



August 28, 2020

The Honorable John Barrasso
Chairman
Senate Committee on the Environment and
Public Works
Washington, DC 20510

The Honorable Peter DeFazio
Chairman
House Committee on Transportation and
Infrastructure
Washington, DC 20515

The Honorable Thomas Carper
Ranking Member
Senate Committee on the Environment and
Public Works
Washington, DC 20510

The Honorable Sam Graves
Ranking Members
House Committee on Transportation and
Infrastructure
Washington, DC 20515

Dear Chairmen Barrasso and DeFazio and Ranking Members Carper and Graves:

On behalf of the Healing Our Waters-Great Lakes Coalition, we thank both the House and the Senate for moving forward a Water Resources Development Act (WRDA) this year. With the Environment and Public Works Committee's reporting S. 3591, the America's Water Infrastructure Act (AWIA), and the recent House passage of H.R. 7575, the Water Resources Development Act of 2020, we appreciate both chambers keeping the Water Resources Development Act on its two-year cycle. This is an important step in funding and addressing water infrastructure needs across the nation and in the Great Lakes region.

The U.S. Army Corps of Engineers (USACE) plays a significant role in helping Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin protect and restore the Great Lakes. Through projects that have been authorized like the electric dispersal barrier in the Chicago Sanitary Ship Canal that helps prevent aquatic invasive species from entering the Great Lakes to other programs like the Great Lakes Fishery and Ecosystem Restoration Program, Army Corps investments are helping our region grow our economy and protect our environment.

First, as both chambers enter negotiations for the development of a unified bill, we urge the House and Senate consider supporting the following provisions in a final package:

Support as reported in S. 3591, the America's Water Infrastructure Act of 2020 (AWIA):

Sec. 1017 – Continuing authority programs

The Coalition appreciates the Environment and Public Works Committee's efforts to expand access to and the affordability of water resource projects to small and disadvantaged communities. Establishing a cost-share waiver for these communities under the continuing authorities program will help local and regionally beneficial projects (such as streambank and shoreline erosion protection, shore damage prevention and mitigation, and aquatic ecosystem restoration projects) get off the ground and reach completion. We also support the increases in the authorization levels for the Section 204, 206, and 1135 Continuing Authorities Programs. We support the inclusion of this provision in a final package.

Subtitle F – Invasive Species:

The threat of aquatic invasive species is an ecological and economic threat to the Great Lakes, an ecosystem that has been significantly impacted by their introduction. An estimated 180 invasive species have been introduced in the Great Lakes leading to more than \$200 million in annual damages and management costs. With an economy dependent on the recreational opportunities of its waters and a \$7 billion fisheries industry, the looming threat of Asian carp and the ongoing battles being fought to control and eradicate countless other species emphasizes the need for a strong federal partnership.

The Coalition supports the inclusion of the broad range of provisions provided in S. 3591 Title I, Subtitle F to address invasive species in a final package. Control and eradication of invasive species must be a nationwide effort and we appreciate the addition of programs (Sec. 1607 and 1608) to address the advance of Asian carp, particularly in the Mississippi River and its sub-basins. Additionally, the Coalition supports the expansion of Army Corps research and coordination with regions threatened by aquatic invasive species, as provided for in Sec. 1603, as well as the creation of an EPA technical assistance program for the eradication of invasive species from U.S. impaired waterways, as proposed under Sec. 1602.

Title II – Clean Water

The Coalition appreciates the Senate including provisions to address the backlog of work needed to repair and restore our nation's wastewater and stormwater infrastructure. The House also recently passed legislation, H.R. 2, the Moving Forward Act, that included similar critical water infrastructure investments. Communities across the Great Lakes region continue to grapple with crumbling, antiquated drinking water and wastewater infrastructure that results in sewage contamination that closes beaches and harms fish and wildlife, lead poisoning that threatens the health of people, and skyrocketing water bills that are putting a financial strain on people and families. A staggering \$188 billion over the next 20 years is needed in improvements, upgrades, and repairs in the region. Moreover, paying for water infrastructure projects is expensive and often falls on communities that cannot afford it, underscoring the importance of financial support from the federal government.

