

GWEN MOORE
4TH DISTRICT, WISCONSIN

COMMITTEE ON
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DEMOCRATIC STEERING AND
POLICY COMMITTEE

DEMOCRATIC CAUCUS REGIONAL WHIP



WASHINGTON OFFICE:
2245 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4572
FAX: (202) 225-8135

DISTRICT OFFICE:
219 NORTH MILWAUKEE STREET
SUITE 3A
MILWAUKEE, WI 53202-5818
(414) 297-1140
FAX: (414) 297-1086

Congress of the United States

House of Representatives

August 17, 2015

The Honorable Harold Rogers
Chairman
Committee on Appropriations
H305, the Capitol
Washington, DC 20515

Rep. Nita Lowey
Ranking member
Committee on Appropriations
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Rogers and Ranking Member Lowey,

I write to bring to your attention to a troubling provision (sec. 428) in the Senate version of the FY 2016 Department of Interior and Related agencies Appropriation Bill (S. 1645) to amend the Clean Water Act to add language on combined sewer overflows (CSO) discharges in the Great Lakes. I urge you to reject its inclusion in any final FY 2016 appropriations bill.

Without any hearings by the Appropriations Committee or the committees of jurisdiction, Section 428 proposes sweeping changes to federal law and longstanding federal policy in this area. It would punish municipalities in the Great Lakes (and only the Great Lakes) that have already entered into agreements and spent billions to reduce combined sewer overflows. Such a sweeping change to the Clean Water Act should have its proper origin in the authorizing Committees, not an appropriations bill.

Combined sewer overflow (CSO) occurs when the capacity of the water collection and treatment system is overwhelmed by high volumes of rainwater or snowmelt. The excess volume is often diverted and discharged directly into receiving waters, either bypassing the sewage treatment plants entirely or only being partially treated.

Under current law, such discharges are regulated in a uniform nationwide manner. CSO's during dry weather are prohibited and are only permitted during the most severe wet weather with adequate reporting and ongoing mitigation efforts. While this system is not perfect, it has helped reduce the number of CSO's although despite considerable efforts, they still continue to

occur. Through a variety of methods, many communities in the Great Lakes have greatly reduced CSOs under existing laws. For example, through its \$1.2 billion deep tunnel project and other initiatives, the Metropolitan Milwaukee Sewerage District (MMSD) reduced the number of these overflows by over 60 to an average of about 2.5 half each year.

Most importantly, the current regime helps achieve health and environmental objectives while providing flexibility in to consider the site-specific nature of CSOs and find the most cost-effective way to control them and to implement those changes in a phased way to better manage costs.

Sec. 428 adds an expensive new standard. Studies by MMSD found that it would cost this one utility up to \$5 billion (and that was in 2007 dollars) to eliminate CSO's. That is just for one wastewater utility. Multiply this by the many other municipalities covered by this provision and you are talking tens of billions of dollars which are likely to come, not from federal or state sources, but the ratepayers.

This provision would also not address the serious need to stop these overflows nationwide in an equal manner given that its sets the new standard for just one portion of our great country. And even then, it would not treat all cities in the Great Lakes equally. For example, one large Great Lake city that dumps its untreated sewage overflows into national waterways such as the Mississippi River would be exempted.

I support efforts to protect the Great Lakes. However, I am strongly opposed to this provision and urge you to work with your Senate colleagues and the administration to ensure this provision is not included in any final FY 2016 funding package.

Thank you for your consideration.

Sincerely,



Gwen Moore

MEMBER OF CONGRESS