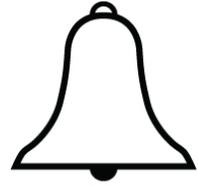


**BOARD OF DIRECTORS**

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DANIEL R. FERONS  
GENERAL MANAGER



## Santa Margarita Water District

February 22, 2022

The Honorable Congresswoman Katie Porter  
1117 Longworth HOB  
Washington, DC 20515

Via E-Mail

Dear Representative Porter:

On behalf of the board of directors of the Santa Margarita Water District ("SMWD" or "District"), I am writing to express our concerns with recently passed legislation regarding Per- and Polyfluoroalkyl Substances (more commonly known as PFAS), the group of man-made chemicals created by chemical manufacturers decades ago. The House of Representatives recently passed legislation—the PFAS Action Act of 2021 (H.R. 2467) -- which, if enacted, will result in exposing Orange County water and wastewater districts to the liability standard of the *Comprehensive Environmental Response, Compensation, and Liability Act* -- otherwise known as CERCLA or Superfund.

Neither SMWD nor the other OC agencies bear any responsibility for the presence of PFAS. The idea of imposing Superfund liability on water and wastewater districts runs contrary to the long-standing “polluter pays” public policy. We urge you to work with your colleagues in support of providing an exemption from Superfund liability for water and wastewater agencies in the same way that airports are exempted. Shifting all or part of the liability for the cost of cleaning up this contamination from the chemical manufacturers to the ratepayers of these agencies is, respectfully, unsupportable.

Additionally, under current law (Safe Drinking Water Act), the 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 PFAS, we support the EPA employing this longstanding approach.

Thank you for your attention to our concerns. If I can provide further information or clarification, please do not hesitate to contact me at 949-459-6590 or at [danf@smwd.com](mailto:danf@smwd.com).

Sincerely,

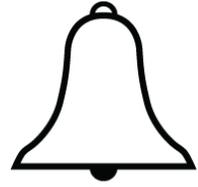
A handwritten signature in blue ink that reads "Daniel R. Ferons".

Daniel R. Ferons  
General Manager

**BOARD OF DIRECTORS**

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CHARLES T. GIBSON

DANIEL R. FERONS  
GENERAL MANAGER



# Santa Margarita Water District

February 18, 2022

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:

On behalf of the board of directors of the Santa Margarita Water District ("SMWD" or "District") I urge you consider legislation that provides an explicit exemption from liability for water and wastewater agencies related to cleanup costs for Per- and Polyfluoroalkyl Substances ("PFAS") and other water contaminants of emerging concern.

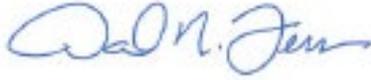
PFAS are a group of man-made chemicals created by chemical manufacturers. Local and regional water providers played no role in releasing PFAS into the environment. Nevertheless, these agencies must find ways to address PFAS impacts and conduct expensive monitoring. For example, PFAS have been detected in the San Juan basin which will have an impact on our agency and customers in the coming years. Orange County Groundwater Basin, managed by Orange County Water District ("OCWD"), and are estimated to cost north Orange County communities more than \$1 billion, over 30 years—a cost that could increase. Complicating this cleanup burden, all Orange County ratepayers are at additional risk from pending PFAS legislation that would effectively abandon the “polluter pays” principle.

A water or wastewater utility that complies with applicable and appropriate federal management and treatment standards must *not* be held 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). Without amendment, this bill could potentially burden water and wastewater agencies that simply receive water and/or wastewater that contains PFAS with across-the-board Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA")—the Superfund—liability for PFAS-related cleanups. This legislation provides an exemption for the nations’ airports; it is vital that we secure an exemption to include water and wastewater agencies. Water and wastewater agencies have *no* responsibility for the presence of PFAS. The concept of imposing CERCLA liability is simply 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 methodology when setting drinking water standards for PFAS. This is a longstanding method that has been used and its elimination would burden ratepayers of all income levels with higher costs.

We call upon our California senators to cast votes implementing these important public policy positions. If I can provide any further information or assistance, please contact me at 949-459-6590 or at danf@smwd.com

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan. Ferons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel R. Ferons  
General Manager