



Kevin L. Shafer, P.E.
Executive Director

July 28, 2015

Congresswoman Gwen Moore
2245 Rayburn House Office Building
Washington, DC 20515

Congressman Paul Ryan
1233 Longworth House Office Building
Washington, DC 20515

Re: Opposition to Amendment to Federal Water Pollution Control Act to Prohibit
CSO Discharges to Great Lakes

Dear Congressman Ryan and Congresswoman Moore:

The purpose of this letter is to express strong opposition, on behalf of the Milwaukee Metropolitan Sewerage District (MMSD) and its supporting taxpayers, to section 428 of Senate Bill 1645, which seeks to amend the federal Clean Water Act by prohibiting combined sewer overflow (CSO) discharges to the Great Lakes. We have previously expressed to both Wisconsin Senators our opposition to this Bill and we now understand that this proposed amendment to the Clean Water Act may be included in an omnibus bill. We urge you to reject this attempt to amend the Act. These proposed restrictions would apply *only* to Great Lakes dischargers (which comprise only a portion of the wastewater treatment systems in the United States that experience CSO's) and would be hugely expensive to the southeastern Wisconsin region and other Wisconsin communities with no meaningful environmental benefit. Under the proposed legislation, this economic burden would be borne only by those systems that discharge into the Great Lakes, thus imposing unequal and enormous wastewater treatment costs only on those cities and states without significant water quality improvement.

CSO discharges are currently adequately regulated in a uniform manner nationwide. The proposed restrictions would prohibit virtually all bypasses of untreated or partially treated wastewater into the Great Lakes and would impose a heavy financial penalty on violators. Discharges of untreated or partially treated wastewater are already regulated heavily by the U.S. EPA and by state regulators; such discharges are prohibited during dry weather; only permitted during the most severe wet weather; public notice is already required; and mitigation efforts are required. *See* U.S. EPA's Combined Sewer Overflow Control Policy, 59 Fed. Reg. 18688 et seq. (April 19, 1994); 40 CFR Part 122. MMSD has, for years, been in full compliance with these requirements and has achieved a very high level of CSO control, capturing and treating more than 99% of the stormwater and wastewater delivered to its system. Capture of the remaining 1% volume will only come at exorbitant cost.

MMSD's State approved Facilities Plan has demonstrated that urban and rural stormwater runoff, not sewer overflows, is the primary cause of wet weather water quality exceedances. Funds are better spent on stormwater management, not on further CSO elimination. MMSD investigated the cost of eliminating all CSO discharges when it prepared its State required 2020 Facilities Plan. The cost was estimated to be \$4.7 to \$5 billion (in 2007 dollars). This would be an enormous burden on Milwaukee area taxpayers, yet the environmental benefit would be negligible, since our analysis further showed that the most significant wet weather pollutant load to our area



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waterways results from urban and rural stormwater runoff. The Southeast Wisconsin Regional Planning Commission participated in this study and concurred in its results. We demonstrated that spending the additional money to eliminate all CSO's would not result in measurable water quality improvement, because the ongoing stormwater runoff would continue to pollute our waterways. Having achieved a very high level of CSO control, we are now focusing a portion of our efforts on green infrastructure to minimize stormwater runoff and its detrimental water quality impacts. We are happy to provide these analyses to you.

MMSD has two types of discharges that would be affected by the proposed restrictions; eliminating these discharges will not provide significant benefit to the Great Lakes. First, MMSD utilizes blending to increase wet weather capacity. During dry weather, MMSD typically treats about 60 million gallons per day at each of its two treatment facilities. When it rains, flows to the treatment plants increase dramatically; the Jones Island facility can treat 330 million gallons per day, and the South Shore facility can treat 300 million gallons per day. In a heavy storm, even this much capacity may not be enough. Capacity is limited primarily by the secondary or "biological" treatment system. Blending allows MMSD to send flows to primary treatment and then directly to the disinfection stage before discharge. The effluent from the plant meets all MMSD's permit requirements and effectively increases treatment capacity by 100 million gallons per day, but only during very large wet weather events when it is most needed. Each time MMSD uses this process, which is regulated under our discharge permit section 2.2.3, entitled "Combined Sewer Wet Weather Flow Treatment Process", it makes a full report to the Wisconsin Department of Natural Resources. Eliminating this treatment option will only increase MMSD's volume of CSO discharge.

Second, MMSD does have rare CSO's, an average of 2.4 events per year. Consistent with U.S. EPA's regulations, CSO's are prohibited during dry weather. MMSD is limited to an average of six CSO's per calendar year. MMSD spent over *\$1.2 billion dollars* constructing a 521-million-gallon deep tunnel storage system, which has reduced the number of CSO's per year from over 60 to the current rate. Presently, when MMSD does experience a CSO, it is only during a very heavy rain event and the water that is discharged untreated is overwhelmingly stormwater – it is not concentrated sewage. As discussed above, eliminating these last few CSO's would come at great cost, with no measurable benefit.

I am asking for your help in removing this section 428 from Senate Bill 1645 or from an omnibus bill. There is much work to be done in restoring the Great Lakes, but the restrictions proposed by this amendment would simply not be best use of limited taxpayer dollars. I would be happy to provide any further information or talk with you more about this issue at any time.

Sincerely,

A handwritten signature in black ink that reads "Kevin L. Shafer". The signature is fluid and cursive, with the first name "Kevin" and last name "Shafer" clearly legible.

Kevin L. Shafer, P.E.
Executive Director
Milwaukee Metropolitan Sewerage District