



OFFICE OF THE  
Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

475-310  
R75-310  
75-157  
BRUCE E. BABBITT  
ATTORNEY GENERAL

June 19, 1975

James D. Goff, P. E.  
Assistant Director  
Arizona Department of Health Services  
Environmental Health Services  
1740 West Adams  
Phoenix, Arizona 85007

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Dear Mr. Goff:

This is in response to your request of January 13, 1975  
in which you ask the following questions:

1. Does the Water Quality Control Council have jurisdiction to set salinity standards on Arizona waters?
2. What effect does the Colorado River Basin Salinity Control Forum's "procedures and plans" have on establishing salinity standards in the interior waters in Arizona?

The answers are:

1. Yes.
2. The Forum recommends water quality standards and an implementation plan which may or may not be ratified by the State Water Quality Control Council.

The powers and duties of the Water Quality Control Council are set forth in A.R.S. § 36-1854, which provides in pertinent part:

The council shall have the following powers and duties:

3. To adopt, modify, and repeal, after notice as provided in § 36-1860 and title 41, chapter 6, rules and regulations implementing or effectuating its powers and quality standards and to prevent, control and abate existing or potential pollution.

A.R.S. § 36-1857 further provides in pertinent part:

A. The council, in addition to other powers and duties enumerated in § 36-1854, shall adopt, promulgate, modify and amend reasonable standards of quality of the waters of the state for the prevention, control and abatement of pollution. It is recognized that due to variable factors no single standard of quality or the amount or degree of pollutants that is permitted to be discharged into the waters of the state is applicable to all streams or to different segments of the same waters or to different discharges into waters. In the fixing of such standards the council shall give consideration to, but not be limited to the following:

. . . .

7. The extent of pollution resulting from natural causes, including mineral and chemical characteristics.

. . . .

"Pollution", as used above, is broadly defined in A.R.S. § 36-1851.8 to mean:

. . . such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, agricultural, commercial, industrial, recreational, or other beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life. [Emphasis added]

We have been advised by the staff that a high saline content of water may render the water harmful and injurious to agricul-

James D. Goff, P. E.  
June 19, 1975  
Page three

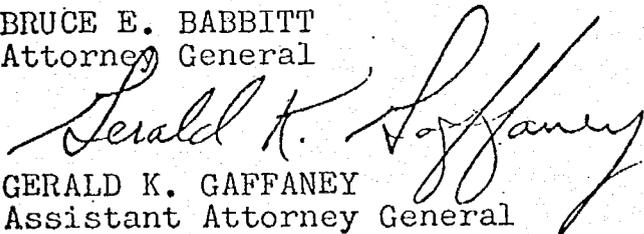
tural uses. Therefore, the State Water Quality Control Council, in setting salinity standards for waters of the state, would be acting within the power granted to it to adopt water quality standards for prevention, control, and abatement of pollution.

It appears from the information which you have provided that the Colorado River Basin Salinity Control Forum was established to serve as an interstate body to study and correct salinity problems regarding the Colorado River. It is composed of representatives from Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and the EPA, and was created for the purpose of aiding these seven states in their adoption of water quality standards for salinity, including a numeric criteria consistent with the salinity control policy adopted by the Forum, and a plan of implementation for salinity control. The specific function of the Forum is to recommend to the designated official water quality control agencies or bodies within each of the seven states, for state approval, water quality standards for salinity control in the Colorado River and a plan of implementation of such salinity control.

The State Water Quality Control Council may adopt, reject, or modify the Forum's recommended water quality standards for salinity and plan of implementation for salinity control. In addition, the Council may deem it appropriate to extend the same or similar standards to other waters of the State. It must be remembered, however, that in adopting any water quality standards under A.R.S. § 36-1857, the Council must give consideration to the several factors set forth in subsection (A) thereof.

Sincerely,

BRUCE E. BABBITT  
Attorney General

  
GERALD K. GAFFANEY  
Assistant Attorney General

GKG:bat