

DIRECTORS

DENIS R. BILODEAU, P.E.
JORDAN BRANDMAN
CATHY GREEN
NELIDA MENDOZA
DINA L. NGUYEN, ESQ.
KELLY E. ROWE, C.E.G., C.H.
STEPHEN R. SHELDON
TRI TA
BRUCE WHITAKER
ROGER C. YOH, P.E.



OFFICERS

President
STEPHEN R. SHELDON

First Vice President
CATHY GREEN

Second Vice President
TRI TA

General Manager
MICHAEL R. MARKUS, P.E., D.WRE

ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

July 14, 2021

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Bldg.
Washington, D.C. 20510

RE: Per- and Polyfluoroalkyl Substances (PFAS) Provisions in any Final Infrastructure Act

Dear Senator Feinstein:

On behalf of the Orange County Water District (OCWD), we appreciate the ongoing efforts of Congress to address PFAS in infrastructure legislation. Below are the key provisions that OCWD requests in any final infrastructure act enacted by Congress:

- **Provide funding for PFAS remediation to water and wastewater agencies.** Support H.R. 3684 (DeFazio D-OR-4) Sections 12009 Grants for the treatment of emerging contaminants and 13109 PFAS treatment grants providing \$1 billion over five years for municipalities to implement pre-treatment standards for constituents of emerging concern including PFAS and \$5 billion over 10 years for municipalities for capital costs to clean up PFAS.
- **Exempt water and wastewater agencies from any liability for PFAS clean-up costs.** OCWD respectfully requests that Congress exempts water and wastewater entities, as was provided to airports, for any liability for PFAS clean-up costs if PFAS is listed under CERCLA as a hazardous waste. 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. An exemption for water and wastewater agencies is not yet part of any legislation.
- **Allow water and wastewater agencies to determine the PFAS treatment systems they will use and do no tie federal funding to only EPA-approved treatment systems.** OCWD does not support H.R. 3291 Assistance, Quality, and Affordability Act of 2021 (Tonko D-NY-20) Section 109, which ties funding to EPA-approved treatment systems. OCWD believes EPA's role is to set water quality standards and agencies should be allowed to select the treatment systems to meet those standards.

The Honorable Dianne Feinstein
July 14, 2021
page 2 of 2

During legislative language negotiations with the Senate and House, OCWD respectfully requests your consideration of the above-mentioned PFAS-related provisions in any final infrastructure act enacted by Congress. Please do not hesitate to contact me or OCWD Legislative Liaison Alicia Dunkin at adunkin@ocwd.com or (714) 477-3750 if you have any questions.

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