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GROUNDWATER *Communique* NEWSLETTER

The Ground Water Protection Council Newsletter

June 4, 2009

Upcoming Meetings

2009 Annual Forum



[Water/Energy Symposium at the GWPC Annual Forum September 13-17 Salt Lake City](#)

The GWPC's Water/Energy Symposium Co-Sponsor



[Visit the DOE Website](#)

2010 UIC Conference



The 2010 UIC Conference will be held January 15-16 at the Intercontinental Hotel in Austin Texas. For further details go to our [website](#).

GWPC Resolutions Deadline Notice

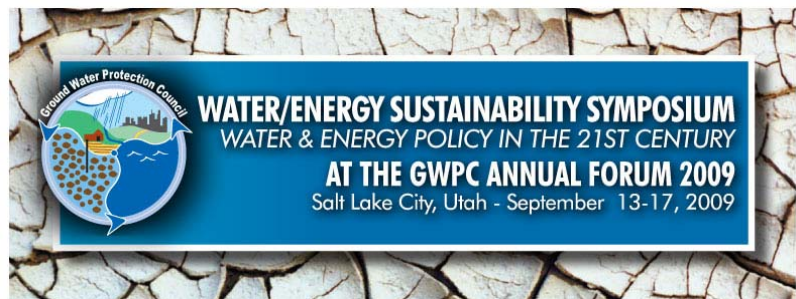
The next scheduled GWPC Board of Directors meeting will be Sunday, September

Dear Mike,

Welcome to the the Ground Water Communique! This issue highlights the release of a report by the Ground Water Protection Council, a court decision regarding the underground injection control program and more.

We do welcome your feedback & suggestions. Please send comments to Mike Nickolaus at mnickolaus@gwpc.org.

GWPC Annual Forum at the Water/Energy Symposium



April 1 was the last day to submit abstracts for the [GWPC Annual Forum at the Water/Energy Symposium](#). However--if you'd like to submit but need an extension or received late notice, please contact [Ben Grunewald](#), our Associate Director.

More details and information will be coming soon. We hope to see you at this unique event!

U.S. District Court Rejects Challenge to the UIC Program

On April 6, 2009, in the context of a criminal enforcement proceeding, the Chief Judge of the U.S. District Court in Idaho issued a decision strongly rejecting a challenge to the constitutionality of the Underground Injection Control (UIC) program under the Safe Drinking Water Act (SDWA). *United States v. King* (D. Id. April 6, 2009). Although the constitutionality of other provisions of SDWA have been challenged, this is the first such challenge to the UIC program. The Court's decision therefore is an important precedent.

Comprehensive Texas Drought Information Web Site Launched

The Drought Joint Information Center made up of state and federal agency public information officers from Texas AgriLife

13, 2009. Any resolutions to be considered at the Salt Lake meeting must be submitted to the GWPC by Friday, August 28, to be considered by the Board. Please submit draft resolutions to [Dan Yates](#) on or before Friday, August 28, 5PM central. If you have any questions regarding GWPC resolutions, please contact Dan Yates at the email address above or call 405-516-4972.

GWPC Wants a Piece of You: Discussion Briefs

Before all events, the GWPC solicits discussion briefs to collect additional topics for discussion from participants. Inability to attend a conference does not limit any state, agency, program, or individual from participating in discussions of national importance. Any interested individual may offer ideas, concerns, or suggest potential projects to the GWPC Board of Directors, Divisions, or any open discussion-based forum at GWPC events. Download the [discussion brief form](#). here (Scroll to the bottom of the page). Send completed discussion briefs to [Ben Grunewald](#).

[Ground Water Report to the Nation: A Call to Action](#)



Remember--the *Ground Water Report* is always available online for your use, unabridged, and at no cost. You may download copies, or just call Brenda Short at the GWPC office

Extension Service, Texas Water Development Board, Texas Parks and Wildlife Department, U.S. Department of Agriculture, Texas Forest Service, Texas Animal Health Commission, Texas Department of Agriculture, Texas Department of Public Safety, Texas Department of Transportation and Texas Commission on Environmental Quality has created a comprehensive Texas drought information Web site. The Web site is divided into two distinct areas: "Resources on Drought" provides static and changing information on drought ranging from stream flow data and weather information to links provided by the participating agencies; and "News Updates/Situational Reports" features the latest items provided by the participating agencies. The website can be found at > <http://agrilife.tamu.edu/drought/>

Colorado Court Issues Water Ruling

The Colorado Supreme Court has affirmed a lower court's decision that the extraction of water in conjunction with coalbed methane production constitutes a "beneficial use" under Colorado water law and is therefore subject to the state's "prior appropriation" and permitting requirements. To the extent that CBM production is using water that has already been appropriated by more senior rights-holders, CBM producers would need to augment water supplies to hold those senior right-holders harmless.

