

H.R. 784, THE WATER QUALITY INVESTMENT ACT OF 2003; H.R. 4470, LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM; H.R. 4688, THE CHESAPEAKE BAY PROGRAM; AND H.R. 4731, NATIONAL ESTUARY PROGRAM

(108-81)

HEARING

BEFORE THE

SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT
OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

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Thursday, July 8, 2004

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT, WASHINGTON, D.C.

The subcommittee met, pursuant to call, at 2:05 p.m. in room 2167, Rayburn House Office Building, Hon. John J. Duncan, Jr. [chairman of the subcommittee] presiding.

Mr. DUNCAN. We will call the meeting to order today.

Today the subcommittee is meeting to review four very important pieces of legislation, H.R. 784 to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow grants; H.R. 4470 to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program; H.R. 4688 to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program and H.R. 4731 to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program. Each of these bills would reauthorize an important Clean Water Act Program and each was introduced with strong bipartisan support.

I am going to go into more detail in describing these bills when we have a members panel, and let them go ahead and give their statements so they can get out of the way and go on to their very important duties. I generally don't even ask questions of members because we have chances to discuss these matters with you later on.

We are very pleased to have our friends the Honorable Dave Camp and the Honorable David Vitter here with us. Dave, we will start with you and let you give any statement you wish to give in regard to your legislation.

**TESTIMONY OF HON. DAVE CAMP, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MICHIGAN, AND HON.
DAVID VITTER, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF LOUISIANA**

Mr. CAMP. Thank you, Mr. Chairman and members of the committee. Thank you for granting me the time to discuss an issue much larger than the trillion dollar price tag it has carried over the last 20 years. The rebuilding of our aging sewer systems is not only about the safety of our drinking water, but also preventing pollution and protecting our beaches, our lakes and rivers from wastewater overflows.

Beyond our homes, clean water supports a \$50 billion a year water-based recreation industry, at least \$300 billion a year in coastal tourism, a \$45 billion annual commercial fishing and shell fishing industry and hundreds of billions of dollars a year in manufacturing. Clean rivers, lakes and coastlines attract investment in local communities and increase land values on or near the water which in turn creates jobs, adds incremental tax base and increased income and property tax revenue to local, State and Federal Government.

The water is a way of life in my home State of Michigan. The Great Lakes not only define our borders, they define who we are as a people. In 1995, the U.S. Fish and Wildlife Service reported that the Great Lakes fishing industry alone generated about \$2.2 billion in sales to local businesses and that industry represented \$4.4 billion in annual economic activity and about 75,000 jobs. That was nearly 10 years ago.

In short, this legislation is about our Nation's physical health, economic vitality and goes to the very core of the quality of life we have in our communities. I know this is an issue you all take seriously and I want to thank particularly Congressman Pascrell of New Jersey, a distinguished member of this committee, for working with me to help find a solution to this issue.

Our sewer systems are rapidly eroding. The Environmental Protection Agency reports that 1,260 billion gallons of sewer overflow discharges occur every year. In less than a dozen years, more than half of the country's sewer pipes will deteriorate to the point of being in very poor condition. Just four years ago that number stood at only 8 percent or roughly 600,000 miles of pipes. That means in the span of a mere 16 years, well over 40 percent of our clean water infrastructure will be degraded and in serious need of repair. Our systems are aging, our population is growing and our local communities are literally drowning under the cost of repairs. If we don't act quickly, we could soon face pollution levels like we haven't seen since the 1970's.

The legislation that Mr. Pascrell and I are proposing would be the first ounce of prevention well worth the pound of cure. By helping communities repair leaking and broken sewer pipes, we can sharply reduce the number of beach closures, ensure cleaner drinking water and prevent water pollution in rivers, lakes and along our coast lines.

I appreciate the willingness of this committee to consider this legislation and I am hopeful the committee will continue to move forward in its efforts to help America's communities better cope

with the burdensome cost of wastewater overflows and to better safeguard residents from the public health and environmental risks associated with overflows.

Thank you for the time today. I appreciate it, Mr. Chairman.

Mr. DUNCAN. Thank you very much, Dave. This is certainly an issue that is growing in importance, as you say and it is starting to get a lot of national publicity all over the Nation as people are becoming more aware of the problems out there as you already know.

Congressman Vitter?

Mr. VITTER. Thank you, Mr. Chairman, and thank you and all the subcommittee members for having this hearing and inviting me.

I am here to testify today about H.R. 4470 which is a bill extending the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program. It would extend it from fiscal year 2005 to fiscal year 2010.

I am also honored to be joined by Carlton Dufrechou, Executive Director of the Lake Pontchartrain Basin Foundation and all of my colleagues in the Louisiana Delegation who are offering bipartisan support of this program. That certainly includes your subcommittee member, Richard Baker.

As a freshman in Congress, one of the first pieces of legislation I introduced was the Lake Pontchartrain Basin Restoration Act of 1999. It established this program within the EPA. The purpose was very simple. There had been enormous and enormously productive work on the ground at the grassroots level through citizens group like the Basin Foundation cleaning up the Basin but that work was hitting a ceiling, if you will, and to break through that ceiling and go to the next phase of cleanup and progress we really did need a Federal partner. So this bill created that Federal partner, moving Lake Pontchartrain which is an enormous watershed to significant status with the Great Lakes and the Florida Everglades, those restoration efforts and others.

This bill used a model I think is very productive about voluntary cleanup projects not just throwing more mandates on local government and local business. It is also about a real partnership and having stakeholders on the ground in Louisiana who are leading the effort, not just an effort led by bureaucrats in Washington.

Of course I was overwhelmingly pleased when the bill passed the House 418-6 and was signed into law as part of the Estuaries and Clean Waters Act of 2000. This was an important next step to the ultimate goal of cleaning up and fully restoring Lake Pontchartrain.

A great deal has been accomplished since we passed that bill into law in 2000. There has been real improvement in water clarity in Lake Pontchartrain, we have seen the return of manatees and pelicans, oysters, clams, blue crabs to the Lake, the no swimming signs which were so common on both the north and south shores are coming down, beaches are being reopened. There has been an improvement in water quality on the south shore. However the north shore and the upper basin has been more problematic. So while we have made great progress in cleaning up the lake, much still remains to be done.

Various water quality studies within the basin have been conducted over the past three years. These studies have identified solutions. This has been very helpful to the 16 parishes in the basin but we now need to move to the next, most important phase, which is construction of these important projects.

Over the last three years, I have secured about \$18 million of work in the basin. Of course this \$18 million is great news, it is an important first step, a great piece of the process but again, we need to go further and faster and so we need the full level of funding, \$100 million to regain a sustainable, fully functioning, fully restored Lake Pontchartrain. That is vitally important and it is vitally important to do that for this subcommittee and the full committee to pass the reauthorization of H.R. 4470.

Mr. Chairman, I thank you for this first step in the process. I urge that reauthorization because we are on our way to dramatic improvement but we need to continue that work.

With that, Mr. Chairman, I thank you and the committee members for all of your valuable time and attention.

Mr. DUNCAN. Thank you very much, David. That certainly is important legislation and we are going to act on that and these other bills shortly.

I did mention after Congressman Camp testified that H.R. 784 was introduced by Congressman Camp and Congressman Pascrell and many other members and that would renew the Sewer Overflow Control Grants Program found in Section 221 of the Clean Water Act. This is a situation that has received national publicity of some unfortunate events that took place in Milwaukee a few weeks ago but it also has had an effect in my own home city of Knoxville.

This program which has expired, authorized grants to States and municipalities to prevent or control municipal combined sewer overflows and sanitary sewer overflows. This subcommittee has spent a lot of time examining the needs of this Nation to upgrade and improve our wastewater infrastructure.

The primary vehicle for Federal assistance for wastewater infrastructure is the Clean Water State Revolving Fund Program. However, solving some infrastructure problems like sewage overflows can cost a single community hundreds of millions and even billions of dollars. When the costs are this high, solutions can be unaffordable for some communities even with SRF loans.

The subcommittee included a version of H.R. 784 in H.R. 1560, the broader Wastewater Infrastructure and SRF Reauthorization Bill that this subcommittee approved last summer. Certainly we are not going to give up on H.R. 1560 but while negotiations continue over the complex issues surrounding SRF reauthorization, at this point I think it is appropriate to move the Sewer Overflow Grant Authorization separately. Communities all over the United States need help solving their sewer overflow problems including communities in east Tennessee and throughout the Nation.

What we are talking about here are discharges of untreated, raw sewage that can spill out of manholes or pipes into streets, basements, rivers and lakes when there is sewer overflow. For example, in my hometown of Knoxville, nearly 6 million gallons of sewage spilled out of manholes during torrential rains in February of last

year. The Knoxville Utilities Board is working on this problem. They have already spent \$130 million on sewer upgrades and are in the middle of another \$60 million upgrade. By reauthorizing the Sewer Overflow Control Grants in Section 221 of the Clean Water Act, H.R. 784 could help Knoxville and communities all over the country to make needed infrastructure improvements to protect public health and the environment.

As I have said before, this is something people take for granted until there are problems and then they find out how important this type of infrastructure and legislation like this are.

I have talked to the Ranking Member, Mr. Costello, and I am going to yield to him at this time and then we will go for the main statement to Mr. Pascrell who has been such a leader on this.

Mr. COSTELLO. Mr. Chairman, thank you. As you noted, I do have an opening statement that I will submit for the record but let me thank you for calling the hearing today on the bills to reauthorize appropriations for several Clean Water Act programs.

As you mentioned, many of the authorizations of appropriations within the Clean Water Act have either expired or are quickly reaching their expiration dates. Although it makes sense to consider a broader reauthorization of the Act, we have not had much success in reaching bipartisan agreement in these efforts despite the best efforts of this subcommittee and full committee.

Let me commend our colleagues who are testifying here today for their work on this legislation. In particular, let me recognize on our side Mr. Pascrell. He has been a leader in this legislation and at this time I would yield my time to him to give an opening statement.

Mr. PASCRELL. Thank you, Ranking Member. Thank you, Mr. Chairman.

I want to thank Congressman Camp for exerting leadership in this area. It is not the most sexy issue to talk about but I don't think there are too many more important subjects. We go back 30 years to the Clean Water Act and how significant and the great impact that has had on all communities across the United States. I thank you for your testimony today, Mr. Camp.

The separation of water and waste strikes at the very heart of our Nation's environmental infrastructure needs. Combined sewer overflows in northern New Jersey affect not only our local environment but impacts can be felt down along the New Jersey shoreline. Funding must be provided to help our cities and counties make the needed infrastructure improvements to stop the overflows. If we have a Federal mandate, we must follow up with Federal pay.

To give you an idea, the vast majority of these costs, talking about a tremendous cost, those costs are borne by local communities and local ratepayers. As a former mayor of the third largest city in the State of New Jersey, my city is always in trouble trying to meet the bill, pay the bill. The costs of doing what we said we must do is terrific. Federal assistance has been small relative to the overall needs to address CSOs and SSOs. Throughout 2003, States have made approximately \$3.4 million in loans for CSOs from State Revolving Loan Funds. When you look at the record, there is no question that the local communities have been really doing the best they possibly can and we are mandating that local

communities and States conform to the mandates that we prescribed, that we voted on and yet we have not provided for the Federal money.

New Jersey has 31 combined sewer systems with over 200 discharge points throughout the State. Many of these discharge points, including several in my own town of Patterson, flow into the Passaic River, a heavily polluted waterway that we have been trying to clean up. It is quite a task.

The City of Patterson and the Passaic Valley Sewage Commission are really trying to do their best to increase capacity and upgrade facilities with the resources they have, and they don't have that many resources. They cannot afford to impose more fees and more taxes upon struggling city residents. The Wet Weather Grant Program was authorized by this committee in 2002 and in 2003, \$750 million in grants to fix CSOs and SSOs was authorized each year. Unfortunately, the appropriators in the Administration did not share our level of commitment. I have to say it like it is. The appropriators in the Administration did not share this and this legislation, H.R. 784, would extend the Wet Weather Grant Program Authorization another two years and I urge this subcommittee to move this bill along in the process.

Mr. Chairman, I want to thank you and the Ranking Member for your efforts on a parallel track. The Water Quality Financing Act as reported by this subcommittee includes over \$1 billion for wet weather grants to fix combined sewer systems. The committee's support for the potential of this program is appreciated by the communities across this great country, the communities that must deal with the high cost of fixing outdated sewer systems. Much of that sewer system we don't see, so people just forget it as you said, Mr. Chairman. We need to get this authorization through the process to get the money out in to the field.

In April, the Congress passed a supplemental appropriation that included \$4.3 billion for water and sanitation projects in Iraq. I voted for it. If we could invest billions of taxpayer dollars for Iraq and that infrastructure for water and sewer systems there, we can fund this modest grant program for our municipalities, our environment, our kids and our grandchildren. We must do no less, Mr. Chairman.

I thank you for your leadership.

Mr. DUNCAN. Thank you very much, Mr. Pascrell. Certainly you are an outstanding member of this subcommittee and we appreciate your work.

Mr. Vitter, while you are still here, I am going to go to Mr. Baker. H.R. 4470 introduced by Congressmen Vitter, Baker, Jefferson and Tauzin would reauthorize the Lake Pontchartrain Basin Restoration Program. The Lake Pontchartrain Basin covers 10,000 square miles and is the watershed for an estuary that is very important to the economy and the environment of Louisiana and the Mississippi Delta Region.

