without money cannot get the job done," he emphasized.

Synar said states and water systems need more flexibility in making the best use of the resources they have. He offered as an alternative HR 6176, which he introduced during the last Congress. Synar believes the measure would help small, underfunded systems cope with extensive testing requirements without sacrificing drinking water quality. He pointed out that HR 6176 establishes an alternative compliance procedure; amends the Safe Drinking Water Act so that states would have delegated authority to administer the program; and establishes a program authorizing waivers of monitoring requirements where there is enough information to show that a particular contaminant has not been used in the state. It would allow small systems to tailor testing and monitoring procedures to look for contaminants they are most likely to find. Further, it would provide for vulnerability surveys for potential sources of contamination from point and nonpoint sources, Synar said.

The legislation he proposes also would provide grants to states and small systems for implementing the program, Synar declared.

He expects the 103rd Congress to reauthorize the Clean Water Act. According to Synar, "farmers need to

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A. More than 350 conferees attended the Thirteenth Annual Governor's Water Conference.

B. Board member Bill Secrest visits with Lester St. Cyr of RW&CD #2, Okfuskee County.

C. OWRB Chairman Robert S. Kerr, Jr. presided over the meeting.

D. Kent Wilkins, Susan Birchfield, Joe Freeman and Scott Myers of the OWRB stand ready to assist pre-registered conferees.

E. OWRB Executive Director Patty Eaton presented the Water Pioneer Award to Sen. Ray Giles.

F. Shellie Chard, Margaret Graham and Sandra McCain assisted last-minute registrants.

G. Bill Howard, General Counsel for Commissioners of the Land Office, visits with Dean Couch, OWRB General Counsel, and attorney Eric Groves, who spoke at the meeting.

H. Joanne Kurklin of the U.S. Geological Survey visits with Frank Schiebe, Director of the ARS Water Quality and Watershed Research Lab in Durant, and Jim Sindelar of Ponca City's Parks & Recreation Department.

I. Congressman Mike Synar and Patty Eaton visit before Synar's noon address.

J. Ben Lesser of EPA's Office of Water in Washington defended proposed regs.

K. Mary Nell Sturgeon and Ken Wilkins look for registration packet for Sharon Moore.

L. Sen. Cal Hobson described HB 2227 and the reorganization of some state agencies to form the Department of Environmental Quality.

M. Paul Horton of Hollis was a recipient of the Water Pioneer award.

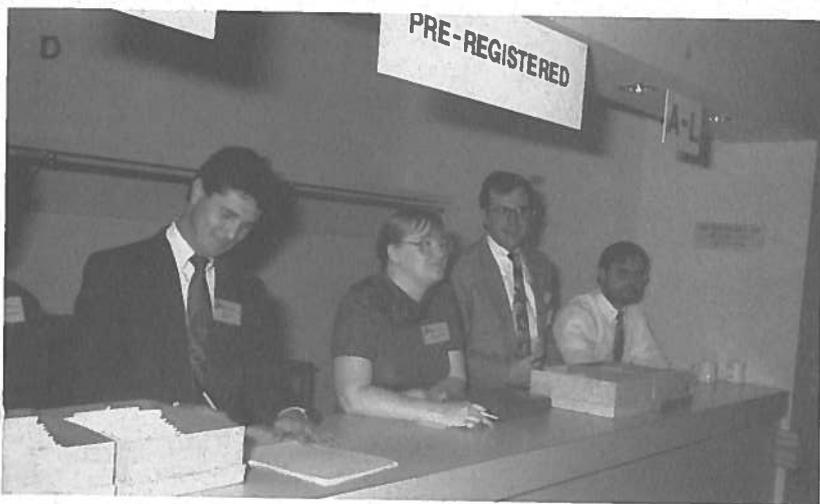
N. Gov. David Walters told conferees that Oklahoma will distinguish itself by the quality of its environment.

