



# MesaWater DISTRICT®

*Dedicated to  
Satisfying our Community's  
Water Needs*

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**MesaWater.org**

November 18, 2021

The Honorable Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington D.C. 20510  
[John.Watts@feinstein.senate.gov](mailto:John.Watts@feinstein.senate.gov)

The Honorable Senator Alex Padilla  
United States Senate  
112 Hart Senate Office B  
Washington D.C. 20510  
[Angela.Ebner@padilla.senate.gov](mailto:Angela.Ebner@padilla.senate.gov)

**RE: H.R. 2467 PFAS Action Act of 2021 and H.R. 3684 Infrastructure Act – Polluter Pays Principle Support and Cost-Benefit Analysis Support**

Dear Senator Feinstein and Senator Padilla:

[Mesa Water District](#) (Mesa Water®) is an independent special district that serves safe, affordable, and 100 percent local reliable groundwater to businesses and 110,000 residents in an 18-square-mile service area that includes most of Costa Mesa, a portion of Newport Beach, and John Wayne Airport. Mesa Water's groundwater is pumped from an underground aquifer managed by Orange County Water District ([OCWD](#)).

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 districts must find ways to: 1) remove them from our local water supplies; 2) find alternative water supplies; and, 3) conduct expensive monitoring. PFAS have been detected in the Orange County Groundwater Basin, managed by 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" principal and create a new separate drinking water standard-setting process for PFAS chemicals.

**As you consider legislation to address PFAS and other contaminants of emerging concern, we respectfully request that you ensure such legislation provides an explicit exemption from liability for water and wastewater agencies related to PFAS cleanup costs for the following reasons:**

- 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.
- It is vital that you secure an exemption for these agencies from CERCLA liability no less than that provided to our nation's airports.
- Water agencies have no responsibility for the presence of PFAS and the concept of imposing CERCLA liability is bad public policy.



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**Subject: H.R 2467 – Polluter Pays Principle Support  
H.R. 3684 – Cost-Benefit Analysis Support**

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Also, under existing law, the U.S. Environmental Protection Agency 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 higher costs to comply with drinking water standards.

**Amendments to the Safe Drinking Water Act (SDWA) should not delete the longstanding cost-benefit analysis. Additionally, we support providing direct grant funding for PFAS remediation to water and wastewater agencies as provided in the Senate-passed Infrastructure Investment and Jobs Act (H.R. 3684).**

We call upon California's Senators to cast votes implementing these public policy positions.

For any questions regarding Mesa Water's requests expressed herein, or if we can provide any further information or assistance, please contact us or our Water Policy Manager, Stacy Taylor, at [StacyT@MesaWater.org](mailto:StacyT@MesaWater.org) or 714.791.0848. Thank you for your attention to this important matter.

Sincerely,

Marice H. DePasquale  
Mesa Water Board President  
[MariceD@MesaWater.org](mailto:MariceD@MesaWater.org)  
949.631.1205

Paul E. Shoenberger, P.E.  
Mesa Water General Manager  
[PaulS@MesaWater.org](mailto:PaulS@MesaWater.org)  
949.631.1206

- c: Mesa Water Board of Directors
- OCWD Board President Steve Sheldon ([SSheldon@OCWD.com](mailto:SSheldon@OCWD.com))
- Association of California Water Agencies
- California Municipal Utilities Association
- Dennis Albiani & Anthony Molina, California Advocates



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November 18, 2021

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

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

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

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

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

**RE: H.R. 2467 PFAS Action Act of 2021 and H.R. 3684 Infrastructure Act –  
Polluter Pays Principle Support and Cost-Benefit Analysis Support**

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

[Mesa Water District](#) (Mesa Water®) is an independent special district that serves safe, affordable, and 100 percent local reliable groundwater to businesses and 110,000 residents in an 18-square-mile service area that includes most of Costa Mesa, a portion of Newport Beach, and John Wayne Airport.

