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SURFACE  
TRANSPORTATION  
POLICY  
PROJECT

## SAFETEA's Highway Stormwater Discharge Mitigation Program

### Why stormwater runoff is a critical issue:

- Clean, safe water polls higher than any other environmental issue, including air quality or toxics among the general public.
- According to EPA, stormwater ("nonpoint") runoff is the largest source of water pollution today. Urban stormwater runoff is a growing cause of beach closures and untreated sewage discharges, caused when stormwater overwhelms sewer pipes and treatment plants.
- Local communities bear the brunt of stormwater impacts, including local flooding, damage to infrastructure, such as bridge supports, and higher sewage treatment and drinking water filtration costs. More than 5,000 cities, towns, and counties must now meet Clean Water Act stormwater regulations, and many large cities already manage stormwater pollution in order to meet discharge permits and other Clean Water Act regulations. But there is no funding for localities to address these requirements.

### Why funding for stormwater mitigation is needed in the transportation bill:

- Roads and related infrastructure, such as parking lots, comprise two-thirds of all paved surfaces. These hard surfaces are the primary source of stormwater runoff, preventing rainfall from soaking into the ground and recharging aquifers.
- Roads collect pollutants from tailpipe emissions and brake linings along with other contaminants that wash into rivers and streams during storm events and pollute those bodies of water.
- There are provisions that fund transportation control measures for air quality (CMAQ, Congestion Mitigation and Air Quality Improvement Program) under the Clean Air Act. No parallel program exists to protect the nation's waterways from the harms caused by stormwater runoff from highways.

### What the Highway Stormwater Discharge Mitigation Program does:

- ✓ The Senate transportation bill (S. 732) includes an important provision (Section 1620) to mitigate the impacts of stormwater runoff from federal-aid roads and directly related facilities. According to the Federal Highway Administration the provision authorized \$867.6 million over 5 years (2% of STP funds).
- ✓ The program would mitigate the impacts to watersheds from highways and roads while addressing the goals in the federal Clean Water Act by funding projects that improve water quality and protect natural hydrology. Money would be available to the states for use by state and local governments.
- ✓ Eligible activities include: non-structural stormwater projects, stormwater retrofits, projects that recharge groundwater, promote natural filters, and stream restoration, and projects that minimize stream bank erosion, and promotes innovative technologies. These approaches reduce costs to local communities, protect the natural water cycle, and provide more overall environmental benefits (e.g. protecting wildlife habitat and recreation).

*For more information contact Betsy Otto, [botto@amrivers.org](mailto:botto@amrivers.org), 202-347-7550 x3033, or  
Mary Katherine Ishee, [mkishee@smartgrowthamerica.org](mailto:mkishee@smartgrowthamerica.org), 202-207-3355 x30*

American Rivers · Center for International Environmental Law ·  
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Friends of the Earth · League of Conservation Voters ·  
National Audubon Society · National Environmental Trust ·  
Natural Resources Defense Council · Sierra Club · Smart Growth America ·  
Surface Transportation Policy Project · Trout Unlimited

June 9, 2005

Dear Transportation Conferee:

**On behalf of the millions of Americans represented by our organizations, we urge you to support the Highway Stormwater Discharge Mitigation Program, Section 1620 of the Senate transportation bill, in the final conference report on the transportation bill.**

The Highway Stormwater Discharge Mitigation Program provides for two percent of Surface Transportation Program (STP) funding, \$868 million over the five years of the bill (based on \$284 billion total bill funding), to mitigate stormwater runoff problems on existing federal-aid highways and related facilities.

This stormwater mitigation provision provides modest but essential funding to address local flooding, water quality degradation, municipal service costs, infrastructure repair, and damage to fish habitat and aquatic resources all caused by polluted runoff from existing federal-aid roads and related facilities.

Stormwater runoff is a major source of pollution for all the nation's waters, and roads are a major source of stormwater runoff. Roads collect significant concentrations of pollutants, including sediment, oil, grease, lead and other heavy metals. When mixed with rain and melting snow, these pollutants flow unimpeded into nearby streams, ditches, rivers and ponds where they harm fish and other aquatic life. Stormwater runoff is the leading known cause of beach and shellfish bed closures. Stormwater runoff also pours into sewers, causing nearly one *trillion* gallons of raw sewage, stormwater and industrial wastes to overflow into our drinking water supplies and recreational waters every year. Local flooding from road runoff also damages private property and public infrastructure.