We are pleased that S. 3591 makes existing federal programs more accessible to the communities that need them the most, like low-income or rural communities and communities of color. By lowering or eliminating the local cost share or increasing funding for technical assistance and direct grants, these communities will get the support they need in their efforts to deliver clean water services. In particular, the Coalition supports the inclusion of the following provisions in a final package as found in S. 3591 and H.R. 2:

Sec. 2007 – Sewer overflow and storm reuse municipal grants

The Coalition supports the reauthorization of the EPA Sec. 221 Sewer Overflow and Stormwater Reuse Municipal Grant program. Sewer overflows are of concern to Great Lakes cities who experience acute impacts from combined sewer overflows and sanitary sewer overflows that pour millions of gallons of raw and partially treated sewage into the Great Lakes. These communities are exposed to waterborne diseases, economically impacted by beach closures due to bacterial contamination, and have their waters further harmed by toxic algal growth.

The House-passed H.R. 2 also reauthorizes the Sec. 221 program under Sec. 22106, proposing a \$400 million annual authorization (\$2 billion over five years). The Coalition urges Congress to include this greater authorization in a final package and incorporate the proposed policy changes, such as reducing the non-federal cost share for low-income communities and creating a 20 percent set-aside to help address the needs of rural communities.

Sec. 2012 & Sec. 2016 – Use of Clean Water State Revolving Funds & Reauthorization of Clean Water State Revolving Loan Funds

The Coalition supports the reauthorization of the Clean Water State Revolving Loan Fund (CWSRF). Increasing the program's authorization can better address the infrastructure backlog that the Great Lakes communities have been facing. Though after decades of limited federal investment, replacing the aging and crumbling infrastructure across the region will necessitate a greater commitment from the federal government than proposed under Sec. 2016. The Coalition urges Congress to increase the authorization in line with the House passed H.R. 2 Sec. 22113 that reauthorizes the CWSRF program at a proposed \$8 billion annually (\$40 billion over five years).

Furthermore, the Coalition also appreciates the intent of both the House and Senate to codify the minimum set-aside for the CWSRF program for grants, negative interest loans, and loan forgiveness. This subsidization is critical for many communities struggling to bear the full weight of financing these expensive projects. Raising water rates, frequently the only solution available to water systems to cover the rising costs of local infrastructure, place more strain on families that already cannot pay their water bills and communities struggling to cover costs in places with low population or wages. We urge Congress include the 10 percent minimum for additional subsidization, put forth in Sec. 2012, as proposed by the House passed H.R. 2 Sec. 22110.

Additionally, the Coalition would also welcome the inclusion of H.R. 2 Sec. 22109 in a final package, though we urge Congress consider increasing the proposed green project reserve set-aside to no less than 20 percent.

The Coalition also supports the proposed reauthorization or establishment of the following programs as proposed in S. 3591:

- Clean water infrastructure resiliency and sustainability program
 - Sec. 2001 establishes a new EPA grant program to assist publicly owned treatment works in increasing their resilience and adaptability to natural hazards, authorized at \$5 million for each fiscal year 2021 – 2024.
- Technical assistance for treatment works
 - Sec. 2002 reauthorizes a series of technical assistance grants for rural, small, and tribal municipalities. Reauthorizing the program at \$75 million for every fiscal year 2021 – 2024.
 - Sec. 2003 establishes a new circuit rider program, awarding grants for technical assistance to small and medium publicly owned treatment works (POTWs). Authorized at \$10 million for each fiscal year 2021 – 2024

- Water infrastructure and workforce investment
 - Sec. 2008 reauthorizes the Water Infrastructure Workforce Development program. Doubling its authorization to \$2 million for each fiscal year 2021 – 2024 and expanding those entities eligible for grants.
- Grants for construction, refurbishing, and servicing of individual household decentralized wastewater systems for individuals with low or moderate income
 - Sec. 2010 establishes a new program to assist low and moderate-income households construct, refurbish, and service household decentralized wastewater systems. Authorized at \$50 million for each fiscal year 2021 – 2022.
- Connections to publicly owned treatment works
 - Sec. 2011 establishes a new EPA grant program to reimburse POTWs or nonprofits for the costs of connecting households to municipal or private wastewater systems. Authorized at \$20 million for each fiscal year 2021 – 2022.
- Water Infrastructure financing
 - Sec. 2014 reauthorizes the Water Infrastructure Finance and Innovation Act (WIFIA) through FY2024.

Sec. 2018 – Small and Disadvantaged Community Analysis

The Coalition supports the inclusion of a Small and Disadvantaged Community analysis, as proposed in Sec. 2018, in a final package. Examining the historical distribution of funds with the intent of identifying new opportunities and methods to improve distribution and access for these most vulnerable and economically disadvantaged communities is an important step in ensuring no community gets left behind. These communities are often the worst impacted by aging and deteriorating infrastructure, facing significant financial burdens and unaffordable water rates that make investing in the upgrades necessary to comply with clean water standards close to impossible.

