

HEARING ON IMPLEMENTING IIJA: PERSPECTIVES ON THE DRINKING WATER
AND WASTEWATER INFRASTRUCTURE ACT, PART II

Thursday, September 7, 2023

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The subcommittee met, pursuant to notice, at 10:03 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Kelly, Padilla, Cramer, Mullin, Ricketts, Boozman, Sullivan.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everybody. I hope we remember how to do this. It has been a while since we have sat in this room, at this table, but we are delighted to be able to do it today. I am happy to be with my colleagues.

There is just a really encouraging atmosphere, I noticed it yesterday, on the Floor. I feel it again today. We did a lot of good work toward the end of just before we broke for the recess. We have plenty of work still to do, but I am encouraged that we are more than up to that. We are delighted to kick it off with this hearing.

In March, our committee will recall, our committee held its first oversight hearing on the Bipartisan Infrastructure Law's drinking water and wastewater provisions. Today, we are going to expand upon those efforts, focusing on the law's drinking water programs.

Nearly two years after becoming law, the Bipartisan Infrastructure Law is helping to make clean water a reality for millions of households, for schools, and childcare facilities across our Country. As the benefits of this law continue to become a reality in more and more communities across America, our committee is anxious to hear from stakeholders about how you believe this work is progressing and if we can make any

improvements. My colleagues have heard me say again and again: everything I do, I know I can do better. I think everything we do, we know we can do better.

Investing in our Nation's water infrastructure is deeply personal to me. Growing up in West Virginia and Virginia, my sister and I lived near rivers and streams like Beaver Creek, not even 100 feet from our house. Just outside of Beckley is a stream that was contaminated by septic tanks and other waste.

Later, I would attend Ohio State University as a Navy ROTC midshipman. Ohio State is about a two-hour drive south of the Cuyahoga River, which famously caught fire in 1969. I remember I was down in Pensacola, Florida as a brand-new, newly-minted ensign and reading in the news that the Cuyahoga River caught on fire. I couldn't believe it. It did, and the question is what we are going to do about it.

Both of those experiences ingrained in me the importance of water in our daily lives. From protecting our beaches and wetlands to maintaining our service lines and other ports, clean water is critical to our health and our Nation's economy.

As many of us know, Matthew 25 calls on us to care for those who are in need, the least of these, including giving those who are thirsty something to drink. I believe that includes a moral obligation to ensure that all Americans have access to clean, safe, and reliable water services.

Fortunately, I am not alone in that belief. Shortly after taking office, President Biden invited Senator Capito and me, along with Senator Cardin and others, to the Oval Office. He tasked us with leading the charge on updating our Federal infrastructure investments, including our highways, our bridges, and our water systems.

As many of you may recall, we rolled up our sleeves. We got to work after that meeting. Senator Capito, Senators Duckworth, Lummis, Cardin, Cramer, and I, along with our staffs, worked together to draft the Drinking Water and Wastewater Infrastructure Act. We advanced this bipartisan infrastructure legislation out of our committee unanimously and later passed it in the full Senate by an 89 to 2 vote. I will never forget that day, an 89 to 2 vote on something, as that came right through our committee, and something that we are enormously proud of.

That water bill, combined with our committee's historic highway legislation, served as the foundation of the Bipartisan Infrastructure Law, which President Biden signed into law in November 2021, a day that many of us will long remember today. What a day.

To date, the Bipartisan Infrastructure Law is the single-largest water infrastructure investment in our Nation's history. Through that law, Congress is investing an unprecedented \$55 billion to improve drinking water and wastewater systems in

communities across our Nation, including replacing lead service lines and addressing emerging contaminants, and it was fully paid for.

Still, there is more that needs to be done and more that can be done. My hope is that today's hearing will allow us to gain a deeper understanding of how the implementation of those historic funds is going. Our hearing also presents us with the chance to explore future opportunities to improve our drinking water infrastructure and to make sure that the Bipartisan Infrastructure Law's programs are benefiting communities with the greatest need, too.

While I am excited to hear from all of our witnesses, I want to take a moment and welcome back Kishia Powell to the EPW Committee. For those who don't know, Ms. Powell testified before our committee in 2021 when we were drafting the water portion of the Bipartisan Infrastructure Law. Her testimony was instrumental in moving that package forward, and we look forward to hearing her perspective on the law's implementation today.

As I mentioned, this is not our first hearing on examining our Nation's water infrastructure needs, and it won't be the last, either. As you will recall, earlier this year, we held a hearing with EPA Assistant Administrator Radhika Fox -- I love to say that name -- and other stakeholders to discuss some of these programs. Just this past May, Senators Padilla and Lummis

also held a water affordability hearing at the subcommittee level looking at low-income water assistance programs and what additional authorities or changes might be necessary to make those programs function even better.

Later this month, that same subcommittee will be reviewing tribal water needs. I hope that this series of hearings will help inform us of what more we can do to ensure that these programs continue to work even better as we face changes in our climate, our population, and our infrastructure needs.

With that, again, we are grateful to our panel of witnesses. We look forward to hearing from each of you today as you bring diverse experiences representing State perspectives, city water utilities, and rural water.

Before we do that, we are going to hear from our Ranking Member, Senator Capito, for her opening remarks. Senator Capito, great to be back with you. You are recognized.

[The prepared statement of Senator Carper follows:]

STATEMENT OF SHELLEY MOORE CAPITO, A UNITED STATES SENATOR FROM
THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Chairman Carper. It is great to be back with you. I hope you had a nice break in the beautiful State of Delaware.

