



October 2, 2015

The Honorable Sherrod Brown
713 Hart Senate Office Building
Washington, DC 20510

The Honorable Rob Portman
448 Russell Senate Office Building
Washington, DC 20510

Dear Senators Brown and Portman:

I am writing on behalf of the Association of Ohio Metropolitan Wastewater Agencies (AOMWA) to express my concern with the Combined Sewer Overflow (CSO) provisions contained in Section 428 of S. 1645, the Senate's proposed Fiscal Year (FY) 2016 Interior, Environment and Related Agencies Appropriations Act. AOMWA is a non-profit organization that represents the interests of Ohio's public wastewater treatment agencies. AOMWA member agencies provide wastewater collection and treatment for over 4 million Ohioans. The CSO provisions proposed in S. 1645, if enacted, would have costly consequences for AOMWA member agencies and delay improvements to water quality in the Great Lakes. For these reasons, 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. The Northeast Regional Sewer District (NEORS) and the City of Toledo, AOMWA member agencies discharging to Lake Erie, are collectively spending 3.3 billion dollars (NEORS-\$3 billion, City of Toledo-\$317.7 million) to implement LTCPs pursuant to judicial consent decrees. These costs have resulted in substantial rate increases in these AOMWA member communities. If the CSO provision proposed in Section 428 becomes law, these communities will be required to spend hundreds of millions of additional dollars to comply. This may require further rate increases that are beyond the financial capability of these communities.

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, thereby imposing unnecessary additional costs

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by handcuffing communities as they attempt to comply. The proposed CSO provisions 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 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 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. Thank you for your attention and consideration in this matter and please do not hesitate to contact me if you have any questions or comments.

Sincerely,

Dax Blake, P.E.
President

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