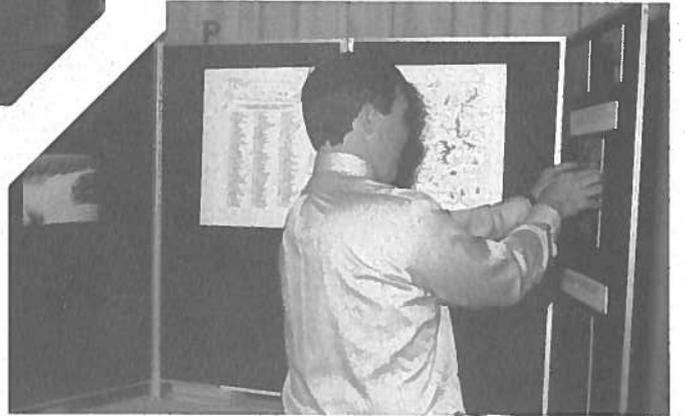
O. Steve Elstein of the General Accounting Office challenged EPA's ability to enforce new regs.

P. Bill Cauthron prepares exhibit on the Water Board's "Water Watch" citizen monitoring program.

Q. Mike Melton talks to Mary Lou Flynn, retired from the Bureau of Reclamation.

R. Dave Dimick of the OWRB visits with Dr. Tom Collins, Director of the OSU Center for Water Research.





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address nonpoint sources of pollution, which account for 50 to 60 percent of the pollution which enters our waterways and which remains largely unregulated after 20 years."

Governor David Walters' mid-morning address called attention to the recent "U.S. News and World Report" survey which ranked Oklahoma first in economic improvement over the last year in a number of categories. "Personal income levels are growing at a rate more rapid than much of the country," he said.

Oklahoma emerged from the Dust Bowl and built 34 major reservoirs and thousands of small lakes. He noted that the state is fortunate to have an incredible groundwater system in the west and urged all Oklahomans to be environmentalists.

"All of us as protectors of this great natural resource must help overturn the notion that economic development has to degrade the environment. That is not true. Environmental policy need not cost us jobs. It's going to let a governor 20 years from now stand up and recognize the progress we've made."

The Conference recognized two men as Water Pioneers for their efforts in the development, protection and conservation of Oklahoma's water resources. They were Sen. Ray Giles of Pocossett, for 16 years author and proponent of significant water legislation in the Oklahoma Senate; and Paul Horton of Hollis, who explored recharge of the Blaine Gypsum Groundwater Basin as founder and moving force in the Southwest Water and Soil Conservation District.



Edwards Aquifer NOT a River

Less than 48 hours after the Texas Water Commission approved final rules to limit pumpage from the Edwards Aquifer in south central Texas, a state district judge ruled that the Edwards Aquifer is not an underground river and is not subject to TWC control. The ruling stems from an injunction filed by the Texas Farm Bureau less than two hours after

TWC's April 15 declaration.

On April 15, TWC declared the aquifer an underground river and placed its water under the laws governing surface water rights and use. The aquifer is a narrow, bow-shaped band five to 40 miles wide and 175 miles long. The ruling voided TWC administrative regulations adopted on September 9. The TWC had claimed the aquifer was endangered by over-pumpage and sought to restrict water use.

According to "Cross Section," the monthly newsletter of the High Plains

Underground Water Conservation District #1 in Lubbock, the Edwards Aquifer filled to the highest level ever recorded this past summer, with flows at Comal Springs and San Marcos exceeding all previous measurements.

The aquifer is estimated to contain about twice the amount of water contained in all the reservoirs in Texas.

Water watchers anticipate that legislation regarding management of the Edwards Aquifer will be introduced in the upcoming legislative session.



Speaker Glen Johnson (left) and Sen. Dick Wilkerson (right) presented a \$50,000 grant check to Cliff Tattum, chairman of the Hughes County Rural Water District #6, in a December 11 ceremony. The grant was made possible by the Financial Assistance Program of the Oklahoma Water Resources Board. The oversize "check" was computer drawn by the Drafting Section of the OWRB.