In 2000, the Environmental Protection Agency estimated that at least \$8.3 billion over 20 years in local funding is needed to address stormwater requirements, and an additional \$92 billion and \$50.3 billion to address stormwater infiltration and other problems in separate and combined sewer systems, respectively, that cause overflows of untreated sewage into our waters (known as SSOs and CSOs). Sewer overflows cause real public health impacts, including waterborne disease outbreaks, and require local communities to incur huge expense to treat drinking water to safe standards and to meet water quality requirements. Stormwater management and stormwater infiltration into sewer systems are significant costs for communities that are already struggling with tight budgets and increasing water quality requirements.

Congress has recognized that polluted runoff from highways contaminates downstream waters in previous highway bills (ISTEA and TEA-21), but has not yet directed adequate funding at curbing this pollution. Under the Clean Water Act, thousands of local cities, towns, and counties must obtain permits for their stormwater discharges and develop programs to mitigate runoff. Local communities need dedicated resources through the transportation bill to address the most glaring roadway runoff problems to ensure that our highway system can function sustainably for our communities long into the future.

The state DOTs will program and spend Highway Stormwater Discharge Mitigation funding, providing desperately needed relief to local communities trying to cope with runoff from roadways. The funding under this provision will create jobs and stimulate a developing sector of the American economy. The program funding amounts to just three cents out of every 10 dollars in the transportation bill, but the value to local communities is enormous.

Please support the Highway Stormwater Discharge Mitigation Program in the final transportation bill.

Sincerely,

S. Elizabeth Birnbaum  
Vice President for Government Affairs  
American Rivers

Ann Canby  
Executive Director  
Surface Transportation Policy Project

Anne Perrault  
Senior Attorney  
Center for International Environmental Law

Karen Wayland  
Legislative Director  
Natural Resources Defense Council

Steve Moyer  
Vice President for Volunteer Operations  
And Government Affairs  
Trout Unlimited

Michael Replogle  
Transportation Director  
Environmental Defense

Kevin S. Curtis  
Vice President  
National Environmental Trust

Lee Epstein  
Director of Lands Program  
Chesapeake Bay Foundation

Mary Beth Beetham  
Legislative Director  
Defenders of Wildlife

Debbie Sease  
Legislative Director  
Sierra Club

Don Chen  
Executive Director  
Smart Growth American Rivers

Betsy Loyless  
Senior Vice President for  
Public Policy  
National Audubon Society

Tiernan Sittenfield  
Legislative Director  
League of Conservation Voters

Colin Peppard  
Transportation Policy Coordinator  
Friends of the Earth



# THE UNITED STATES CONFERENCE OF MAYORS

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April 25, 2005

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**Executive Director:**  
TOM COCHRAN

The Honorable James M. Inhofe  
Chair  
Environment & Public Works  
United States Senate  
410 Dirksen Senate Office Building  
Washington, DC 20510-6175

The Honorable James M. Jeffords  
Ranking Minority Member,  
Environment & Public Works Committee  
United States Senate  
456 Dirksen Senate Office Building  
Washington, DC 20510-6175

Dear Chairman Inhofe and Ranking Minority Member Jeffords,

On behalf of The United States Conference of Mayors and the hundreds of cities we represent, I write to convey our strong support for the stormwater provisions of your Committee-approved SAFETEA plan to renew the nation's surface transportation programs.

These provisions, reserving less than 1/3 of a penny on every authorized dollar, is a very modest commitment to an enormous challenge before local governments struggling with contamination of drinking water and cleanup of streams, rivers, lakes and ponds from highway and street stormwater discharge, including oil, grease, lead and mercury. Moreover, we have been assured that these provisions limit funding to actual facilities on the federal aid system, which is a critical factor underlying our support of this program. This is important to the nation's cities since it ensures that users of these systems contribute something to the broader efforts under the Clean Water Act to reduce pollutants from the nation's major highways and roads.

