

AWWI
ALABAMA WATER AND WASTEWATER INSTITUTE
Richard Hanan, Montgomery, Chairman

Comments relative to Water Issues Paper By the AWAAG .

The Alabama Water and Wastewater Institute, representing many of the major municipal water suppliers in the state, thanks the AWAAG group, Governor Bentley, and the Legislative Committee on Water Policy for their commitment and dedication to crafting a logical, workable and equitable statewide policy for the preservation, wise use and fair allocation of the State's water resources. Additionally we thank the group for allowing us to offer our comments and respectfully submit the following:

- While the mobilization and utilization of existing state agencies to develop water management policy is expedient and understandable it discounts the considerable body of knowledge and expertise residing in the water industry. Resident in water utilities within the state there are literally thousands of years of combined experience and a great depth of expertise in the treatment, distribution, allocation and conservation of the state's water resources. That community recognizes the importance of the effort here undertaken and offers its enthusiastic support. The AWWI and its members recognize the wisdom in long term planning regarding the state's increasingly scarce water resources. It also understands the value of preserving the State's water rights opposed to the rights of our neighboring states. Water utilities across the state have been engaged in these activities for many years. This repository of knowledge is useful and essential in developing a fair and wise state-wide water management policy. AWWI member utilities enthusiastically support the State's effort and offer their assistance.
- Drought planning and related legislation should be limited as a component of a state wide water policy to the extent that drought periods generally comprise less than five per cent of the overall water management cycle.

Drought Planning and related legislation should recognize that drought periods and their related impacts are highly localized in nature and have disparate impacts dependant upon how robust the water resources are for the region and how well prepared the local utilities are for such an event. The impacts of drought and the length of their associated impacts are highly dependant upon the type of water source and the storage and use patterns of utilities in different regions and topographies of the state. The concept of "regionalized watershed management units" is, therefore, important in this discussion. A "one size fits all" approach discounts these variances and may do unnecessary harm to the vital revenue streams of utilities.

A key component to drought management at the utility level is the amount of interconnectedness between water systems within a region. Moving water from an area of relative abundance to an area of acute temporary need is key to drought management yet flies in the face of the regulation of interbasin transfers.

In drought planning there should be a recognition that in times of severe or epic drought, wastewater treatment plant effluent may be the only source of supply for the stream itself. Halting or curtailing the discharge of wastewater at those times is not only impractical; it could potentially precipitate the death of down stream flora and fauna. Conversely, the continuance of treated discharges may in fact preserve life downstream until such time that the rains come and the drought cycle abates.

- Depending on the definition of “basin” limitations or, especially, prohibitions against interbasin transfers could have calamitous affects on existing and near term planned operations of utilities and the human populations dependant upon those transfers.

Unwise limitations or prohibitions against interbasin transfers would relegate the water “have-nots” of the state to stymied economic development and a diminished quality of life while preserving the same for the water “haves” in the state. As such, this has the potential to create an environmental justice issue and handicap the equitable distribution of development (and therefore wealth creation) in the state.

- The monitoring and any conceived resultant instream flow requirements should be conservative and cautious from the standpoint that the reliable supply of drinking water and the disposal of properly treated wastewater are essential to civilization and successful economic growth and development of our state. As such drinking water supply and domestic wastewater discharge should receive the primary consideration in prioritizing the use of streams. We urge that sound science and reliable research and data be the basis for any stream flow protections.
- Any reasonable state water policy should fundamentally recognize drinking water and the assimilation of wastewater as the “highest and best” use of a natural resource. This priority over power generation, recreation and other uses has already been recognized by the courts and should be scrupulously preserved as a matter of sheer common sense.
- The 1993 Water Resources Act creates and defines the role of water management as resting within the Office of Water Resources and the Water Resources Commission which currently is designated an “appeal” function within the Act. It is our view that these two agencies have been woefully underutilized. Reasonable changes carefully strengthening that legislation would seem to be an efficient approach to instituting and codifying a water management policy.

As to weighing the demands of economic development prospects on water resources, there is already “beneficial use” provision within the statute which could effectively serve such a purpose.

The OWR is already staffed (although somewhat diminished) and the Water Resources Commission is already appointed and available to fulfill most of the requirements of developing and maintaining a state water policy and drought management with minimal politicization of the process.

The Riparian Model of water rights is an antiquated and wholly inadequate system for the allocation of water rights which cannot anticipate nor adjudicate modern day competing water interests. It is of fundamental importance to any effort at establishing state water policy to modify by necessary legislation current state law to a regulated riparian model already utilized by other states who have abandoned simple riparian models. The OWR has already researched the strengths and weaknesses of other state’s efforts and can bring significant expertise to bear in creating a more equitable and progressive regulated riparian model for submission to the legislature.