

Greetings Congresswoman Buerkle, Members of the Committee on Oversight and Government Reform and guests.

Thank you for this opportunity to appear before you today.

My name is Jolene Bender, Supervisor of the Town of Marion in Wayne County. I appreciate the opportunity to highlight some of the regulatory challenges placed upon town and local government by Washington.

I would like to state, it is my belief that local government is the government closest to the people. The key to our success at the local level is the expansion of, and improvements to, water lines, waste water treatment and highway infrastructure improvements. I appreciate your support which allows local municipalities to build upon their existing infrastructure. We cannot build on the opportunity or create jobs or enhance the movement of persons into our communities without improvements to our basic infrastructure.

Some of the issues that I have faced with regards to water district expansion and extension are:

1. Often co-funding by more than one funding agency is necessary to make the project affordable; however, the funding agencies do not seem to work together to facilitate co-funding.

Each agency has different requirements for their application packages. Consequently, municipalities are forced to prepare and submit separate applications packages to each agency which unreasonably adds costs, and prolongs the application process.

2. Next, each agency interprets the National Environmental Policy Act (NEPA) program requirements differently. Consequently, each agency requires separate NEPA reviews which differ from the other. Rather than confusion, these funding agencies should, if possible, accept one NEPA standard for all sources of Federal Funding. Why can't you have one simple standard that all the federal agencies, can share and adhere to?
3. Federal funding agencies often require the commitment of other funding agencies for a co-funded project. But when a town does

not have that “seed” money to make a commitment before it is funded that makes it difficult to obtain a funding commitment from other agencies. No one wants to be the first to make a commitment towards a project.

Funding agencies change their application requirements frequently, and their request for information needed to be submitted, they often make those changes mid-stream and worse after a municipality has already submitted its application, or is in the process of trying to prepare one. Frequent changes lead to extreme confusion, and contribute to delay because the municipalities have to scramble to assemble all those additional documents and all that new information required to satisfy those revised requirements. For instance, one recent change that created a lot of extra work and that delayed one application was the requirement that towns must now provide consumption figures and a head count of residential and non-residential units within the town’s existing water or sewer districts, before we could be considered for funding. I expect this helps to show justification for the money to be spent, but the requirement is just too difficult.

5. Rural Development has also made a recent change in procedures; it eliminated the agency’s pre-eligibility determination (PED) and the funding package estimate which the agency would offer when the full application was submitted. This makes it difficult or even impossible, for towns to establish water districts when they require the New York State Comptroller’s approval. The State Comptroller’s Office will not take into consideration potential funding from Rural Development unless that agency provides an upfront written estimate of its funding package. As a result, the State Comptroller will not approve the formation of those water, or sewer, districts. This situation hinders municipalities in their attempts to create water districts, and it also prevents them from garnering bonus points for project readiness which can improve the competitiveness of their project, and improves the chances of that project being funded sooner.

For me, personally, my Town of Marion has a wastewater treatment plant problem. The EPA and the DEC are moving towards stricter limits on discharge water quality which may force us to build a new treatment plant.

All indications are that they will increase discharge requirements upon small rural communities, those with 500 users or less and with a discharge into existing streams of 125,000 gallons per day. This will result in drastic increases to our cost of compliance, which then has to be passed through to my community as increased user fees (which they cannot afford). The Town of Marion is one such community where increased user fees would result from renovating, upgrading and replacing existing wastewater treating facilities to meet those higher discharge standards and requirements, however those higher standards do not seem required or justified.

Would it not be more prudent to study the present impact on existing water qualities prior to discharge, versus after discharge, to determine if water quality is actually being adversely affected by the discharge? If water quality is not being adversely affected as operated, then the burden placed upon small communities to meet unnecessary stricter limits appears unreasonable, especially during these more difficult economic times.

While it is important to strive for, and achieve, high water quality, it is also important to consider that if the stricter limits, once imposed, merely result in hardship to my local community, without a substantial impact upon the water quality discharged to a local waterway, then why do it?

In closing, anything that you can do to address the above type of issues and concerns above and which would assist Marion increase its efficiency and effectiveness, will be greatly appreciated. Thank you

Sincerely

Jolene Bender,
Supervisor, Town of Marion
Wayne County
New York