



James R. Fouts - Mayor

OFFICE OF THE MAYOR

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November 20, 2015

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

The Honorable Barbara Mikulski
Ranking Member
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 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 Chairman and Ranking Members,

This letter is to express concerns of the City of Warren, Michigan regarding Section 428 of S. 1645, the FY2016 Interior and Environment Appropriations Bill which includes a proposed prohibition of wet weather flow blending. As set forth below, Warren strongly opposes this provision which, if enacted, would impose catastrophic financial burdens on the city while achieving no reduction in pollutant discharges from our Waste Water Treatment Plant (WWTP).

Warren's WWTP has the capacity to treat 36 million gallons per day (MGD) of dry weather flow and up to 60 MGD of wet weather flow.

The WWTP is authorized to utilize wet weather flow blending during significant wet weather events when influent flows exceed 60 MGD and this typically occurs 4 to 5 times per year. It should be noted that while blending, WWTP discharges are fully compliant, meeting all NPDES Permit discharge limits.

If Section 428 is allowed to stand, Warren's preliminary estimate of cost to completely eliminate wet weather flow blending is on the order of \$350 to \$550 million for storage and removal of foundation

drain connections, which would more than double the water and sewer rates imposed on our 134,000 customers.

Eliminating flow blending would divert scarce resources, currently targeted for necessary capital improvements needed to maintain the treatment plant's performance, in order to build one or several huge wet weather storage/treatment facilities that would be used less than 6 times per year.

There is no adverse impact to the receiving water from wet weather blending since all the permit limits are met when blending occurs. A preliminary Engineering review indicates that effluent quality may in fact worsen if extremely high flow rates are pushed through the treatment plant to eliminate blending since these high flows could wash out settled solids which are otherwise captured and removed by the plant.

Warren's blended effluent constitutes significantly less than 1% of the total pollutant load to the receiving water (the Clinton River to Lake St. Clair) during wet weather events.

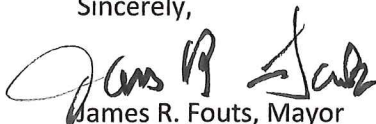
Finally, these costly provisions are included in a spending package that proposes to cut funding for the Clean Water State Revolving Fund (CWSRF) by nearly 30%. Imposing additional regulations on ratepayers at the same time as Congress proposes to cut infrastructure financing programs that assist with compliance will saddle our ratepayers with an unfunded mandate that may well be insurmountable.

For the foregoing reasons, I urge you to strip Section 428 from the FY16 Interior, Environment and Related Agencies Appropriation Package.

In any event, the Bill should also amend 33USC 1251 et seq. and 1254 (f) to require that the EPA conduct a cost study of each blended flow site adversely impacted. The cost study impact is required in connection with any matter affecting the Great Lakes. See *Michigan v. Environmental Protection Agency*, U.S., No. 14-46, June 29, 2015 (EPA must engage in "reasoned decision making", which requires the agency to consider all relevant factors including the cost to regulated entities; it is unreasonable that EPA not be required to consider all relevant factors, including cost.)

Thank you for your attention to this important matter. Please feel free to contact Mr. David Monette, Superintendent of the Warren WWTP at 586-264-2530 ext. 8103 or dmonette@cityofwarren.org if you have questions or need additional information.

Sincerely,


James R. Fouts, Mayor
City of Warren

cc: Senate Appropriations Interior & Environment Subcommittee
The Honorable Debbie Stabenow, Michigan Senator
The Honorable Gary Peters, Michigan Senator