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July 20, 2015

The Honorable Thad Cochran
Chairman
Appropriations Committee
United States Senate
Washington, D.C. 20510

The Honorable Lisa Murkowski
Chairwoman
Appropriations Subcommittee on Interior,
Environment and Related Agencies
United States Senate
Washington, D.C. 20510

The Honorable Barbara Mikulski
Ranking Member
Appropriations Committee
United States Senate
Washington, D.C. 20510

The Honorable Tom Udall
Ranking Member
Appropriations Subcommittee on Interior,
Environment and Related Agencies
United States Senate
Washington, D.C. 20510

RE: Section 428 of S. 1645, FY16 Interior & Environment Appropriations Bill

Dear Chairmen and Ranking Members,

On behalf of the Water Environment Federation (WEF) and 35,000 members protecting clean water in communities across our nation, I write to express concern about Section 428 of S. 1645, the FY2016 Interior and Environment Appropriations bill. Section 428 sets an unnecessary and impossibly expensive goal for local agencies in the Great Lakes region that will not significantly improve water quality. WEF urges Congress to not include Section 428 in the final FY2016 Interior & Environment Appropriations bill.

The recent harmful algal blooms are of great concern and highlight the complexity of efforts to restore Great Lakes water quality. We know that Great Lakes water quality is impacted by a multitude of point and non-point sources, and we are supportive of the efforts to address this regional and national priority. Non-point sources, such as nutrients from agriculture, runoff from impermeable surfaces, soil erosion, invasive species, and air deposition, contribute significantly to the water quality of the Great Lakes. As point sources, water resource recovery facilities and combined sewer overflow (CSO) discharges are closely regulated and monitored, and extensive infrastructure investments funded primarily by local ratepayers have resulted in significant improvements in water quality over the past four decades. The ratepayers in the communities along the Great Lakes have more at stake in improving the water quality than anyone else, since the lakes are an irreplaceable economic, environmental, and recreational resource.

The language proposed in Section 428 will cost ratepayers additional billions of dollars on top of the tens of billions already being spent to reduce overflows to meet existing regulatory goals. As you may already know, a combined sewer overflow or

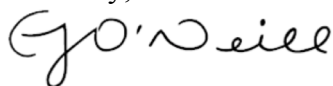
wastewater treatment bypass is a rare event – occurring only when extreme wet weather results in flows that exceed system capacity. A bypass is necessary to prevent a water resource recovery facility from being swamped and taken out of service for an extended period, during which water quality will be adversely affected. Under CSO Long Term Control Plans (LTCP) being implemented by treatment agencies in accordance with the Clean Water Act¹, CSOs are being reduced or eliminated by infrastructure to catch and hold the untreated water until the system can treat it. Ratepayers are investing tens of billions of dollars to implement LTCPs that are scientifically supported and closely monitored, and that were agreed to by federal, state and local authorities. The cost of implementing these LTCPs is already stretching local agency budgets and placing a heavy burden on ratepayers, but the language proposed in Section 428 far exceeds the financial resources of ratepayers in communities along the Great Lakes, many of which are below the national income median and have a higher than average percentage of residents living on fixed incomes.

If Section 428 becomes law, Great Lakes region agencies will be forced to throw out LTCPs that have been negotiated with all stakeholders and meet federal policy. Section 428's impossible goal of zero overflows would be a burden that far exceeds any reasonable and obtainable financial capabilities of communities, and for which there is not adequate federal financial assistance. As you know, the proposed language has been included in the same appropriations bill that cuts the Clean Water State Revolving Fund (CWSRF) by nearly 30%. The CWSRF is the largest federal source of low interest loans for local agencies, and steep cuts to this program will have a harsh impact upon local capabilities to fund infrastructure -- made even worse if Section 428 is adopted.

WEF is the technical association of clean water professionals who build, operate, and maintain water resource recovery facilities across the nation and around the world. Our members recognize the importance of effectively implementing the goals of the Clean Water Act and other federal and state water quality regulations, and every day passionately and professionally undertake that responsibility in communities along the Great Lakes and across the nation. WEF's members know what is technically and financially achievable, and what is required to protect public health and water quality, and, for that reason, WEF strongly urges the Senate to remove Section 428 from S. 1645.

Thank you for considering this matter and please do not hesitate to contact me or Steve Dye at sdye@wef.org if you have any questions or need additional information.

Sincerely,



Eileen O'Neill
Executive Director

CC: Ed McCormick
President, Water Environment Federation

Alan Vicory
Chair, Government Affairs Committee, Water Environment Federation

1) EPA's [Combined Sewer Overflow Control Policy](#) is a national framework for control of CSOs through the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permit program. The Policy resulted from negotiations among municipal organizations, environmental groups, and State agencies. It provides guidance to municipalities and State and Federal permitting authorities on how to meet the Clean Water Act's pollution control goals as flexibly and cost-effectively as possible. The CSO Policy was published April 19, 1994, at 59 Fed. Reg. 18688, and subsequently endorsed by Congress (Consolidated Appropriations Act for Fiscal year 2001, P.L. 106-554).