

**Statement of Douglas Siglin**  
**Director of Federal Affairs, Chesapeake Bay Foundation**  
**Oversight hearing on the DC Water and Sewer Authority**  
**Subcommittee on Federal Workforce, Postal Service,**  
**and the District of Columbia**  
**House Committee on Government Oversight and Government Reform**  
**April 15, 2008**

Mr. Chairman and members of the subcommittee, thank you for inviting me here today to offer my thoughts on the role that the DC Water and Sewer Authority's Blue Plains Advanced Wastewater Treatment Plant plays in protecting the region's environmental health. I do so on behalf of our nearly 200,000 members living in all 50 states and many countries around the world.

I understand that much of today's hearing is dedicated to WASA management issues, but I ask you to join me for these few minutes in looking at the much bigger picture of how WASA and its operations affect the health and economy of our entire region.

It is easy, but ultimately wrong, to perceive that WASA and its operations should only be of concern to the residents of the District of Columbia, or a bit more broadly, to concern to the residents of the District and parts of northern Virginia and the Maryland suburbs. If I don't accomplish anything else here, today, I want you to fully appreciate that WASA, through its Blue Plains wastewater treatment plant, has a very significant effect on the health of the Chesapeake Bay, and through that, on the nearly 17 million people who live in the Chesapeake Bay watershed.

This is far more than a rhetorical point. The Blue Plains Advanced Wastewater Treatment Plant is the largest advanced wastewater treatment plant in the world. It has a design capacity of 370 million gallons of wastewater a day and an average actual flow of about 330 million gallons a day. To get some idea of this volume, if the plant's daily design capacity were bottled in one gallon milk jugs and placed side by

It is worth noting that the problem of excess nitrogen flowing into coastal waters and reducing the amount of dissolved oxygen is not confined to the Chesapeake Bay. According to the EPA, 44 estuaries along the nation's coasts are highly eutrophic, and an additional 40 estuaries have moderate levels of eutrophic conditions. In our country, the annual dead zone in the Gulf of Mexico varies in size, but in recent years it has commonly exceeded the size of several small U.S. states. Worldwide surveys compiled by the World Resources Institute have identified 415 coastal bays and estuaries experiencing some form of eutrophication. Analysis of the WRI surveys shows that an incredible 78% of assessed continental US coastal area and 65% of Europe Atlantic coast are experiencing symptoms of eutrophication. There are scientists who believe that eutrophication in estuaries and other coastal areas are a human-induced global environmental phenomenon that rivals global warming in its impact on ecosystems.

Moreover, the inevitability of warming air and water temperatures will make the challenge of dead zones around the world even worse.

With specific reference to the Chesapeake Bay, it is clear that water temperatures in the Bay and water levels will continue to rise for many years, exacerbating the dead zone problem while at the same time inundating nitrogen-removing coastal wetlands. In a statement to the Senate Environment and Public Works Committee last fall, Donald F. Boesch, the President of the University of Maryland Center for Environmental Science and perhaps the preeminent scientist focused today on understanding the Bay, strongly argued that the coming effects of global climate change be "factored into restoration goals and actions" now, before it is too late.

Even as everyone understands the pressing need to reduce nitrogen pollution in the Chesapeake Bay watershed, the task of how to actually do it will require investments and changes across the watershed's 64,000 square miles. Six states and the District of Columbia directly contribute nitrogen pollution to the Chesapeake Bay through the Bay's extensive network of rivers and streams. The nitrogen pollution comes from many sources, with runoff from farms and suburbia, air pollution, and inadequate human and animal sewage treatment being the most prominent among them. We need to reduce nitrogen pollution from all of these sources as far as we can manage to do so. According to pollution models and monitoring, inadequate point-source treatment, largely human sewage treatment wastewater, accounts for about one-fifth of the nitrogen pollution, with urban and suburban storm water runoff

manner consistent with all relevant goals, commitments and guidance of this Agreement.

