



The Honorable Tom Carper, Chairman
The Honorable Shelley Moore Capito, Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

As the Committee on Environment and Public Works plans to consider the issue of passive receiver liability for PFAS cleanups under CERCLA, the Oklahoma City Water Utilities Trust wishes to let you know how important this issue is for ours, and many other drinking water and wastewater systems across the country.

While we agree that EPA should take steps to eliminate and clean-up sites contaminated by Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonate (PFOS), and other PFAS, water utilities do not use, manufacture, or sell these compounds. Rather, we receive them from waters polluted by manufactured products or waste discharges. In the course of purifying our water, we concentrate these and other impurities, and then appropriately dispose of the solids or sludge from the water treatment process consistent with all applicable laws.

EPA has stated that it intends to employ "enforcement discretion," and not pursue CERCLA cleanup liability against drinking water and wastewater systems related to PFAS. However, this does not protect water systems against CERCLA claims filed by polluters themselves, which can use the courts to attempt to offload some of their cleanup responsibility onto water systems or other passive receivers that had no role in introducing PFAS into the environment.

Subjecting water system ratepayers to CERCLA litigation filed by polluters is in direct contrast with the "polluter pays" principle at the core of CERCLA and will only result in increased water and wastewater rates nationwide. Congress must protect water systems and their ratepayers against these frivolous claims.

On behalf of the Trust, we urge you to protect water and wastewater system ratepayers nationwide by providing clear and targeted liability protections for passive receivers like water systems that appropriately handle and dispose of PFAS. We support S. 1430, the Water Systems PFAS Liability Protection Act, introduced by Sen. Cynthia Lummis, and urge the committee to act on this important legislation.

Thank you for your attention to this important issue,

Sincerely,


Chris Browning
General Manager

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