



September 28, 2015

The Honorable Thad Cochran  
Chairman, Appropriations Committee  
United States Senate  
Washington, DC 20510

The Honorable Barbara Mikulski  
Ranking Member, Appropriations Committee  
United States Senate  
Washington, DC 20510

The Honorable Hal Rogers  
Chairman, Appropriations Committee  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Nita Lowey  
Ranking Member, Appropriations Committee  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Cochran, Ranking Member Mikulski, Chairman Rogers and Ranking Member Lowey,

On behalf of the nation's counties, cities, mayors and regions, we write to express our concern over provisions in the Senate's proposed Fiscal Year (FY) 2016 Interior, Environment and Related Agencies Appropriations Bill that, if enacted, would have costly consequences for communities and ratepayers throughout the Great Lakes region. We are also concerned about the national implications and precedent setting nature of this language, and therefore urge you to strip Section 428 from any final appropriations package that Congress enacts.

Communities throughout the Great Lakes region care deeply about water quality and rely on the clean and safe water in the Great Lakes for drinking water supplies, recreational opportunities that promote tourism, and commercial activity that provides the economic engine for many local economies and jobs. Protecting water quality in the Great Lakes is a top priority for local officials throughout the region, which is why communities have invested billions of dollars over the past several decades to update and modernize their clean water infrastructure.

Local communities have made these investments in compliance with the 1994 Combined Sewer Overflow (CSO) Control Policy that Congress codified in 2001. Section 428 expressly contradicts and undermines that Policy by requiring communities to revise their Long Term Control Plans, developed in accordance with the 1994 CSO Control Policy, to achieve a near impossible goal of zero overflows—at an additional cost of tens of billions of dollars to communities and ratepayers. Additionally, the proposed provision would prohibit communities from utilizing an important

operations tool that safeguards the integrity of their wastewater treatment systems during periods of extreme wet weather, thereby imposing unnecessary additional costs by handcuffing communities as they attempt to comply.

This language sets an alarming precedent for all communities addressing CSO issues and negotiating compliance levels with the U.S. Environmental Protection Agency. Our concern is that communities across the country could be held to this near impossible standard of zero overflows into other sensitive or significant waterbodies. These considerations are already in place under the 1994 Policy and should not be rewritten in an appropriations bill.

Moreover, these costly provisions are included in a spending package that also proposes to cut funding for the Clean Water State Revolving Fund by nearly 30 percent. Imposing additional regulations on communities, while cutting vital infrastructure financing programs that assist with compliance, is tantamount to an unfunded federal mandate that ignores the current state of our nation's water infrastructure needs.

As representatives of local officials with the responsibility of allocating limited taxpayer dollars to address pressing public policy challenges, we strongly oppose Section 428 of the Senate's FY16 Interior, Environment and Related Agencies Appropriations Bill for the aforementioned reasons and urge you to strike these provisions from the final spending package.

If you have any questions, please contact any of our staff: Julie Ufner (NACo) at [jufner@naco.org](mailto:jufner@naco.org); Carolyn Berndt (NLC) at [berndt@nlc.org](mailto:berndt@nlc.org); Judy Sheahan (USCM) at [jsheahan@usmayors.org](mailto:jsheahan@usmayors.org); Joanna Turner (NARC) at [joanna@narc.org](mailto:joanna@narc.org).

Sincerely,



Matthew D. Chase  
Executive Director  
National Association of Counties



Clarence E. Anthony  
CEO and Executive Director  
National League of Cities



Tom Cochran  
CEO and Executive Director  
The U.S. Conference of Mayors



Joanna L. Turner  
Executive Director  
National Association of Regional Councils

Cc: The Honorable James Inhofe, Chairman, Senate Environment and Public Works Committee  
The Honorable Barbara Boxer, Ranking Member, Senate Environment and Public Works Committee  
The Honorable Bill Shuster, Chairman, House Transportation and Infrastructure Committee  
The Honorable Peter DeFazio, Ranking Member, House Transportation and Infrastructure Committee