



Platinum Level
District of Distinction



COSTA MESA SANITARY DISTRICT

December 20, 2021

The Honorable Congressman Correa
2301 Rayburn House Office Building
Washington, D.C. 20515
(email: Ngoc.Nguyen@mail.house.gov)

The Honorable Congressman Lowenthal
108 Cannon House Office Building
Washington, D.C. 20515
(email: Shane.Trimmer@mail.house.gov)

The Honorable Congresswoman Steel
1113 Longworth House Office Building
Washington, D.C. 20515
(email: Jonathan.Kuperman@mail.house.gov)

The Honorable Congresswoman Kim
1306 Longworth House Office Building
Washington, D.C. 20515
(email: Colin.Timmerman@mail.house.gov)

The Honorable Congresswoman Porter
1117 Longworth House Office Building
Washington, D.C. 20515
(email: Jacob.Marx@mail.house.gov)

Dear Representatives Correa, Kim, Lowenthal, Porter, and Steel:

Orange County is a national leader in water recycling with the Groundwater Replenishment System, stormwater capture behind Prado Dam and most recently regarding extraction of PFAS from our drinking water. These landmark projects are environmentally superior and have saved Orange County ratepayers billions of dollars from not purchasing expensive, imported water.

It has come to my attention that the House-passed federal legislation, PFAS Action Act of 2021 (H.R. 2467), would result, if enacted, in exposing the Orange County Water District (OCWD) to CERCLA's liability standard as OCWD works to remove PFAS from drinking water. OCWD has no responsibility for the presence of PFAS and the concept of imposing CERCLA liability on water districts runs contrary to the "polluter pays" public policy.

290 Paularino Ave, Costa Mesa, CA 92626 • (949) 645-8400 • fax: (714) 540-1392
"Protecting public health and the environment for current and future generations."

Board of Directors

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*Administrative Services
Manager*

Steve Cano
*Wastewater Maintenance
Superintendent*

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On behalf of the Costa Mesa Sanitary District Board of Directors, I respectfully request that you work in support of OCWD's efforts in garnering an exemption from Comprehensive Environmental Response Compensation and Liability Act (CERCLA) liability for water and wastewater agencies as they properly remove PFAS from drinking water as Congress continues to consider legislative responses to protect our drinking water supplies.

Additionally, under current law (Safe Drinking Water Act), the United States Environmental Protection Agency (USEPA) ensures that public health benefits of new drinking water standards are balanced with the compliance costs that water system ratepayers will ultimately incur. When setting drinking water standards for Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (PFOS), we advocate for the USEPA to use this longstanding methodology.

Sincerely,

Robert Ooten
President



C: OCWD Board President, Steve Sheldon (ssheldon@ocwd.com)
OCSan Board President, John Withers (klore@ocsd.com)



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COSTA MESA SANITARY DISTRICT

December 20, 2021

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

Sent via email to: John.Watts@feinstein.senate.gov;
Angela.Ebner@padilla.senate.gov; Sarah.Swigg@padilla.senate.gov

Dear Senator Feinstein and Senator Padilla:

Per- and Polyfluoroalkyl Substances (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.

On behalf of the Costa Mesa Sanitary District Board of Directors, 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 Comprehensive Environmental Response Compensation and Liability Act (CERCLA) liability for PFAS-related cleanups.

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Senator Feinstein and Senator Padilla
December 20, 2021
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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 United States Environmental Protection Agency (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 Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (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.

Sincerely,

Robert Ooten
President



C: OCWD Board President, Steve Sheldon (ssheldon@ocwd.com)
OCSan Board President, John Withers (klore@ocsd.com)

RESOLUTION NO. 2021-949

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COSTA MESA
SANITARY DISTRICT SUPPORTING FEDERAL POLYFLUOROALKYL
SUBSTANCES (PFAS) LEGISLATION THAT PROTECTS RATEPAYERS AND
WATER/WASTEWATER AGENCIES**

WHEREAS, Per- and Polyfluoroalkyl Substances (PFAS) are a group of chemicals developed by chemical manufacturers that would otherwise not exist naturally 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; and,

WHEREAS, PFAS have been detected in the Orange County Groundwater Basin, managed by Orange County Water District, and are estimated to cost Orange County communities more than \$1 billion, over 30 years—a cost that will likely increase; and,

WHEREAS, ratepayers are at risk from pending PFAS legislation and associated PFAS costs and water agencies and stakeholders must take action to inform members of Congress of these devastating impacts; and,

WHEREAS, therefore, all PFAS-related legislation must exempt water and wastewater agencies from any liability for PFAS cleanup costs; and,

WHEREAS, 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; and,

WHEREAS, given the potential for federal legislation, such as the PFAS Action Act of 2021 (H.R. 2467), to expose water agencies that simply receive and treat water supplies with across-the-board liability for PFAS-related cleanups when they have no responsibility for the presence of PFAS, an explicit exemption from Superfund clean-up liability must be made for water and wastewater agencies; and,

WHEREAS, under existing law (Safe Drinking Water Act), the United States Environmental Protection Agency (USEPA) ensures that public health benefits of new drinking water standards are reasonably balanced with the compliance costs that water system ratepayers will ultimately incur and eliminating this analysis would burden ratepayers of all income levels with astronomical costs to comply with drinking water standards; and,

WHEREAS, when setting drinking water standards for Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (PFOS), the Costa Mesa Sanitary District advocates for the USEPA to use this longstanding methodology.

NOW, THEREFORE, the Board of Directors does hereby resolve:

That the Costa Mesa Sanitary District supports these federal PFAS policy principles to protect water/wastewater agencies and their ratepayers and calls upon the Orange County Congressional Delegation and California Senatorial Delegation to cast votes implementing these public policy positions.

PASSED and **ADOPTED** on this 20th day of December 2021.


Secretary, Costa Mesa Sanitary District
Board of Directors


President, Costa Mesa Sanitary District
Board of Directors

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF COSTA MESA)

I, Noelani Middenway, District Clerk of the Costa Mesa Sanitary District, hereby certify that the above and foregoing Resolution No. 2021-949, was duly and regularly passed and adopted by said Board of Directors at a regular meeting thereof held on the 20th day of December 2021, by the following vote:

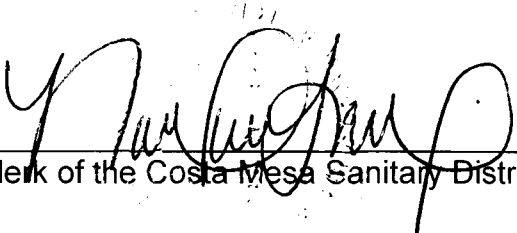
AYES: Ooten, Scheafer, Schafer, Perry, Eckles

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Costa Mesa Sanitary District, this 20th day of December 2021.


Clerk of the Costa Mesa Sanitary District

C: Orange County Water District
Orange County Sanitation District