To provide a comprehensive analysis, we urge that the final provision direct the EPA to work in consultation with other relevant federal agencies. To identify barriers and clarify how to improve distribution of assistance to achieve additive results for communities, the analysis should include consideration of other water infrastructure funding programs such as the USDA Rural Utilities Service Water & Environmental Programs, HUD Community Development Block Grants, and Economic Development Administration Public Works Program grants.

Sec. 3007 – Mapping and screening tool

The Coalition appreciates the continued commitment to the use and updating of the EPA’s EJSCREEN program—an important tool in the consideration of environmental justice in decision-making. We support the inclusion of this provision in a final package.

Sec. 3010 – Great Lakes Restoration Initiative

The Great Lakes Restoration Initiative (GLRI) is improving the lives of people across the region. Cleaning up toxic hot spots, improving water quality, and addressing emerging contaminants has benefited public health and local economies. It has led to a resurgence in water-based outdoor recreation, increased tourism, and revitalized communities with economic returns of more than 3

to 1. The House of Representatives recognized these successes when it reauthorized and expanded the GLRI by passing H.R. 4031 overwhelmingly earlier this year.

Even with the results being achieved, we still have more work to do and the Coalition appreciates the inclusion of a one-year reauthorization of the GLRI at \$375 million for FY2022 as proposed in Sec. 3010. However, the success of the GLRI is predicated on its multi-year authorization providing funding certainty for the long-term projects critical to the remediation of toxic hotspots and the restoration of the Great Lakes ecosystem. We urge Congress include the full five-year reauthorization as proposed by S. 2295 and passed by the House under H.R. 4031 and H.R. 2, authorizing the GLRI through FY2026 with incremental increases to its original funding level of \$475 million.

Support as passed in H.R. 7575, the Water Resources Development Act of 2020

Sec. 109 – Implementation of Water Resources Principles and Requirements

The Coalition supports directing the Army Corps to issue final agency procedures for the Principles, Requirements and Guidelines (PR&G). These new guidelines will serve as the basis for the Corps' evaluation of project benefits and the section sets forth important direction for regular five-year review and opportunities for public comment and expert input in the development of updated guidelines. The Coalition supports the inclusion of this provision in a final package.

Sec. 110 – Resiliency Planning Assistance

This section allows the Army Corps to provide technical assistance to non-federal interests and other federal agencies to conduct resiliency planning to avoid repetitive flooding impacts and to anticipate, prepare and adapt to “changing climatic conditions and extreme weather events.” The Coalition supports its inclusion in a final package.

Sec. 115 – Feasibility Studies; Review of Natural and Nature-Based Features

The Coalition appreciates the commitment to ensuring the consideration of nature-based infrastructure in Army Corps feasibility studies. This section requires the Corps to summarize in each flood reduction and storm damage reduction project feasibility study any nature-based features that were considered and to provide an explanation if those features were not recommended. The Coalition supports its inclusion in a final package.

Sec. 119 – Economically Disadvantaged Community Flood Protection and Hurricane and Storm Damage Reduction Study Pilot Program

Recent extreme weather events have shown that flooding and rain events are becoming more intense and frequent. Many Great Lakes communities – rural, communities of color, low-income – that are already most at risk from these changes are also the same communities where finding resources to deal with these challenges is an issue. This section is a positive step in addressing these needs creating a pilot program to weigh opportunities for USACE to address flood risk reduction needs for economically disadvantaged communities using, as much as possible, natural and nature-based solutions alone or in combination with non-structural alternatives. The Coalition supports its inclusion in a final package.

Sec. 120 – Permanent Measures to Reduce Emergency Flood Fighting Needs for Communities Subject to Repetitive Flooding

With flooding and rain events growing more intense and frequent, many communities are struggling to respond to repetitive flooding events. This section offers new authority for the Army Corps to study, design and construct projects in communities that have experienced repetitive flooding events using, as much as possible, natural and nature-based solutions alone or in combination with non-structural alternatives. The Coalition supports its inclusion in a final package.

Sec. 122. Study of Natural Infrastructure at Corps of Engineers Projects.

The Coalition appreciates the House's attention to reviewing the consideration of natural and nature-based features during Army Corps project planning. The last two WRDA packages (2016 and 2018) required their consideration in lieu of traditional grey infrastructure, but these authorities have been inadequately implemented. In requiring the GAO to report to Congress on USACE's consideration of natural and nature-based features during project planning, this section is an important step in studying its implementation and any barriers that must be addressed. The Coalition supports its inclusion in a final package.

