

August 27, 2015

The Honorable Sherrod Brown
United States Senate
Washington, DC 20510

Dear Senator Brown:

On behalf of the Ohio Water Environment Association (OWEA), I am writing to express my concern with provisions inserted in the Senate's proposed Fiscal Year (FY) 2016 Interior, Environment and Related Agencies Appropriations Bill pertaining to the curtailment of wet weather discharges through permitted combined sewer overflows (CSOs). This provision, if enacted, would have costly consequences for residents of Ohio and delay improvements to water quality in the Great Lakes. We urge you to oppose these provisions.

Section 428 of the spending package contradicts and undermines legislation Congress enacted in 2001 regarding the 1994 Combined Sewer Overflow (CSO) Control Policy with which the majority of Great Lakes dischargers currently comply. The CSO Control Policy 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. This has proven to be a workable and reasonable plan for CSO communities and the water environment.

As we understand it, we believe that the proposed provisions would also 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 practice is termed "blending," which is an operational strategy that allows certain flows to receive full treatment, but under extreme flow conditions allows high and very high flows to receive primary equivalent treatment and disinfection. This strategy is effective because it helps protect the biological system of the treatment process, which is essential for greater than 99% of treatment of all flows on all other days. It is also important to note that many of the treatment systems that are used as part of the blending process were funded through Federal Clean Water Act construction grant monies and are permitted by the Ohio Environmental Protection Agency. For practical, as well as operational reasons we believe that a prohibition of blending at treatment plants would have tremendous cost implications with no appreciable water quality need realized.

The proposed provisions contained in Section 428 of this spending package would require communities to spend limited ratepayer resources on eliminating CSO discharges during a time when funding is limited and communities are being forced to comply with many other needs. While the reduction of CSO discharges is an important component of improving water quality; the Great Lakes face water quality challenges that go far beyond CSOs and involve stormwater controls as well.

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 ratepayers with an unfunded mandate that may well be insurmountable. OWEA and other organizations have said time and time again that the key to addressing critical water needs must be done in a holistic manner and embrace a practical application of integrated planning, underwritten by a robust funding source. Not only is robust funding needed to address critical water quality needs, especially nutrients, but also such as source of investment is an investment in the future of the United States of America.

For the foregoing reasons, we urge you to strip Section 428 from the FY16 Interior, Environment and Related Agencies Appropriations package.

Thank you for your consideration of this matter. As mentioned in previous visits to your DC office, we hope you will consider OWEA a resource as you work on water quality issues that affect Ohio and its 11.5 million residents. Please do not hesitate to contact our Executive Manager, Judi Henrich, at 614.488.5800 or judihenrich@ohiowea.org if you have any questions.

Sincerely,



Dale Kocarek, Chair
Ohio Water Environment Association Government and Regulatory Affairs Committee
OWEA Past President 2010-2011
Senior Delegate Water Environment Federation