



**Avon Lake
Regional Water**

Serving the region,
protecting our resource.

August 21, 2015

Representative Marcy Kaptur
2186 Rayburn Building
Washington, DC 20515

Sent via email and fax

Re: S.1645, Section 428 Impacts on Avon Lake, Ohio

Dear Representative Kaptur:

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 that, if enacted, would have costly consequences for Avon Lake, Ohio and delay improvements to water quality in the Great Lakes. If these provisions get before you in the House, I urge you to oppose them.

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 (POTWs) and requires the development of Long-Term Control Plans (LTCPs) to comply with these standards. Here in Avon Lake, a LTCP was approved in 2004, is scheduled to be completed in 2019, and currently requires complete separation of all combined sewers.

We have spent tens of millions of dollars on sewer separations to date and will spend tens of millions more during the remaining four years. As a community with approximately 10,000 accounts, each ten million dollar project costs our ratepayers another \$1,000. Our short-term (5-year) capital improvement plan will cost each customer approximately \$8,000, which must be added to existing rates. To pay for this, we anticipate raising rates by 12% per year for the next five years—at least four times the rate of inflation!

If Section 428 is allowed to stand, our rate increases would only become larger. Though it is laudable that Congress is trying to help reduce phosphorus (and pollution, in general) contributions to the Great Lakes, this legislation targets minimal sources of phosphorus and pollution. Combined sewer overflows account for only 1.5% of phosphorus contributions (as estimated by the Ohio Environmental Protection Agency). This percentage will already be almost completely reduced through implementation of the LTCPs. Very limited additional benefit will be realized by exorbitant additional costs.

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, and this is being addressed through implementation of LCTPs. 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 stormwater 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 ask your help to remove Section 428 from the FY16 Interior, Environment and Related Agencies Appropriations package.

Thank you for your consideration of this matter and please do not hesitate to contact me at 440-933-6226 for more information.

Sincerely,



Todd A. Danielson, P.E., BCEE
Chief Utilities Executive