This is a great opportunity, I think, for the committee to get an update from stakeholders and on the progress, as the Chairman has lined out very explicitly, on DWWIA, which was enacted in the bipartisan Infrastructure Investment and Jobs Act. I thank all of you for being here, several of which we have seen before, and it is nice to see you back in front of the committee.

Today's hearing will focus on the critical importance of clean and efficient drinking water and wastewater systems for the health, well-being, and economies of our communities. It is vital that all Americans, obviously, have access to reliable water and sanitation that they can afford.

The Drinking Water and Wastewater Infrastructure Act authored by this committee is a critical component of the Infrastructure Investment and Jobs Act, IIJA. It has introduced new programs, opportunities, and support to meet the current needs and challenges in small, rural, and disadvantaged communities.

During this hearing, we will examine the current state of

our Nation's water resources, the challenges we face in safeguarding them, successes and failure of Federal agencies' implementation of policies from the IIJA, which was meant to ensure that every individual has access to clean and healthy drinking water and wastewater and how other Federal policies may be helping or hindering communities adverse to provide for their residents.

The IIJA, as the Chairman said, authorized \$55 billion in funding for a variety of water infrastructure programs. These programs aim to address the issues faced by our Nation's water infrastructure, including grants for small and disadvantaged communities, funding for lead service line replacement, and support for innovative water technologies.

The IIJA recognizes that many communities are struggling with aging infrastructure and emerging contaminants, such as PFAS. Small, rural, and disadvantaged communities often lack the necessary resources and technical expertise to tackle these challenges, leaving them vulnerable to water quality issues and also public health risks. The IIJA offers funding opportunities for grants, low-interest loans, and technical assistance to help ease some of these burdens.

As we work to implement and secure funding for these programs, it is crucial to ensure that resources are directed toward the communities that are most in need based on actual

public health and environmental risks. The Federal Government must also provide the necessary technical assistance and training to support these programs. Many of our small communities do not have this technical expertise.

However, I have significant concerns regarding the EPA's approach to implementing the directives from Congress as it begins to allocate substantial financial investments to our Nation's water infrastructure. The EPA has repeatedly tried to impose its policy priorities on States and communities, often in violation of authorities reserved to them under the Safe Drinking Water and Clean Water Acts. Regulatory obligations to meet vague environmental justice goals and inconsistent and untimely imposition of Build America, Buy America waivers have led to delays, cost overruns, and legal uncertainty.

These unnecessary obstacles imposed by Federal regulators are especially inappropriate when elevated inflation eats away at the historic infrastructure investments that America needs and that were demanded of Congress.

Additional threats to reliability and affordability may come from other environmental regulations. In particular, failure to provide CERCLA liability protections for water systems facing PFAS contamination will slam our water systems and their ratepayers while only enriching trial attorneys. As we have discussed repeatedly, West Virginia has had to deal with

PFAS contamination originating, and I know your States have as well, at both industrial and military sites, the two major sources of contamination nationally.

The concept of "polluter pays" is enshrined in CERCLA and has had broad bipartisan support over the years. That is why I find it truly perplexing to hear that environmental groups are actively lobbying against protections for water systems and other passive receivers. With PFAS contamination going back decades and regulatory efforts to protect our drinking water, which I support, there will be an increasing need to protect our water systems that had no hand in creating or didn't have the benefit from these chemicals.

As we look to preserve safety, reliability, and affordability of drinking and wastewater systems for the future and maximize the benefits of the IIJA's investment, protecting passive receivers is something Congress must get right.

I will close by saying, as everybody in attendance already knows, water infrastructure investments are critical to public health, environmental health, and economic development. The successes we have had to date have been based in cooperative federalism as enshrined in the Safe Drinking Water and Clean Water Acts. Communities and States know their needs the best and need a helping hand from the government, but not a heavy hand.

Thank you all for all you do to keep our Country's water and wastewater systems clean, healthy, and I look forward to hearing your perspectives on these issues. Thank you.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you very much for those words and for the opportunity to continue our important and wonderful efforts in this committee on this front.

I am going to introduce Secretary Biser. Senator Cardin has graciously agreed to introduce Kishia Powell, one of his constituents, and I think Senator Cramer is going to introduce Eric Volk.

Secretary Biser is the Secretary of the North Carolina Department of Environmental Quality. My wife sends her best. My wife is a North Carolina, Appalachian State graduate. She sends her best. The position that you hold is a position that you have held, I think, since Governor Cooper appointed you to that leadership role about two or three years ago in 2021. This is your second tour of duty at the agency, having previously served as the Department's Director of Legislative and Intergovernmental Affairs.

In August of 2023, Ms. Biser was elected to serve as President of the Environmental Council of States, ECOS, a national non-profit, non-partisan association of State and territorial environmental agency leaders working to improve the capability of State environmental agencies.

Secretary Biser, we are delighted that you are here. Welcome. Thank you for joining us today. Please proceed.

Before, you do, maybe I should introduce the other two

witnesses. No, we will hold off on that. You just go ahead, and then we will come back and let Ben introduce Ms. Powell and Kevin introduce Eric. Okay, go ahead.

STATEMENT OF THE HONORABLE ELIZABETH BISER, SECRETARY, NORTH
CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Ms. Biser. Thank you, Senator Carper, Ranking Member Capito, members of the committee. I really appreciate the opportunity to be here with you all today and talk about the Infrastructure Investment and Jobs Act and the transformative investment that it has helped enable in North Carolina's water infrastructure.

