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**ORANGE COUNTY WATER DISTRICT**  
ORANGE COUNTY'S GROUNDWATER AUTHORITY

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July 22, 2022

The Honorable Alex Padilla  
U.S. Senate Committee on Environment and Public Works  
112 Hart Senate Office Building, Room 20510  
Washington, D.C. 20510

RE: Exemption from CERCLA for Water/Wastewater Agencies Cleaning PFAS Contamination

Dear Senator Padilla:

Orange County Water District (OCWD; the District) continues to work to ensure that water and wastewater agencies are protected from liability from cleaning up PFAS contamination and to ensure that any rulemaking to impose PFAS standards are grounded in sound science and follow the Safe Drinking Water Act. We ask that you utilize the enclosed exemption language for water and wastewater agencies should PFAS be listed as a hazardous substance under CERCLA.

OCWD and other water/wastewater agencies did not produce, manufacture, or sell PFAS chemicals. Public agencies who are cleaning up PFAS contamination should have strong immunity from polluters who may try to falsely claim that the agencies are subject to CERCLA for the act of cleaning up the polluters' PFAS contamination. Currently, CERCLA liability, if applied to PFAS chemicals, would not allow for discretion to exempt a water agency. Instead, an agency would need to expend resources to demonstrate that it was not responsible for the contamination—a challenging and expensive proposition. CERCLA currently provides for several liability exemptions and the House-passed PFAS Action Act (H.R. 2467) would extend airports an exemption.

Please find enclosed the draft exemption language for water and wastewater agencies. Also enclosed are 119 letters and resolutions of support from the O.C. Board of Supervisors, various cities, special districts, chambers of commerce and associations.

As our U.S. Senator and Member of the U.S. Senate Committee on Environment and Public Works , it is critical that we have your support for the exemption. We would appreciate hearing back from you that you do support such an exemption and will follow up with your staff as well. Thank you.

Sincerely,

Stephen R. Sheldon  
Board President

The Honorable Alex Padilla  
July 22, 2022  
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Enclosures:           1)Exemption language for water and wastewater agencies from CERCLA liability related to PFAS clean up;  
                              2)Letters of concern from Orange County cities, chambers, Orange County Supervisors, associations, and agencies regarding CERCLA liability