The Lake Pontchartrain Basin Restoration Program found in Section 121 of the Clean Water Act authorizes \$20 million a year for EPA to provide assistance for restoration projects and studies that have been developed by the local communities. H.R. 4470

would reauthorize this program at the same level of funding for an additional five years.

I would like to call on one of the authors, a valuable member of this subcommittee, Mr. Baker, for any comments he wishes to make at this time.

Mr. BAKER. Thank you, Mr. Chairman, for your courtesy and your leadership on water resources issues generally and specifically and of course H.R. 4470. I wish to thank you and the Ranking Member for your hard work in this area.

In light of what has occurred in the Pontchartrain Basin region over the past few years, I think it clearly demonstrates that professionally managed with responsible utilization of water resources can result in a keen balance between environmental outcomes while concurrently allowing recreational and commercial utilization. That is obviously the goal which Mr. Vitter and I, Mr. Tauzin and Mr. Jefferson share in supporting this matter.

Understanding the value of water quality, I would go further in stating, Mr. Chairman, this three lake estuary is one of the most productive in seafood per square mile of any in the Union. Probably most members have had the occasion to dine unknowingly or not on seafood produced by this area of the Nation because it is widely exported to all regions of the country.

I can only speak with great appreciation for the continuing efforts of Mr. Vitter who has over the past years in his capacity as an appropriator, done all possible to facilitate resources being made available for this important mission. I wish to commend him for his leadership in this role and speak to you, Mr. Chairman, about my appreciation for you bringing this matter before the committee's attention, your continuing support of water resources recovery generally and pledge to you my support for any effort you may choose to be advisable.

Thank you, Mr. Chairman.

Mr. DUNCAN. Thank you very much, Mr. Baker.

I actually shouldn't have gone off that first bill without calling on Mr. Menendez because he is interested in the bill also, the Sewer Overflow Bill, H.R. 784. Mr. Menendez?

Mr. MENENDEZ. Thank you, Mr. Chairman. I appreciate the opportunity and I thank you and the Ranking Member for holding this important hearing.

There are certain things in life we take for granted. We take for granted that the water that comes out of our tap is safe to drink and that wastewater is properly treated. However, both our Nation and New Jersey in particular, as my colleague, Mr. Pascrell, has said, are rapidly reaching the point that we won't be able to take clean water for granted if we do not address our Nation's decrepit wastewater infrastructure.

The state of New Jersey alone has identified over \$3 billion in combined sewer overflow infrastructure needs. This is one of those issues that maybe when I first ran for Congress 12 years ago wasn't going to be my focus but there isn't a mayor that I don't meet that doesn't tell me this is one of their critical issues.

The EPA estimates that we, and by we I mean the local, State and Federal levels, will have to invest are estimated up to \$450 billion over the next 20 years to meet the capital needs for waste-

water infrastructure is something that clearly cities in my district are very skeptical about their ability to meet alone. There clearly has to be a collaborative effort.

Leaving the work undone is not an option for several reasons. It will increase the chances of a serious outbreak of life threatening diseases related to untreated sewage, it will raise the cost of treating drinking water as drinking water sources themselves become increasingly contaminated, and it will continue to be a threat to coastal tourism due to beach closings which in our State is an incredible part of the economy of the State. These are just a few of the aesthetic and public health impacts of refusing to provide for the wastewater infrastructures.

I am a proud co-sponsor of H.R. 784. I look forward to hopefully having an opportunity to move that along.

I also am interested in the National Estuary Program as part of this hearing and I will include my comments at this time if it is OK, Mr. Chairman, in the record as it relates to that program as well.

Mr. DUNCAN. Thank you very much, Mr. Menendez.

You are exactly right. We have had the Mayor of Atlanta and Mayors from all over the country come to us concerning these very problems we are discussing at this time.

Mr. Camp and Mr. Vitter, we certainly appreciate you being with us and thank you very much. You have contributed a great deal to our hearing this afternoon.

Next we go H.R. 4688 introduced by Congressman Gilchrest, Congressman Scott and many of our colleagues from Maryland, Virginia and Pennsylvania. This is a bill that would reauthorize the Chesapeake Bay Program.

The Chesapeake Bay is the largest estuary in the United States. Just as Lake Pontchartrain is critical to Louisiana, the Chesapeake Bay is critical to the economy, environment, and way of life for many in the mid-Atlantic area. The Chesapeake Bay Program is based on a voluntary agreement created by the State of Maryland, the Commonwealth of Virginia, the Commonwealth of Pennsylvania, the District of Columbia, the Chesapeake Bay Commission and the EPA.

Under this agreement, these States and the District have committed themselves to take steps to reduce pollution in the Bay. Section 117 of the Clean Water Act authorizes \$40 million a year for the EPA to provide assistance to help carry out this agreement. H.R. 4688 reauthorizes the Chesapeake Bay Program at the same level of funding for an additional five years.

Certainly the expert on the Chesapeake Bay in this subcommittee and in this Congress is our good friend, Congressman Gilchrest. I will call on him for his opening statement or any remarks he wishes to make at this time.

Mr. GILCHREST. Thank you, Mr. Chairman.

I think some people would feel if I am an expert on the Chesapeake Bay, then we have a long way to go. I think our expert is sitting in the audience, Ms. Ann Swanson who has worked tirelessly for decades to try to deal with this magnificent estuary and restore its natural bounty to some semblance of what it was 100 years or so ago.

I do want to say, Mr. Chairman, thank you for this hearing to bring out issues related to water quality and all of the human activity that has either a detrimental effect or a positive effect on that so we can fine tune our money and focus it in areas that will be the most beneficial.

The Chesapeake Bay Program has been around now, Ann will probably tell us the exact number of years but for about I guess 25 years, somewhere in that neighborhood. I think the science is now there to understand the specifics of the ecology that drives this magnificent system. If we look at the system and why it continues to be degraded, part of that is stormwater runoff, sewage treatment and those kinds of things.

The State of Maryland has provided an interesting part solution to the problem of sewage treatment plants by imposing a flush fee as the Governor likes to call it, in each household in the State of \$2.50 a month which will raise about \$70 million a year that will go toward upgrading a number of sewage treatment plants. Some of the problems that are out there, for example air deposition is about a third of the problem of the Chesapeake Bay. It is good that we have a Federal role in there because that not only comes from Maryland but it comes from the region.

The sewage treatment plants can be fixed in the State of Maryland but there is more money needed for States like Pennsylvania. The biggest contributor to freshwater of the Chesapeake Bay comes from the Susquehanna River and its drainage basin and also from Virginia and also from Delaware. So the sewage system can be improved dramatically with a Federal role in this. The stormwater runoff is the problem not only from back yards but from agriculture and those areas are being improved dramatically.

I guess to wrap up, Mr. Chairman, there are significant complexities to restoring an estuary the size of the Chesapeake Bay. The Federal role is important to bring those partners into an understanding that economic viability in the region is important but it can be compatible with the ecological integrity of the region. Human infrastructure as we now know it can be compatible with not only nature's infrastructure but the services upon which those things are so vital to the quality of life for all human beings.

I thank you for letting me ramble, Mr. Chairman, on this most beautiful subject and I look forward to the testimony from Ann Swanson and also working with the committee and the Congress on future ways that we can fund and target the kind of programs from which we will get the most benefit.

Thank you.

Mr. DUNCAN. Thank you, Mr. Gilchrest. I certainly admire and respect the work you do in this and so many other areas that concern the environment of the Chesapeake Bay and the Eastern Shore of Maryland.

The fourth bill we are reviewing today is H.R. 4731 introduced by our committee colleagues Congressmen Gerlach and Congresswoman Tauscher. H.R. 4731 would reauthorize the National Estuary Program. Under this program, \$35 million a year is authorized to allow the EPA to help restore estuaries of national significance all around the country. Currently, there are 28 estuaries in the National Estuary Program and all are implementing restoration plans

developed at the local level through a collaborative process, really an example of the way a good government should work.

H.R. 4731 reauthorizes the National Estuary Program at the same level of funding for an additional five years. I look forward to hearing from the sponsor of this bill and then we will proceed with the witnesses. Mr. Gerlach?

Mr. GERLACH. Thank you, Mr. Chairman.

Thank you very much for calling this hearing today on these measures, including H.R. 4731 and I appreciate my colleague's sponsorship of this legislation as well, Representative Tauscher. It is very important legislation.

In the interest of the committee members and in the interest of those who have traveled distances to be here to present testimony, I will simply submit my statement on this legislation for the record and thank you for the opportunity to have comment on this hearing.

Mr. DUNCAN. Thank you very much.

I was told earlier that Mr. Thompson didn't have a statement. Do you have any, Dr. Boozman?

Mr. BOOZMAN. No.

Mr. DUNCAN. We have four outstanding witnesses here today and I would like to ask them to take their seats at the table. Representing the Chesapeake Bay Commission is Ms. Ann P. Swanson who is the Executive Director of that association and she is from Annapolis, Maryland. Representing the Association of Metropolitan Sewerage Agencies is Mr. Paul Pinault, the Executive Director of the Narragansett Bay Commission from Providence, Rhode Island. I think we have gone a long time in this subcommittee without hearing a witness from Rhode Island but today we have two out of four on the panel both representing national associations. Representing the Association of National Estuary Programs is Mr. Richard Ribb, Director, Narragansett Bay Estuary Program from Narragansett, Rhode Island. The Lake Pontchartrain Basin Foundation is represented by Mr. Carlton F. Dufrechou, Executive Director from Metairie, Louisiana.

It is an honor to have each of you here. We always proceed in the order the witnesses are listed on the call of the hearing and that means, Ms. Swanson, we will begin with you.

We ask all witnesses to limit their statements to five minutes. We give you six minutes but after six minutes we stop in consideration of the other witnesses on the panel. Your full statements will be placed in the record and you can summarize if you wish to do so.

TESTIMONY OF ANN P. SWANSON, EXECUTIVE DIRECTOR, CHESAPEAKE BAY COMMISSION; PAUL PINAULT, EXECUTIVE DIRECTOR, NARRAGANSETT BAY COMMISSION ON BEHALF OF THE ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES; RICHARD RIBB, DIRECTOR, NARRAGANSETT BAY ESTUARY PROGRAM ON BEHALF OF THE ASSOCIATION OF NATIONAL ESTUARY PROGRAMS; AND CARLTON F. DUFRECHOU, EXECUTIVE DIRECTOR, THE LAKE PONTCHARTRAIN BASIN FOUNDATION

Ms. SWANSON. Thank you, Chairman Duncan and members of the subcommittee.

My name is Ann Swanson and I have worked in the Chesapeake Bay restoration effort for two decades, most recently working for 16 years as the Executive Director of the Chesapeake Bay Commission which is a tri-State legislative commission made up of House and Senate members from three States, Maryland, Pennsylvania and Virginia.

I have been thoroughly involved in the Chesapeake Bay Program that I am testifying before you about. I have been so involved with that program that I was the lead drafter on the most recent agreement, Chesapeake 2000.

I can look you very square in the eye and tell you that you should indeed support this bill. It is very important, not only to the region, but to the Nation and I actually believe the world and I would like to explain why.

My testimony makes some of these points but let me make six very brief points. The first is that never forget that the Chesapeake Bay is the most productive, largest estuary in the world. There is one larger but it is in Siberia. The result is it is an extraordinary estuary of extraordinary proportion and it has one of the greatest diversities of any estuary in a temperate climate. It houses more than 3,000 species of plants and animals including more than 300 species of fish and half a billion pounds of seafood come out of that Chesapeake every year even in its compromised state.

The second point is that it is a place where people live, 16 million people, and when we save the Chesapeake, we save the place where 16 million people live and thrive and where this very Congress enjoys living while you are in session.

The third is that the Chesapeake Bay Program is a model for estuarine restoration. There is nothing like it. It is the most advanced program in the country and we do everything possible to share every lesson learned with other estuaries around the country and around the world. When I go all through the world, quite honestly they say how did you do that, how did you get that far? I don't know if I am happy or sad about that because we have not saved the Chesapeake. For that, if we have one of the best programs in the world, that makes me nervous.

The gist of it though and here is my fifth point, if you don't win in the Chesapeake, if you don't save that system with as much effort as you put in it, I don't believe you will save any system. So the lessons that are learned about the Chesapeake are vital for nutrient pollution and looking at the relationship between growth and ecology worldwide.

Sixth and last point I want to make is that I honestly do not believe the States would be coming together in the way they have, both bipartisan and voluntary, without the Federal support. About 18 percent of the total funds going into the Chesapeake come from the Federal Government. The rest comes from the State and local governments. Yet, that 18 percent is the catalyst for the cooperation. So I say the Federal Government needs to maintain its responsibilities and its partnership and hold your head very, very high to know that you triggered the Chesapeake Bay Program. You have helped keep it together and it needs you now.

Thank you.

Mr. DUNCAN. Thank you very much, Ms. Swanson. I think almost everyone on this subcommittee agrees with Mr. Pascrell and I am amazed that we have spent \$170 billion in Iraq in the past couple of years and have a lot of needs that we haven't taken care of and needs to work on in this country. I am pleased with your comment about how your program is one of the best in the world because there are many other countries around the world that we sometimes think are more advanced in some ways or more sophisticated than the United States and their water is not safe to drink. So we have done a lot of good things in regard to our water in this country over the last 30 years. While we need to do a lot more, we ought to give ourselves credit every once in a while because we have really the best and cleanest water in the world. We don't pat the people on the back who are responsible for that nearly as much as we should.