Mesa Water's groundwater is pumped from an underground aquifer managed by Orange County Water District ([OCWD](#)). On behalf of Mesa Water, we are writing to communicate our support of OCWD's efforts to: 1) garner an exemption from CERCLA liability for water districts as they properly remove Per- and Polyflouroalkyl Substances (PFAS) from drinking water; and, 2) maintain the cost-benefit analysis in the Safe Drinking Water Act (SDWA).

Orange County is a national leader in water recycling with the Groundwater Replenishment System ([GWRS](#)), storm water capture behind Prado Dam and, most recently, the extraction of PFAS from our drinking water. These landmark projects are environmentally superior and have saved Orange County ratepayers billions of dollars by supplanting the purchase of more costly and drought-impacted surface water imported from the Colorado River and Northern California.

It has come to our attention that proposed federal legislation, PFAS Action Act of 2021 (H.R. 2467), would attach CERCLA liability to OCWD as it removes 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. We respectfully request your assistance in support of OCWD's efforts to garner an exemption from CERCLA liability for water districts as they properly remove PFAS from drinking water.

Additionally, the House-approved Infrastructure Act (H.R. 3684) unfortunately included a section that amends the Safe Drinking Water Act to delete the longstanding cost-benefit analysis in the development of new drinking water standards.



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Under current law, the U.S. Environmental Protection Agency ensures that public health benefits of new drinking water standards are balanced with the compliance costs that water system ratepayers will ultimately incur. Eliminating the cost-benefit analysis would potentially subject ratepayers of all income levels to higher costs. We respectfully request your assistance in support of OCWD's efforts to maintain the cost-benefit analysis in the SDWA.

For any questions or clarifications regarding Mesa Water's requests expressed herein, please contact us or our Water Policy Manager, Stacy Taylor, at [StacyT@MesaWater.org](mailto:StacyT@MesaWater.org) or 714.791.0848. Thank you for your attention to this important matter.

Sincerely,

Marice H. DePasquale  
Mesa Water Board President  
[MariceD@MesaWater.org](mailto:MariceD@MesaWater.org)  
949.631.1205

Paul E. Shoenberger, P.E.  
Mesa Water General Manager  
[PaulS@MesaWater.org](mailto:PaulS@MesaWater.org)  
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Association of California Water Agencies  
California Municipal Utilities Association  
Dennis Albiani & Anthony Molina, California Advocates

## **RESOLUTION NO. 1550**

### **RESOLUTION OF THE MESA WATER DISTRICT BOARD OF DIRECTORS SUPPORTING FEDERAL PFAS LEGISLATION THAT PROTECTS RATEPAYERS AND WATER/WASTEWATER AGENCIES**

WHEREAS, Mesa Water District (Mesa Water®) is a county water district organized and operating pursuant to the provisions of the laws of the State of California (State or California); and

WHEREAS, 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; and

WHEREAS, PFAS have been detected in the Orange County Groundwater Basin, managed by Orange County Water District (OCWD), and are estimated to cost Orange County 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

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, the United States Environmental Protection Agency 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, Amendments to the Safe Drinking Water Act should not delete the longstanding cost-benefit analysis; and

WHEREAS, OCWD supports providing direct grant funding for PFAS remediation to water and wastewater agencies as provided in the Senate-passed Infrastructure Investment and Jobs Act (H.R. 3684).

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

**Section 1.** The Board of Directors of the Mesa Water District hereby supports these federal PFAS policy principles to protect water/wastewater agencies and their ratepayers.

**Section 2.** Mesa Water calls upon the Orange County Congressional Delegation and California Senatorial Delegation to cast votes implementing these public policy positions.

ADOPTED, SIGNED, and APPROVED this 10<sup>th</sup> day of November 2021 by a roll call vote.

AYES: DIRECTORS: Atkinson, Bockmiller, Fisler, DePasquale  
NOES: DIRECTORS:  
ABSTAIN: DIRECTORS:  
ABSENT: DIRECTORS: Dewane

DocuSigned by:  
*Denise Garcia*  
E61DD5296C8E4B5  
Denise Garcia  
District Secretary

DocuSigned by:  
*Marice DePasquale*  
E5D6D720E00F4D8...  
Marice H. DePasquale  
President, Board of Directors