

February 14, 2022

The Honorable Congressman Correa
2301 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Congresswoman Kim
1306 Longworth House Office Building
Washington, D.C. 20515

The Honorable Congressman Lowenthal
108 Cannon House Office Building
Washington, D.C. 20515

The Honorable Congresswoman Porter
1117 Longworth House Office Building
Washington, D.C. 20515

The Honorable Congresswoman Steel
1113 Longworth House Office Building
Washington, D.C. 20515

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

On behalf of the Moulton Niguel Water District (MNWD), we join other essential public water and wastewater agencies to express our concerns with recently passed legislation regarding PFAS, a group of man-made chemicals created by chemical manufacturers.

It has come to our attention that the House-passed federal legislation, PFAS Action Act of 2021 (H.R. 2467), would result, if enacted, in exposing Orange County water and wastewater districts, including MNWD, to across-the-board Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) responsibility, commonly known as Superfund liability, for PFAS-related cleanups.

MNWD has no responsibility for the presence of PFAS and the concept of imposing CERCLA liability on water and wastewater districts runs contrary to the “polluter pays” public policy. We respectfully request that you work with your colleagues in support of providing an exemption from CERCLA liability for water and wastewater agencies. H.R. 2467 provides an exemption for the nations’ airports, and it is vital that you secure an exemption to also include water and wastewater agencies.

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 chemicals, we advocate for the USEPA to use this longstanding methodology.

Thank you for your consideration of our request. If I can provide any further information or assistance, please contact me at (949) 831-2500.

Sincerely,



Brian Probolsky
President, Board of Directors



February 14, 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:

PFAS are a group of man-made chemicals created by chemical manufacturers. Despite playing no role in releasing PFAS into the environment, water and wastewater agencies must find ways to address their impacts and conduct expensive monitoring. For example, PFAS have been detected in the 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. Complicating this cleanup burden, all Orange County ratepayers are at additional risk from pending PFAS legislation that would effectively abandon the “polluter pays” principle.

We join other water and wastewater agencies in asking that 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 or wastewater utility that complies with 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). 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 (CERCLA) responsibility, commonly known as Superfund liability, for PFAS-related cleanups. This 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 and wastewater agencies have no responsibility for the presence of PFAS and the concept of imposing CERCLA liability is bad public policy.

Also, under the Safe Drinking Water Act, the USEPA ensures that public health benefits of new drinking water standards are reasonably balanced with compliance costs. We advocate for the USEPA to use their current 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 California’s Senators to cast votes implementing these public policy positions. If I can provide any further information or assistance, please contact me at (949) 831-2500.

Sincerely,



Brian Probolsky
President, Board of Directors