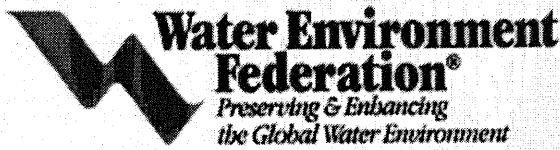
Absent some commitment to retrofitting existing facilities on the federal aid system during this renewal period, stormwater pollution cleanup costs, including loadings attributable to the federal aid system, will be borne largely by local taxpayers through property taxes, other general taxes and wastewater utility user fees.

Finally, we disagree with the claim that this is a diversion of funds from highway construction and highway capacity needs. It is the belief of the nation's mayors that improved performance, whether it is pavement quality, the deployment of technology, or its stormwater quality features, are priorities for the nation as we work with you to provide a modern and fully functional transportation system for our citizens and their communities and regions.

America's mayors thank you for making these provisions part of your SAFETEA legislation and urge you to preserve this important commitment to stormwater pollution abatement efforts during your conference committee deliberations with the House. If you have any questions, please contact our Assistant Executive Director for Transportation Policy Ron Thaniel at (202) 861-6711 or email at [rthaniel@usmayors.org](mailto:rthaniel@usmayors.org).

Sincerely,

*Tom Cochran*  
Tom Cochran  
Executive Director



May 20, 2005

The Honorable Don Young, Chairman  
Transportation and Infrastructure Committee  
2165 Rayburn House Office Building  
United States House of Representatives  
Washington, DC 20515

*via Facsimile 202-225-6782*

The Honorable James Oberstar, Ranking Member  
Transportation and Infrastructure Committee  
2165 Rayburn House Office Building  
United States House of Representatives  
Washington, D.C. 20515

*via Facsimile 202-225-6782*

The Honorable Tom Petri, Chairman  
Highways, Transit and Pipelines Subcommittee  
Transportation and Infrastructure Committee  
B370-A Rayburn House Office Building  
United States House of Representatives  
Washington, DC 20515

*via Facsimile 202-225-4623*

The Honorable Peter A. DeFazio, Ranking Member  
Highways, Transit and Pipelines Subcommittee  
Transportation and Infrastructure Committee  
B370-A Rayburn House Office Building  
United States House of Representatives  
Washington DC, 20515

*via Facsimile 202-225-4623*

Dear Representatives Young, Oberstar, Petri, and DeFazio:

The Water Environment Federation (WEF) urges you to support a dedicated funding program to mitigate the negative impacts of stormwater runoff from our nation's highways. **The Highway Stormwater Discharge Mitigation Program was included in the Senate Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA) bill, S. 1072, in the 108<sup>th</sup> Congress.** It is critical that this program be included in this year's version of the transportation bill.

According to U.S. EPA, contaminated stormwater is the largest contributor to the impairment of water quality in U.S. coastal waters and the second largest source of impairment in estuaries. Contaminated stormwater is also the single largest factor in beach closures and advisories. The cost to address these problems is large, too. The U.S. EPA estimates at least \$8.3 billion over 20 years in local funding needs to address Clean Water Act stormwater requirements, and an additional \$142 billion to address stormwater infiltration and other problems in separate and combined sewer systems.

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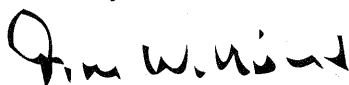
**Executive Director**  
William J. Bertera  
*Alexandria, VA*

Representatives Young, Oberstar, Petri, and DeFazio  
Page 2

Congress has recognized that contaminated runoff from highways is a significant source of water quality impairment in previous highway bills (ISTEA and TEA-21), but has not succeeded in getting adequate funding directed toward this problem. A dedicated fund to address stormwater impacts from existing federal aid highways will help to prevent further degradation of streams, lakes, and beach waters. This funding will benefit all Americans by helping communities comply with Clean Water Act stormwater requirements and to clean up waters impaired by highway runoff.

On behalf of the members of the Water Environment Federation, who are professionals working to protect water quality around the world, thank you for your support of this important provision that will help to improve the nation's water resources.

Sincerely,

A handwritten signature in black ink that reads "Tim Williams". The signature is written in a cursive, slightly slanted style.

