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November 5, 2015

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, DC 20510

Dear Senator McConnell:

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 Louisville and Jefferson County Metropolitan Sewer District (Louisville MSD). 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. In 2009 Louisville MSD received approval for a LTCP that requires control of CSOs to a level demonstrated to not cause or contribute to water quality standard violations. The cost to implement this is estimated at \$425 million.

If Section 428 becomes national policy, our community would need to do a complete reconstruction of the 24,000 acre combined sewer system, at an additional cost of over \$2.5 billion. Water quality modeling predicts this additional cost to our community would not result in any significant water quality improvements to the Ohio River or our inland streams. 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.



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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 Tony.parrott@louisvillemsd.org or (502) 540-6533 for more information.

Sincerely,

James A. Parrott  
Executive Director

JAP/grd

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