One of North Carolina's top priorities is ensuring that everyone in our State has access to clean drinking water and reliable water infrastructure, because without that, nothing else matters.

I want to start out by sharing with you a story about the community of Ivanhoe, which is in rural Sampson County in North Carolina. The residents of Ivanhoe have been fighting for decades for the chance to connect to a public water system. Governor Cooper and I had an opportunity to hear from these residents about what it was like knowing when they wash their white clothes, they would come out stained brown from the well water, and how when it got cold that the water pumps would go out. A lot of times, they wouldn't have water availability at all.

But in 2022, thanks to Federal funding, we awarded a \$13.2 million grant to run 40 miles of waterlines to connect 350 homes

in Ivanhoe to the county water system for the first time.

Other citizens in our State are facing failing infrastructure, pumping stations that are being inundated as we have more frequent and more intense storm events, and some are still serviced by terra cotta pipes. In Liberty, North Carolina, I was visiting them, they actually have Orangeburg lines, which I had to look up. It is basically wood pulp sealed with tar, and you can imagine that they are literally disintegrating in the ground. It is vital that we confront each of the needs to improve the resiliency of our system and to protect the health of our residents.

I will add that North Carolina had a head start on handling large sums of water infrastructure dollars. Our State leaders chose to allocate a significant portion of our American Rescue Plan dollars to water infrastructure. It was \$1.9 billion. The first thing we did was evaluate our processes, because it is easy to spend money, but the challenge is investing it well.

In order to ensure that the record amount of funding that we received reached the communities like Ivanhoe, we reimagined our grant-making process. We canvassed every county health department in the State to identify where we had communities who did not have reliable access to clean drinking water or sewer services. We conducted outreach to nearby utilities to ensure that they knew about these communities and encouraged them to do

projects to connect these folks. We wanted to make sure it wasn't just the well-funded, biggest utilities that were ready to go, that we gave everybody in North Carolina an opportunity to benefit from these dollars. I am proud to say that the changes are resulting in, so far, more than 2,000 homes slated to be connected to public water for the very first time.

North Carolina, Senator, as you mentioned, also has significant levels of PFAS contamination, which have affected rural and urban areas in our State alike. We especially worry about the cost and the burden on our small towns who cannot afford to shoulder the additional cost associated with treatment without outside help.

EPA Administrator Michael Reagan and fellow North Carolinian came to Maysville, North Carolina, a small town that had discovered high levels of PFAS contamination, which was likely the result of firefighting foam, to announce the IIJA Emerging Contaminants funding for small and disadvantaged communities to illustrate the type of community that that was intended to help.

While a facility in North Carolina gave us early experience in dealing with forever chemicals when a PFAS compound known as GenX was discovered in the Cape Fear River in 2017, we also recognized that PFAS is larger than one company or one chemical. DEQ has been working with public water systems to assess PFAS

levels and to help prepare for the upcoming national drinking water standards. We have identified 43 of our municipal and county drinking water systems that serve three million people that will need to take action in order to come into compliance with the proposed MCLs and protect public health.

We are learning from and working with the public water systems that have already addressed PFAS in our State. I will give you an example of the Cape Fear Public Utility Authority who spent \$43 million on installation of a granular activated carbon system to treat PFAS coming from the Cape Fear River. From their experience, we know that the testing and planning and design work has to take place before you are ready to construct a treatment system, and this work can take a year to do.

To help other utilities prepare for the needed upgrades that they will need to make, we are making a significant portion of the early rounds of emerging contaminant funding from IIJA available for planning grants to help these systems identify and design the best treatment system for their situation.

We appreciate the \$23 million per year over five years that North Carolina is receiving for emerging contaminants through IIJA, but this shows how much we are going to need, that what we are getting so far is just scratching the surface of the needs in North Carolina. We estimate that just for our State, it will take between \$661 million and \$1.3 billion to install treatment

technology at the 43 municipal and county water systems, and that number does not take into account the number of small water systems, which we are currently testing.

All of this is on top of our normal water infrastructure needs, because we haven't invested for far too long, of \$17 billion to \$26 billion that we need over the next 20 years. This reinforces the importance of IIJA and this committee's work and of the State Revolving Funds.

I recognize that this is a policy and not the appropriations committee, but as the newly elected President of the Environmental Council of States, I would like to bring the committee's attention to the long-term threat that is being posed to the State Revolving Funds by the Fiscal Year 2024 appropriations bills. On behalf of ECOS, we are concerned about these developments of using Congressionally directed spending out of the corpus of the State Revolving Funds. The proposed cuts would be devastating to States' capacity to meet current and growing environmental needs and harm the State-Federal partnership that is crucial to protect public health and the environment throughout the Country.

Using supplemental appropriations in the IIJA to offset cuts in the annual Federal funding undermines the historic opportunity provided by this landmark legislation, which was intended to extend affordable financing for water infrastructure

to more communities than ever before.

This is not the time to take our foot off the accelerator. North Carolina will never stop working to ensure that all residents have access to clean drinking water and reliable water infrastructure, and I appreciate this committee's commitment to that same goal.

Thank you for allowing me to be here today and share our experience with you.

[The prepared statement of Ms. Biser follows:]

Senator Carper. Since your election as President of ECOS, do you prefer to be called Madam President, or Madam Secretary?

