Testimony of Mark S. Nexsen, Mayor
Lake Havasu City
Before the House Committee on Natural Resources
Subcommittee on Water and Power
Addressing Water Quality Issues in the Lower Colorado River
May 27, 2009

Madame Chairwoman and Members of the Committee:

Thank you for the opportunity to address water quality issues along the Lower Colorado River, a Federal waterway. My name is Mark Nexsen. I am the Mayor of Lake Havasu City and the Chairman of the Colorado River Regional Sewer Coalition.

The citizens of Lake Havasu City and Bullhead City have long believed that protecting the River is not only of paramount importance to our communities, but also to approximately 30 million Americans who rely on the River for their supply of drinking water. We also believe that protecting the water quality of the Colorado River must become a top priority for every entity that relies on what is arguably one of the most important rivers in the world.

The Colorado River Regional Sewer Coalition was formed in 1997 to address the challenges of water quality and the effects on the ecosystems of the Lower Colorado River. CRRSCo is represented by Colorado River communities, Indian Tribes, users of the Colorado River and other interested parties to protect and enhance the Colorado River. Our members include the Metropolitan Water District, Southern Nevada Water Authority, Lake Havasu City, Bullhead City, City of Tucson, Central Arizona Project, the Chemehuevi Indian Tribe, the City of Needles and several other cities and counties in California and Arizona.

Over the past decade, efforts by Colorado River communities have continued to ensure that the drinking water for approximately 30 million Americans has remained safe. We believe that there are at least four sources of pollution that are at the heart of the contamination crisis confronting both the upper and lower Colorado River basins: nitrates and other nutrients, uranium, pharmaceuticals and heavy metals such as chromium. If that isn't enough, now we are dealing with the proliferation of the Quagga mussel which has invaded Lake Havasu with a vengeance. The impact of a drought, which is all but a foregone conclusion and simply a matter of "when", will exacerbate the aforementioned threats to the River.

Unprecedented growth along the Colorado River over the past 4 decades has led to a large number of septic tanks along the River both in rural and semi-urban areas and contributes to the nitrate load of the shallow groundwater system that is hydrologically connected to the River.

Bullhead City and Lake Havasu City have taken a very proactive approach in battling the nitrate issues. The Arizona Department of Environmental Quality under the direction of the Environmental Protection Agency has "encouraged" Lake Havasu City to build our wastewater system without financial assistance except low interest loans. Had the "encouragement" come prior to 1987, most likely the cost of construction could have been part of the over $67 billion in federal funds invested in wastewater projects administered through the EPA's Construction Grants Program. Between the two cities, our citizens will spend nearly $700 million on wastewater systems that eliminate septic tanks.

While we appreciate the availability of low interest loans, the Lake Havasu City project is unfortunately 92% debt funded with the remaining 8% funded through our General Fund and the Water Fund. The Water Fund no longer has the capacity to contribute further.

The populations of Lake Havasu City and Bullhead City are roughly 56,000 and 42,000, respectively. While we strongly believe that local governments have a clear responsibility to contribute financially to protect the Colorado River, it is evident that the river cannot be protected by local governments alone. In a March 2007 wastewater improvements report, the Bureau of Reclamation documented the cost of remediation at roughly $2.1 billion through the year 2025.

In January 2006, the Clean Colorado River Alliance which was formed through the appointment of a group of stakeholders by former Governor of Arizona, Janet Napolitano, recommended that "continued substantial financial support must be provided for wastewater infrastructure improvement projects adjacent to the River." In addition these same stakeholders recommended that the "Arizona Congressional delegation should support the effort of CRRSCo to obtain Federal funding for wastewater infrastructure in communities along the River."

Other threats include the highly publicized Pacific Gas & Electric Compressor Station site on the California side of the River at Topock. There exists a plume of hexavalent chromium that has traveled several hundred feet from its source to within approximately 60 feet of the Colorado River. Mitigation efforts are currently underway and being monitored by a number of State and Federal agencies. Nevertheless the clean up has been a painstakingly slow process.

The threat of Uranium tailings from mines near Moab, Utah is of great concern. The tailings pile is built in the center of an alluvial fan, which is vulnerable to possible failure during a large flood. After more than 10 years of study the Department of Energy (DOE) announced its decision to remove the material to a stable, secure site, after scientists determined that it was a question of "when, not if" a major flood washes the radioactive waste into the river. That would harm not only Moab residents but it would contaminate the drinking water for 30 million downstream users. We appreciate Chairwoman Napolitano's leadership and efforts to begin the removal of the 10.5 million ton Uranium tailings pile. Congressman Matheson included language in a defense bill that establishes a cleanup deadline of 2019, making it incumbent upon DOE to safely and efficiently complete the remediation by that date.

Pharmaceuticals in the Colorado River are a growing concern. Tests performed by Lake Havasu City have discovered detectable levels of pharmaceuticals in the River and in the local ground water. Southern Nevada Water Authority has submitted these results to a peer-review scientific journal. While such levels are currently not an immediate threat to human health, pharmaceuticals in waste water effluent is a growing concern as more and more drugs are produced and consumed and, as the population increases along the Colorado River. Discharges of effluent in to the River are a daily activity. Therefore, research is required to discover a cost effective approach to remove pharmaceuticals from effluent.

