



**The New York Water Environment Association, Inc.**  
***The Water Quality Management Professionals***

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20 July 2015

The Honorable Kirsten Gillibrand  
United States Senate  
Washington, DC 20510

Dear Senator Gillibrand,

On behalf of the Board of Directors of the NY Water Environment Association, I am writing to express my concern with the provisions inserted in the Senate's proposed Fiscal Year (FY) 2016 Interior, Environment and Related Agencies Appropriations Bill that, if enacted, would have costly consequences for New York residents and delay improvements to water quality in the Great Lakes. We urge you to oppose these provisions.

Section 428 of the spending package directly contradicts and undermines legislation Congress enacted in 2001 codifying the 1994 Combined Sewer Overflow (CSO) Control Policy with which the majority of Great Lakes dischargers are currently complying. The CSO Control Policy sets forth national goals and standards for the reduction of CSOs by publicly-owned treatment works (POTW) and requires the development of Long-Term Control Plans (LTCP) to comply with these standards.

Further, the proposed provisions would prohibit communities from utilizing an important operations tool that safeguards the integrity of their wastewater treatment systems during periods of extreme wet weather. This practice is termed "blending" and is a critical procedure at numerous facilities to ensure the long-term viability of treatment processes during and after peak wet weather flows subside. Many of the treatment plant components that facilitate blending were funded through Federal Clean Water Act construction grant monies and are permitted by the New York State Department of Environmental Conservation. A prohibition of blending at treatment plants would have tremendous cost implications with no appreciable water quality need documented.

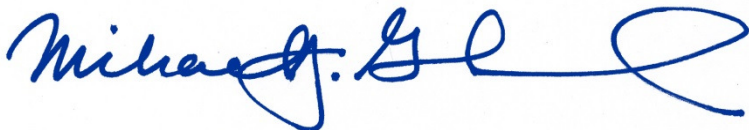
The proposed provisions contained in Section 428 of this spending package would require communities to spend limited ratepayer resources on eliminating CSO discharges and blending at the expense of addressing the numerous other water quality challenges facing the Great Lakes, thereby setting back overall efforts to

improve water quality by decades. The aforementioned CSO Control Policy was carefully crafted by the US Environmental Protection Agency and key state, municipal and environmental advocacy stakeholders. While the reduction of CSO discharges is an important component of improving water quality (utilized in most CSO communities across the Great Lakes basin), the Great Lakes face many other water quality challenges. These challenges include excessive nutrients from inadequate conservation practices, soil erosion caused by inadequate stormwater management practices, and invasive species. These challenges are also quite costly to address, but doing so would lead to far greater water quality improvements than focusing solely on the sewer/wastewater industry. Nationwide communities are enacting watershed based initiatives recognizing that the traditional focus on point sources such as POTWs are no longer the best way to effectuate water quality improvements. Unfortunately, Section 428 uses outdated philosophies that do not take advantage of the holistic approaches of today that are yielding more efficient and successful results.

Finally, these costly provisions are included in a spending package that proposes to cut funding for the Clean Water State Revolving Fund (CWSRF) by nearly 30%. Imposing additional regulations on ratepayers at the same time as Congress proposes to cut infrastructure financing programs that assist with compliance will saddle ratepayers with an unfunded mandate that may well be insurmountable. In short, the proposal contained in Section 428 of the Senate EPA spending package proposes a dramatic shift in clean water policy, one that would impose catastrophic costs to ratepayers throughout the Great Lakes region and result in negligible water quality improvement. For the foregoing reasons, I urge you to strip Section 428 from the FY16 Interior, Environment and Related Agencies Appropriations package.

Thank you for your consideration of this matter, as mentioned to Susanna Blair during our visit to your office in April we hope you will consider NYWEA a resource as you work on water quality issues in NYS. Please do not hesitate to contact our Executive Director, Patricia Cerro-Reehil at 315-422-7811 or [pcr@nywea.org](mailto:pcr@nywea.org) if you have any questions.

Sincerely,

A handwritten signature in blue ink, reading "Michael J. Garland". The signature is stylized with a large, sweeping "G" and a long horizontal line extending to the right.

Michael Garland, P.E.  
President