

**Senate Committee on Environment and Public Works
Testimony of Chairman Richard Elias, Pima County Board of Supervisors
June 12, 2019**

Good morning, I am Richard Elias, Chairman of the Pima County Board of Supervisors, and I have served as a district Supervisor for 17 years. Thank you for inviting me to provide this testimony to you today. Pima County, in southern Arizona with Tucson its county seat, has a deep and long-standing interest in protecting our waterways from pollution. As residents of the Southwest, we are keenly aware of the critical importance of clean water.

I am a seventh-generation resident of the arid desert Southwest. Groundwater contamination from surface discharges of the industrial solvent TCE and other toxins has ravaged the district I represent.

TCE reached groundwater used for homes and businesses in the early 1950s, but was not discovered until 1981. Thousands who were impacted have died, countless others have suffered painful and debilitating diseases linked to their exposure.

Many of those who suffered or died from TCE exposure were personal friends of mine. Those losses and that suffering still pain me deeply. We cannot allow that to happen again.

The Clean Water Act has served as a critical protection for our water supply because it has been applied since its 1972 enactment to the intermittent and ephemeral watercourses that dominate our area and into which TCE and other toxins were dumped. The proposed new

definition of “Waters of the U.S.” eliminates protections for intermittent and ephemeral streams.

We need to protect our residents and we also need to protect the habitat and wildlife corridors that provide nourishment and shelter for our unique Sonoran Desert creatures. In my homeland much of this habitat and these wildlife corridors are intermittent or ephemeral waterways. They require legal protection.

What is now the City of Tucson was begun on the banks of the Santa Cruz River by indigenous inhabitants more than 4,000 years ago. Its water gave them life – water to drink and water for food crops.

Groundwater pumping and use since the early years of the 20th Century has dried most of the once-verdant Santa Cruz. But it, and the numerous intermittent and ephemeral tributaries to it, remain vital parts of our lives and our heritage. They must be protected.

Water still flows in the Santa Cruz, downstream from wastewater treatment plants that serve our urban centers, and its quality, and that of the biosolids from the plants, are regulated under the Clean Water Act’s existing regulatory scheme.

In order to meet Clean Water Act standards, we recently undertook a \$650 million upgrade of our two largest wastewater treatment plants. Their now-clean discharges into the

Santa Cruz have re-created important riparian habitat and restored an endangered native fish. We must not lose these wonderful benefits.

The treatment plants' biosolids are transported to nearby farms, where they serve as a soil amendment that increases the per-acre production of crops, so they have value in our arid region. We cannot afford to see them contaminated and no longer useful.

Livestock ranching, a livelihood of my ancestors and once a significant economic factor in our region, remains an active part of our heritage. This industry relies on the very limited water that flows intermittently and seasonally in ribbons meandering through our area. When water flows ranchers collect it in pools, known as stock tanks, for their animals. They require clean water.

With this proposal EPA would rely on states to protect water quality. But many states have limited their own ability to develop state rules to protect water quality. Two thirds of the states, including Arizona, have laws requiring that state or local water quality rules be "no more stringent than" the Clean Water Act. Arizona has no state regulatory program addressing the quality of surface water or wetlands.

This proposed new rule would adversely affect the health and welfare of our community and the entire region. By removing protections for intermittent and ephemeral streams, it eliminates protections for virtually all of our watercourses, needlessly jeopardizing our drinking

water, our watersheds, our agricultural producers, and numerous tribal nations. Pima County residents deserve better. We strongly encourage this body to oppose implementation of this proposed rule.