

DATE

The Honorable Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington D.C. 20510

The Honorable Senator Alex Padilla
United States Senate
112 Hart Senate Office Building
Washington D.C. 20510

Dear Senator Feinstein and Senator Padilla:

PFAS are a group of man-made chemicals created by chemical manufacturers and despite playing no role in releasing PFAS into the environment, cities and water agencies must find ways to remove them from local water supplies, find alternative water supply, and conduct expensive monitoring. PFAS have been detected in the Orange County Groundwater Basin, managed by Orange County Water District (OCWD), and are estimated to cost Orange County communities more than \$1 billion, over 30 years—a cost that could increase. Complicating this cleanup burden, ratepayers are at additional risk from pending PFAS legislation that would effectively abandon the “polluter pays” principle and create a new separate drinking water standard setting process for PFAS chemicals.

I ask as you consider legislation to address PFAS and other contaminants of emerging concern, that you ensure such legislation provides an explicit exemption from liability for water and wastewater agencies related to PFAS cleanup costs. A water utility that complies with applicable and appropriate federal management and treatment standards must not be responsible for current and future costs associated with a PFAS cleanup. We are especially concerned that the House has approved the PFAS Action Act of 2021 (H.R. 2467). This bill creates liability for water agencies that simply receive and treat water supplies with across-the-board CERCLA liability for PFAS-related cleanups. This pending legislation provides an exemption for the nations’ airports, and it is vital that you secure an exemption to also include water and wastewater agencies. Water agencies have no responsibility for the presence of PFAS and the concept of imposing CERCLA liability is bad public policy.

Also, under existing law (Safe Drinking Water Act), the USEPA ensures that public health benefits of new drinking water standards are reasonably balanced with the compliance costs. We advocate for the USEPA to use this current methodology when setting drinking water standards for PFOA and PFOS. This is a longstanding method that has been used and its elimination would burden ratepayers of all income levels with higher costs.

I call upon California’s Senators to cast votes implementing these public policy positions. If I can provide any further information or assistance, please contact me at _____.

Sincerely,

cc: Board President Steve Sheldon (ssheldon@ocwd.com)