

Committee on Transportation and Infrastructure

Congress of the United States

House of Representatives

Room 2165, Rayburn House Office Building

Washington, DC 20515

Telephone Area Code (202) 774-9448

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THE MYTHS ABOUT SAN DIEGO'S SEWAGE

Dear Colleague:

H.R. 1943, the San Diego Coastal Corrections Act of 1995, is expected to be on the floor on Tuesday, July 25, as the first bill taken up under Corrections Day procedures. What needs correcting is a great many myths which have been generated about this bill. In this, and in subsequent letters, we will set the record straight on this bill.

Myth #1: San Diego needs this bill so it won't have to upgrade its sewage treatment plant to secondary treatment, at great expense.

Wrong. Congress passed a bill last year (P.L. 103-431) which allows San Diego to get a waiver from secondary treatment. San Diego has already applied for that waiver, and EPA has already given preliminary indication that the waiver will be granted. The waiver is expected to be final within a couple of months. With or without this bill, San Diego will not have to do secondary treatment. This bill is totally unnecessary.

Myth #2: This bill is about undoing rigid, one-size-fits-all government requirements and creating a little flexibility.

Wrong. The underlying statute gave local governments flexibility to apply for secondary treatment waivers if they discharged into the ocean, though that option was open only for a limited number of years, so that local governments would make up their minds about which way they wanted to go and plan for their future obligations. San Diego first decided it wanted a waiver, then years later it withdrew its waiver application knowing that to do so was to forever forego any further option of obtaining a waiver. And then several years after that, San Diego reversed itself again and decided it wanted the waiver. Federal law was very flexible. The problem that needs correcting here is that San Diego could not make up its mind. San Diego could not pick a plan and stick with it. San Diego had more flexibility than it could handle.

Myth #3. What this is all about is an overly intrusive federal government telling state and local government what to do.

Wrong. San Diego's first effort at getting a secondary waiver failed because the State of California, under a Republican Governor, opposed the plan because it was inconsistent with the State's ocean standards. In deference to the State's opposition, the Reagan Administration said it would not go ahead with that waiver, although they allowed San Diego to offer another waiver plan if it chose. San Diego elected to go to secondary treatment, rather than proceed with the waiver option.

Don't just accept the glib assertions made on behalf of this bill. This one just doesn't pass the smell test.


signed

ROBERT A. BORSKI
Ranking Democratic Member
Subcommittee on Water
Resources and Environment

Sincerely yours,


signed

NORMAN Y. MINETA
Ranking Democratic Member
Committee on Transportation
and Infrastructure