Tim Williams  
Managing Director, Government Affairs

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Hampton Roads  
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Massachusetts Water  
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Boston, MA

EXECUTIVE DIRECTOR

**Ken Kirk**

May 17, 2005

The Honorable Don Young, Chair  
Transportation and Infrastructure Committee  
U.S. House of Representatives  
2111 Rayburn House Office Building  
Washington, DC 20515

The Honorable James L. Oberstar  
Ranking Member  
Transportation and Infrastructure Committee  
U.S. House of Representatives  
2365 Rayburn House Office Building  
Washington, DC 20515

The Honorable Thomas E. Petri  
Chair  
Highways, Transit and  
Pipelines  
Subcommittee  
U.S. House of Representatives  
2462 Rayburn House Office  
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Washington, DC 20515

The Honorable Peter A. DeFazio  
Ranking Member  
Highways, Transit and Pipelines  
Subcommittee  
U.S. House of Representatives  
2134 Rayburn House Office  
Building  
Washington, DC 20515

***RE: Support for the Highway Stormwater Discharge Mitigation Program in the  
Transportation Equity Act***

Dear Members of Congress:

We are writing to express our strong support for the Transportation Equity Act passed March 16 by the Senate Environment and Public Works Committee. The Committee's bill includes an important provision that authorizes \$867.6 million over five years for stormwater mitigation projects, using just 2% of the Surface Transportation Program funds. Such projects include stormwater retrofits, the recharge of groundwater, natural filters, stream restoration, minimization of stream bank erosion, innovative technologies, and others.

According to the U.S. Environmental Protection Agency, polluted stormwater from impervious surfaces such as roads is a leading cause of impairment for nearly 40% of U.S. waterways not meeting water quality standards. Roadways produce some of the highest concentrations of pollutants such as phosphorus, suspended solids, bacteria, and heavy metals.

May 17, 2005

Page 2

NACWA represents hundreds of publicly owned treatment works, many of which have municipal stormwater management responsibilities. Your continued support for the Highway Stormwater Discharge Mitigation Program in the Transportation Equity Act would provide much-needed support to these communities. Thank you for your leadership and please feel free to contact me at 202/833-4653 if NACWA can provide you with additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive, somewhat stylized font.

Ken Kirk  
Executive Director





## Association of Metropolitan Water Agencies

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El Paso Water Utilities

David Denig-Chakroff  
Madison Water Utility

Diane VanDe Hei  
Executive Director

May 17, 2005

The Honorable Don Young  
Chairman, Committee on  
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U.S. House of Representatives  
Washington, DC 20515

The Honorable Thomas E. Petri  
Chairman, Subcommittee on  
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Committee on Transportation and  
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U.S. House of Representatives  
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The Honorable James L. Oberstar  
Ranking Member, Committee on  
Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Peter A. DeFazio  
Ranking Member, Subcommittee on  
Highways, Transit and Pipelines  
Committee on Transportation and  
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U.S. House of Representatives  
Washington, DC 20515

Dear Senators and Representatives:

On behalf of the nation's largest publicly owned drinking water systems, I write today to express support for the Highway Stormwater Discharge Mitigation Program during conference negotiations over the Transportation Equity Act.

This language makes progress toward addressing the billions of dollars in costs that state and local governments will incur to control stormwater generated by our nation's highways.

Stormwater runoff has a significant effect on thousands of miles of the nation's rivers and streams. The bill acknowledges this impact and assists states and communities in addressing this growing water quality problem.

Thank you for your consideration.

Sincerely,

Diane VanDe Hei  
Executive Director

CC: Other House Transportation Equity Act conferees



**ECOS**

THE  
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COUNCIL OF  
THE STATES

-----  
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Webpage: [www.ecos.org](http://www.ecos.org)

-----  
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PAST PRESIDENT

-----  
R. Steven Brown  
Executive Director

May 17, 2005

The Honorable Don Young  
Chairman  
Committee on Transportation and  
Infrastructure  
2165 Rayburn House Office Building  
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The Honorable Thomas E. Petri  
Chairman  
Subcommittee on Highways, Transit  
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The Honorable James L. Oberstar  
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The Honorable Peter A. DeFazio  
Ranking Member  
Subcommittee on Highways, Transit  
and Pipelines  
Committee on Transportation and  
Infrastructure  
2134 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Young, Ranking Member Oberstar, Chairman Petri, and Ranking  
Member DeFazio:

On behalf of the Environmental Council of the States (ECOS\*), I'm writing to request  
your support for the Highway Stormwater Discharge Mitigation Program, the new  
provision included in the Transportation Equity Act.

