

October 30, 2015

The Honorable Hal Rogers
Chairman, Appropriations Committee
United States House of Representatives
2406 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Rogers:

I am writing to urge your help in opposing provisions inserted in the Senate's proposed Fiscal Year (FY) 2016 Interior, Environment and Related Agencies Appropriations Bill that, if enacted, would set a dangerous precedent for communities across the country, including Bowling Green. I urge you to ensure these provisions are not included in a final year-end appropriations package.

Section 428 of the proposed Senate spending package would prohibit communities operating combined stormwater and sanitary sewer systems from discharging overflows during peak rain events as these systems were designed to do. The provision directly contradicts and undermines federal standards that Congress enacted in 2001 codifying the 1994 Combined Sewer Overflow (CSO) Control Policy with which the majority of CSO communities are currently complying. While Section 428 only applies to communities discharging to the Great Lakes, if enacted, it would establish a dangerous precedent that many activists and the Environmental Protection Agency (EPA) would argue should be applied nationally. Indeed, I believe it would embolden EPA to require CSO communities everywhere to comply with the same policy.

The potential cost of compliance for just Great Lakes communities is nearly \$70 billion and would be exponentially higher for the 600+ other CSO communities elsewhere. Here in Kentucky, at least seventeen communities would be at risk. The CSO Control Policy currently operating 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. Here in Bowling Green we fortunately do not have to contend with combined sewers. However, we are concerned with the cascade effect that occurs with some environmental legislation, particularly those programs that are not well thought out.

If Section 428 becomes national policy, our utility counterparts in Louisville, Lexington, Northern Kentucky, and Winchester would face very difficult choices in funding new priorities required by this legislation. These communities are already financially strapped with federal consent orders relative to their combined sewer systems. 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 by handcuffing communities as they attempt to comply.

This ill-advised policy proposal would require communities to spend limited ratepayer resources on eliminating CSO discharges at the expense of addressing the numerous other water quality challenges and would set back overall efforts to improve water quality in our watershed by decades.

The CSO Control Policy was carefully crafted by key federal, state, and municipal stakeholders and recognizes that chasing a goal of zero CSOs would waste precious resources that could be used to address other water quality challenges. Section 428 proposes a dramatic shift in clean water policy, one that would impose catastrophic costs to ratepayers should it become national policy. 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 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 consideration of this matter and please do not hesitate to contact me at 270-535-4366 (mgardner@bgmu.com) for more information.

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Gardner". The signature is fluid and cursive, with the first name "Michael" being larger and more prominent than the last name "Gardner".

Michael R. Gardner, PE
Water/Wastewater Systems Manager
Bowling Green Municipal Utilities

Cc Lajuana Wilcher, ELPO
Pat Sinicropi, NACWA
Mark Iverson, BGMU