

August 5, 2015

Senator Dan Coats
United States Senate
739 Russell Office Building
Washington, DC 20510

Dear Senator Coats:

As the Mayor of the City of Mishawaka I am writing to express my concern with provisions inserted in the Senate's proposed Fiscal Year (FY) 2016 Interior, Environment and Related Agencies Appropriations Bill (S. 1645). If enacted as proposed, Section 428 of the bill would have costly consequences for Mishawaka and our ratepayers and delay improvements to water quality in the Great Lakes. I 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. Mishawaka's LTCP was approved in 2014, formally agreed to by local, state and federal authorities in a federal consent decree, and is currently being implemented. The approved LTCP calls for zero combined sewer overflows in a year with typical rainfall. This is an extremely high level of control, costing above the community affordability guidelines set forth by EPA. However, during extreme storm events there will be occasional combined sewer overflows. Achieving absolutely zero CSOs would be prohibitively expensive if even achievable, and the cost for a marginal improvement in wet weather receiving water quality would be unjustifiable given so many demands for limited financial resources.

If Section 428 is allowed to stand, Mishawaka would have to completely separate its combined sewer system and spend upwards of \$320 million to comply. The cost of the sewer separation would be in addition to the cost of implementation of Mishawaka's approved LTCP, estimated to cost \$160 million. The proposed provisions contained in Section 428 of this spending package would require communities to spend limited ratepayer resources on eliminating CSO discharges 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 reduction of CSO discharges is an important component of improving water quality; however, the Great Lakes face water quality challenges that go far beyond CSOs and include excessive amounts of nutrients caused by inadequate conservation practices, soil erosion caused by inadequate storm water management practices, and invasive species brought into the basin by a variety of sources. These challenges are also quite costly to address, but doing so would lead to far greater water quality improvements than focusing solely on CSOs.

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.

The CSO Control Policy was carefully crafted by the Environmental Protection Agency and key state, municipal, and environmental stakeholders and recognizes that chasing a goal of zero CSOs would waste precious resources that could be used to address other water quality challenges. 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. At the very least, such a dramatic policy shift should be considered through the normal legislative process so that the policy and cost implications can be fully debated and the impacted communities can be fully heard, not through the congressional appropriations process that does not allow for a full airing of concerns.

For the foregoing reasons, I urge you to strip Section 428 from the FY16 Interior, Environment and Related Agencies Appropriations package.

The City of Mishawaka values the St. Joseph River and Lake Michigan and we are committed to their protection where the cost of that protection yields a reasonable increase in water quality or recreational use. The requirements of proposed Section 428 in S. 1645 fail to meet this standard.

Thank you for your consideration of this matter and please do not hesitate to contact me at 574-258-1601 for more information.

Sincerely,

David A. Wood, Mayor