



American Society of Civil Engineers

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Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
1120 20th Street NW
Suite 200 North
Washington, D.C. 20036

RE: Preliminary Report of the U.S. Commission on Ocean Policy

The American Society of Civil Engineers (ASCE), in conjunction with its Coasts, Oceans, Ports, and Rivers Institute (COPRI), appreciates the opportunity to submit these comments on the preliminary report of the U.S. Commission on Ocean Policy that was released on April 20, 2004.*

ASCE and COPRI commend the Commission for the broad-ranging and thoughtful examination of our oceans that is presented in the report. The Commission correctly highlights the many economic benefits of the coast and ocean, from marine transportation and commerce, coastal tourism and fisheries. In particular, we endorse the Vision for the Future on page xii of the report and the Guiding Principles contained on page 427. These are sound. They include notions of sustainability, ecosystem based management, and multiple use management. ASCE supports these ideas, and they are fundamental to getting the job done. They should be supported because this approach, if adopted, will influence the federal agencies and their staffs.

* ASCE was founded in 1852 and is the country's oldest national civil engineering organization. It represents more than 130,000 civil engineers individually in private practice, government, industry and academia who are dedicated to the advancement of the science and profession of civil engineering. ASCE is a non-profit educational and professional society organized under Part 1.501(c) (3) of the Internal Revenue Service rules. COPRI is a professional institute within the American Society of Civil Engineers, serving more than 2,500 professionals as the multi-disciplinary and international leader in improving the knowledge, teaching, development, and practice of civil, ocean, coastal, and hydraulic engineering.

While the Commission notes that our nation needs to foster and encourage students to pursue careers in marine science, it is also important to recognize the need for trained and qualified engineers. We encourage you to insist on having at least one civil engineer appointed to the Presidential Council of Advisors on Ocean Policy.¹

A.

Throughout the section on education and research, the Commission needs to think broadly about America's educational needs and expand all the discussions to cover the engineering, physics, oceanography and the earth sciences. In particular, Recommendation 8-1 should be expanded to consider achievement in natural and social sciences, engineering and earth sciences and increasing ocean awareness.

Recommendation 8-7 should also cover engineering in the development of stronger and more effective relationships between research and education. We recommend that the U.S. Army Corps of Engineers be added to the list of supporting agencies as it has a critical national role in many aspects of this report. In Recommendation 8-9, there should be support for colleges and universities in promoting introductory marine science, coastal and ocean engineering, and oceanography courses to expose students to these subjects.

B.

The Preliminary Report recommends the use of financial disincentives, such as the withholding federal-aid highway money, as a means of achieving positive water-quality results. Specifically Recommendation 10-4 advises Congress to "provide authority under the Clean Water Act and other applicable laws for federal agencies to impose financial disincentives and establish enforceable management measures to ensure action if a state does not make meaningful progress toward meeting water quality standards on its own."

ASCE cannot support policies that penalize one program as a way to gain improvements in another area. To be clear, ASCE supports controls for urban area and highway stormwater runoff to protect public health and the environment. Non-point-source regulations must focus on receiving waters and their watersheds, define pollutants in stormwater runoff in terms of significant impairment to the beneficial uses of receiving water, and incorporate the control of pollution from stormwater runoff to the maximum extent practicable (MEP) as defined through a community planning process, using best management practices (BMPs).²

In 1987, the Clean Water Act was amended to strengthen the regulation of stormwater

¹ AMERICAN SOCIETY OF CIVIL ENGINEERS POLICY STATEMENT 101, APPOINTMENT OF ENGINEERS TO POLICY POSITIONS IN GOVERNMENT (2003), at <http://www.asce.org/pressroom/news/policy.cfm>.

² AMERICAN SOCIETY OF CIVIL ENGINEERS POLICY STATEMENT 461, RURAL NONPOINT SOURCE WATER QUALITY (2003).

runoff from all sources. But the 1987 amendments expanded the definition of point-source to include stormwater runoff which differs from traditional “point sources” regulated under the National Pollution Discharge Elimination System in that stormwater discharges are characterized by dispersed discharges and episodic flows.

ASCE also believes that the government should not tap into the Highway Trust Fund (HTF) to establish stormwater controls for federal-aid highways. The nation’s highway infrastructure is in a serious state of disrepair, and every dollar in the HTF is needed to make critically needed safety upgrades.³

The budgetary firewalls instituted in the Transportation Equity Act for the 21st Century (TEA-21) have been successful in protecting trust fund dollars. As we demonstrated in the *2001 Report Card for America’s Infrastructure* and the follow-up Progress Report in 2003, there is an urgent need for capital improvements in all of the nation’s transportation systems.⁴ These needs also have been clearly identified and documented in the U.S. Department of Transportation’s Conditions and Performance Report, and other sources as well. A modern adequate transportation system utilizing all modes is absolutely necessary to maintain our expanding economy.

C.

Recommendation 14-4 requests that the U.S. Environmental Protection Agency (EPA) develop a comprehensive plan for obtaining long-term funding for the nation’s “current aging and inadequate wastewater and drinking-water infrastructure, anticipating demands for increased capacity and more stringent treatment in the coming decades.”