Mr. Pinault?

Mr. PINAULT. Good afternoon.

My name is Paul Pinault. I am the Executive Director of the Narragansett Bay Commission in Providence, Rhode Island and I am also a past president of the Association of Metropolitan Sewerage Agencies. I am also the current chair of its National Clean Water Funding Task Force.

AMSA represents nearly 300 clean water agencies across the country. Their members treat more than 18 billion gallons of wastewater each day and service the majority of the U.S. sewerage population. On behalf of AMSA and the Narragansett Bay Commission, I would like to thank you, Chairman Duncan and members of this committee for your continued commitment to clean water funding. Your dedication to solving the challenges communities face across the Nation including Providence is essential to achieving the goals of the Clean Water Act.

I also extend AMSA's appreciation to Representatives Camp and Pascrell and the nearly 30 co-sponsors of H.R. 784, the Water Quality and Investment Act of 2003, for their interest in revisiting and hopefully extending the authorization for the Sewer Overflow Grants Program passed several years ago by Congress in the Consolidated Appropriations Act of 2000.

H.R. 784 would authorize \$750 million a year for two years, fiscal years 2004 and 2005, for combined sewer overflow and sanitary sewer overflow control projects. This money can only be made available in any fiscal year in which there is at least \$1.35 billion in the Clean Water State Revolving Fund which is the current level of Clean Water SRF funding.

The original bill's authorization was for fiscal years 2002 and 2003 but the funds were never appropriated despite the pressing needs in communities nationwide that face massive CSO expenses. This hearing today gives us the hope that the Wet Weather Grant Program will be fully funded in line with the legislators' original intent providing cities across the country with additional grant funds to help pay for critical and costly wet weather control projects.

AMSA is fully supportive of this bill but because of past inability to appropriate the funds for the CSO Grant Program, coupled with the projected Federal budget shortfalls, we recommend that this committee reauthorize the grant program for six years, making the program eligible for funding through the year 2010. This would provide a more realistic chance of obtaining the needed appropriations at a level of \$250 million per year instead of H.R. 784's \$750 million per year authorization level.

While the Nation's clean water utilities will be very appreciative of any grant funds made available to us, I must emphasize that the wastewater funding gap remains a real and present challenge for communities like mine across the Nation. The USEPA, the Congressional Budget Office, GAO and the Water Infrastructure Network all estimate a water infrastructure funding gap in the hundreds of billions of dollars. For wet weather projects alone, EPA recently estimated that SSO communities need to spend \$102.7 billion, not including operation and maintenance costs to achieve a goal of no more than one SSO ever five years. This estimate also presumes EPA will change its current position that each and every SSO is in illegal violation of the Clean Water Act.

EPA's most recent clean water needs survey estimates a current documented funding need of \$50.68 billion to control CSOs in the Nation's 772 CSO communities. As you can see, the needs are staggering. It is in this context that the challenges of my own communities must be considered. The Bay Commission is currently investing \$2 million a week, \$300 million total, in the first phase of a three phase CSO program. When all three phases are complete, it will directly affect ratepayers by about \$1 billion. However, it is becoming increasingly clear that our ratepayers cannot sustain additional rate increases. Twenty-two percent of the households in our service area fall below the Federal poverty level, 15 percent of the population are over 65 and 65 percent of the poor children in the State live in our district.

Over the last three years, we have had 25 percent, 25 percent and 17 percent rate increases respectively and we are in the process of raising rates 10 percent in 2004 which is creating a significant financial hardship on our members.

The needs of the NBC and communities across the Nation have far outgrown the funding levels provided by the SRF. We face financial challenges in the water infrastructure sector today that far exceed historical investment patterns and exceed the financial capability of local governments and ratepayers.

To meet the growing funding challenge, AMSA has consistently advocated for dedicated clean water funding through a trust fund similar to those already established for the Nation's highways and airports. Given this committee's leadership on clean water issues,

we look forward to working with you on this issue in the near future.

The reality remains, however, that the Bay Commission and other agencies must meet and exceed the public's expectations in our treatment plants and pipes to secure the highest level of protection of lakes and streams. Although the \$1.5 billion will not on its own close the infrastructure funding gap, it will be sufficient to fund and deal with the CSO challenge and will make a step in the right direction.

Mr. Chairman, we look forward to working with you and members of the committee on this important issue. I am available to answer any questions.

Mr. DUNCAN. Thank you very much. I should have mentioned before you started testifying you are here representing a very important, very active national association, the Association of Metropolitan Sewerage Agencies and the Knoxville Utilities Board which I mentioned earlier. KUB is one of your members. Thank you very much for being here with us today.

Representing the Association of National Estuary Programs is Mr. Richard Ribb. Mr. Ribb, you may begin your statement.

Mr. RIBB. I would like to express our appreciation to Chairman Duncan and Ranking Member Costello and members of the committee for giving us this opportunity to speak about the work of the National Estuary Program and to express our support for bill 4731 which will reauthorize the program.

The Association of National Estuary Programs is a nonprofit organization dedicated to promoting stewardship and a common vision for the protection and preservation of our Nation's estuaries. It is made up of representatives of industry, agriculture, fisheries, tourism and State and local agencies that work in their estuaries.

This bill, introduced by Congressman Gerlach and Congresswoman Tauscher, deals with the reauthorization of the program. The introduction certainly demonstrates these legislators continuing dedication to the preservation of our coastal resources, along with other folks who have been very supportive of coastal work. Representative Gilchrest has been a key player in that.

I don't have to tell you folks about what is going on with our estuaries. You have heard some of Ms. Swanson's talk. It is not something that is exclusive to Chesapeake Bay. We are experiencing those problems in a number of estuaries. The National Estuary Program had 17 years of experience building on the model of the Chesapeake Bay Program to work in a collaborative and non-regulatory fashion to address these issues, to build locally produced plans of action for addressing those issues and to a certain extent, to be on that front line in response to some of these coastal issues, working across a broad range of issues from the point source issues that my colleague, Mr. Pinault, from Rhode Island works on to the nonpoint, to the habitat to air deposition to other issues or challenges in our estuaries.

The National Estuary Program consists of 28 programs designated by Congress as of national significance. As I said, it has been a successful model. It was recently noted in the Ocean Commission's report that the National Estuary Program, the assessment and planning process used by the NEP holds promise for the

future of ecosystem-based programs. It is not a command and control type program but works with local interests to identify common problems and builds those solutions into the management plans.

This particular bill offers a simple reauthorization of the program, strongly supported by the Association of National Estuary Programs. In 2000, Congress showed its support for the program by reauthorizing it until 2005 and increasing the annual authorization level to \$35 million. This had the intent of providing increased resources for more effective implementation of these community-based plans that we work on. We have earned much support with the initiative of this bill to increase and allow this program to continue into 2010.

I would like to make one point about the program. Because we do work so much with local partners and draw on local resources, there has been a recent analysis by EPA's Office of Oceans, Wetlands and Watersheds on leveraging. I think one of the things in working with the many partners and many agencies in and out of government is that the programs have been very effective at leveraging. In your testimony, you will see a chart which indicates the level of leveraging from the programs. The 28 programs on average in 2002 leveraged \$11 for each Clean Water Act dollar that was contributed. We think that is a good return on investment. We think we have been effective in working with meeting local needs, working with local people and bringing those local resources to these issues.

Another example is one of the ways we brought in some of this funding is in the lower Columbia River Estuary Program, the Bonneville Power Plant gave \$1.5 million to the program to design and implement habitat restoration programs. They had a lot of confidence in the technical ability and coordination ability of the program.

The Tampa Bay Program has been a key player in securing millions of local and regional dollars for wastewater treatment plants to reduce the high level of nutrients that were harming Tampa Bay. This is a process we are now facing in Narragansett Bay. We have worked with folks like Paul on that issue.

On the national scale, the estuary programs have organized and implemented efforts that have restored thousands of acres of coastal habitats. In 2002 alone, the NEPs restored or protected nearly \$118,000 acres of coastal watershed habitat. So we believe this is one of a handful of the Federal non-regulatory programs that delivers Federal programs to the local level. It has been and with your help it will continue to be a national resource for the protection and improvement of the Nation's estuaries.

I would like to thank the committee for your time and listening to us. If we can assist in any way in your deliberation on this bill, please feel free to ask.

Mr. DUNCAN. Thank you very much, Mr. Ribb. The National Estuary Program is a very important program.

Next is our witness concerning legislation about which Congressmen Vitter and Baker testified. Here representing the Lake Pontchartrain Basin Foundation is Mr. Carlton F. Defrechou. He is the Executive Director from Metairie, Louisiana.

Mr. DUFRECHOU. I am Carlton Dufrechou with the Lake Pontchartrain Basin Foundation in New Orleans.

Chairman Duncan, between you, Congressman Vitter and Congressman Baker, I think you have given a very good synopsis of the status Pontchartrain's restoration and certainly to my colleagues to my right, the problems with Pontchartrain are not unique and are the same throughout the country. We have urbanization taking place, sewage discharges, agricultural runoff.

One thing that may be different in southeast Louisiana is we are sinking. The area is subsiding. We are literally losing an acre of marsh in the Pontchartrain Basin every 36 hours. Something that is different with us might be the navigation canals and salt water intrusion.

I would take maybe a second of your time and suggest what may be a bit unique about Pontchartrain is we are kind of the pup on the block. We have certainly used Chesapeake and NEP as the model and you have given us great guidance. What may be a bit different is that I am a native of the New Orleans area and I am 48 years old. I grew up on the lake front. It was the place every summer when you get out of school your shoes would come off and you would go to the Lake. In the evenings, your parents would come back from work, take you out to the lake front and eat watermelon and have picnics.

Unfortunately, in July 1962, the first no swimming signs appeared on the south shore of Lake Pontchartrain in New Orleans because of high levels of fecal bacteria. The bacterial levels at that time were in excess of 10,000 mpn, basically a count of bacteria in a glass of water. Safe swimming criteria by the EPA is at 200 mpn, so we were swimming in some pretty rotten water. It got so bad in the late 1970's, that the Lake literally turned brown and the State of Louisiana discontinued sampling of Pontchartrain in 1979 and it was largely forgotten. I am one of the generation that unfortunately forgot it but something happened that was pretty magic in the mid to late 1980's.

Excuse me for a second. I am a simple-minded engineer and not that good at public speaking.

A group of citizens got together and they ranged from watermen to bankers, from conservative to liberal and their one common denominator was Pontchartrain. They remembered when it was full of fish, full of crabs, very productive, when people could use it when it was the place to go and was literally the heart of New Orleans as much as the French Quarter was until the 1960's. These folks went to Chesapeake Bay and kind of stole the Save the Bay slogan and started printing these blue Save the Lake bumper stickers. Although we call it a lake, technically it is an inland bay. It is connected to the Gulf of Mexico.

Those bumper stickers within a year were on 50,000 automobiles and the State legislature started to take notice and said, yes, we have to do something about this, so they created the Lake Pontchartrain Basin Foundation and tasked us with the mission to restore the water quality and habitat of not only the lake but the 10,000 square mile basin.

Congressman Vitter is exactly right, we have been very fortunate. This grassroots effort has come a long way in a short period

of time. In the last decade, we have seen the elimination of many activities that were detrimental to the lake, particularly discharging sewage from the south shore. That in itself has made a marked difference in the water quality. Today I am pleased to tell you that we have a swimmable lake on the south shore. The bacteria counts are down to 200. It is on a regular basis, beaches are reopening. We have fish in the lake. Maybe we need a crab contest with Chesapeake. We think our blue crabs are as large and tasty as Chesapeake's.

The lake has come a long way but we have hit the cap also. We have done about as much as we can on the local level. There are 98 regulatory agencies in the Pontchartrain Basin and it is tough to get them all to agree but they have all agreed on the comprehensive management plan for the restoration. We have done a magnificent job on the agricultural end. Almost all of our 275 dairies in the Pontchartrain Basin now have waste retention systems. The ag problem has largely been addressed. Our biggest remaining problem is sewage infrastructure, exactly what you are talking about today. It is monumental. New Orleans itself has over 1,000 miles of sewage collection lines, many of them old and cracked and it is a big job. We need your help in a big way.

In closing, in Pontchartrain's restoration, the economic value has been estimated to be about \$1.3 billion at present. Certainly those benefits are to New Orleans and the region but they are also to the country. New Orleans is a very big part of America and always will be. We need your help. Please support H.R. 4470.

Thank you for the opportunity to be here this afternoon. It is truly an honor.

Mr. DUNCAN. Thank you very much, Mr. Dufrechou. I hope I have come close to pronouncing your name correctly.

Mr. DEFRECHOU. You did very good, Mr. Duncan. Thank you.

Mr. DUNCAN. Very fine testimony. Once again, great improvements over the last 30 years but a lot of work left to do.

I am going to first go for questions to Mr. Costello.

Mr. COSTELLO. Thank you. As you noted, we do have a lot of work to do and that is one of the first questions I want to direct to Mr. Pinault. There is no question that this panel and the previous panel, the members who testified and those who have given opening statements and comments, here on this subcommittee we all realize the need that is out there. As you testified, Mr. Pinault, in your testimony, the needs are staggering and they indeed are.

