

Testimony of Rep. Bart Stupak
Before the House Subcommittee on Water Resources
On Wastewater Blending
April 13, 2005

Chairman Duncan, Ranking Member Johnson, thank you for holding this hearing on wastewater blending and thank you for allowing me to come before the Subcommittee to testify on this important issue.

It will be interesting to hear from those who support the EPA's 2003 proposed policy to dump inadequately treated human waste into our waters, a practice the EPA refers to as "blending." I anticipate that they will argue that the "blended" effluent will meet effluent limitations outlined in their discharge permits, that the costs that will be incurred if blending is not allowed to continue will be astronomical, and that blending is a legal, safe and commonly used practice in this country.

For more than 30 years under the Clean Water Act, we have been moving towards achieving improved water quality. Our nation's investment in secondary treatment has been a large factor in the water quality gains that we have achieved over the years. In my view, EPA's proposed sewage bypass policy would turn back the clock on that progress.

And that is what it comes down to – that this "blending" policy, if finalized, would effectively lift the current prohibition on bypassing a crucial second treatment step in treating human waste that will result in more people becoming ill as more pathogens, viruses and parasites enter our waterways and drinking water. It is just that simple. People don't want partially treated human waste in the waters they swim in or drink from.

Those who support the EPA's proposed "blending" policy argue that bypassing secondary treatment will be safe because the final effluent will still meet discharge standards at the end of the pipe.

Even if "blended" sewage meets end-of-pipe discharge limits, it still poses an increased risk to public health and the environment. Currently, federal standards exist only for a few pollutants. Neither the federal government nor the individual states have established water quality standards to protect the public from getting sick from all the diseases carried by the pathogens in sewage. The proposed policy would allow treatment plants to meet the few standards that are on the books by massive dilution of sewage with storm water, instead of providing effective treatment.

In 1984, the Reagan administration considered and rejected the very same argument that proponents of sewage "blending" make today, that is, that diluting the sewage to meet discharge standards at the end of the pipe is sufficient to protect public health. Nothing has changed to justify a reversal of that previous decision.

The argument that the bypass rule doesn't apply to secondary treatment of sewage doesn't hold a lot of weight because EPA regulations define a bypass as "the intentional diversion of waste streams from any portion of a treatment facility," and secondary treatment of human waste is clearly a part of the treatment facility. In fact, secondary treatment is the core of the sewage treatment process.

Further, current federal regulation says that the general prohibition on bypassing secondary treatment, has an exception for rare situations where a treatment facility is likely to be damaged, or the public will be harmed, and the facility can show that it is not feasible to upgrade or repair the treatment system to accommodate and fully treat heavy flows.

Facilities should be required to do that feasibility analysis, on a case-by-case basis, rather than adopt a general one-size-fits-all exemption from the bypass prohibition, which is what EPA is proposing.

Each facility should have to fully justify why it can't provide secondary treatment, rather than abandoning it across the board. If there is a valid reason why facilities should not fully treat human waste and maintain and upgrade their systems then I would like to hear it.

To give you some kind of an understanding of sewage dumping in my region of the country, we are seeing cities like Milwaukee, Cleveland, Toronto, Chicago and others that are dumping billions of gallons of partially treated sewage into our Great Lakes waterways each year.

The releases are frequent and under the EPA's new proposal they would become more so. In 2004 (according to preliminary data) Detroit released wastewater which contained some form of sewage 400 times! In 2003, the Michigan Department of Environmental Quality reported that individual state lakes and beaches had to be closed for at least one day on 136 occasions. Lake Michigan has more than 1,400 beach closings per year.

And Michigan's recreational economy, which revolves around water-related activities, is being threatened by the release of inadequately treated sewage. (Michigan Anglers alone spend more than \$800 million each year on such activities.)

People in Milwaukee know the effects of sewage dumping first hand. In 1993, a deadly outbreak of the waterborne illness, *cryptosporidiosis*, occurred near Milwaukee from sewage contamination of the drinking water. This contamination killed over 100 people and sickened over 400,000. The parasite that cause this illness, *Cryptosporidium*, is not effectively removed when the secondary treatment process is bypassed, so contamination of drinking water sources is more likely to occur under the EPA's "blending" proposal.

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It is argued that wastewater "blending" is considered "common practice" by some, but that doesn't make it right or that it should be allowed to continue. In fact, we live in a

country that has the most efficient and advanced wastewater systems in the world, people shouldn't have to choose between partially treated sewage and untreated sewage being dumped in their public waterways.

That is why Congressman Pallone, Congressman Shaw and I and 132 of our Democratic and Republican colleagues sent a letter to the EPA last month urging them not to proceed with this "blending" proposal that would allow routine discharges of inadequately treated sewage, including human waste, into our nation's lakes, rivers, and oceans during rain events.

Then, on March 3rd, Congressman Shaw, Congressman Pallone, Congressman Kirk, and I were joined by Democratic and Republican colleagues, representing states from coast to coast in introducing the *Save Our Waters from Sewage Act*, H.R. 1126. This bill already has 77 bi-partisan co-sponsors.

Our legislation would prevent the EPA from finalizing its "blending" policy proposal and would require public notification of discharges of inadequately treated sewage.

Our bill will protect our drinking water resources from contamination, our tourism and commercial fishing industry, our Great Lakes ecosystem and our waterways throughout our nation. Congress needs to act now, to pass my bi-partisan bill.

Congress should also substantially increase wastewater infrastructure funding. (The funding gap is about \$20 billion per year and growing as our wastewater and drinking water systems deteriorate.)

The President's budget slashes funding for the Clean Water revolving loan funds, which help to improve wastewater treatment facilities, by \$361 million – a 33 percent cut (from \$1.1 billion to \$730 million), meaning that fewer necessary upgrades would be possible, and more sewage would be dumped into our waterways.

This cut comes despite the fact that 45 percent of the nation's lakes and 40 percent of the nation's streams remain too polluted for fishing or swimming. The Bush budget also essentially freezes funding for states' Safe Drinking Water revolving loan funds at this year's enacted level – calling for \$850 million for Fiscal 2006.

Although funding will continue to present a challenge, there are alternatives to "blending" that can be used to protect public health by providing full secondary treatment for sewage. These measures include cleaning out the sewer system, lining leaky pipes, reducing storm water flows into sewer pipes, and improving storage in the piping system.

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Again, I can't stress enough how critical this funding is. It doesn't make sense to cut it. Water infrastructure is so basic to our public health and safety – and to our economy.