GWPC Publishes Landmark Report on Water Protection

Oklahoma City (May 27, 2009) - The Ground Water Protection Council announces the publication of its report entitled "State Oil and Natural Gas Regulations Designed to Protect Water Resources. This is a first of its kind study that reviewed state oil and gas regulations and their relationship to the protection of water resources. The report and regulations reference document (Addendum) can be obtained in .pdf format from the GWPC website at www.gwpc.org

Waxman- Markey Climate Bill Introduced

Congressmen Henry Waxman (D-CA) and Edward Markey (D-MA) have introduced legislation (HR 2454) entitled the American Clean Energy and Security Act of 2009. This bill covers topics such as combined efficiency and renewable electricity standards, carbon capture and sequestration, clean transportation, and many others. The [bill](#) is available through the House Energy and Commerce Committee.

Mine on Navajo Land Requires UIC Permit

On April 17, 2009, the U.S. Court of Appeals for the Tenth Circuit ruled that the developer of a uranium mine in northwestern New Mexico had to obtain an underground injection control permit from the USEPA because the mine was, in part, on land that is part of the Navajo Nation. The case (Hydro Resources Inc. v. EPA, 10th Cir., No. 07-9506, 4/17/09) was decided on a 2-1 ruling.

Water for Watts

A new report, "Water for Watts" http://pdf.wri.org/southeast_water_and_watts.pdf, discusses the issues the Southeast faces in meeting the water and energy needs of a growing population and points out the water for energy and energy for water dilemma.

(405.516.4972) if you would like hard copies shipped to you.

EPA Holds ASR Meeting

On May 5-6, 2009, the USEPA held a meeting at its Region 5 office in Chicago to discuss the topic of Aquifer Storage and Recovery. The meeting was attended by state regulators, systems operators, consultants and EPA staff. The purpose of the meeting was to gather initial information about ASR as it relates to the UIC program for further evaluation by EPA.

EARTHJUSTICE Submits Comments on Effluent Guidelines

The environmental group EARTHJUSTICE, and several other environmental organizations submitted joint comments on the Final 2008 Effluent Guidelines Program Plan and Suggestions for the 2009 Annual Review (Oil and Gas Exploration, Stimulation, and Extraction, Docket EPA-HQ-OW-2008-0517). To read the comments go to:

www.gwpc.org/e-library/documents/general/earthjustice%20comments.pdf

New USGS Report on Glacial Aquifers

The U.S. Geological Survey has released a report on redox conditions in the glacial aquifer system. The report can be viewed at

<http://water.usgs.gov/nawqa/studies/praq/>



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"Electric power production in the Southeast draws about 40 billion gallons of water daily (65 percent of total freshwater withdrawals). Meanwhile, the energy needed to treat water and wastewater can account for a more than 30 percent of municipal energy costs and an average home is spending about \$250 per year on energy needed for hot water.

Efforts to ensure an adequate supply of one resource must recognize impacts on the other.

- Water for energy - nearly two out of every three gallons of freshwater withdrawals in the Southeast are sent to electric power plants to meet cooling water demands. About a gallon of water is consumed for each kilowatt hour (kWh) of electricity produced.
- Energy for water - the annual amount of energy needed to heat water for an average home is more than the annual energy used to light that same house. Water and wastewater treatment account for 4 percent of total national electricity use."

Lawsuit Attempts to Place CO2 Regulation Under Clean Water Act

The Center for Biological Diversity has filed a lawsuit against USEPA for not requiring the State of Washington to list its coastal waters as impaired because they fail to meet the state's water quality standards regarding human induced pH variation. The suit will seek to place CO2 limits (cited as the cause for pH variations) under the Clean Water Act.

All of us at the GWPC appreciate your participation very much. Please contact any of our staff if we can be of assistance. Thank you for your interest in the Ground Water Protection Council and our mission!

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