The problem is how do we pay for both repairing and replacing the Nation's wastewater infrastructure. I recall when we were drafting the Water Quality Financing Act of 2003 that we had testimony in front of this subcommittee from representatives of the Administration that opposed substantial increases in Federal funding for wastewater infrastructure. I don't think there is any question that there is strong support in the Congress for additional funding but I question the support coming from the Administration.

We are facing a huge Federal deficit as you well know. It frustrates me as it obviously does Chairman Duncan and others that we can find the money to replace and repair infrastructure in Iraq and other places but we cannot come up with the Federal funding

necessary to leverage State and local funding to make the repairs and replacements we need in our wastewater infrastructure.

I am just wondering what AMSA has done as far as lobbying the Administration or making a strong case so that those in the Administration are aware of what the staggering needs are and if in fact you have had any progress in convincing the Administration that we need additional funding from the Congress?

Mr. PINAULT. First of all, AMSA has been around for over 30 years and they were formed back in the early 1970's with the formation of the Clean Water Act. One of the primary needs was to push for Federal funding which they were successful in doing in P.L.92-500. Since that time, they have continued to lobby for that. Over the last several years, we have done a lot of educating on both the House and the Senate side and with the Administration. AMSA has been one of the founding members of the Water Infrastructure Network of over 40 groups including labor and environmental groups which help document the need for additional Federal assistance.

I also mentioned that I am the Chairman of the Wastewater Infrastructure Funding Task Force. We have raised money over the last two years from our members and have done a lot of work trying to identify sources of potential funding for a trust fund. In addition, we have done some national polling. I believe we have made that information available to you and your committee.

We hope to have identified specific sources of funding over the next three or four months and to be able to start talking to members of your staff this fall. We are working on it. We are meeting in Denver in two weeks, a national meeting and it is on the agenda. We feel a big part of this is education.

The biggest problem I think we have, as mentioned by Congressman Pascrell, is we are out of sight, out of mind. We have a major infrastructure system that people walk and drive over every day but they don't see it. Yet it is very important to the fabric of the economy, the environment and the public health. I think we have done a lot to raise the consciousness of the importance of the system but there is a lot more to be done. We are there to do it and we look forward to working with you in any way you see fit.

Mr. COSTELLO. We appreciate that and as I said, I think there is strong support in the Congress for additional Federal funding and any help you can give us in working with this Administration and future Administrations to convince them of not only the massive need but also the funding.

Ms. Swanson, you in your written testimony characterized the Chesapeake Bay Program as mostly a success. I wonder if the reauthorization is signed into law what challenges do you see and what do you expect to accomplish over the next five years?

Ms. SWANSON. As part of Chesapeake 2000, the jurisdictions have committed to delist the Bay by 2010. That basically translates to a doubling of both nitrogen and phosphorous reductions in the six years compared to the 17 years when we made the first round of reductions between 1985 and 2000.

We have identified the top seven best opportunities for nutrient reduction and we have honed in on those because essentially they give you the biggest bang for the buck. It is very obvious that all

of the money needed to restore Chesapeake Bay which water quality alone is more than \$11 billion, is not going to come all at once, if ever. So in the next five years, I see the program honing in on what makes the most sense for every dollar.

We have some of the most advanced economic information now for estuarine cleanup, so I see that. The other thing I see is that in our region, there are significant efforts underway with Governor Erlich in the lead in Maryland but to put nitrogen removal at all of our major sewage treatment plants. That is state of the art, it is only happening in a few places in the country—Long Island Sound and Tampa Bay among them—and the Chesapeake is leading in that effort. Again, I see that in our future.

Lastly, what I see in our future is hanging together when the going gets very tough. As you know, the partisan politics of our current times are very difficult to work with and the Chesapeake Bay Program seems to be proceeding regardless and doing its best to remain bipartisan. Congressman Gilchrest has done enormous things to ensure that. His participation is unrivaled.

That is what I see.

Mr. COSTELLO. I would agree with your assessment of our colleague, Mr. Gilchrest, and his work. Congressman Gilchrest mentioned the flush fee in Maryland as the Governor calls it and I am wondering is the Bay getting similar support from Virginia, Pennsylvania and the District?

Ms. SWANSON. It is interesting. If you want nitrogen out of your sewage treatment plants, you can do it in two ways. One is to produce an incentive program where you can help to pay for that removal and the other is a regulatory program. Virginia is on a regulatory track. In Maryland, there is an incentive program but it is not coupled with the regulation. In Virginia, there is no money but they are going the regulatory route. I would say both are testing the waters. The regulatory process takes much longer so Maryland is ahead.

Pennsylvania is not pursuing the same aggressive nitrogen removal but with good reason. The lion's share of the pollutant load in Pennsylvania, more than 60 percent, comes from agriculture, so if they are going to focus their best bang for the buck, it is going to be in the agricultural world.

Mr. COSTELLO. And the District?

Ms. SWANSON. The District, quite honestly, is where we need a lot of congressional help. The District already has Blue Plains which is the largest sewage treatment plant in the world at 8 mpl nitrogen. A regular plant is discharging at about 18 but that plant can go down to 3 mpl. Right now, the District's highest priority is the Anacostia River, so they do not have the retrofit of Blue Plains as their highest priority but the other States and the Bay itself is relying on that upgrade. I think it is going to need a lot of congressional assistance to make sure that enormous sewage treatment plant remains a model for the world.

Mr. DUNCAN. Thank you, Mr. Costello.

Mr. Gilchrest.

Mr. GILCHREST. Thank you, Mr. Chairman.

I was thinking about retiring from Congress but with all those compliments, maybe I will stick around for a while.

Ms. SWANSON. We will get you back on a write-in.

Mr. GILCHREST. Thank you very much, Ann, for all you have done and your testimony is very easy for us non-scientists to understand. I want to ask for anyone to make comments about these because you all represent something similar in the nature of the problem we have experienced and continue to experience with the Chesapeake Bay. I also want to say, Mr. Dufrechou, I have never heard an engineer with more passion about an issue, especially an environmental issue, than we have heard this afternoon. It was very inspirational. Thank you very much. All of your testimonies have been right on the mark.

I want to talk briefly and have you respond to your area specific to sewer and septic problems, transportation problems, stormwater runoff problems, agriculture problems and power boats that create a lot of turbidity. The flush fee in Maryland is a wonderful thing, it will take a lot of nitrogen out of the Chesapeake Bay but we are also considering with our little towns and communities across the Delmarva Peninsula where we live on the Eastern Shore of Maryland where we have now been targeted by national contractors and developers moving out of Florida looking for more open space and have targeted the Delmarva Peninsula. There was a Washington Post article a week or so ago on that.

If we begin to improve the nutrient removal of sewage treatment plants but increase in order of magnitude the number of people, then using that, for example, there are a number of communities where the population in the next few years will not only double but triple and quadruple. So you are taking a percentage of the nitrogen out compared to what is going in but as you increase the amount of nitrogen going in, you may not have a net reduction of nitrogen. So sewer and septic tanks are OK but if you hugely increase the population, do you have a specific way to deal with air pollution and about a third of the problem with the Chesapeake is air deposition. As we put on more automobiles, we demand more power from energy, we continue to increase the amount of nitrogen in the air.

Stormwater runoff, there is a lot of problem with stormwater runoff even still around the Chesapeake Bay. If you fly over Baltimore City or any urban area, you can see it. Are there specific programs that you look to for that?

Agriculture, we continue to improve I think dramatically the kind of understanding that we have for nutrient management plans. With the conservation title of the Ag bill, there are a lot of positive things happening with agriculture. I would be interested to see what that is with you. If we run out of time, I can always talk to you in the weeks and months ahead.

The last thing is the most interesting. When I leave my house and go to the end of the road, there is a beautiful tidal basin called Turner's Creek that goes out into another larger tidal basin called the Sassafras River which empties into the Chesapeake Bay. It is all tidal.

On a Sunday, you can paddle out of that little dock in a canoe and when you hit the Sassafras River, you are on 495 Beltway around Washington, D.C. with the power boats roaring, roaring, roaring. The turbidity is such that on a Sunday, you can't see down

two inches in the shallow estuary. The slap of the waves on the beach are like a hurricane.

It takes until Wednesday until you can see down about 10 feet for the turbidity to slow down. We know that reduces the light, reduces the Bay grasses, degrades water quality as a result of that, so all of these things, we have been making enormous progress. We know about these things because we are studying the Bay. Sewage and septic are fine until you quadruple the number of people that are using it, transportation and air pollution and stormwater runoff, agriculture, power boats, human activity in general.

I don't know, Mr. Chairman, if they all get a chance to answer that or should they write me a letter? I will stop now. Thank you very much.

Mr. DUNCAN. Do any of you have any comments in response to Mr. Gilchrest?

Mr. RIBB. One of the issues, particularly stormwater, is something all of the estuaries are facing. Getting a handle on that, violating bacteria criteria, knowing the sources of the bacteria, are they human, are they animal and what does that mean but finding out where our stormwater problems are, the assessment end of it, we are kind of weak on that. The TMDL program is trying to address some of that but it is expensive and the State doesn't have the staff to do it all. Stormwater assessment for a hot spot is going to be required under Phase 2 and is going to be a challenge for at least our State and me.

I think we are doing well on the nutrient issue and as Paul will tell you, our governor wants to get on the ballot a bond to increase and accelerate the plans already in place for nutrient reduction.

I think we have learned a lot from Chesapeake Bay, from Tampa Bay and from the other programs that have been reducing the nitrogen loads and seen some real positive results.

We had a big fishkill last summer that really galvanized peoples' attention. It was in an area with heavy boating, so the people who live in that community are really interested in what are the impacts of boating. We don't have a good handle on that either. The issue of cumulative impacts of all that boating is something that has not been well studied. So I agree those areas are challenges for us too.

Mr. DUNCAN. Thank you very much.

Just about three and a half weeks ago, Congressman Costello and I went to Chicago and held a field hearing with several other members at the request of Mayor Daley. He was one of our three witnesses. At that time, just to point out the magnitude of the problems that we are dealing with particularly in this first legislation, H.R. 784, the Water Quality Investment Act, there was a story and I mentioned this in passing a few minutes ago, a front page story from the Milwaukee Journal Sentinel which said the sewage district dumped an unprecedented 4.6 billion gallons of raw sewage this month exceeding any annual dumping tally since the deep tunnel system opened in late 1993. That included 3 billion gallons dumped between Friday and Tuesday as well as 1.6 billion gallons dumped earlier in May. It said Milwaukee Metropolitan Sewage officials blamed intense back to back storms and almost unrelenting rain for the massive sewage overflows. Since May 7,

district rain gauges indicated rains between 6.98 inches on Milwaukee's southeast side. That is more than any sewage treatment system in the country could handle said Kevin Schaffer the District's executive director. The dumping is something we have to do if we want to minimize and prevent basement backups.

That problem is hitting so many communities around this country and that is why we are here today talking about some of these things at this point.

Let me ask several of you a question or two. Mr. Dufrechou, the subcommittee had a hearing on the Upper Mississippi work that needs to be done which is one of the biggest projects overall in the whole country. In the next couple of weeks, we have a hearing scheduled on the Louisiana coastal area work that needs to be done and then we are going to get into the Everglades project. All of those involve many, many billions of dollars worth of work.

Are you familiar with the proposals that have been made for the work in the Louisiana coastal region and what effect will that work have on the Lake Pontchartrain Basin?

Mr. DUFRECHOU. On water quality, it will not really have an impact. The coastal program, however, will hopefully start to sustain some of our coastal wetlands. We have been losing on average about 25 square miles per year. As I mentioned earlier, we lose in the Pontchartrain Basin an acre every 36 hours. The problems we have with the coast is everything in southern Louisiana was basically built as the Mississippi wiggled back and forth across the State 5,000 years ago and when we humans decided to levee it in, all of the sediment went straight south to the Gulf of Mexico and now they go off the Continental Shelf. Unfortunately what we didn't recognize in the late 1920's or early 1930's when we leveed the river was the ground is also sinking in the coastal zone. It is compacting and subsiding. Once we cut off the replenishment of sediments that subsided and started to take its toll. In addition to that, we humans came in and started cutting shortcuts of waterways and navigation canals that allowed the salty waters of the Gulf to come into the historic brackish, fresh areas. The vegetation couldn't take it, cypress swamps for instance went south for the duration and in many instances in areas below New Orleans, St. Bernard Parish, if you go in those areas now, you will see what looks like headstones literally, the old cypress trees standing up.

The Louisiana Comprehensive Area Plan is monumental. It is asking for close to \$2 billion. It is needed. In Louisiana we are talking now about relocating communities. The coast as I knew it, as my parents have known it, will not ever be again. The best we can hope for is to maintain and preserve what we have today with some reintroductions of the Mississippi River, basically restoring hydrology, trying to mimic nature again. Hopefully the coast will be sustainable. It is a necessity not only for the communities but also for the infrastructure, the port infrastructure in New Orleans to Baton Rouge along the Mississippi as well as all the oil and gas infrastructure that is in the Louisiana coastal area waters.

Please help us. We need it.

Mr. DUNCAN. Let me ask, you and Ms. Swanson, both of your projects or your organizations do have national significance. On the other hand, I think it is obvious that the Federal Government can't

do everything everybody wants us to do and the primary benefits from the work that needs to be done in your areas are going to the local people. So you are first going to get local benefits, secondly you will get State benefits, thirdly you will get regional benefits and fourthly, national benefits. Yet every community in this country is coming to us first to get most of the money from us. Yet the local and State governments while they all cry wanting more money, almost all of them because of balanced budget requirements and so forth are in much better shape financially than the Federal Government. We have this tremendous national debt and growing worse all the time.

