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ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

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July 20, 2021

The Honorable Michelle Steel
United States House of Representatives
1113 Longworth House Office Building
Washington, D.C. 20515

RE: PFAS Action Act of 2021 H.R. 2467 (Dingell D-MI-12) – Oppose Unless Amended

Dear Representative Steel:

On behalf of the Orange County Water District (OCWD; the District), we appreciate the ongoing efforts of Congress to address PFAS. On July 19, the House Committee on Rules approved a structured rule to allow for House floor debate and vote on the PFAS Action Act of 2021 H.R. 2467 (Dingell D-MI-12). In taking this action, the committee rejected efforts to allow a vote on providing protections for public water and wastewater agencies from unwarranted liability under CERCLA (Superfund). In light of this decision, **OCWD requests that you vote against passage of H.R. 2467 unless it is amended to ensure that public water and wastewater agencies that are innocent recipients of this ubiquitous chemical are provided an exemption from liability as afforded to airports.**

A water utility that properly disposes of residuals containing PFAS, in a manner consistent with applicable laws, must not be held liable for current and future costs associated with PFAS cleanup.

As an agency dedicated to the protection of public health, OCWD's priority is to ensure compliance with federal, state and local clean water mandates. The District conducts these activities under strict Clean Water Act water quality standards incorporated into enforceable permitting conditions. Under H.R. 2467, an unprecedented expansion of Superfund liability would be imposed upon our operations. Simply, the action to accept, treat and dispose of water or wastewaters that may contain PFAS would expose our ratepayers to liability because of Superfund's expansive liability regime. This legal regime makes no accommodation for the public services we provide and serves only as an incentive for those truly, potentially responsible parties to pursue public agencies as contributors to any PFAS-related clean-ups and or penalties for damages.

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Again, OCWD requests that you oppose H.R. 2467 when it moves to the floor unless it is amended to exempt water and wastewater agencies from any liability for PFAS clean-up costs as was provided to airports.

If you are inclined to vote for H.R., 2467 without the above referenced amendment, or have not finalized your opinion, I respectfully request that we discuss this matter at your earliest convenience. I can be reached at 949-230-7170 on my personal cell phone or a conference call can be scheduled through the District General Manager's office at 714-349-1677. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Steve Sheldon". The signature is written in a cursive, flowing style.

Stephen R. Sheldon
Board President