ASCE strongly supports this recommendation and urges Congress to create a clean water trust fund to address these well-documented needs.⁵

The *2001 Report Card for America’s Infrastructure* and the Progress Report, released in 2003, studied the conditions of our nation’s wastewater and drinking-water facilities. Both types scored poorly in our evaluations.

We found that the nation’s 16,000 wastewater systems face enormous needs. Some sewer systems are 100 years old and many treatment facilities are past their recommended life expectancy. Currently, there is a \$12 billion annual shortfall in funding for infrastructure needs; however, federal funding has remained flat for a decade. Because of this continuing shortfall, more than one third of U.S. surface waters do not meet water quality standards.

³ AMERICAN SOCIETY OF CIVIL ENGINEERS POLICY STATEMENT 434, TRANSPORTATION TRUST FUNDS (2003).

⁴ AMERICAN SOCIETY OF CIVIL ENGINEERS, 2003 PROGRESS REPORT: AN UPDATE TO THE 2001 REPORT CARD (2003), at <http://www.asce.org/reportcard> .

⁵ AMERICAN SOCIETY OF CIVIL ENGINEERS POLICY STATEMENT 480, CLEAN WATER INFRASTRUCTURE FUNDING (2003).

America's farmers, fishermen, manufacturers and tourism industries rely on clean water to carry out activities that contribute over \$300 billion to our economy each year. However, the challenge to continue providing clean water remains, as our existing national wastewater infrastructure is aging, deteriorating and in need of repair, replacement and upgrading. In fact, EPA has reported that without improvements to the nation's wastewater treatment infrastructure, we face the very real risk of losing the environmental gains we have achieved over the last three decades since the passage of the Clean Water Act of 1972.

While drinking water quality remains good, the infrastructure of the nation's 54,000 drinking-water systems is aging rapidly. Federal funding remains flat, while the infrastructure needs continue to increase. There is an annual shortfall of \$11 billion needed to replace or rehabilitate facilities that are nearing the end of their useful life and to comply with federal water regulations.

D.

Recommendation 30-1 urges Congress to establish an "Ocean Policy Trust Fund" within the U.S. Treasury. Money for the Trust Fund would be allocated from the income from oil royalties to finance the oceans programs in the Preliminary Report. ASCE supports this proposal.

We believe that dedicated trust funds have been proven successful in the past. With respect to funding sources generally, ASCE endorses (1) tax-exempt bond financing and related infrastructure funding strategies for establishing public-private partnerships, expanding state revolving loan funds and creating a Federal Infrastructure Bond Bank; (2) state infrastructure financing agencies supported in part by federal loans to provide low interest loans for new construction, rehabilitation or replacement; (3) private financing and operation of infrastructure components such as water systems, water pollution control plants, rail transit, toll roads, landfills and similar facilities; (4) user fees for operation, maintenance, replacement or rehabilitation; (5) multiyear capital budgeting at the federal level to separate the national investment needs from operating expenses; (6) development fees and impact fees to pay for new infrastructure construction; and (7) dedicated user fees and trust funds (off budget) for specific classes of infrastructure such as highways and airport-airway systems.

E.

Chapter 12 of the Preliminary Report provides an excellent discussion of the complex problem of dual role of sediment in the coastal environment. Current studies are identifying that perhaps one trillion cubic yards of sediment has been diverted from the coast within the United States alone, through varying activities such as sand and gravel mining, dams and water reservoirs, coastal structures, and navigation projects.

The positive benefits of these activities are not in dispute; however, the consequences to the coast need to be addressed to maintain beach and intertidal habitat areas, a

protective buffer for inland development, coastal recreation and the basis for much of the U.S. tourist economy. A congressional authority should be developed to coordinate, plan, design and facilitate the supply of coastal sediment lost by anthropogenic activities. Regional sediment management is an excellent framework for a comprehensive approach to help direct these current and future management and development issues for our beaches and shores. The coastal engineering community as a whole, and particularly the Corps of Engineers, has played a vital role in the development of the regional sediment management concept. We believe that the results of these efforts are needed for the report to be comprehensive.

The Integrated Ocean Observing System presents a broad vision for better understanding our oceans. The information and applications that can develop from such a program will provide major new opportunities in all aspects of the oceans, from safer marine transportation and better predictors of coastal storms, to tools for sound ocean resource management and understanding of global weather patterns.

Such a program will renew our nation's appreciation for the many blessings we receive from the ocean. It will also require trained professionals in a broad array of disciplines and ASCE and COPRI, again, hope to work, as appropriate, with the National Ocean Council, the Presidential Council of Advisors on Ocean Policy, the National Oceanographic Partnership, the Committee on Ocean Science, Education, Technology and Operations, and Ocean U.S. to insure that the knowledge, teaching, development, and practice of civil engineering and other disciplines keep pace with the demands and expectations that will come with these new ocean challenges.

Should you wish ASCE to clarify or elaborate on any items, ASCE and COPRI would be happy to discuss them further with the Commission. Please contact the ASCE Government Relations Department at (202) 326-5227 or at govwash@asce.org .

Thank you again for the opportunity to comment.

Respectfully submitted,

THE AMERICAN SOCIETY OF CIVIL ENGINEERS

COASTS, OCEANS, PORTS, AND RIVERS INSTITUTE