I don't blame you. If I was in your shoes, I would be right here too asking for help but what I am wondering, are you concentrating your efforts at the local and State levels and are you getting enough support? Mr. Costello got into that a little bit but I am curious about that. Do you realize there are people who think you should put some pretty heavy burdens on your local communities and your State governments as well?

Ms. SWANSON. There are a couple of parts to your question. First of all, I would argue that a program that isn't also going to be doing substantially more work at the State and local level than what they expect from the Federal Government is not going to work because the leadership does indeed have to come from the State and local level and the will to do it. I believe when we come to the Congress seeking Federal dollars, it is to provide the catalyst for action, to provide the mechanism to then come together and leverage enormous State and local dollars. That is exactly what the Bay region has done. We did an analysis of all of the money coming in at mostly the Federal and State levels and we basically saw at the end of the day it was about 18 percent over the last ten years that was shared at the Federal Government level. The rest was coming from these outside sources.

I would say why do we deserve that 18 percent or I would like to see it a little bit more? If you can be doing things that are cutting edge and are in fact addressing an issue that is of greater significance than your local area, then I do believe it is justified and if other areas of the country and the world can then translate that into policy.

In both the Lake Pontchartrain case and the Chesapeake case, the central driver is water quality and environmental protection. If you look at the Mississippi project you talked about, that driver is navigation. For Everglades, it is water availability for the future development in the Golden Crescent. In those situations, environmental protection is very important but is not the fundamental driver. It is the same with CalFed which are the biggest programs in the country.

I would argue that your monies can leverage huge amounts of money and serve also as a teaching tool for other places so that we know how to do it better.

Mr. DUNCAN. Thank you. Mr. Dufrechou?

Mr. DUFRECHOU. On the Lake Pontchartrain end, we actually started as a local community driven. To date, don't hold me to this exactly, but on the south shore, we have spent approximately \$50 million on sewage infrastructure repairs. That is the reason we

have seen the water quality improve on the south shore. We have actually seen a flip, the rapidly growing areas on the north side of the lake and Congressman you mentioned earlier the septic problems. Actually the north shore of Lake Pontchartrain used to be a rural area and its septic systems when they are maintained are the best systems and the most natural system on the planet.

The problem we are having and I am sure in Chesapeake and many areas, once you start growing, you get a bunch of these close to each other and each will have a little discharge, a little more discharge and you suddenly have a lot of discharge and a lot of pollution. The larger cost problems we are seeing now are the smaller communities growing up. The sewage service rates have actually increased on the south shore, particularly in the past two years. We are looking at sewer fees similar to a flush fee now for the unincorporated areas of the north shore.

One thing we have done that is a bit unique because of the wetlands around Pontchartrain, and it addresses partially the stormwater problems, we have had 50 inches of rainfall in New Orleans already this year. We usually get 60 but it is kind of pushing this year. We try to take the stormwater and if we have adjacent wetlands, funnel it into the wetlands. The wetlands are nature's way to filter the impurities out of stormwater. We are actually doing it with three wastewater treatment plants also.

We have found it is not cost effective to actually create a wetland because of the aerial extent of it but if one is adjacent to a discharge point, it is very cost effective to use those wetlands to treat the discharges, the effluence from either the wastewater treatment stations or the stormwater discharges. You also get a double bang for the buck. The nutrients in those discharges will benefit the wetlands.

It all boils down to dollars and it is a very, very tough situation. We are trying on our end on the Pontchartrain Basin to raise the dollars wherever we can.

Mr. DUNCAN. All I am saying is we want to do our part but I think everyone has to realize there are very, very important local and State responsibilities, reasonable responsibilities on these matters as well.

Mr. GILCHREST. Will the gentleman yield on that point?

Mr. DUNCAN. Yes.

Mr. GILCHREST. There is no question that the Federal mix is important and vital but unless as already stated here by the witnesses, there is a real stakeholder interest at the local level where they are willing to feel a little pain to contribute those dollars to create the infrastructure where the Federal dollars can come in and really make a difference, it is not going to work. In Maryland, people don't like to call it a flush tax, so we will call it a flush fee but it is on everybody whether you have a septic tank or you are part of the municipal water system and that is bringing in about \$70 million to contribute to the whole infrastructure of creating this system to restore water quality.

I also want to say not only do local governments participate in this in their own way but there is a real big private sector movement raising money to purchase easements on very sensitive lands that can be used for buffers for ground water for estuaries and for

the Bay itself. There has been I believe 38,000 acres on the Eastern Shore alone in about the last seven or eight years where this private organization has really contributed to all of this.

Mr. DUNCAN. Thank you very much.

Mr. Dufrechou, you mentioned the Lake Pontchartrain area used to be rural and it is amazing to me what I have seen in my life time. I have been told at different times when I have been to Florida that even ocean front property was cheap until the 1960's or so. Now it seems people have gone berserk over land that is on the water. The price that type of land is bringing in east Tennessee is unbelievable. Everyone wants to live on or near the water.

Mr. Ribb, later this month the subcommittee is going to review a proposed Corps of Engineers project that we spent \$1.2 billion to restore a single estuary in Florida, the Indian River Lagoon and this estuary is also in your program. This project is going to be cost shared on a 50/50 basis between the State of Florida and the Corps of Engineers. That means the Federal contribution is going to be \$600 million. So the leverage there is only a \$1 for \$1 level. Yet you said in your testimony that the program leverages \$11 for each Federal dollar invested.

If we have \$600 million Federal money to invest, what do you think is the best use for those funds and how do you get the \$11 because we always hear these things. Almost every hearing we have, people come in and we hear all the time \$5 benefit for ever \$1 invested. Then it went to \$7 and now I commonly hear \$9 for every Federal dollar invested. You hit me with about the highest one I have heard which is \$11 for each \$1.

Mr. RIBB. It must be the inflation factor. Those who manage the program for EPA surveyed all of the programs. The chart I showed you is the annual Federal allotment, Section 320 Clean Water Act funding. This red circle is what that number is based on. The red circle is where the program played a primary role so that is in partnership but the program developed the program, the project organized it, secured funding, wrote grants, worked with municipalities to get local funding, worked with State agencies to get funding.

We have a large restoration project that the Army Corps is participating in Rhode Island and we worked very closely with the State Government to build a case for coastal habitat restoration to bring the Corps in to do a reconnaissance study. We are managing the project for the State which is investing \$600,000 and the Corps is bringing a little over \$2 million into the project. It was a lot of work over two or three years for our program to do that. That has been replicated in a number of the programs.

Mr. DUNCAN. I don't mean any criticism of you and I like your program but I will tell you that I personally am kind of skeptical of some of these claims about the dollar values. I have heard that so much over the years and I am pretty skeptical because it seems to me it is sort of like if you take a person's family tree out far enough, you are related to almost everybody. In the private sector, you could take a dollar and stretch it out and say it has \$10 of value for everything we do in the private sector but some of it seems it goes too far to me.

The big question I had was what do you think we should do with that \$600 million? Are you familiar with that project?

Mr. RIBB. I am not particularly familiar with that. I do know that Florida has very strong regional funding whether through their water management districts, through a number of regional plannings, through interlocal agreements where people are putting funding into it so that when I talk to my colleagues in Tampa Bay and some of the other programs, I am always impressed by the percentage of State/local/regional funding from governments they can bring into that work. Tampa Bay is one example of essentially doing the TMDL for Tampa Bay for nutrients. That is similar to what is going on in Chesapeake Bay where they are taking a different approach to that, hopefully a less expensive approach.

Mr. DUNCAN. I think we should turn the \$600 million over to Mr. Diaz-Balart and let him control the whole thing.

Mr. RIBB. That \$11 to \$1 is an average so some of the programs don't perform that high because they are not engaged in some of those. They may not be from a State that has as deep pockets as Florida or other States or there are some larger projects they are heavily engaged in where there was some significant funding.

Mr. DUNCAN. Mr. Pinault. Will you explain why it is so expensive to correct these combined sewer overflows and sanitary sewer overflows? Sometimes it seems some of these companies are getting almost ripped-off type profits or fees to take care of some of these problems.

Mr. PINAULT. I have 23 commissioners I answer to that ask the same question. Basically in our case in our district, we have the two largest treatment facilities in the State. We handle over 32 billion gallons on average in a year, 30 billion gets through the system, gets secondary treatment and discharged; 2.2 billion on average a year escapes the system through combined sewer overflows. We have 71 throughout the district.

To treat a gallon wastewater at a treatment plant that runs 24 hours a day, 7 days a week, 365 days a year, you get a very good bang for your buck in cost benefit because the facilities are on-line constantly running.

In a CSO facility, it only operates or only has to operate when it rains and because we cannot control if and when it rains, the biggest issue is not if and when it rains but how much it rains, what is the intensity. If you have half an inch of rain in 24 hours, a nice drizzle all day long, we will probably have little or no overflow, it will all be captured and treated. If we have half an inch of rain in 30 minutes, which we have this time of year with flash floods and summer storms, it exceeds the capacity of the system, there is a bottleneck and it overflows covering hundreds of square miles. Having these overflows going from 12 inch to 110 inch you have to have facilities that can automatically direct that flow to assist where it can be held or treated at a moment's notice. It could happen at 2:00 a.m. or Christmas day when people aren't there so you have to build facilities. We figure it cost 40 to 50 times more per gallon to build the infrastructure that is needed to handle a gallon of CSO wet weather flow versus dry weather flow. It is only because you have to have it there if and when it is needed but you don't know when it is going to be triggered. That is what drives up the cost. Because you have these significant peaks you have to tend to, you have to build the facilities large enough to meet the CSO

policy which says no more than four overflows in any year. That means in our case 96 or 97 percent of the overflows have to be captured and treated.

Mr. DUNCAN. Forty to 50 times more?

Mr. PINAULT. Yes, per gallon.

Mr. DUNCAN. Per gallon.

Mr. PINAULT. In our case, that is what we have calculated.

Mr. DUNCAN. Mr. Diaz-Balart?

Mr. DIAZ-BALART. No, thank you, Mr. Chairman. Just wanted to thank you for this very, very important hearing.

Mr. DUNCAN. Thank you very much.

You certainly have been very helpful and informative witnesses. We appreciate you coming and participating in this hearing. We will be attempting to move these bills out of subcommittee and through the process sometime next week.

I will call on Mr. Costello for any closing comments he wishes to make.

Mr. COSTELLO. Thank you. I would like to thank the witnesses also for their testimony on this important legislation. Hopefully we can press both the Administration and everyone about not only the drastic needs but also the necessary funding that has to come from the Federal Government and all of the stakeholders and parties.

Mr. DUNCAN. It looks like we did perfect timing and that will conclude this hearing.

[Whereupon, at 3:45 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

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U.S. Rep. Dave Camp (MI-04)

H.R. 784, to Amend the Federal Water Pollution Control Act to
Authorize Appropriations for Sewer Overflow Control Grants

Testimony before the Committee on Transportation and
Infrastructure Subcommittee on Water Resources and Environment

2:00 p.m., Thursday, July 8, 2004
2167 Rayburn House Office Building

Mr. Chairman, members of the Committee, thank you for granting me the time to discuss an issue much larger than the trillion dollar price tag it has carried over the last 20 years. The rebuilding of our aging sewer systems is not only about the safety of our drinking water, but also preventing pollution and protecting our beaches, lakes and rivers from wastewater overflows.

Beyond our homes, clean water supports a \$50 billion a year water-based recreation industry, at least \$300 billion a year in coastal tourism, a \$45 billion annual commercial fishing and shell fishing industry, and hundreds of billions of dollars a year in basic manufacturing. Clean rivers, lakes and coastlines attract investment in local communities and increase land values on or near the water, which in turn creates jobs, add incremental tax base and increase income and property tax revenue to local, state and the federal government.

The water is a way of life in my home state of Michigan. The Great Lakes not only define our borders, they define who we are as a people. In 1995, the U.S. Fish and Wildlife Service reported that Great Lakes fishing industry alone generated about \$2.2 billion in sales to local businesses and that the industry represented \$4.4 billion in annual economic activity and about 75,000 jobs – and that was nearly 10 years ago.

In short, this legislation is about our nation's physical health, economic vitality and goes to the very core of the quality of life we have in our communities. I know this is an issue you all take seriously, and I want to particularly applaud the leadership of Congressman Pascrell of New Jersey – a distinguished member of this committee – for working with me to find a solution.

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Our sewer systems are rapidly eroding. The Environmental Protection Agency reports that 1,260 billion gallons of sewer overflow discharges occur every year. In less than a dozen years, more than half of the country's sewer pipes will deteriorate to the point of being in poor or very poor condition. Just four years ago, that number stood at only eight percent or roughly 600,000 miles of pipes. That means in the span of a mere sixteen years, well over 40 percent of our clean water infrastructure will be degraded and in serious need of repair.

Our systems are aging. Our population is growing. And, our local communities are literally drowning under the cost of repairs. If we don't act quickly, we could soon face pollution levels like we haven't seen since the 1970s.

The legislation that Mr. Pascrell and I are proposing, would be the first ounce of prevention well worth a pound of cure. By helping communities repair leaking and broken sewer pipes, we can sharply reduce the number of beach closures, ensure cleaner drinking water and prevent water pollution in rivers, lakes and along our coastlines.

