

## EPA Issues Perchlorate Guidance

In January, the U.S. Environmental Protection Agency issued new protective guidance for cleaning up perchlorate contamination, recommending a preliminary clean-up goal of 24.5 parts per billion (ppb) perchlorate in water. EPA's guidance is derived from the agency's reference dose for perchlorate, which is based on the 2005 recommendations and conclusions of the National Academy of Sciences.

According to EPA, this preliminary goal is a starting point for an evaluation of site-specific conditions. The recent action was designed to offer clear guidance to site managers to help ensure national consistency in evaluating perchlorate in light of widely varying state guidance.

U.S. Senator Diane Feinstein from California issued a statement saying she "was surprised and disappointed" by EPA's guidance, and found it "unacceptable." "The fact that California ... has set a target for perchlorate remediation at 6 ppb for drinking water, and considers exposure to perchlorate contamination from both water and food sources, should cause real concern." EPA's preliminary standard is four times greater and, according to Feinstein, wrongly assumes that perchlorate

contamination comes only from drinking water. Furthermore, she said, it is "based on the consumption of water for a 155-pound adult. So this doesn't accurately reflect the risk to children."

*EPA's guidance document is available at [epa.gov/newsroom/perchlorate.pdf](http://epa.gov/newsroom/perchlorate.pdf). Feinstein's comments are at [feinstein.senate.gov/06\\_releases.html](http://feinstein.senate.gov/06_releases.html).*

## OK to Suck Your Neighbor Dry in AZ (as long as it's for good use)

In a ruling late last year, the 9th U.S. Circuit Court of Appeals determined that "landowners harmed by a neighbor's pumping of groundwater can legally be left high and dry without a right to sue for damages if the water was used in connection with reasonable use of the neighbor's own property," reported the *Associated Press*. The case concerned a pecan farmer in Casa Grande, Arizona, who lived next door to Abbott Laboratories, a pharmaceutical company.

According to *AP*, Abbott had a permit from the state to pump about two acre-feet of groundwater from its property in order to build an underground storage facility. The company planned to store the water in on-site retention ponds, from which it would eventually drain back into the aquifer. But Abbott ended up having to pump more than expected—122 acre-feet,

in fact, said *AP*. That volume flooded the basins and was drained into a ditch that ran off the property. As a result, the company was fined for violating its permit conditions, and paid about \$6,500 to the state, according to the report.

Meanwhile, *AP* said, the pecan farmers next door lost their orchards after the water table fell 16 feet in response to the pumping, so they sued Abbott. They initially were awarded \$1.2 million by a U.S. district judge, but Abbott appealed on the grounds that the company was not liable because its pumping had been a reasonable use for their property. In reversing the judgement, the 9th Circuit panel cited the Arizona Supreme Court's 1953 ruling "that use of groundwater in Arizona is governed by a common-law doctrine under which pumping is allowed as long as it is a reasonable use of the property," reported *AP*.

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## Updated California Water Plan Released

The final *California Water Plan Update 2005* was released in late January 2006 by the California Department of Water Resources. According to Director Lester Snow, the most recent version "represents a fundamental transition in how we look at water resource management in California" in that it considers a broader range of management issues, competing water demands, potential new water supplies, and alternative financing options. The plan calls for California to invest in efficient water management, development of water supplies and technologies to sustain the state's future, and reliable, high-quality, sustainable, and affordable water conservation.

The plan also emphasizes the need for the state government to work with regional, local, and tribal entities and interest groups to address the state's water issues. However, it calls for the state to take the lead in large-scale projects

## HydroFacts

The take-home message of the March/April '06 issue on aging infrastructure could be summarized as "maintain, rebuild, and expand, or else." Mexico City, host to the recent World Water Forum, is a cautionary example of what that "or else" might be: public water supplies that are inadequate, unreliable, nonsustainable, and nonpotable. This begets inconvenient, expensive, and inequitable coping strategies by affected individuals. Rebuilding our aging infrastructure will be expensive, but consider the costs of wildcat hookups, reliance on bottled water and cisterns, and subsidence from groundwater overdraft in Mexico:

- Percent leakage rate for Mexico City's public water system: 40
- Percentage of sewage generated in Mexico City that is treated: 12
- Estimated expenditures needed over next 5 years just to maintain adequate wastewater and storm water pumping capacity: \$2 billion
- Percentage of drinking water in Mexico City obtained from bottled water: 77

### Top markets for bottled water as a percentage of world demand:

USA	16.7
Mexico	11.5
China	7.7
Brazil	7.5
Italy	6.9
Rest of world:	49.6

### Top markets for bottled water (liters per capita per year):

Italy	183.6
Mexico	168.5
France	141.6
Spain	136.7
Switzerland	99.6
USA	90.5

Sources: *El Universal*, 16 March 2006; *Associated Press* "Mexico City thirsts for drinking water: Big issues as city hosts World Water Forum," *Associated Press*, March 13, 2006.