

## **Anti-Storage Bias Rises to the Surface at EPA**

In the past year, water managers responsible for providing irrigation supplies to farmers and ranchers throughout the West have become increasingly concerned about the number of environmental policies that are being re-written federal agencies. In particular, recent rule-making efforts at the Environmental Protection Agency (EPA) and the White House Council on Environmental Quality (CEQ) carry the risk of real potential harm for Western irrigators.

One key concern voiced by water users relates to administrative policy making occurring within EPA that will make it even tougher to accomplish what is already a daunting challenge: the obvious need to develop new water supplies to meet the growing water demand. For example - EPA Region 4 (which covers the Southeastern U.S.) - is implementing new guidelines that focus on proposals calling for additional storage capacity due to projected future demands. These guidelines were developed to inform local governments and water utilities of the actions EPA expects them to take “in order to eliminate or minimize the need for additional capacity **before** consideration of a water supply reservoir project on a stream or river.” EPA will also use these guidelines to evaluate water demand projections for new or significantly increased public surface water withdrawals or public ground water supply wells which are being reviewed through the National Environmental Policy Act or EPA programs.

The Clean Water Act permit process requires a clearly stated project purpose, which for water supply reservoirs includes a projected demand analysis to support additional water capacity needs, and an analysis of alternatives. Before EPA considers a water supply reservoir as an alternative to address the need for additional water capacity, the water utility must take actions to ensure that, to the maximum extent practicable, they are implementing “sustainable” water management practices, which consist primarily of water use efficiency measures. According to EPA, these measures “are designed to help an applicant eliminate the need for, or reduce the impacts to aquatic resources from future water facility expansions including the construction of water supply reservoirs.”

While these guidelines have been proposed for Region 4, and we don't yet know if similar standards will be proposed for the Western U.S., it is troubling that EPA is so blatantly biased against structural solutions to water challenges. EPA is already one of the more obstructionist agencies when it comes to developing new storage projects, something Colorado interests recently learned. Colorado Governor Bill Ritter on August 9<sup>th</sup> sent a letter to EPA Administrator Lisa Jackson describing the cooperative/collaborative efforts regarding the Chatfield Reservoir Reallocation Project, which involved numerous interests representing municipal, environmental and agricultural entities and would result in an additional 20,000 acre-feet of storage space for consumptive uses in the Denver metro area. Although the U.S. Army Corps of Engineers supports the proposed reallocation plan, EPA Region 8 staff in June

stated they would deny it, and recommended that the ultimate decision be elevated to higher levels in Washington, D.C.

“I am greatly concerned that a disagreement between two federal agencies could result in denial of a project so important to Colorado and fifteen of our communities,” Gov. Ritter wrote Jackson on August 9. The governor also asked that EPA proceed with “a thoughtful and transparent process that does not prejudge a project but instead balances important civic and environmental needs.”

Unfortunately, based on the Region 6 guidelines and the behavior of Region 8 staff, it appears that some in EPA clearly have anti-storage biases and are not afraid of inserting those biases into critical federal decision-making processes. This is dangerous, and short-sighted. Without new sources of water, increasing urban and environmental demands will deplete existing agricultural supplies and seriously threaten the future of Western irrigated agriculture.

The often slow and cumbersome federal regulatory process is a major obstacle to realization of projects and actions that could enhance Western water supplies. We must continue to work with federal agencies and other interested parties to build a consensus for **improving** the regulatory process, instead of using administrative channels that create new obstacles.