



Office of the County Executive

Monroe County, New York

Maggie Brooks
County Executive

August 27, 2015

Hon. Kirsten E. Gillibrand
478 Russell
Washington, DC 20510

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

Dear Senator Gillibrand:

The purpose of this letter is to express strong opposition, on behalf of the Monroe County Pure Waters Sewage Districts and its ratepayers, 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. These 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 create an unsustainable expense to Monroe County 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 strictly 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. Environmental Protection Agency (USEPA) 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 USEPA's Combined Sewer Overflow Control Policy, 59 Fed. Reg. 18688 et seq. (April 19, 1994); 40 CFR Part 122.

Monroe County's state-approved Wet Weather Operation Plan (the "Plan") includes methods that minimize impacts on the environment of the Great Lakes. The Plan includes effectively operating a 30-mile deep-rock tunnel system that was installed in the 80's and early 90's to dramatically reduce CSOs from the City of Rochester. This \$550-million tunnel system, funded in large part with federal construction grants, has the capacity to hold 175 million gallons of combined sewage with storm water making up the majority of the water. After a storm event has ended, the stored volume is sent to the County's Frank E. Van Lare wastewater treatment plant for secondary treatment and discharged three miles out into Lake Ontario at a depth of greater than 100 feet. This system has reduced overflows from 100 per year to approximately five per year. The cost to separate over 375 miles of existing combined sewers is estimated at 3.8 billion. This expense would be an overwhelming financial burden

on Monroe County ratepayers, yet the environmental benefit would be negligible, since the CSO abatement tunnel system is in place and operating as designed.

Monroe County utilizes blending to increase wet weather capacity. During dry weather, the County's Van Lare wastewater treatment plant treats approximately 100 million gallons per day (MGD). When it rains, flows to the treatment plant increase dramatically. As permitted, blending then allows us to treat up to 660 MGD. Capacity is limited primarily by the secondary or "biological" treatment system. Blending allows Monroe County to send flows for primary treatment and disinfection before discharge. This blending operation is permitted and highly regulated. Eliminating this treatment option would only increase the volume of CSO discharge.

I am asking for your support in removing this section 428 from Senate Bill 1645. There is much work to be done in restoring the water quality health of the Great Lakes, but the restrictions proposed by this amendment would be financially overwhelming for our rate payers with limited environmental benefit when the County has a federally-approved CSO abatement system in place and operating as designed.

Sincerely,



Maggie Brooks
Monroe County Executive

cc: Michael Garland, Director, Monroe County Dept. of Environmental Services