FINANCIAL ASSISTANCE PROGRAM UPDATE *Approved at October, November, December Board Meeting*

Grants (December)		Loans	
Due to lack of funds, no grants were approved in Oct. or Nov.		(3.572; 30-year maximum term)	
Osage Co. RWD #19	\$50,000	Tulsa MUA	\$7,300,000
Bokchito PWA	75,000	Tulsa Valley IA	2,665,000
Creek RWD #10	40,000	Rogers Co. RWD #3	1,600,000
LeFlore RWD #5	50,000	Wakita MA	325,000
Sequoyah RWD #7	30,000	Owasso PWA	6,150,000
Town of Carmen	25,000		
Garvin RWD # 6	20,000		
		SRF Loans	
		(20-year maximum term)	
		Tulsa MUA	\$4,300,000

	<i>Totals as of 12/8/92</i>		
	FAP Loan	FAP Grants	SRF Loans
Approved	111	288	9
Amount	\$116,810,000	\$16,930,604	\$47,382,500
Funded	96	257	7
Amount	\$95,990,000	\$15,103,545.37	\$42,251,500

**STORAGE IN SELECTED OKLAHOMA LAKES & RESERVOIRS
AS OF NOVEMBER 24, 1992**

PLANNING REGION LAKE/RESERVOIR	CONSERVATION STORAGE (acre-feet)	PRESENT STORAGE (acre-feet)	PERCENT OF STORAGE		PLANNING REGION LAKE/RESERVOIR	CONSERVATION STORAGE (acre-feet)	PRESENT STORAGE (acre-feet)	PERCENT OF STORAGE	
			conservation	flood				conservation	flood
SOUTHEAST					EAST CENTRAL				
Atoka	124,100	124,100	100.0	N/A	Eufaula	2,314,600	2,314,600	100.0	18.4
Broken Bow	918,070	918,070	100.0	7.3	Tenkiller	654,100	654,100	100.0	8.2
Hugo ¹	187,603	187,603	100.0	4.1	Wister ¹	58,601	58,601	100.0	16.8
McGee Creek	113,930	113,930	100.0	17.1	NORTHEAST				
Pine Creek ¹	73,346	73,346	100.0	9.2	Birch	19,200	18,439	96.0	0.0
Sardis	274,330	274,330	100.0	27.6	Copan	43,400	43,400	100.0	9.7
CENTRAL					Eucha	79,600	79,600	100.0	N/A
Arcadia	27,520	27,520	100.0	5.0	Fort Gibson	365,200	365,200	100.0	22.8
Hefner	75,400	73,819	97.9	N/A	Grand	1,672,000	1,672,000	100.0	42.7
Overholser	15,900	14,634	92.0	N/A	Heyburn	7,105	7,105	100.0	7.2
Stanley Draper	100,000	94,380	94.4	N/A	Hudson	200,300	200,300	100.0	39.8
Thunderbird	119,600	119,600	100.0	8.5	Hulah	31,160	31,160	100.0	16.3
SOUTH CENTRAL					Oologah	553,400	553,400	100.0	14.2
Arbuckle	72,400	71,496	98.8	0.0	Skiatook	322,700	308,168	95.5	0.0
Texoma ¹	2,740,000	2,740,000	97.4	0.0	Spavinaw	30,590	30,590	100.0	N/A
Waurika	203,100	203,100	100.0	6.5	NORTH CENTRAL				
SOUTHWEST					Kaw	428,600	428,600	100.0	19.5
Altus	132,830	104,562	78.7	0.0	Keystone	557,600	557,600	100.0	12.3
Ellsworth	72,490	67,435	93.0	N/A	NORTHWEST				
Fort Cobb	80,010	80,010	100.0	4.6	Canton	111,310	71,956	64.6	0.0
Foss ²	178,410	167,648	94.0	0.0	Fort Supply	13,900	13,014	93.6	0.0
Lawtonka	58,327	55,682	95.5	N/A	Great Salt Plains	31,420	31,420	100.0	1.3
Tom Steed	88,970	85,842	98.7	0.0	STATE TOTALS	13,151,122	12,968,160	98.6	10.3

¹ Seasonal pool operation

N/A—not applicable; no flood storage allocation.

Data courtesy of the U.S. Army Corps of Engineers, Bureau of Reclamation, Oklahoma City Water Resources Department, City of Tulsa Water Superintendent's Office and City of Lawton.

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