I appreciate the willingness of the Committee to consider my legislation. I am hopeful the Committee will continue to move forward in its efforts to help America's communities better cope with the burdensome costs wastewater overflows pose and better safeguard residents from the public health and environmental risks associated with overflows.

Thank you.

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Testimony by

**Carlton Dufrechou
Executive Director
The Lake Pontchartrain Basin Foundation**

Submitted to

**WATER RESOURCES AND ENVIRONMENT
SUBCOMMITTEE**

Of the

**COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE**

U.S. HOUSE OF REPRESENTATIVES

For Hearing on

**H.R. 4470
Lake Pontchartrain Basin Restoration Program**

July 8, 2004

**H.R. 4470, Lake Pontchartrain Basin Restoration Program
Testimony by The Lake Pontchartrain Basin Foundation
Water Resources and Environment Hearing
July 8, 2004**

Good afternoon, Mr. Chairman, Members of the Water Resources and Environment Subcommittee, Ladies and Gentlemen, I am Carlton Dufrechou, Executive Director of the Lake Pontchartrain Basin Foundation. Thanks you for the opportunity to speak about the environmental status of the Pontchartrain Basin.

The Lake Pontchartrain Basin is one of the largest contiguous estuarine systems on American's Gulf Coast. This 10,000 square mile watershed covers all of southeast Louisiana or about 20% of the state's area. Its habitats and topography are diverse. They range from rolling woodlands in the north to freshwater cypress swamps near the Basin's center to saltwater marshes and barrier islands along its Gulf Coast. At the Basin's heart is the 630 square mile Lake Pontchartrain. Although named a lake by the explorer Iberville, technically Lake Pontchartrain is a bay or estuarine area. An area where the fresh waters from rivers meets the salty waters from the sea. Typically, these are the most productive areas on Earth.

The Basin encompasses 16 parishes, including Louisiana's two fastest growing parishes, as well as the New Orleans and Baton Rouge metropolitan areas. It is home to two million people or 40% of the state's population. Over 1.5 million residents live immediately around Lake Pontchartrain making it the most densely populated area of Louisiana.

Historically, Pontchartrain played a significant role in the development and growth of New Orleans, the state of Louisiana, and the United States. Throughout the 1700's and until the mid 1800's, Pontchartrain and its rivers, bayous, and coastal waters provided the primary means of transportation, communication, and commerce. During the late 1800's and first half of the 1900's, the Basin was an economic engine for the region. Its natural resources – timber, fisheries, and minerals benefited society.

Since the late 1940's, population, urbanization, and land use changes have increased. Adverse impacts to Pontchartrain's ecological resources have been great. Inadequate wastewater treatment, storm water discharges, and agricultural activities have degraded water quality. In July 1962, the first "NO SWIMMING" signs were posted along the south shore of Lake Pontchartrain due to high level of pollution. By the mid 1980's, almost every river and bayou in the Basin was polluted. Poorly planned growth in floodplains has destroyed terrestrial habitats and induced flooding. Dredging of channels and canals like the 70 mile long Mississippi River Gulf Outlet (MRGO) has destroyed wetlands, increased saltwater intrusion and expanded dead zones. Even as we speak, an

acre of wetlands disappears every 36 hours along the MRGO. Natural occurrences like hurricanes, shoreline erosion, and land subsidence compound these problems.

Because of the watershed's declining environmental health and public concern, the State of Louisiana created the Lake Pontchartrain Basin Foundation (LPBF) in 1989 and tasked it with the mission to restore and preserve the water quality and habitats of the entire Pontchartrain Basin. With the help of citizens, the business community, local governments, state agencies, the Environmental Protection Agency (EPA) and other Federal agencies, the LPBF has acted as a catalyst and coordinator for Pontchartrain restoration. Accomplishments have been many. A Comprehensive Management Plan for the Basin's restoration was completed; detrimental activities such as shell dredging were discontinued; waste retention lagoons were constructed to eliminate pollution from dairies and other agricultural operations; abandoned oil and gas structures were removed; waste water treatment systems were repaired; wildlife refuges were created. Yet much remained to be done.

Recognizing Pontchartrain's significance, very early in his first term, Congressman David Vitter authored and introduced the Lake Pontchartrain Basin Restoration Act of 1999. The goal of Congressman Vitter and the Louisiana Congressional delegation was to elevate the importance of Pontchartrain's restoration to the national level; to enhance existing partnerships; to create new alliances; and to provide cost share funding for major restoration projects.

The Pontchartrain Restoration Program is working. Water clarity has improved. Seagrasses and clams have made a dramatic recovery. Pelicans are plentiful again. Manatees have returned. Blue crabs production is enormous. Pontchartrain leads the nation in oyster production. Trophy size fish are abundant. The Lake's water quality has improved quantifiably. "NO SWIMMING" signs are coming down. Beaches are being opened. Lake Pontchartrain is again fishable and swimmable.

We still have a long way to go. While water quality has improved on the lake's south shore, it appears to be getting worse on the north shore and in the upper basin. Sprawl, - explosive, poorly planned urbanization has increased pollution, destroyed habitats, and induced flooding. To the southeast, the MRGO is still the major coastal environmental and storm surge problem.

The Pontchartrain Restoration Program addresses these problems. It strengthens our existing community-based watershed restoration efforts. It provides additional technical support. It augments regional support and consensus. It could provide cost share funds necessary for the major restoration projects. It could help make the Pontchartrain ecosystem sustainable.

The economic benefits of a healthy, sustainable Lake Pontchartrain Basin ecosystem are estimated to have a present value of almost \$1.3 billion. Those are benefits not only for the region and Louisiana but also for America. Please support H.R. 4470, the Lake Pontchartrain Basin Restoration Program.

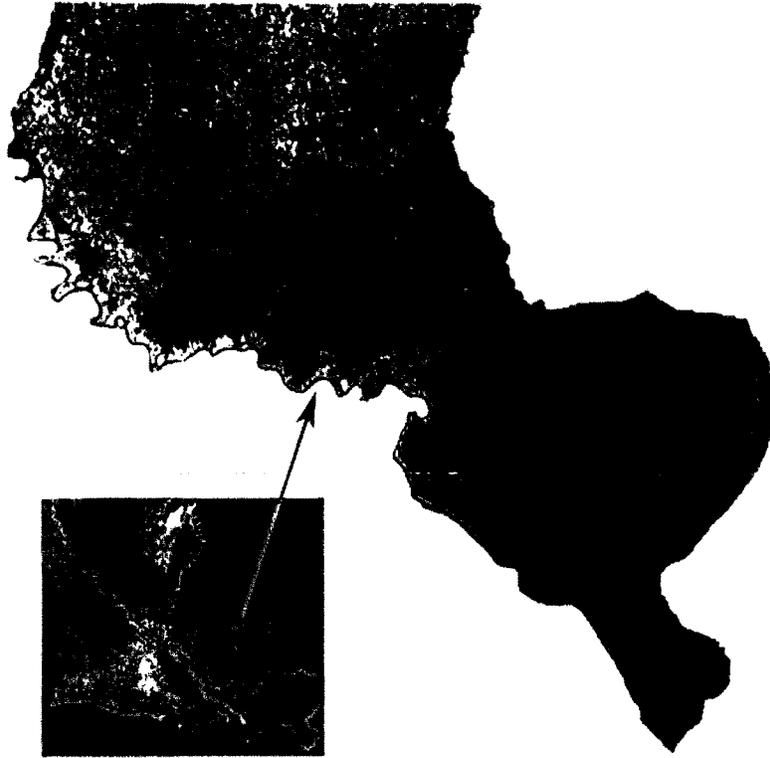
In closing, I wish to express my sincere gratitude to Congressman Vitter for his foresight and leadership creating and championing the Pontchartrain Restoration Program and to the Congressmen Jefferson, Tauzin, and Baker for their support as well as to Senators Landrieu and Breaux for their strong support for Pontchartrain in the Senate. Mr. Chairman, Subcommittee Members, thank you for the honor of addressing you this afternoon.

Supplemental Sheet

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Ponchartrain Basin



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Statement of Rep. Gerlach on H.R. 4731

**House Transportation and Infrastructure Committee
Subcommittee on Water Resources and Environment**

July 8, 2004

Mr. Chairman, thank you for calling this hearing to examine several measures including H.R. 4731, a bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program. I introduced this measure on June 25, 2004 with my colleague, Representative Ellen Tauscher of California.

H.R. 4731 is a simple reauthorization of the highly respected and successful National Estuary Program, a program whose authorization will expire at the end of Fiscal Year 2005. Like the previous authorization, the bill will authorize \$35 million annually for the program and will extend the authorization through Fiscal Year 2010.

Estuaries are coastal bays, harbors, sounds and lagoons – places where rivers meet the sea. Estuaries and the lands surrounding them are places of transition from land to sea, and from fresh to salt water. Up to 80 percent of the fish that we catch spend at least part of their lives in estuaries.

EPA's National Estuary Program was established by Congress in 1987 to improve the quality of estuaries of national importance. Section 320 directs EPA to develop plans for attaining or maintaining water quality in an estuary. This

includes protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, allows recreational activities in and on water, and requires control of point and non-point sources of pollution to supplement existing controls of pollution.

The National Estuary Program now boasts 28 estuaries in almost every coastal state around the country. Since 1987, the National Estuary Program has restored or protected 700,000 acres of coastal habitat.

The Environmental Protection Agency (EPA) works with federal agencies, state and local governments, non-profit institutions, industry, and citizens to address an estuary's environmental problems. The National Estuary Program is a watershed approach in which all affected interests participate in creating solutions that balance environmental objectives with competing issues.

Estuaries support many commercial and other activities. The shipping industry relies on estuaries and is a large source of employment and an integral part of the national economy. Estuaries also provide great opportunities for tourism and recreation. Finally, coastal populations depend on clean water drawn from an estuary's freshwater tributaries to support public infrastructure such as drinking water and water supplies for industrial facilities, wastewater treatment plants, and irrigation.

Much of my Congressional District lies within the Delaware Estuary Study Area, so I am intimately familiar with the importance of protecting this particular estuary. The Delaware Estuary has sustained human populations for thousands of years. But by the end of the 19th century, increased population and industrialization had transformed much of the upper Estuary watershed. Fisheries were in decline due to pollution, and drinking water supplies were contaminated by pollution which caused outbreaks of typhoid and other diseases in urban areas. Both the industrialization and pollution of the water led to a dramatic decrease in the recreational use of the Delaware. It became less of a regional focal point as fewer people had direct contact with it.

By the mid-twentieth century, even more pollution flowed into the Delaware Estuary and the urban reach of the Delaware was one of the most polluted stretches of river in the world, with essentially zero dissolved oxygen in the water during the warmer months of the year.

Throughout the 1960's and 1970's, increased state, interstate, federal and public interest led to dramatic improvements in the Delaware Estuary's water quality. Today, with the assistance of the National Estuary Program, the Delaware Estuary is cleaner than at any time in the last century. Over 90 percent of the Estuary meets swimmable and fishable goals of the Clean Water Act. Public access to the Estuary has increased as the result of public parks.

Seeing the rebirth of the Delaware Estuary as a valuable natural resource is certainly encouraging. And I am encouraged not just by the progress made in the Delaware Estuary, but in estuaries throughout the country. For this reason, I believe it is vitally important that we act quickly to reauthorize the National Estuary Program and allow this progress to continue.

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**Statement of Representative Gary Miller
Subcommittee on Water Resources and Environment
Hearing on H.R. 784, the Water Quality Investment Act of 2003
July 8, 2004**

Mr. Chairman, thank you for holding a hearing on this important matter. I believe that if we want to sustain America's economic growth and provide for a rapidly increasing population, we must ensure efficient and reliable access to water resources and pursue a modernized sanitation infrastructure.

As a representative of Southern California, wastewater treatment and water scarcity issues are particularly important to me. Many states, especially California, face the challenge of providing sanitation and water resources for their growing population. Southern California, home to 17 million people, is the most populous metropolitan region in the country. It is estimated that the Southern California population is likely to grow by more than 6 million people by 2025. With increased demand, decreased availability of imported water and higher water quality requirements, future water supplies will become even more limited and expensive.

Section 221, Sewer Overflow Control Grants

In 2000, in order to facilitate a partnership between the federal government and local communities to develop vital wastewater infrastructure facilities, Congress amended the Clean Water Act to add Section 221, providing for Sewer Overflow Control Grants. Section 221 authorized \$750 million for the EPA to make grants to states and municipalities for controlling sewer overflows. I wholeheartedly support H.R. 784, which would reauthorize Section 221 of the Clean Water Act.

Importance of Passage of H.R. 1560

While H.R. 784 is a narrow bill dealing only with the reauthorization of the Sewer Overflow Control Section of the Clean Water Act, I would like to say that I view it critically important to pass the larger Clean Water Act reauthorization bill, H.R. 1560, which seeks to increase investment in wastewater infrastructure and to reduce the cost of constructing and maintaining that infrastructure. In California, this reauthorization could translate into over \$1 billion in additional funds to address the state's clean water needs.

H.R. 1560, which was authored by our distinguished Chairman, was favorably reported by this subcommittee on July 17, 2003 and currently awaits action by the full committee. Section 205 of H.R. 1560 would reauthorize Section 221 to provide \$250 million in grants for each of fiscal years 2005 through 2008. I urge the full committee to move expeditiously to complete work on this important legislation, which will ensure protection of the health and well-being of the American people.

