

2013 Federal Legislative Agenda

The 113th Congress' First Session began on January 3, 2013. The following list describes CAWCD's federal legislative agenda for calendar year 2013 and will guide the activities of CAP legislative staff and consultants during the Session.

The Business Planning and Governmental Programs Team will come before the Public Policy Committee on a regular basis to seek guidance and direction on these and other proposed rules and legislation that may arise during the coming year.

Priority Issues

EPA Rulemaking regarding Navajo Generating Station (NGS) Emissions Controls

On August 28, 2009, the U.S. Environmental Protection Agency published the Advanced Notice of Proposed Rulemaking (ANPR) on the "Assessment of Anticipated Visibility Improvements at Surrounding Class I Areas and Cost Effectiveness of Best Available Retrofit Technology (BART) for the Four Corners Power Plant and Navajo Generating Station." CAP uses 2.8 million megawatt hours of energy to pump about 1.6 million acre-feet of Colorado River water across a 336-mile long water conveyance system each year. CAP is the largest single end-user of power in the State. Navajo Generating Station provides more than 90% of the power CAP needs to deliver water.

CAP Position: *Continue efforts to engage elected officials, stakeholders, and governmental agencies in influencing the EPA to apply due weight to the economic impacts of its BART determination for NGS.*

Climate Change and Energy Legislation

A variety of academic studies predict that, along with other changes to our climate, the southwestern United States will become hotter and drier over the next 50 to 100 years possibly leading to declining supplies of Colorado River water.

2013 Federal Legislative Agenda

CAP is in a unique position as the only federal Reclamation project in the U.S. that has a coal-fired power plant as a project component. CAP continues to engage in federal energy legislation as it relates to the energy needs of the Project.

CAP Position: *Monitor legislative efforts and respond appropriately to mitigate potential impacts on CAP operations and on the sale of Navajo surplus power.*

Cybersecurity Threats and Legislation

Experts have warned that government and industry networks are increasingly vulnerable to cyber-attacks and those attacks could lead to severe economic loss or sustained blackouts. Both Congress and the Administration have attempted to address this issue through legislation.

CAP Position: *Monitor legislative efforts to address cybersecurity and potential threats to critical infrastructure and vital computer systems.*

Issues That Require CAP Involvement with Other Stakeholders

Clean Water Restoration Act

The Clean Water Restoration Act introduced in 2009, included language to remove the word "navigable" from the Clean Water Act and allowed the U.S. Army Corps of Engineers and the EPA to regulate all interstate and intrastate waters. This expansion of the scope of the Clean Water Act was drafted in response to Supreme Court rulings that precluded the EPA from using the Act to regulate pollution in some wetlands because they were not considered navigable bodies of water. Since then, the EPA has released guidance that broadens the scope of waters subject to regulation under the Clean Water Act. Many stakeholders have actively opposed these legislative and regulatory steps saying they will result in permitting delays and greater federal oversight of state and local decisions.

CAP Position: *Continue to oppose expansion of the coverage of the Clean Water Act from "navigable waters of the United States" to "waters of the United States."*

2013 Federal Legislative Agenda

Navajo/Hopi Water Rights Settlement Legislation

CAP has long been a party to the discussions of a Navajo/Hopi Water Rights Settlement. CAP has worked closely with other stakeholders in negotiations regarding a comprehensive settlement of the claims of the two tribes to the Lower Colorado River, the Little Colorado River and groundwater in the vicinity of the reservations.

CAP Position: *Continue to seek a settlement of these water rights claims and support legislation necessary and appropriate to implement a settlement.*

Colorado River Basin Salinity Control Forum

The effect of salinity on the Colorado River is a major concern in both the United States and Mexico. The Colorado River Basin Salinity Control Forum was created by the seven Colorado River Basin states in 1973 to act as a common voice for the states on salinity matters and to coordinate with federal agencies in the implementation of the Program. In 1974, the Colorado River Basin Salinity Control Act was enacted, providing the foundation for the state and federal partnership. Forum membership consists of appointees from each of the governors of the Colorado River Basin states and includes water quantity and water quality agency leads and representatives from major water user organizations, including CAP.

CAP Position: *Support the activities of the Colorado River Basin Salinity Control Forum.*

Bureau of Reclamation Colorado River Basin Water Supply and Demand Study

The Bureau of Reclamation's Upper Colorado and Lower Colorado Regions, in collaboration with representatives of the seven Colorado River Basin States, participated in a study to define current and future imbalances in water supply and demand in the Colorado River Basin and the adjacent areas of the Basin States that receive Colorado River water for the next 50 years. The goal is to develop and analyze adaptation and mitigation strategies to resolve those imbalances. The study, which is due out in late 2012, will characterize current and future water supply and demand imbalances in the Basin and assess the risks to Basin resources.

2013 Federal Legislative Agenda

CAP Position: *Continue to collaborate with Federal, State, tribal, and environmental stakeholders, to augment water supplies and address challenges with growing water needs and the potential impacts of climate change.*

Hualapai Water Rights Settlement Legislation

The role of Indian reservations in Arizona water supply and management has become increasingly important. With approximately 28% of Arizona lands held in trust by the federal government on behalf of Native Americans, determination of Indian water rights and water use by Indian communities can have a significant impact on other State water users.

CAP Position: *Support the settlement of these water rights claims and support legislation necessary and appropriate to implement a settlement.*

Federal Rulemaking

EPA Rulemaking, Greenhouse Gas Emissions

CAP's participation in the Navajo Generating Station as its primary source of power to pump Colorado River water throughout the State of Arizona necessitates a thorough understanding of the potential impact of EPA rulemakings on greenhouse gas emissions. Many of these proposed rules could impact the CAP and the viability of the Navajo Generating Station.

CAP Position: *Monitor proposals to regulate greenhouse gas emissions from large facilities under the Clean Air Act.*

EPA Rule, Hazardous Air Pollutants (HAP), Maximum Achievable Control Technology (MACT)

On February 16, 2012, EPA issued its final rule for new and existing coal- and oil-fired electric power plants. The rule limits emission of heavy metals, including mercury, arsenic, chromium, and nickel, and acid gases, hydrogen chloride and hydrogen fluoride. The rule also includes revised new source performance standards for new oil- and coal-fired power plants. The revised performance standards limit emissions of particulate matter sulfur dioxide, and nitrogen oxides.

2013 Federal Legislative Agenda

The rule allows three years for electric power plants to meet the standards, with the possibility of an additional year upon a demonstration that additional time is needed in order to complete construction. This final rule is currently the subject of pending litigation.

CAP Position: *Monitor the implementation of the MACT Rule and its implications on the Navajo Generating Station.*

EPA Final Rule, Drinking Water Contaminant Candidate List (CCL3)

The 1996 amendments to the Safe Drinking Water Act required the EPA to establish a Drinking Water Contaminant Candidate List (CCL). The first CCL was published in 1998 and is updated every 5 years. Nationwide occurrence data is needed on all CCL chemicals. The CCL 3 list was published in October 2009 and contains 104 chemicals or chemical groups.

CAP Position: *Monitor the implementation of the final rule on the Drinking Water Contaminant Candidate List 3.*

If you have any questions or would like more information regarding any of the issues contained in this report, please contact CAP Business Planning, 623-869-2150.