Ms. Biser. Secretary is fine, thank you. I appreciate it.

Senator Carper. Good enough.

Ben Cardin is willing to introduce his constituent, Kishia Powell. Thanks for doing that.

Senator Cardin. Mr. Chairman, thank you. It is really a pleasure to have Kishia Powell with us. As you pointed out, her help in the work of this committee by her appearance and counsel has been greatly appreciated. She is a dynamic force in the global water sector with 24 years of experience both in the public and private sector across the United States and London, England.

She is the General Manager and CEO of the Washington Suburban Sanitary Commission. That is the largest water utility in the State of Maryland. She manages 1,680 team members and the day-to-day operations of the water systems, 1.9 million customers. It is an incredible responsibility that she has. She has demonstrated great leadership in that regard. She is a licensed professional engineer in Maryland, graduating from Morgan State University. We always give plugs to our great schools in the State of Maryland.

I particularly want to thank her, Mayor Brandon Scott just announced his appointments to the task force set up by the

Maryland General Assembly for the Regional Water Governance Task Force in Baltimore. The Washington Suburban Sanitary Commission does not have jurisdiction in Baltimore, but she is lending her expertise, because we need to find the best way to manage our water systems in the Baltimore area. I thank her for her willingness to serve on that task force, and thank you for being with us today.

Senator Carper. Ms. Powell, you are recognized.

STATEMENT OF KISHIA L. POWELL, GENERAL MANAGER AND CEO,
WASHINGTON SUBURBAN SANITARY COMMISSION

Ms. Powell. Thank you, Senator Cardin. It is good to be born, raised, and educated in the City of Baltimore.

Good morning, and thank you Chairman Carper, Ranking Member Capito, and committee members for the invitation to testify before you today. I am Kishia Powell, the General Manager and CEO of WSSC Water. I would like to recognize our board of commissioners and Chair Regina Speed-Bost.

Senator Carper. Is she here?

Ms. Powell. She is not. She couldn't be here today.

Senator Carper. Thank you.

Ms. Powell. WSSC Water has the honor of serving more than 1.9 million customers across Prince George's and Montgomery Counties as the largest water and wastewater utility in the State of Maryland and the eighth largest in the Country. While the scale of utilities differs across the water sector, we all face similar challenges, most importantly, the need to balance affordability with investments in critical infrastructure.

The passage of the Infrastructure Investment and Jobs Act made us all hopeful that the historic funding levels would unlock the ability to ramp up required investments. Thank you, committee members, for your leadership and vision. I am happy to report that we see progress because of the IIJA.

Overall, we have received a total of \$60.3 million because of the increased appropriations in clean water and drinking water SRF funding, with over 30 percent being given in loan forgiveness. Most notably, WSSC Water will receive just over \$105 million from the State Revolving Funds in the coming year for water main replacement projects, lead service line inventory and replacement, the Piscataway Bioenergy Project, and sanitary sewer reconstruction. Thank you, Senator Cardin, for your support and leadership in advancing these crucial projects.

While progress is being made thanks to the single largest ever investment in water infrastructure in the history of the United States, the hard reality is, we are still behind when it comes to having the necessary funding required for our infrastructure investment needs. We are truly thankful, but this one-time investment was only 5 percent of the funding that is needed for our sector.

EPA estimates a needed investment of \$750 billion over the next 20 years just to maintain the existing Nation's drinking water and wastewater infrastructure. Historic decreases in Federal funding, aging infrastructure, climate and cyber threats, and addressing emerging contaminants widens the funding gap.

One of the most expensive and urgent issues our Nation's water sector faces is the presence of PFAS contaminating our

water supplies and threatening WSSC Water's mission to protect public health and maintain our track record of zero drinking water quality violations in our 105-year history. We are committed to continuing this level of excellence, despite our projected cost of PFAS compliance of more than \$1 billion for drinking water alone.

We are equally concerned about the potential financial, operational, and compliance risks associated with PFAS and wastewater and biosolids, which is why we must hold the polluters financially responsible and not leave our customers to shoulder this burden.

These factors have led to increasingly unaffordable water bills for families across the U.S. According to the Department of Health and Human Services, water is the fastest growing household utility cost nationwide. The Congressional Budget Office reports that over 90 percent of water and sewer infrastructure in the U.S. is funded locally, much higher than other types of infrastructure like roads and transit.

I thank this committee for authorizing the creation of a water customer assistance program at the EPA and for providing \$1.1 billion in various COVID relief packages for a program at HHS. Since 2020, WSSC Water was able to provide over \$10 million in financial assistance, including nearly \$4 million from the HHS Low-Income Household Water Assistance Program to

assist more than 5,500 customers. The EPA program has never been funded, and the HHS program will soon expire without additional funding, ending this critical lifeline. We must permanently fund access to water, an equally critical resource.

On behalf of WSSC Water, I thank the committee members for your support and pledge to work with you to address the water sector's challenges in the years to come to protect public health, create jobs, enhance economic growth, safeguard our environment, and drive equity and environmental justice.

This concludes my testimony. I would be happy to answer any questions.

[The prepared statement of Ms. Powell follows:]

Senator Carper. Ms. Powell, thanks so much. It is great to see you again, and thanks for that testimony and for your help earlier and again today.

Before Senator Cramer introduces our witness from North Dakota, Eric Volk, I just want to say to my colleague, Kevin, I was back on the campus of the University of Delaware last month and had an opportunity to speak, and we spent a fair amount of time with their president and others on the campus about the intersection between Federal policy and what we are trying to accomplish at the University of Delaware.