ECOS strongly supports the provision because stormwater compliance is a serious issue  
for the states and this provision provides for \$867 million over five years, specifically  
for stormwater mitigation projects associated with the nation's federal-aid highways.  
The provision would provide states with much needed resources to help meet  
stormwater and water quality requirements of the Clean Water Act. These funds are  
particularly critical during this time of budgetary constraints.

Please feel free to contact me if you would like to discuss this matter further. I may be  
reached at 202-624-3660.

Sincerely,

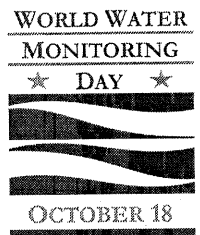
R. Steven Brown  
Executive Director

\*ECOS is the national, non-profit, non-partisan association of state and  
territorial environmental commissioners.



ASIWPCA

Association of State and Interstate  
Water Pollution Control Administrators



750 FIRST ST., NE • SUITE 1010 • WASHINGTON, DC 20002 • TEL: 202.898.0905 • FAX: 202.898.0929 • WWW.ASIWPCA.ORG

June 8, 2005

The Honorable Don Young  
Chair  
House Transportation and Infrastructure  
Committee  
2165 Rayburn House Office Building  
Washington, D.C. 20515-6262

The Honorable James Oberstar  
Ranking Member  
House Transportation and Infrastructure  
Committee  
2165 Rayburn House Office Building  
Washington, D.C. 20515-6262

The Honorable Thomas Petri  
Chair  
House Subcommittee on Highways, Transit  
And Pipelines  
B-376 Rayburn House Office Building  
Washington, D.C. 20515-6262

The Honorable Peter Defazio  
Ranking Member  
House Subcommittee on Highways, Transit  
And Pipelines  
B-376 Rayburn House Office Building  
Washington, D.C. 20515-6262

Dear Chairmen and Ranking Members:

On behalf of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), I urge your support for the Highway Stormwater Discharge Mitigation Program, Section 1620 of the Senate SAFETEA bill, S. 1072, in the 108<sup>th</sup> Congress. This new and modest program is designed to address stormwater runoff from the nation's existing transportation system. Stormwater runoff is a significant source of water pollution affecting large and small communities, as well as fish, wildlife and the natural environment.

Stormwater pollution results from paving over naturally porous ground, resulting in impervious surfaces that collect pollutants and increase overland stormwater volume and velocity. Stormwater becomes a direct conduit for pollution into the nation's rivers, lakes, and coastal waters. Studies have shown that roads contribute a large number of pollutants to urban runoff – metals, used motor oil, grease, coolants and antifreeze, spilled gasoline, nutrients from vehicle exhaust, and sediment. For example, the stormwater discharge from one square mile of roads and parking lots can contribute about 20,000 gallons of residual oil per year into the nation's drinking water supplies. Highways can increase the annual volume of stormwater discharges by up to 16 times the pre-development rate and reduce groundwater recharge.

Communities throughout the nation, including many smaller towns and counties, are required under the Clean Water Act to obtain discharge (NPDES) permits for their stormwater. Those communities, which have long understood the value of protecting their drinking water sources and recreational waters from stormwater impacts, are hard-pressed to absorb the costs of discharges from highways in addition to their

other stormwater management responsibilities. This presents an unfair burden to these communities and we believe it is fair for the transportation funding system to help remedy this problem where existing highways and other roads cause significant runoff problems.

We urge you to continue to demonstrate your leadership in protecting America's waters by supporting the stormwater mitigation provision in SAFETEA. We appreciate your willingness to consider the views of the State and Interstate Water Pollution Program officials responsible for the protection and enhancement of the nation's water quality resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Baggett, Jr.", written in a cursive style.

Arthur G. Baggett, Jr.  
President

Cc: ASIWPCA Membership