



City of Brea
1 Civic Center Circle
Brea, California 92821-5732
P: 714.990.7600 | F: 714.990.2258
www.cityofbrea.net

January 20, 2022

Sent via email to: Chris.Gorud@mail.house.gov;
Shane.Trimmer@mail.house.gov; Jacob.Marx@mail.house.gov;
Jonathan.Kuperman@mail.house.gov

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:

Orange County is a national leader in water recycling, stormwater capture, and most recently extraction of per- and polyfluoroalkyl substances (PFAS) from drinking water. These landmark projects protect the environment and have saved Orange County ratepayers billions of dollars by avoiding the purchase of expensive, imported water.

It has come to the Brea City Council's attention that the House recently passed the PFAS Action Act of 2021 (H.R. 2467). If enacted, the PFAS Action Act of 2021 would, among other things, designate certain PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Such a designation would expose the Orange County Water District (OCWD) to CERCLA's liability standard despite the fact that OCWD has no responsibility for the presence of PFAS in the local water supply. The concept of imposing CERCLA liability on water districts for PFAS contamination runs contrary to the "polluter pays" public policy. We respectfully request that you work in support of OCWD's efforts to provide an exemption from CERCLA liability for PFAS contamination for water and wastewater agencies.

Additionally, under the Safe Drinking Water Act, the U.S. Environmental Protection Agency (USEPA) ensures that public health benefits of new drinking water standards are balanced with compliance costs. When setting drinking water standards for PFAS, we advocate for the USEPA to use this longstanding framework.

Cecilia Hupp
Mayor

Glenn Parker
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steve Vargas
Council Member

Sincerely,

A handwritten signature in blue ink, appearing to read "Cecilia Hupp".

Cecilia Hupp
Mayor

cc: City Council
OCWD Board President Steve Sheldon (ssheldon@ocwd.com)



City of Brea
1 Civic Center Circle
Brea, California 92821-5732
P: 714.990.7600 | F: 714.990.2258
www.cityofbrea.net

January 20, 2022

Sent via email to: John_Watts@feinstein.senate.gov;
Angela_Ebiner@padilla.senate.gov; Sarah_Swigg@padilla.senate.gov

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:

Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that persist in the environment, accumulate in humans and animals, and cause harmful health effects. PFAS have been detected in our nation's waters, including the Orange County Groundwater Basin managed by the Orange County Water District (OCWD).

Despite playing no role in releasing PFAS into the environment, cities and water agencies, such as OCWD, must now find ways to address PFAS. Methods include removal, use of alternative supplies, and expensive monitoring. It is currently estimated that cleaning up PFAS from local water supplies will cost Orange County communities more than \$1 billion over 30 years, and that cost will likely increase. In addition, pending PFAS legislation would effectively abandon the "polluter pays" principle and may further increase the potential liability for water and wastewater agencies and their ratepayers.

As you consider legislation to address PFAS and other contaminants of emerging concern, the Brea City Council respectfully asks that you ensure such legislation explicitly exempts water and wastewater agencies from PFAS cleanup costs. A water utility in compliance with applicable federal management and treatment standards must not be responsible for current and future costs associated with PFAS cleanup.

We are especially concerned with the PFAS Action Act of 2021 (H.R. 2467), which, among other things, would designate certain PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Such a designation creates additional liability for water agencies simply receiving and treating water supplies. The PFAS Action Act, which the House recently passed, exempts the nations' airports from PFAS cleanup liability. It is vital that you secure a similar exemption for water and wastewater agencies. Water agencies have no responsibility for the presence of PFAS in the local water supplies. The concept of imposing CERCLA liability on water and wastewater agencies for PFAS cleanup is bad public policy.

Cecilia Hupp
Mayor

Glenn Parker
Mayor Pro Tem

Christine Marick
Council Member

Marty Simonoff
Council Member

Steve Vargas
Council Member

In contrast, under the Safe Drinking Water Act, the U.S. Environmental Protection Agency (USEPA) ensures that public health benefits of new drinking water standards are reasonably balanced with compliance costs. We advocate for USEPA to use this framework when setting drinking water standards for PFAS.

The Brea City Council respectfully calls 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 (714) 990-7704.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cecilia Hupp".

Cecilia Hupp
Mayor

cc: City Council
OCWD Board President Steve Sheldon (ssheldon@ocwd.com)