We talked a little bit about sports, and we talked about the upcoming football season that is underway. We talked about the University of Delaware's experience in playing North Dakota State. I asked my staff to share with me some football scores from North Dakota State and Delaware in the last couple of years. They came up with September of 2019, University of Delaware, 22, North Dakota State, 47; September 2018, University of Delaware, 10, North Dakota State, 38.

In basketball, it gets worse. Basketball, University of Delaware, 66, North Dakota State, 85. When the president of the University of Delaware was leaving and we were saying goodbye, he said, do you have any advice for me before you leave? I said, stop playing North Dakota State.

[Laughter.]

Senator Cramer. They probably pay them a lot to play them; that is the weird thing, but they are not alone.

Thank you, Mr. Chairman, and thank you Senator Capito, for this important hearing and for this opportunity. It really is an honor for me to be able to introduce Eric Volk, who serves as the Executive Director of the North Dakota Rural Water Systems Association where he has a staff of 11 professionals who oversee and provide services to over 300 water systems and wastewater systems in the State. They include things like on-site troubleshooting, training, leak detection, water audits, emergency response, workforce challenges, of course, just to name a few.

The assistance provided by Eric and his team to my staff and me has been invaluable. It is part of what makes the partnership work so well. He also serves on several boards, including the North Dakota Water Coalition and the North Dakota Education Foundation. He is a past chair of the North Dakota section of the American Water Works Association.

I don't know what he does in his spare time, but he does hold a bachelor's degree in biology from the University of Mary, and he is a two-time member of the University's athletic hall of fame. Fortunately for Delaware, he didn't go to North Dakota State.

Eric is an excellent resource to me and to my staff. We

really appreciate Eric's being here and offering his expertise to the whole committee.

Senator Carper. Thanks for that introduction. Please proceed, Eric. We are delighted that you are here. Thanks so much.

STATEMENT OF ERIC VOLK, EXECUTIVE DIRECTOR, NORTH DAKOTA RURAL
WATER SYSTEMS ASSOCIATION

Mr. Volk. Good morning, Chairman Carper, Ranking Member Capito, Senator Cramer, and distinguished members of the committee. My name is Eric Volk, and I am the Executive Director of North Dakota Rural Water.

The Association was established in 1974 and provides technical, managerial, financial assistance, training and advocacy for rural water and wastewater systems in the State. A huge thanks goes to my staff, who tirelessly work every day to provide access to affordable, ample, and quality water. It is a true honor to be here today to give a small State rural perspective to the implementation of the Drinking Water and Wastewater Act.

I grew up in Granville, North Dakota, a community of around 240 residents, so this topic is near and dear to me. I am also here on behalf of National Rural Water Association, the Country's largest utility association, with over 31,000 members dedicated to drinking water quality, environmental protection, and public health in all 50 States.

I have enjoyed living in North Dakota my entire life and have been helping water and wastewater systems for nearly 23 years. We have 306 active community water systems. Two hundred ninety-six of them serve less than 10,000 in population.

Meeting the demands in repairing or replacing aging infrastructure and complying with rules and regulations are taking its toll on many small and rural systems. Another major challenge is the ever-increasing elk migration, which continues to decrease the population base, adding to the cost of these services to the individual consumer. Without significant State and Federal grant funding, the cost to the consumer would be too much for the average family to afford.

In 2022, the association partnered with the North Dakota Department of Water Resources and our league of cities to survey our water supply needs. The results indicated a 10-year need of approximately \$2.1 billion and a 20-year need of approximately \$3.6 billion. North Dakota's current drinking water SRF program Intended Use Plan shows a need of about \$1.1 billion, and demands on the Clean Water side are similar. Those are huge needs for a State that only has 280,000 residents.

In preparing for this hearing, I visited with several water systems engineers and suppliers to develop a snapshot of how projects are being completed in the State. First and foremost, they are all very appreciative of the investments being made on the Federal level to help our citizens. Several systems talked about the shortage of contractors.

A key factor contributing to the shortage is labor, which is required reductions in the number of crews that they can

operate and limits their scope of work. There is also a sense with the large amount of funding available for all infrastructure that some contractors are not as hungry as they were before.

The cost of pipe, valves, and fitting is dramatically increasing. Since 2019, certain PVC pipe has increased over 200 percent, and the cost of installing a fire hydrant that serves a small community of 135 people has more than doubled since 2020, now more than \$15,000.

Various products such as meters, meter pits, certain valves, drives, and generators have extremely long wait times. One system has been waiting for a year and a half for a specific pressure reducing valve. However, the availability of pipe and related materials is improving slowly. American manufacturers have been required to expand their facilities and improve logistics, which has driven down lead times and enhanced trackability.

Overall, the costs of completing projects seem to be ever-increasing. It is very hard for small systems to properly plan for and complete projects under these circumstances.

Another important aspect of the IIJA is the multiple technical assistance provisions and set-asides included by this committee to help communities that lack the financial, managerial, and technical capacity to access SRF programs.

Rural water is proud to be the trusted resource and technical expert for small, rural, disadvantaged, and tribal communities to comply with EPA regulations, avoid EPA fines, and access the historic water infrastructure funding for safely operating our utilities.