Second, we urge Congress support the following provisions, as highlighted below, that can be found in both S. 3591 and H.R. 7575:

Support provisions in both S. 3591 and H.R. 7575 (S. 3591 section/H.R. 7575 section)

Sec. 1002/Sec. 206 – Great Lakes comprehensive flood protection study

The Coalition appreciates both the House and the Senate's attention to addressing record high lake levels in the Great Lakes. While the proposed provisions are similar, the Coalition suggests Congress adopt the language proposed in H.R. 7575 (Sec. 206). Directing the Army Corps to expand the existing comprehensive Great Lakes coastal resiliency study to assess the impact of record high lake levels on coastal flooding, storm damage, ecosystem restoration and recreation. However, we do support including the Senate proposed (S. 3591, Sec. 1002) \$25 million funding authorization. Having authorized the Great Lakes Coastal Resiliency study in 2016, the study has yet to have received funding and we urge Congress continue to advocate for and ensure its inclusion in the USACE FY2021 workplan.

Sec. 1041 & Sec. 1401/Sec. 401 & 402 – Brandon Road study, Project Authorization, and Special Rule

The Brandon Road Lock & Dam project, as proposed, is a critical line of defense against the advance of the invasive Asian carp. We appreciate the continued efforts of both the House and the Senate to move the project forward, authorizing its construction and adjusting the cost-share requirement. In particular, the Coalition supports the House proposed Sec. 402 Special Rule language adjusting the federal cost-share to 80 percent and allowing the Corps to rapidly study and implement options and technologies at Brandon Road that improve the efficacy of the aquatic nuisance species (ANS) measures similar to the efficacy study authority associated with the electric barrier (Section 3061(b)(1)(D) of WRDA 2007) and implementation authority in Section 1039(c) of the WRRDA of 2014, P.L. 113-121. However, while we support the provision, we urge Congress to further examine adjusting the cost-share to full federal expense in recognition of the national importance of this project.

Sec. 1093/Sec. 128 – Harmful algal blooms demonstration program

The growing threat of toxic algal blooms is of great concern to the Great Lakes region. These harmful algal blooms close beaches, kill fish, impact local drinking water supplies (like the bloom in Toledo, Ohio, in 2014, that led to a “do not drink” advisory for more than 400,000 people), and when water supplies are contaminated, the most vulnerable members of the community are the first to be impacted. The Coalition supports the establishment of a harmful algal blooms demonstration program, as proposed by both House Sec. 128 and Senate Sec. 1093, that will seek to determine the causes of, and how to effectively treat and eliminate, harmful algal blooms within the Great Lakes and other waters across the nation. We appreciate the inclusion of a consultation provision to ensure collaboration with ongoing research efforts across federal agencies.

Sec. 1104/Sec. 114 – Flood protection projects, Conforming Amendment

The Coalition supports the efforts of both the House and the Senate to advance the use of natural and nature-based features for flood protection, infrastructure that can often be more cost-effective while providing significant environmental and community benefits. Both Senate Sec. 1104 and House Sec. 114 seek to create consistency in the minimum cost-share for natural/nature-based features and non-structural flood/storm damage reduction measures. The current imbalance acts as a disincentive and we urge Congress include both provisions to create consistency between natural and nature-based measures and nonstructural solutions as both similarly provide sustainable, environmentally protective, and less costly protections to communities.

Third we ask that Congress reject the inclusion of the following provision in a final package:

Reject as reported in S. 3591

Sec. 1102 – Development of Categorical Exclusions

The Coalition asks that this section be removed from consideration in the final package. Clean water and environmental protections are essential to protect our communities, public health, drinking water, and quality of life. And with many of our cities and towns living with impaired waters and unsafe drinking water, we need more – not less – clean water protections. Directing other departments and agencies, like the Department of the Interior, to adopt the Army Corps’ categorical exclusions for major projects could undermine meaningful review of work that impacts our region’s waters. Categorical exclusions should be used carefully since they allow projects to move forward without corresponding public input, impact evaluation, and analysis of alternatives that could be more beneficial to the environment, communities, and public health.

We thank both the House and the Senate for working in a bi-partisan manner to advance the Water Resources Development Act (WRDA) this year and for the opportunity to provide comment as negotiations move towards the development of a final unified package. Thank you for considering our perspective and we urge the Committee include these priorities in the final bill.

If you have any questions, please do not hesitate to contact Chad Lord the Healing Our Waters-Great Lakes Coalition policy director at clord@npca.org with questions.

Sincerely,

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