

Congress of the United States
Washington, DC 20515

December 8, 2015

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Nita Lowey
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Rogers and Ranking Member Lowey,

We write to express strong opposition to Section 428 of the Senate Appropriations Committee approved FY 2016 Department of Interior and Related agencies Appropriation Bill (S. 1645) that would amend the Clean Water Act to bar combined sewer overflows (CSO) discharges in the Great Lakes. I urge you to reject its inclusion in any final FY 2016 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. Great Lake States have been taking action, in line with current federal policy and guidance, for a number of years now to reduce and bring these discharges to an end.

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.

We are also troubled by the precedence of setting a separate CSO policy for the Great Lakes that is not applicable nationwide. Under current law, CSO's 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. However, they still continue to occur despite considerable effort and expense so far. Many communities in the Great Lakes have greatly reduced CSOs under existing laws through such things as deep tunnel projects, adoption of green wastewater infrastructure, and other initiatives. Just one utility, the Metropolitan Milwaukee Sewerage District reduced overflows from over 60 to an average of about 2.5 half each year.

Most importantly, the current regime helps achieve health and environmental objectives, provides flexibility to consider the site-specific nature of CSOs and to find the most cost-effective way to control them and to phase in any changes to better manage costs.

Sec. 428 adds an expensive new standard. Studies found that it could cost one utility in Wisconsin up to \$5 billion (and that was in 2007 dollars) to eliminate CSO's. That is just one of the many municipalities covered by this provision. The cost of this unfunded mandate in the Great Lakes could be tens of billions of dollars which will come mainly from ratepayers.

This provision would also not address the serious need to stop these overflows nationwide as it would narrowly target just one portion of our great country.

We support efforts to protect the Great Lakes from the vast range of threats it faces and continue to work with a broad range of stakeholders to develop and fund solutions to address those threats. However, we are 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,


MARCIA L. FUDGE
MEMBER OF CONGRESS