

# United States Senate

September 13, 2016

VIA EMAIL TO: sawyers.andrew@epa.gov  
Director Andrew D. Sawyers  
Environmental Protection Agency  
Office of Wastewater Management (4201M)  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Cc:  
VIA EMAIL TO: biddle.lisa@epa.gov  
Lisa Biddle  
Environmental Protection Agency  
Office of Water (4203M)  
Water Permits Division  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OW-2016-0378, Public Notification for Combined Sewer Overflows in the Great Lakes; Public Listening Session; Request for Stakeholder Input

Dear Director Sawyers:

As Co-Chair of the Senate Great Lakes Task Force, one of my most important jobs in Congress is to protect the Great Lakes, the crown jewel of the Midwest, to ensure our nation's most precious natural resource is healthy and pristine for generations to come. Today, more than 30 million Americans rely on the Great Lakes for drinking water, recreation, jobs, and commerce. The lakes are home to more than 3,500 species of plants and animals. Unfortunately, an estimated 24 billion gallons of untreated sewage and storm water, containing industrial wastewater and harmful pathogens, such as E. coli, are dumped directly into the Great Lakes each year resulting in beach closures and environmental damage throughout the ecosystem. In Illinois, the residents and tourists of approximately 50 public beaches on Lake Michigan deserve better. I am here today to increase awareness and provide input as the EPA begins implementation of a law I enacted last December to ensure the public is informed immediately and every time that untreated sewage is dumped into our water, putting the public health of our citizens at risk.

I was proud to introduce this legislation last June with the endorsements of the Alliance for the Great Lakes, Healing our Waters Coalition, Sierra Club, National Wildlife Federation, American Rivers, and the Evangelical Environmental Network. I worked hard to include these notice requirements in the Consolidation Appropriations Act of 2016, P.L. 114-113, and also secured \$300 million for the Great Lakes Restoration Initiative. Now, I am here today to work with the EPA to ensure these notice requirements are as strong as possible to protect the largest

freshwater source of drinking water in the world and build a coalition to ban the practice of dumping untreated sewage into this precious natural resource.

The EPA completed a report this April that I requested in 2014 to provide all available information on the status of sewage dumping in the Great Lakes Basin. The report, compiled with the data that the Great Lakes states self-reported, found that the 184 communities reporting combined sewer overflows dumped an estimated 22 billion gallons of untreated wastewater in 2014. There were 1,482 reported events of untreated sewage dumping in 2014 alone. These volumes, which only account for discharges that were reported, are staggering, and to make matters worse, much of the untreated sewage pouring into our waterways is happening without the general public's knowledge. With notice requirements that require treatment works to immediately inform the public each time untreated sewage is dumped, and to provide us with a plan to stop the event from reoccurring, we can become better stewards of our environment and better protect our families from unwanted contact with unsafe water. A patchwork of state laws has proven ineffective in this fight and it is time for a unified effort to address the issue once and for all.

While improving public awareness, we must ensure resources are available to address the issue at the local level. Currently, treatment works within our communities are pouring untreated sewage into the Great Lakes because our nation's water infrastructure is outdated, deteriorating, and in need of reinvestment. As a member of the Senate Appropriations Committee, I worked to secure more than \$2.3 billion to address water infrastructure needs, \$350 million above the Administration's request, in the Interior Appropriations bill for fiscal year 2017, which passed the full Committee on Appropriations in June. For the first time, the bill also capitalizes the Water Infrastructure Finance and Innovation Program to provide new low interest loans for up to \$1 billion of water infrastructure projects. Additionally, in the Water Resources Development Act of 2016, I worked with my colleagues to include \$220 million in direct spending to communities dealing with water infrastructure crises, and authorized \$300 million for the replacement of lead pipes, \$100 million for lead testing in schools and daycare centers, \$1.4 billion for drinking water infrastructure, and \$1.8 billion to address sewer overflows. Also included is a provision directing the U.S. Army Corps of Engineers to expedite the completion of the Chicago Underflow Plan, a project designed to provide \$154 million per year in flood damage reduction benefits to 3.6 million people in 52 Chicagoland communities. The project protects Lake Michigan from raw sewage pollution and improves the water quality of area rivers and streams with its series of deep underground tunnels and reservoirs capable of collecting 17.5 billions of gallons of sewage and storm water.

Protecting the source of drinking water for millions of Americans and the economic vitality of the region from the impacts of sewage pollution requires local, state, and federal participation, and the first step is public education and support. My new public notification law is crucial and EPA's session today is a key component to its implementation. All Americans in Illinois and throughout the Great Lakes basin should be informed each and every time that untreated sewage pours into our water. I urge the EPA to swiftly finalize its work on my notice requirements and provide for immediate notice in local newspapers, online and other programming which will actually ensure the public knows about each event so that families can plan accordingly. The EPA should also enable a region wide and transparent database allowing for an accurate

assessment of the cause of the sewer overflow events, where they are occurring, the total annual volume, as well as the average historic volume at each location. These provisions will enhance transparency and public awareness surrounding sewage overflow events and give individuals, businesses, and local municipal planners the tools they need to protect public health and ensure that beach closures and advisories reflect the most accurate and up-to-date information.

I am committed to improving water quality, wastewater infrastructure, and ensuring our existing federal policies effectively prevent the negative impacts of sewage pollution on the Great Lakes ecosystem. I encourage all interested stakeholders to take part in this important rulemaking process. Together we can protect Lake Michigan and the Great Lakes for future generations.

Sincerely,

A handwritten signature in blue ink that reads "Mark Kirk". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Mark Kirk  
United States Senator