The commitments of the C2K Agreement drove representatives of the Environmental Protection Agency, the District of Columbia, Maryland, Virginia, and Pennsylvania, with cooperation from the Bay's so-called "headwater states" (New York, Delaware, and West Virginia) to work together and determine that the Bay could handle no more than 175 million pounds of nitrogen pollution on an annual basis; this equated to a reduction of 110 million pounds of nitrogen pollution each year from the estimated levels the Bay was receiving in 2000. The state partners, the District, and the EPA cooperatively allocated this 110 million pound reduction among themselves, based on the best science available, and developed plans and changes necessary to achieve the 110 nitrogen pollution reduction by 2010. Under this cooperative agreement, WASA's obligation is to put systems in place that will lower nitrogen pollution concentrations and loadings to no more than 4.689 million pounds annually. Reductions in nitrogen pollution from sewage treatment plants, and incorporation of those reductions into Clean Water Act wastewater discharge permits known as National Pollutant Discharge Elimination System, or NPDES, permits, is a major element of C2K implementation.

Unfortunately, scientists are now projecting that we will not reach nitrogen reduction goal by the 2010 deadline. WASA provides a case study in why we are failing to achieve that goal. Rather than accepting it as the result of a detailed, legitimate regional process, WASA continues to pursue legal strategies to try to avoid its ecological and legal obligations. Its arguments were rejected twice by EPA regulators and unanimously rejected last month by the EPA's Environmental Appeals Board. However, WASA continues to pursue its protest, filing yet another legal appeal on April first, which seems to me to have been a particularly appropriate day to suggest that the nearly decade-long exercise in regional cooperation shouldn't be considered binding.

It is hard to escape the conclusion that WASA's ongoing effort to evade its responsibilities under the cooperative regional process is a failure of both the well-meaning process itself and of the organization's governance, which consists of directors from the very jurisdictions that committed in the C2K agreement to achieving the nitrogen pollution reduction goal and implementing technologies, funding, and other tools to reach the agreement's goals and objectives.

Unlike the suburban jurisdictions in Virginia and Maryland that participate in WASA's operations and governance, there is no state fund for the District to assist ratepayers in carrying the costs of the upgrade.

What is needed here is a true partnership among the District, the federal government, and the other jurisdictions to meet the costs involved. What is needed is shared leadership to achieve a shared goal - a recognition of the value to the region, the nation, and the world that a fully restored Chesapeake Bay will once again provide.

WASA could contribute to such a partnership by developing and instituting a rate scheme that takes ability to pay into consideration, as was suggested by the EPA in 2002. The District could contribute by creating a more generous program of water and sewer rate subsidies for those who would still struggle under a revised rate structure. The suburban jurisdictions and their states could consider how they could help more, particularly given that the Bay will recover faster if Blue Plains takes more aggressive action to limit nitrogen than what it has been allocated. And, perhaps most importantly, this committee could become a partner in the process, taking the lead in encouraging the development of a regional deal that included substantial assistance from the federal government.

400 years ago this summer Captain John Smith and a handful of his fellow Jamestown colonists undertook an historic journey in a small boat all around the shores, inlets, and rivers of the Chesapeake Bay. What they beheld with great wonder was perhaps the most biologically productive body of water on the planet. Today, because of human activity, much of the volume of the Chesapeake Bay is a dead zone, devoid of the fish and shellfish that characterized the Bay for thousands of years. The responsibility lies with all of us whose instincts are to adhere to a narrow view of self-interest, counting our coins and questioning our common obligations. We all need to try to avoid being the cynics that Oscar Wilde warned us about, knowing the world's costs but not its values.

Mr. Chairman, we can only address our regional water quality challenges on a regional basis, and the Blue Plains Advanced Wastewater Treatment Plant is a significant part of that challenge. I urge your committee to continue to be involved in helping to protect and define that regional basis, so that we together will be able to give our grandchildren and their grandchildren the gift of a healthy, restored, and productive Chesapeake Bay.