Effectiveness of the Sewer Overflow Control Program

I would also like to point out a problem inherent in the Sewer Overflow Control program -- the fact that the authorization is conditioned upon the receipt of at least \$1.35 billion in appropriations for the Clean Water State Revolving Loan Funds. Because of this language, no funds were appropriated for sewer overflow control grants in FY 2002 and no budget request was made or funding provided for this program in FY 2003. I hope the committee will examine the implications of the current funding structure on the usefulness of this program.

Basing Infrastructure Decisions on Sound Science

While this bill extends an important authorization to provide funding assistance, we must be aware of the overall landscape in which we act. Specifically, as we prepare to consider this legislation, EPA has proposed a policy that many municipalities in California consider a reasonable approach to dealing with the practice of blending wastewater flows during extreme wet weather events. However, some environmentalists are trying to block this proposal. If they were to succeed, it would result in the needless expenditure of hundreds of millions of dollars of limited public resources on storage basins and expanded secondary facilities that would have little, if any, positive environmental impact.

While we should provide continued authorization for Sewer Overflow Control grants, at the same time we must ensure that proven, environmentally-responsible approaches are utilized and costly reactionary approaches, which are based on emotion rather than science, are rejected. Otherwise, despite our good intentions, we will never be able to meet the cost to communities of managing sewage overflows.

We must pursue the implementation of cost-effective, environmentally-sound sewer overflow control policies. This is the only way to meet the wastewater needs of our communities while protecting our constituents from needless expenditures.

Conclusion

Again, I commend Chairman Duncan for convening this hearing on a matter that is of such great importance, not just to Californians, but to the nation as a whole. I look forward to the testimony of my colleagues from Michigan and Louisiana about their legislation and of the other distinguished panelists. It is my hope that, based on this hearing, we will be able to partner with local communities to find innovative solutions to accommodate our nation's wastewater needs.



Association of
Metropolitan
Sewerage Agencies

**TESTIMONY OF THE
ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES
(AMSA)**

July 8, 2004

Presented by

**PAUL PINAULT
Executive Director**

**Narragansett Bay Commission
Providence, Rhode Island**

**Submitted to the
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT**

**in
WASHINGTON, DC**

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**Testimony of Paul Pinault
Executive Director, Narragansett Bay Commission
on behalf of the
Association of Metropolitan Sewerage Agencies**

Introduction

Good morning Chairman Duncan, Congressman Costello, and members of the Committee, my name is Paul Pinault. I am Executive Director of the Narragansett Bay Commission in Providence, Rhode Island, a past president of the Association of Metropolitan Sewerage Agencies (AMSA), and Chair of its Clean Water Funding Task Force. AMSA represents nearly 300 clean water agencies across the country. AMSA's members treat more than 18 billion gallons of wastewater each day and service the majority of the U.S. sewer population.

On behalf of AMSA and the Narragansett Bay Commission, I would like to thank you, Chairman Duncan, and the members of this Committee for your continued commitment to clean water funding. Your dedication to solving the challenges our communities face across the nation, including Providence, is essential to the achievement of the goals of the Clean Water Act.

I also extend AMSA's appreciation to Representatives Camp and Pascrell and the nearly 30 co-sponsors of H.R. 784, *The Water Quality Investment Act of 2003*, for their interest in revisiting, and hopefully extending, the authorization for the sewer overflow control grants passed several years ago by Congress in the *Consolidated Appropriations Act of 2000*. H.R. 784 would authorize \$750 million a year for two years, Fiscal Years 2004-2005, for combined sewer overflow (CSO) and sanitary sewer overflow (SSO) control projects. This money can only be made available in

any fiscal year in which there is at least \$1.35 billion in the clean water state revolving fund — the current level of clean water SRF funding.

The original bill's authorization was for Fiscal Years 2002 and 2003, but the funds were never appropriated, despite the pressing need in communities nationwide that face massive combined sewer overflow expenses. This hearing today gives us the hope that the wet weather grant program will be fully funded in line with the legislators' original intent, providing cities across the country with additional grant funds to help pay for critical and costly wet weather control projects.

AMSA is fully supportive of this bill, but because of past inability to appropriate the funds for the CSO grant program, coupled with the projected federal budget shortfalls, we recommend that this Committee reauthorize the grant program for six years, making the program eligible for funding through 2010. This would provide a more realistic chance of obtaining the needed appropriations at a level of \$250 million per year, instead of H.R. 784's \$750 million per year authorization level.

While the nation's clean water utilities will be appreciative of any grant funds that are made available to us, I must emphasize that the wastewater funding gap remains a real and present challenge for communities like mine and across the nation. The U.S. Environmental Protection Agency, the Congressional Budget Office, the General Accounting Office, and the Water Infrastructure Network all estimate a water infrastructure funding gap in the hundreds of billions of dollars.

For wet weather projects alone, EPA recently estimated that SSO communities need to spend \$102.7 billion, not including operations & maintenance costs, to

achieve a goal of no more than one SSO every five years. This estimate also presumes EPA will change its current position that each and every SSO is an illegal violation of Clean Water Act requirements. EPA's most recent Clean Water Needs Survey estimates a *current, documented* funding need of *\$50.68 billion* to control combined sewer overflows in the nation's 772 CSO communities. The needs are staggering.

It is in this context that the challenges of my own utility must be considered. The Narragansett Bay Commission is currently investing over \$300 million in the first phase of a three phase combined sewer overflow abatement program. When all three phases are completed, these facilities will *directly* cost the ratepayers in our district nearly a billion dollars. However, it is becoming increasingly clear that our ratepayers cannot sustain additional, substantial rate increases to fund infrastructure improvements. 22% of households in the NBC service area fall under the federal poverty line; 15% of the NBC's service area population are over 65; and 65% of children at or below the poverty line in Rhode Island live in our service area. Over the past three years, these ratepayers have seen their sewer bills rise by 25%, 25% and 17%, respectively. This year, they face an additional 10% increase. For our demographic group, these increases represent substantial financial hardship.

The needs of the NBC – and of communities across the nation – have far outgrown the funding levels provided by the SRF. We face financial challenges in the water infrastructure sector today that far exceed historical investment patterns and exceed the financial capacity of our local governments and ratepayers.

Our needs are great because our systems are at a critical juncture in their life cycles. A combination of reduced federal spending and increased federal mandates to meet treatment requirements is taking its toll. The collective aging of our pipes and systems further compounds our ability to meet the objectives of the Clean Water Act. Seventy-five percent of the nation's capital investment in wastewater and drinking water infrastructure is buried underground. The useful life of these pipes is coming to an end. Any additional deferral of the needed investments to repair and renew these systems will lead to greater increases in the costs associated with providing clean and safe water services.

To meet this growing funding challenge, AMSA has consistently advocated for dedicated clean water funding through a trust fund similar to those that already exist for the nation's highways and airports. Given this Committee's leadership on clean water issues, we look forward to discussing this issue further with you in the near future.

The reality remains, however, that the Narragansett Bay Commission and other clean water agencies must meet – and exceed – the public's expectations that our treatment plants and pipes will secure the highest level of water quality for the nation's beaches, lakes, rivers, streams, and bays. I can tell you from personal experience that this is not an easy task, especially in today's enforcement-driven environment.

In December 2003, EPA published a draft list of national enforcement priorities for Fiscal Years 2005 -2007. EPA water enforcement officials have reported to us that wet weather enforcement will remain one of the Agency's top enforcement

priorities for these years. Major cities across the country are facing federal enforcement actions for their sewer overflows. These cities are signing consent orders that will govern their operations and require the expenditure of billions of dollars over the next decade and beyond.

Although \$1.5 billion will not, on its own, close the infrastructure funding gap, nor will it be sufficient to deal with the CSO challenge, H.R. 784 constitutes an important statement from Congress. H.R. 784 shows that Congress understands the challenges the nation's public wastewater treatment utilities face. Most importantly, it shows that Congress is prepared to partner with us to achieve the Clean Water Act's noble objectives.

Mr. Chairman and Members of this Committee, thank you for your dedication and leadership on clean water issues. Again, I urge you to extend the authorization for the Clean Water Act's sewer overflow grant program. At this time, I would be happy to answer any questions.

**Testimony of Richard Ribb, Director, Narragansett Bay National Estuary Program
On behalf of the Association of National Estuary Programs
On the Reauthorization of the National Estuary Program
Before the House Committee on Transportation and Infrastructure
Water Resources and Environment Subcommittee
United States House of Representatives
Washington, D.C.
July 8, 2004**

Good afternoon, my name is Richard Ribb, Director of the Narragansett Bay National Estuary Program and Vice-Chair for Organizational Affairs for the Association of National Estuary Programs (ANEP). On behalf of the Association, I would like to express my appreciation to Chairman Duncan and Ranking Member Costello as well to the other Subcommittee members for this opportunity to highlight the successes of the National Estuary Program in protecting and restoring our Nation's estuaries and to express support for HR 4731 - a bill that extends the National Estuary Program authorization period.

The Association of National Estuary Programs is a non-profit organization dedicated to promoting stewardship and a common vision for the preservation of the nation's bays and estuaries. Our members include representatives of industry, agriculture, fisheries, tourism, and the greater business community, who volunteer their time to develop and implement comprehensive management plans for a network of nationally significant estuaries.

This bill, introduced by Congressman Gerlach and Congresswoman Tauscher, deals with reauthorization of the National Estuary Program, created under the Clean Water Act and administered by the U.S. Environmental Protection Agency in close partnership with State and local governments, interested citizens and the business community. A key strength of the National Estuary Program is a collaborative and non-regulatory approach that has been proven to be successful in restoring the nation's estuaries. The introduction of this bill demonstrates Congressman Gerlach's and Congresswoman Tauscher's continuing dedication to and leadership on the protection and enhancement of the nation's coastal resources and estuaries. These legislators, along with other estuary and coastal champions like Congressman Saxton, have consistently taken action to support the protection and restoration of our bays, sounds and estuaries.

At Stake: the Health of Our Nation's Estuaries

It is well established that estuaries are the biologically essential, economically priceless, but fragile connections between the continent and the oceans. The entire nation is served by coastal estuaries in numerous ways, such as commercial and recreational fishing, transportation, defense, boating, research and learning, and providing irreplaceable wildlife and fisheries habitat. Over half of the U.S. population lives in our coastal counties and that percentage is increasing. While there have been significant advances in environmental protection for our coasts, these coastal population increases have translated into loss of habitat, more water pollution and overall increasing pressures on our coastal resources.

With strong Congressional support, the National Estuary Program has been a front line response to the pressures on our coastal ecosystems. This program represents a successful approach to defining and addressing the problems in our estuaries. Citizens, municipalities, environmental groups and interested business and industry organizations are brought together with State and Federal governments to reach agreement on long-term management plans that seek to guarantee the economic and biological productivity of the nation's estuaries into the future. Forty-two percent of the continental United States shoreline is within the watersheds of the NEP's 28 estuaries. Economically, these estuaries of national

significance produce over \$7 billion in revenue from commercial and recreational fishing and related marine industries; tourism and recreation in these NEPs are valued at over \$16 billion annually. These programs are clearly an important factor in at least a quarter of the nation's inland and coastal watersheds. And, through its national network of programs, the lessons learned in the NEP are being transferred to other collaborative watershed efforts.

The National Estuary Program is a broad-based program, taking a comprehensive approach to addressing the wide range of problems facing the Nation's estuaries: preventing habitat degradation and loss of recreational and commercial fisheries; protecting and improving water quality; pioneering watershed management techniques; controlling sewage outfalls and septic system impacts; mitigating impacts from increasing land development; developing strategies to deal with invasive species and harmful algal blooms - the list goes on and reflects the inter-related nature of these problems and the community-based nature of the NEP approach.

The National Estuary Program is clearly not the "command-and-control" type of EPA program. Rather, it is a program where local governments, citizens and the private sector come together and agree on how to manage the Nation's estuaries and on how to craft local solutions to common coastal problems. These agreed-upon priority actions toward solutions are embodied in Comprehensive Conservation and Management Plans (CCMPs) developed through the NEP collaborative process. Only with the full support of the local sector is the proposed CCMP submitted to the state governors and the EPA Administrator for approval. Thus, it is the States, in close coordination with the local stakeholders and the Federal government, that create and implement new, non-adversarial and cost-effective estuary management plans, in contrast to the "command-and-control", top-down approach to environmental protection. The NEP process, built upon local roots but connected to state and federal resources, has been widely recognized as an effective method for meeting local and regional needs. In fact, the recently released U.S. Commission on Ocean Policy preliminary report recognizes the importance of the National Estuary Program and specifically notes that "the NEP concentrates on bringing together stakeholders in particular areas that are in or approaching a crisis situation. The assessment and planning process used by the National Estuary Program holds promise for the future of ecosystem-based management."

The management plan for each of these 28 NEPs is unique, but they share many characteristics in that they are all based on sound science, all created by local stakeholder groups in partnership with the relevant regulatory agencies, and all approved by the local and State governments, private sector interests and NGOs that will be principal partners in implementation. Local citizens guide the development and implementation of their plans, and, using the abilities of their local NEPs, work to leverage Federal and State dollars with contributions from local governments and the private sector. Each of these NEPs serves as the primary technical and coordination support structure (and frequently the initiator) for a wide web of partnerships and actions to conserve and restore the estuary. The programs have been a powerful catalyst for positive action.