The regulatory burden surrounding PFAS are another challenge facing water systems, which we are extremely supportive of the Water Systems PFAS Liability Protection Act introduced by Senator Lummis. This legislation aligns with the goal shared by all rural communities to eliminate PFAS from the public drinking water while preserving the essential "polluter pays" principle for cleanups under the Superfund law.

Finally, the water sector workforce problem is daunting, with over 50 percent of our water workers estimated to leave in the next 10 years. Alongside strong support from Ranking Member Capito, Rural Water has established an apprenticeship program for operators.

As of this year, 36 State rural water associations, including North Dakota, have completed the rigorous process of obtaining federally-approved apprenticeship programs and are now attracting, training, and retaining the next generation of the water workforce, with over 600 apprentices enrolled or graduated so far.

Thank you, Mr. Chairman and members of the committee, for

giving me the opportunity to share rural water's perspective today. We appreciate the many opportunities you have provided rural America in crafting Federal water legislation and policy.

[The prepared statement of Mr. Volk follows:]

Senator Carper. Mr. Volk, thanks very much. Our thanks to all of you for your testimony today.

I am going to lead off the questions and then yield to Senator Capito. There is another hearing going on in Homeland Security and Governmental Affairs on postal issues that are important. I may have to slip out for a few minutes to go there, as well.

As I mentioned in my opening statement, the Bipartisan Infrastructure Law provided more than \$55 billion for drinking water and wastewater improvements, the largest investment in our Nation's history, which is in addition to the significant investments Congress has made through the American Rescue Plan. Even then, we knew that this was only a down payment, and the continued need is clearer now.

This past April, EPA released its most recent drinking water infrastructure needs survey and assessment, which estimated that the 20-year national drinking water infrastructure need is a staggering \$625 billion. That is \$625 billion worth, with a B.

My question is really a question for each of you. I will start off with Secretary Biser, also known as President Biser. Please share with us, if you would, some of your beliefs with respect to the Bipartisan Infrastructure Law, your experience with respect to the Bipartisan Infrastructure Law's funding,

what you have been able to achieve with that funding in North Carolina. Tell us a bit about the financial gap, if any, that remains in your efforts to address water infrastructure challenges. You have spoken to this already, but you can reiterate it, if you will. Repetition is a good thing. Thank you. Go ahead.

Ms. Biser. Thank you, Senator. Thank you for that question.

One of the things that we think about a lot in North Carolina is that people don't tend to think about water infrastructure unless they turn on their faucet and water doesn't come out, or they don't have clean water and they have to boil water, or if they can't flush a toilet. That is when we typically think about water infrastructure.

As a result, we have underinvested for decades in our systems. This piece of legislation has provided a huge shot in the arm for us. You mentioned that the EPA needs survey is identifying hundreds of billions of dollars in additional needs. That is true in North Carolina as well.

We have a 2017 study that we are in the process of right now because it doesn't take into account some hurricanes that we dealt with, that estimated our needs at \$17 billion to \$26 billion just for our basic water infrastructure. That is not including looking at the needs associated with upgrading our

drinking water to deal with PFAS and protect public health. That is quite significant.

To give you another dollar figure, we were only able in 2023 so far to fund 9 percent of the \$2.6 billion that have been requested by our local utilities thus far. That number has held pretty steady for the past few years.

We have had a record investment, which is wonderful. I mentioned the \$1.9 billion from the American rescue plan on top of the wonderful funding we are getting from IIJA, and we are working hard to make sure that that funding is reaching every community that needs it in the State. That means, as I mentioned earlier, not just rewarding those who are first in line, but making sure that we have strong technical assistance. North Carolina has a lot of small and rural communities, a lot of poor communities, so we want to make sure that that funding is reaching those communities as well.

Senator Carper. I am going to ask you to hold it right there. That is a lot, and you certainly have our attention. Ms. Powell, same question, if you would.

Ms. Powell. Certainly. I think, overall, our experience in working with stakeholders to make sure that we got off to a good start with implementing the Bipartisan Infrastructure Law has been a positive one. We understand that there had to be guidance provided upfront for implementation, and certainly, for

the State of Maryland, they took some time to update their definition of disadvantaged communities to make sure that funding is going to support those communities across the State.

We are starting to see funding, as I shared in my testimony, from IIJA and we are starting to see some principle forgiveness.

But what we talked about in the hearing before was that we needed to see more funding in the form of grants and not loans. Many communities cannot afford loans, and for us, ourselves, we are financially constrained, as well. It counts against the debt that we are taking out for our capital program, so there is still a funding gap there.

We submitted a project, a list of project requests, worth \$800 million, and we are projected to receive \$105 million. We are still shy of the need. I think it has been very good that we have been able to assist customers that need assistance getting their bills back in good standing from impacts during the pandemic, but those impacts existed before the pandemic and continue to persist.

The last thing I will stress, if I could, is that we talk a lot about investment in infrastructure. We can't forget about the people that run the facilities and fix the pipes. We also have to invest in workforce.

Senator Carper. Good. Thank you very much for those

words.

Mr. Volk, and then I will turn it over to Senator Capito.

Mr. Volk. Thank you, Chairman. Our SRF group has been working very hard to navigate through the new rules and regulations to get the money out as best as they can, visiting with them in the last couple weeks, getting a lot of the money out to all sorts of systems. I have in my written testimony a snapshot of those systems, both on the clean water side and on the drinking water side from our very small up to our largest community of Fargo.

Senator Carper. Thank you.

Senator Capito?

