



May 16, 2023

To the Committee on Transportation, Subcommittee on Water Resources and Environment:

Chairman Rouzer, ranking member Napolitano, and members of the Subcommittee, thank you for inviting me here today to testify on the importance of the federal Clean Water Act to the nation's health, economy, and overall quality of life.

Just over 50 years ago, Congress passed the Clean Water Act, and I want to start by reflecting on the history that led to its passage. In the late 1960s, rivers were literally catching on fire from oil and industrial pollution discharges. A 1969 Time magazine article published dramatic photos of fires on the Cuyahoga River in Ohio and described a river that "oozes rather than flows." (I am attaching one of those photos for the record. *See Attachment 1.*)

At the same time, Rachel Carson's famous book "Silent Spring" revealed the hazards of pesticides, and a historic oil-well blowout off the Coast of Santa Barbara, California, galvanized the public and Congress to take action to protect our waters. As a result, President Nixon created the Federal Environmental Protection Agency in 1970, and Congress passed the Clean Water Act in 1972.

One of the central goals of the Clean Water Act is to ensure that the nation's waters are fishable and swimmable. That means that our waters are safe for our children to swim in and that we can safely consume fish and seafood from our waters without fear of getting cancer or being exposed to toxic substances. The Clean Water Act also helps to protect drinking water sources from contamination.

The Clean Water Act does that by establishing designated uses, for example as a public water supply, for the nation's regulated waters, setting science-based criteria and standards that will meet those uses, and by ensuring that waters meeting their uses are not degraded by pollution. The Act also allows for standards to be set using either water quality or best available technology standards.

And while we have made progress over the years – our waters are no longer catching on fire – there is still much work to do to ensure all the nation's waters are fishable and swimmable. At the same time, we have emerging contaminants to deal with, like PFAS, that are contaminating our drinking water and fisheries.

In fact, according to EPA's own data, only 30% of our rivers and streams are healthy, 40% of our nation's lakes have excess nutrients that help fuel harmful algae blooms, only 71% of our estuaries and 31% of our great lakes and nearshore environments have healthy aquatic communities, and only 48% of our national wetlands have healthy biology.

If we were giving ourselves a report card, 4 out of 5 of those statistics represent failing grades. I come from Maryland. The amazing Chesapeake Bay and its watershed run through the heart of our

State. And the Chesapeake Bay and its tributaries do not just belong to Marylanders, these waters are part of our national identity and heritage.

The overall health of the Chesapeake Bay and its tributaries has dramatically improved as a result of mandates under the Clean Water Act; leadership by Maryland's government over the last 50 years; significant federal, state, and local investments; and the commitments and actions by local governments. A healthy Bay is vital to protect vulnerable peoples from climate change, strengthen our shorelines to buffer against waves and storm surges, and support healthy ecosystems and fisheries such as our rockfish, oyster, and crab populations.

Since 1985, Maryland has reduced its nitrogen pollution by about 40% or about 35 million pounds per year. Data collected confirms that water quality in Maryland is trending in the right direction. One of our largest reductions in pollution comes from wastewater treatment plants regulated under state and federal Clean Water Act permits. A total of 67 of the largest, and many of the smaller, facilities that treat sewage in Maryland are now operating using cutting edge technology and have been renamed "water reclamation facilities." The water is cleaner and able to be reused. These environmental successes put Maryland in a national and international leadership position. That all began with the Clean Water Act.

Additionally, more than 90% of urban runoff in Maryland falls under the protection of the Clean Water Act. This means by better managing stormwater runoff, we are making our communities more spongy, soaking in rain, and so more resilient to storm events, and reducing pollution and flooding. In the next five years, new permits will add another 11,000 acres to the 35,000 impervious acres restored under prior permits. This restoration is larger than the area of Washington, D.C., and results from bipartisan environmental leadership spanning multiple administrations. These permits drive climate resiliency, green infrastructure, and advance innovations such as pay-for-success contracting, public-private partnerships, and new technologies.

The Water Quality State Revolving Fund, a fund resulting from the Clean Water Act, which is capitalized by the U.S. Environmental Protection Agency, annually provides about \$3.3 billion in funding for clean water improvements in Maryland since its inception. The Bipartisan Infrastructure Law is providing even more funding to the state revolving funds, enabling Maryland to fund additional projects as we approach the 2025 Bay Total Maximum Daily Load deadline. In particular, the Infrastructure Law is enabling Maryland to provide historic levels of loan forgiveness to disadvantaged communities.

Yet with all the progress and investment, we are still striving to fully achieve our fishable and swimmable goals. In fact, we are currently taking public comments on a settlement agreement resulting from Maryland, other Bay jurisdictions, and NGOs working to enforce proper oversight and accountability in restoring the Bay.

When I think of the next 50 years for the Clean Water Act, it is clear we in fact need to work harder to ensure greater accountability, be more resolute with compliance and enforcement, and recommit to oversight for healthy communities, ecosystems, and to realize the full economic prosperity that comes with clean and safe water.

Clean water is good for our health and good for the economy. This is not a binary choice, where we either have clean water or economic growth. Rather, we can only have economic growth if we have

Secretary Serena McIlwain
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clean water. An EPA study indicated that clean water can increase the property value of nearby homes by up to 25 percent. Other studies indicate a \$1 investment in water and sewer infrastructure yields \$6.35 in gross domestic product output.

The Chesapeake Bay alone supports almost 34,000 jobs in local economies. This includes watermen, commercial trade, tourism, and recreation. Each year, the commercial seafood industry in Maryland contributes nearly \$600 million to our economy. And the dockside value of the blue crab harvest in Maryland was \$33 million in 2020.

All the jurisdictions represented on this subcommittee are downstream from another jurisdiction, and when upstream jurisdictions are not protecting clean water, it not only affects our health but also property values downstream. Imagine how much more prosperous we would be if Chesapeake Bay and the nation were meeting their clean water goals? Government has a key role in this. The private sector does, too, to keep water clean and not pass on the costs of pollution to downstream communities.

I want to close by thanking members of this Subcommittee for supporting the Bipartisan Infrastructure Law and the historic investments in clean water that this law provides. These investments represent a down payment on a prosperous clean water future, and we still need to do more. All of our citizens not only deserve, but require, clean and abundant water for their communities to survive. Now is not the time to let up when we are still falling so short of our goals.

Thank you again for this opportunity,

A handwritten signature in cursive script, reading "Serena McIlwain". The ink is dark and the signature is fluid and legible.

Serena McIlwain
Secretary