
NACWA Resolution Opposing Legislation that Undermines 20 Years of Clean Water Progress for the Great Lakes

WHEREAS in 2001 Congress codified the 1994 Combined Sewer Overflow (CSO) Control Policy which 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 (LTCPs) to comply with these standards;

WHEREAS Section 428 of the Senate's Fiscal Year (FY) 2016 proposed spending package for the Environmental Protection Agency would require all POTW that discharge directly or indirectly to the Great Lakes to eliminate all CSOs, including those in full compliance with the 1994 CSO Policy;

WHEREAS Section 428 would prohibit POTW from discharging blended effluent that otherwise meets standards established in an agency's National Pollutant Discharge Elimination System (NPDES) permit during peak wet weather events, including POTW that blend in compliance with the 1994 CSO Policy;

WHEREAS 170 of the 184 CSO permittees in the Great Lakes have already developed and are implementing LTCPs in accordance with the CSO Control Policy, at a cost of tens of billions of dollars to ratepayers;

WHEREAS Section 428 would require many of these communities to go back to the drawing board and spend tens of billions of additional ratepayer dollars to achieve an often unattainable goal of zero wet weather overflows without regard to corresponding improvements in water quality or impacts to the ratepayer;

WHEREAS Section 428 would require communities to spend limited resources on eliminating overflows at the expense of other pressing Great Lakes challenges including excessive amounts of nutrients caused by inadequate conservation practices, soil erosion caused by stormwater run-off, and invasive species;

WHEREAS Section 428 would pay for this program through a perverse incentive of dramatically increased penalties on the entities already funding the vast majority of the work to minimize overflows, upgrade the nation's clean water infrastructure, and protect water quality;

WHEREAS Section 428 would dramatically shift clean water policy for the Great Lakes and set national precedent that could lead to costly consequences for ratepayers around the country, and do so through the appropriations process without the benefit of any debate, witness testimony, or other input;

NOW THEREFORE BE IT RESOLVED that the Board of Directors for the National Association of Clean Water Agencies (NACWA) stands in strong opposition to this legislative provision and calls on Congress to strip this provision from the FY16 EPA Appropriations package or replace it with alternative language that is acceptable to the public clean water agencies that NACWA represents;

BE IT FURTHER RESOLVED that the Board of Directors calls on all NACWA members to urge their Congressional delegation to oppose this provision and work with NACWA to remove it from the final spending package or find a suitable alternative approach.

Adopted by NACWA Board of Directors: July 14, 2015