The ANEP Position

HR 4731 offers a simple reauthorization of the National Estuary Program and it is strongly supported by ANEP. In 2000, Congress showed its broad support for the program by reauthorizing it until 2005 and increasing its annual authorization level to \$35 million, with the intent of providing increased resources for more effective implementation of these community-based plans which target local needs. Those of us who work everyday with citizens' groups and municipalities believe that the continued authorization provided by this measure is a critical factor in achieving restoration and protection goals for our estuaries. Through the National Estuary Program, Congress has made the federal government a real partner with the states and local communities in restoring the nation's estuarine resources.

ANEP also endorses the funding level of \$35 million annually over the reauthorization period in order to continue this successful federal partnership with state and local efforts. The basis for supporting the reauthorization and funding level is described in the sections below.

A Federal Investment in Progress and Results

Through its seventeen years of experience, the National Estuary Program has served as an effective and adaptive model for developing solutions to complex environmental problems. The NEP has been the laboratory and testing ground for the watershed management techniques now being applied across the country and it continues to introduce innovative technologies and adaptive approaches to estuary problems. Characterizing and systematically monitoring conditions, ensuring that management decisions are based on sound science, coordinating watershed actions, creatively finding project funding, promoting citizen involvement in managing public resources, and bringing local people and federal and state partners together to build solutions to estuary problems – these are all hallmarks of the NEP approach.

The 28 NEP programs have developed and used these techniques to implement their management plans, designed to improve water quality, habitat and estuarine resources. Strong federal support is critical in maintaining the success of this popular program. By maximizing and leveraging the federal investment in the management plans and local partnerships that have been created, the National Estuary Program provides real benefits to the health of the nation's estuaries and the people who live there.

Return on Investment in the National Estuary Program

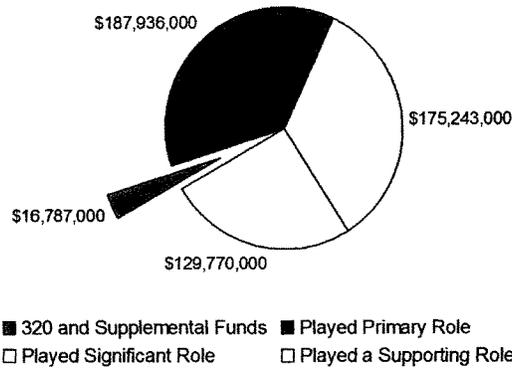
Reauthorization of this effective program will truly be a sound investment in the future of the nation's estuaries. While initiated with just a dozen programs in 1987, Congress and the states recognized the value of these programs and, due to the resulting demand, the program has been expanded over time to its current roster of 28 estuaries designated as of national significance.

A recent analysis by EPA's Office of Oceans, Wetlands and Watersheds on leveraging in the NEP shows how effective these entrepreneurial programs have been at attracting funding and resources to add to the federal investments in coastal protection and restoration. In fact, the analysis shows that, based on the 2002 data, **the NEPs, on average, leveraged approximately \$11 dollars for each Clean Water Act dollar contributed** (refer to Leveraging Chart below), with several of the programs achieving higher ratios. There are few programs that receive federal funding that can claim that kind of return on investment. This also reflects the level of State and local commitment to the NEPs as well as recognition that these programs are an effective catalyst for action in our nation's estuaries.

Success and competence in implementing on-the-ground projects and the established technical and organizational credibility of the programs has allowed them to attract significant nonfederal resources. As one example, the Lower Columbia River Estuary Program recently received \$1.5 million from the Bonneville hydroelectric power facility to develop and implement salmon restoration projects in that estuary. In my home state of Rhode Island, the NEP has been instrumental in bringing to life and managing major coastal restoration projects, convincing the State to invest \$600,000 in a key restoration project this year. At a national scale, the NEPs have organized and implemented efforts that have restored thousands of acres of coastal habitats. In 2002 alone, the NEPs restored or protected nearly 118,000 acres of coastal watershed habitat.

National Estuary Program Leveraging Chart

\$187,936,000 with NEP in primary role
\$492,949,000 total Source: U.S. EPA



Successful leveraging also depends on successful stewardship and providing a support system for partnerships. By engaging and involving state and local governments, watershed groups and citizens, many additional resources are brought into play in addressing estuary problems. The NEP has a history of valuing community involvement and building support for initiatives. Citizens see these programs (and their staffs) as a part of a governmental structure that uses resources efficiently, is responsive to their needs, and is effective in solving problems and raising issues and awareness. NEPs have been particularly effective in identifying and funneling relevant resources (grants, technical assistance, etc.) to states, communities and citizens' groups.

In a program that has a strong history of leveraging funds, continued authorization and enhanced federal funding will allow the NEPs to bring in additional state, local and other funds to protect our estuaries. By maintaining stable support for the local NEP staff, more staff resources can be devoted to seeking out these additional funding sources and directing them toward creating solutions for estuary problems. These programs are already being called upon to deal with emerging issues such as invasive species, harmful algal blooms and sea level rise. With enhanced funding, the NEPs could meet the growing demand for action while continuing to effectively build local solutions that satisfy identified scientific and economic needs as well as the interests of the many stakeholders in their estuaries. The NEPs form a web of action and resources that will continue to result in the kind of measurable environmental progress that we are all working to achieve.

The National Estuary Program: Securing a Sound Future for the Nation's Estuaries

The National Estuary Program has evolved into a leader in coastal protection and action over the past 17 years. Starting with four pilot programs in 1985, the success of and need for the program has led to the current status with 28 estuaries in the national program, all of which are in the implementation

stage of their individual Comprehensive Conservation and Management Plans. The cost of implementing the 28 CCMPs is significant and reflects the magnitude of the problems identified. Now faced with implementing these publicly- and federally-approved management plans, the need for federal funding support is greater than ever. The \$35 million funding authorization is the level realistically necessary to allow for implementation of the 28 CCMPs, as mandated by Congress.

The National Estuary Program is one of a handful of federal non-regulatory programs that truly attempt to address local concerns. This effective national network of coastal programs shares its experiences and lessons learned with each other and with other watershed and governmental organizations. It has been and, with your help, will continue to be a national resource for the protection and improvement of the nation's estuaries.

We thank the Committee members for providing us the opportunity to share our views with you. The Association of National Estuary Programs stands ready to assist the Committee as it works to pass this important legislation that will reauthorize the National Estuary Program and support continued progress on coastal resource protection and restoration.

Testimony of
Ann Pesiri Swanson
Executive Director
Chesapeake Bay Commission
before the
Subcommittee of Water Resources and Environment
Committee on Transportation and Infrastructure
U.S. House of Representatives

July 8, 2004

Chairman Duncan and Members of the Subcommittee, my name is Ann Pesiri Swanson. I have worked on Chesapeake Bay restoration for more than two decades and have served for the last 16 years as Executive Director of the Chesapeake Bay Commission, the tri-state legislative body that coordinates Bay-related policy across state lines for Maryland, Pennsylvania and Virginia. Thank you for the opportunity to testify today on H.R. 4688, the Chesapeake Bay Reauthorization Act.

I urge the subcommittee to support this bill.

The Congress first authorized the Chesapeake Bay Program 20 years ago at a time when the natural abundance of the Bay was in serious decline. The hope was that this new, innovative program would provide the coordination among federal, state and local partners that would lead to the Bay's restoration.

Ann Swanson

When the Congress reauthorized the program in 2000, it made special note of two important facts. First, the Chesapeake Bay is a national treasure and a resource of worldwide significance. And second, that the original cooperative program serves as a national and international model for the management of estuaries.

Today I am here to urge the Congress to once again reauthorize the Chesapeake Bay Program because both of those facts are still true: The Bay is a magnificent natural resource and the cooperative Chesapeake Bay Program is a model of estuarine restoration.

I have had the privilege during my career to travel across the country and indeed around the world to meet with others who are working on watershed restoration efforts. And everywhere I go, the Chesapeake Bay Program is the model that others want to emulate. The reason is simple: The Bay Program works.

Last year was an especially difficult year for the Chesapeake Bay. Near-record precipitation washed massive amounts of nutrients and sediment off the 64,000 square miles of the Bay watershed, flooding the Bay with non-point pollution. The result was a summer of low dissolved oxygen, a major die-back of critical Bay grasses, and poor shellfish harvests.

In spite of those setbacks, I can honestly say that the Program is a success. Acting together, the Bay Program partners have reduced the amount of harmful nitrogen flowing into the Bay annually by 60 million pounds. We have made similar progress in controlling phosphorus and sediments. These important

Ann Swanson

reductions have come at a time when the population of the Bay Watershed has soared and the regional economy has boomed. While other watershed restoration efforts across the country and around the world have faltered in the face of such growth, we in the Chesapeake Bay have made modest progress.

Today our states are adopting new, ecologically-based water quality standards that recognize the different needs of the Bay's living resources and not artificial political boundaries. Similarly, the partners are developing new Tributary Strategies, river-specific cleanup plans that will dramatically lower pollutants flowing into the Bay.

We still have enormous amounts of work to do. But we have the right framework in place. The Chesapeake Bay Program is recognized as the national leader in establishing environmental goals based on sound science, developing indicators to measure progress, and helping the states and the federal government work cooperatively in this most challenging effort.

At a time when partisanship has bitterly divided many elected officials over environmental initiatives, the Bay Program continues to attract near-universal bipartisan support. That is true in my Bay Commission states, and it is true in the Congress. In that regard, I want to take special note of the outstanding leadership of two Members, including one on this panel.

Senator Paul Sarbanes was the primary author of the last Bay reauthorization and has been a constant supporter of Bay initiatives.

Ann Swanson

His leadership in the Senate is rock solid. In this body, Congressman Wayne Gilchrest, has staked out a national reputation on environmental issues. His leadership on Chesapeake Bay issues is unrivaled. We are fortunate to have both these legislative leaders, from two different parties, as our champions.

H.R. 4688 would reauthorize the Chesapeake Bay Program for another five years. I urge this body and the Congress as a whole to pass this critical legislation and put the Program partners back to work. We are facing major challenges, and your strong support continues to be vital to our goal of restoring and protecting the Chesapeake Bay.

I truly believe that the Chesapeake Bay Program offers us the best chance in the nation to address watershed degradation that is multi-state in nature and largely non-point source in origin. If we cannot do it here, I don't think we can be successful anywhere. But if we can be successful, as I believe we must, then we will have a model for the entire world to follow.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

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 REDESIGNING GOVERNMENT

Congress of the United States
House of Representatives
 Washington, DC 20515

Reauthorization of the Lake Pontchartrain Basin Restoration Act
Testimony by Congressman David Vitter
Water Resources and Environment Subcommittee Hearing
July 8, 2004

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I would first like to thank Chairman Duncan, Ranking Member Costello and Members of the Water Resources and Environment Subcommittee for holding this hearing and for the opportunity to come and testify today regarding H.R. 4470, a bill extending the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010. I am also honored to be joined by Carlton Dufrechou, Executive Director of the Lake Pontchartrain Basin Foundation and fellow Louisiana Congressman Baker, a member of the subcommittee.

As a freshman in Congress, one of the first pieces of legislation I introduced was the Lake Pontchartrain Basin Restoration Act of 1999 which established the Lake Pontchartrain Restoration program within the Environmental Protection Agency. The purpose of this legislation was to give Lake Pontchartrain the same status as the Great Lakes and Florida Everglades restoration efforts. In addition, this legislation also created a partnership between the federal government and local stakeholders to further efforts to clean up the lake. I was extremely proud when it passed the House overwhelming by a vote of 418-6 and was signed into law as part of the Estuaries and Clean Waters Act of 2000 (P.L. 106-457). This was the first step in achieving the ultimate goal of fully restoring the lake.

A great deal has been accomplished since the enactment of the *Lake Pontchartrain Basin Restoration Act of 2000*. There has been significant improvement in the water clarity in Lake Pontchartrain. We have seen the return of manatees, pelicans, oysters, clams and blue crabs to the lake. The NO SWIMMING signs are coming down and beaches are being reopened. There has been an improvement in water quality on the south shore, however the same can not yet be said of the north shore and the upper basin. Growing suburbs and inconsistent urban planning has dramatically increased pollution as well as destroyed some habitat.

The Lake Pontchartrain Basin Restoration Program has made great progress in cleaning up Lake Pontchartrain. We have come so far however there is still much to be done. Various water-quality studies within the Lake Pontchartrain Basin have been conducted over the past three years. These studies have helped provide solutions in keeping the lake clean. While this certainly has been extremely helpful to all the 16 parishes in the Basin, we must move to the next phase, construction. I sincerely hope that future funding under this program will be used to construct much needed inflow and infiltration projects.

Over the past three years, I have secured nearly \$18 million for work in the basin. Of course, this \$18 million is a great piece of the process, but we can not continue to provide piecemeal funding for the Lake Pontchartrain Restoration Program. The full level of funding, \$100 million is needed to regain a sustainable, fully functioning and full restoration of Lake Pontchartrain. It is vitally important for this subcommittee to vote on H.R. 4470 and Congress pass the reauthorization bill before the end of the year.

Mr. Chairman, Subcommittee Members, thank you for giving me the opportunity to speak on the reauthorization of the Lake Pontchartrain Basin Restoration Program. I would be more than happy to take any questions you may have.