Senator Capito. [Presiding.] Thank you, Mr. Chairman. I am going to, because there is lots going on, I am going to yield my first opportunity to question to Senator Boozman.

Senator Boozman. Well, thank you very much, and I appreciate that. I have to run up to Farm Bill here, it is important to you and, I think, to the witnesses.

I want to just ask one question, really quickly, regarding, as Ranking Member on Agriculture, to Ms. Biser. I understand how critical it is that we protect farmers, ranchers, and others not directly responsible for PFAS contamination from being potentially held liable by the EPA or subject to sweeping private legal action that could wreak havoc on their ability to

operate. So I was pleased to be a part of a bill with Senator Lummis giving the agriculture community assurance they would not be subject to PFAS liability claims if the EPA rule were to be finalized.

Ms. Biser, can you talk about the importance of providing farmers, ranchers, and water utilities with this certainty?

Ms. Biser. Thank you, Senator Boozman, for that question. One of the things that we think about in North Carolina a lot is making sure, PFAS operates fundamentally different than most of the traditional contaminants that we regulate. PFAS is called a forever chemical for a reason, and it stays persistent in the environment and accumulates.

One of the things that we are doing at a State level is reviewing our rules and regulations and permitting to make sure that we have common sense measures to make sure that we are still protective of public health and environment in that context. I think, as you pointed out, Senator, it is a good and worthy conversation to have to make sure that we are looking at where to appropriately draw those lines to ensure that you are not having unintended consequences because PFAS is operating differently than what we have traditionally dealt with, especially under a CERCLA context, as you mentioned.

Senator Boozman. If they did go all the way down to farmers, ranchers, water utilities, what effect would that have

on North Carolina?

Ms. Biser. I will say, as a strong agricultural State, I always think about our farmers, but I also think about our public water systems. One of the main areas I think about is ratepayers are already paying for treatment costs to make sure that their water meets Federal drinking water standards and is safe for public health. I would hate to see a scenario where we have public water systems, ratepayers, essentially, on the hook twice. Thank you for your question.

Senator Boozman. Good. Thank you very much. Thank you all.

Senator Capito. Senator Cardin?

Senator Cardin. Thank you, Madam Chair.

Ms. Powell, let me first relate a story. A couple years ago, I was invited by a candidate for City Council in Baltimore to join him going door to door to try to get political support for him. It was an opportunity to do some grassroots politics. Every house that we had knocked on the door where someone answered the door, the questions they raised were about water prices and the affordability of water from our public utility. You mentioned that in your testimony.

Obviously, and Secretary Biser, you are absolutely right, there is a tremendous shortage in the modernization and replacement of our water infrastructure. The pressure on the

ratepayers makes it virtually impossible to make the type of investment through the ratepayers that are necessary to make those improvements, but we are stuck with the current circumstances where these rates are way too high on affordability.

We have the LIHEAP Program for other utilities, and you mentioned in your testimony, Ms. Powell, that you have used the COVID relief funds that were provided under HHS, and the Bipartisan Infrastructure Bill contained the provision that I sponsored with Senator Wicker and Senator Stabenow to allow us to develop a pilot program on affordability with help for those that cannot afford it.

Could you go into a little more detail as to the need on affordability as to the customers in your region struggling to pay their current water bills, let alone if additional responsibilities are imposed upon them because of the challenges that you have mentioned?

Ms. Powell. Yes, sir. Thank you, Senator Cardin, for the question. Thank you for your leadership on this issue, as well.

Since the start of the pandemic, WSSC Water has applied over \$10 million in financial assistance to 5,500 customers through a variety of Federal and State funding sources, including \$3.75 million just from LIHWAP alone, which has helped over 4,000 customers. The Federal Low-Income Household Water

Assistance Program has been another opportunity for us to assist customers that have needs.

As I said, those needs existed before the pandemic, because rates have been increasing, and they will continue to persist after. Right now, we have over 90,000 customers that are behind on their water bills, leaving more than \$51 million in arrears. When we can't get the funding from our customers, because we are not for profit, we then look to raise rates, and that is an unsustainable solution.

Having a permanent Low-Income Household Water Assistance Program provides us another way of providing the needed funding to help customers with the rising cost of water and sewer bills, because our costs are increasing to deal with just maintaining the infrastructure we have. New regulations that require us to invest billions of dollars will further add to that financial burden.

Senator Cardin. Secretary Biser, you mentioned the concerns of the ratepayers in North Carolina. Do you have a similar concern about affordability in your State?

Ms. Biser. That is something we think about a lot. We want to make sure that water is affordable. This is something that we think about in the context of PFAS, as well. I gave the example of the Cape Fear Public Utility Authority. Their customers are now paying an extra \$70 per year to pay for that

treatment system. So we are thinking about this all the time and looking at how do we make sure that everybody is at the table to help, so that the ratepayers don't shoulder the entire burden.

Senator Cardin. Ms. Powell, I mentioned my thanks for your being willing to join the task force in regard to the Baltimore system. The WSSC is a model governance. It has worked extremely well among the Maryland, Washington, and suburb counties. It is well supported and respected by all the jurisdictions.

The Baltimore system is one that is based upon the city's management, which has been historic and goes back hundreds of years. We have serious problems at Back River, as I am sure you are aware, and Patapsco. I just hope that you can add some expertise as to how we can have a structure that can provide the future needs for the customers in the Baltimore region that depend upon the Baltimore Water Authority.