The most recent threat to the Colorado River is the Quagga Mussel. The discovery of the Quagga Mussel occurred in early 2007 and the population growth of the mussel has been frightening. Over 40,000 Quagga mussels per square meter have been reported in Lake Havasu and Lake Mohave one year after their discovery. Water agencies are now spending tens of millions of dollars annually to remove the Quagga mussel from intake pipes and other equipment used for the distribution of water. The Quagga mussel not only threatens the water supply for millions of Americans but also, along with the other aforementioned threats to the River, imperils the economic existence of cities such as Lake Havasu City and Bullhead City that depend on tourism from boaters that enjoy the River. Although additional research must be conducted, the research to date indicates a relationship between the mussels feeding habits and nutrient loading such as nitrates and phosphates from septic tanks.

The Colorado River is a Federal waterway that serves as the source of drinking water for approximately 30 million Americans. The Federal government has been instrumental in the establishment of allocation agreements for Colorado River water supplies, but such allocations are pointless if the water is unfit to drink. . Tens of millions of dollars of federal, state, regional and local government money are being spent to protect endangered species through the Lower Colorado Multi-Species Conservation Program (MSCP), yet virtually no federal money has been expended to help mitigate water quality issues. The MSCP was established to protect fish and wildlife along the Colorado River but if the threats to the River continue to grow, this program will not succeed in its intended mission. We believe that the federal government should now embark on a significant role in the protection of the Colorado River through comprehensive legislation and financial resources. It is clear that the financial burden for the protection of the River can not be exclusively borne by the small communities along the River.

The citizens of Lake Havasu City in a valiant effort to deal with nitrates are now, quite frankly, in an emergency situation. Bullhead City residents face similar financial concerns. There has been a clear willingness by the Lake Havasu City residents to be responsible but are no longer able to do so. The estimated cost of the Lake Havasu City wastewater project started at $463 million and due to outstanding management of the project, we now estimate that the project will cost less than $420 million. Nevertheless, the average monthly sewer bill, without water and trash, sits at $56 and is expected to increase to $80 per month by 2012. Each resident must also pay a $2,000 capacity fee upon connection as well. Many of our residents currently pay a monthly sewer charge that exceeds $100 or $150 per month.

Many of the citizens in our communities are retired or live on a fixed income. The average wage in Lake Havasu City is only about $12.00 an hour which is approximately 37% below the National average and 29% below the average in Arizona. Based on a 2008 estimate, median household income is roughly 16% below the Arizona average. Placing the financial burden to protect the River alone by Lake Havasu City and Bullhead City residents is unacceptable.

We strongly believe that the Federal government should take an active role in protecting the Colorado River. While there are several existing programs to assist in this endeavor, taking a piecemeal approach is not in the best interest of the 30 million Americans that rely on a clean water supply for their daily needs. As noted above, Bullhead City and Lake Havasu City have taken a proactive approach to dealing with nitrate contamination, but these two cities are 60 miles from each other.

There are many other communities along the River facing a similar financial crisis that have not yet converted from septic tanks to a central wastewater system. As the Mayor of Bullhead City so succinctly said, “what do we tell our citizens that after spending nearly $700 million dollars protecting the River, it is still polluted and it wasn’t our fault”? The cost for our cities efforts to protect the River has placed us on the brink of defaulting on our debt and has caused citizens to leave the community they love.

The largest water quality federal program, the Clean Water State Revolving Fund, provides low cost loans to fund water quality protection projects for wastewater treatment, nonpoint source pollution control, and watershed and estuary management in place to assist communities with infrastructure. However, it has been well documented that the funding for this program over the years has not been sufficient to meet our nation's clean water needs. Additionally, other federal agencies such as the Department of Agriculture, Department of Commerce, and Department of Interior administer water quality related programs, but because of the lack of funding and the narrowness in scope, these programs will not meet the needs of the larger response required to protect the Colorado River.

Now is the time for comprehensive legislation to address all the threats to the Colorado River and just as importantly, adequate funding must be provided to ensure the protection of the River. Examples of similar legislation include clean up efforts in the Chesapeake Bay and the Great Lakes Region. This type of regional approach could establish a coordinated council of the relevant agencies involved in such an endeavor.

Comprehensive legislation with a source of funding would, for instance, allow research to be conducted providing a means for an efficient and effective method to eliminate pharmaceuticals from effluent. Research for the elimination of the Quagga mussel could also be conducted as well as expediting the clean up of Uranium tailings and chromium 6. Finally, meaningful grant funding should be provided to assist the small communities to eliminate the threat of nitrates in the Colorado River.

I appreciate the opportunity to address you, Madame Chairwoman and the members of the Subcommittee on Water and Power on the very important issue of maintaining a healthy and vibrant Colorado River. I hope that we can count on your support of our efforts to protect the Colorado River.