Ms. Powell. Yes, sir. I am looking forward to lending my expertise and working with the entire task force to ensure that the City of Baltimore has the structure that it needs for the water and wastewater utility, which is a regional utility, and also among the top ten largest in the Country.

I started my public sector career as the Bureau Head of Water and Wastewater for the City of Baltimore, so I know the

operation well, and I know many of the challenges. I think those have only become more difficult over time. I do see that the City of Baltimore is now starting to receive funding as well from IIJA. I hope that the work that we do helps to inform how those funds should be spent going forward.

Senator Cardin. Thank you. Thank you, Madam Chair.

Senator Capito. Thank you.

This is for all the panel, but I am going to start with you, Mr. Volk. I want to go back to the PFAS CERCLA liability issue. You have all three addressed it, and I appreciate it. As the Chairman just said, repetition is good.

CERCLA liability creates a significant risk for passive receivers. In other words, you didn't create it, but it comes into your water system. Often, you are required to receive or treat PFAS due to State or Federal regulations.

Water and wastewater utilities are particularly vulnerable to CERCLA liabilities due to the essential and growing role in receiving and filtering PFAS. I believe in North Carolina you said 43 systems had just installed carbon systems. There are treatments, as you mentioned, treatment technologies that can remove it, and it gets in granulated carbon filters. But it has to be transported then, and disposed of, the used filters, as you put new filters in.

Wastewater utilities must contend with both industrial and

residential contributors of PFAS upstream, the latter of which poses unique challenges due to the prevalence, as we talked, of PFAS in many consumer products.

My questions are, can you elaborate on the risks and costs associated with transporting and disposing of PFAS contaminated materials, and does CERCLA liability impact your ability to manage these byproducts effectively without fear of severe legal challenges? If the EPA is requiring you to provide PFAS-free drinking and wastewater, are you kind of caught between a rock and a hard place? Mr. Volk?

Mr. Volk. Senator, great questions. A lot of these are on the minds of not only the small and rural systems in North Dakota, but across the Nation. There are a lot of unknowns, especially in our State with what the extent of the PFAS is, and then, if you find it, what do you do with it?

Then, if you are told you need to dispose of it, where do I dispose of it? How much is it going to cost? Who is going to pay for it? If it is the ratepayers, like we have already talked, in the short time, we are already strapped with razor thin budgets. That is where being exempt from the liability would be an extreme help to water systems, where they are, just like you said, the passive receiver. They didn't profit from the PFAS, but now they are --

Senator Capito. Responsible?

Mr. Volk. Responsible for that, exactly.

Senator Capito. Have you tested your water systems in North Dakota?

Mr. Volk. Senator, they have done a couple years of testing. In North Dakota, we have been lucky, knock on wood, that it has come back with very few positives across the State.

Senator Capito. Ms. Powell, would you respond to that? You mentioned it in your statement, but I would just like to reinforce it, please.

Ms. Powell. Yes, I mentioned it in my statement that we have been, we initiated looking at some alternatives to deal with PFAS in drinking water. While we have done voluntary testing and it shows that our levels are low and that we would be under the MCL that has been proposed by EPA, we have seen an anomaly in the data that showed a spike that could potentially mean that we could be out of compliance in the future.

That is why I mentioned financial compliance and operational risks associated with not only drinking water, but also wastewater. We have to understand what will happen there, and biosolids. On the drinking water side, our estimates now are upwards of a billion dollars to be able to address PFAS in drinking water.

Just in terms of biosolids, the Piscataway Bioenergy Facility Project, where we have received funding from the State,

that project is upwards of \$270 million, the single largest investment that we have made as a utility, and it is supposed to be a positive one to take our biosolids to a Class A to allow us to better manage biosolids. That investment stands to be threatened should we have to address PFAS and biosolids. So it is important that water and wastewater utilities have the protections from CERCLA and from liability.

Senator Capito. Secretary Biser, you have some experience with this, obviously, with some of your systems already doing the carbon filters. What kind of liability issues are they having or would they have if we didn't specifically exempt them from transporting and trying to destroy, managing, once you catch it, it doesn't go away. What are you going to do with it?

Ms. Biser. Senator Capito, thank you for that question. There are two large systems that we have, that, as you mentioned, are dealing with this. One has installed a reverse osmosis system, the other a carbon filtration system, a granular activated carbon system. With the carbon system, one of the things that we worry about is we know that there is air transport of PFAS as well, and so as it gets refreshed, it gets basically heated up.

There is a lot we still need to learn about, are we putting it back into the air, where it essentially continues a cycle? I think that points to a need for some research and development to

help us as we are tackling these issues.

As it relates to CERCLA, I think, again, it is a really worthy conversation to have to take a look at all the case law surrounding CERCLA, having everybody around a table to say, where are the unintended consequences, and how do we avoid unintended consequences so we don't overburden our ratepayers?

Senator Capito. Thank you. Senator Merkley?

Senator Merkley. Thank you very much, Madam Chairman, and welcome to you all.

I want to direct my questions to you, Mr. Volk, because I have two rural pollution problems that I want to address. One is in Morrow County. For decades, people have had an accelerating level of nitrates in their water, to where it is way above safety now. They are experiencing all kinds of health problems.

They are adjacent to an area that does have a public water system. The DWWIA grants, the \$35 billion that we have directed to DWWIA, wouldn't that be appropriate money to be spent to connect these folks to a public water system that is free of nitrates? Isn't that kind of the purpose?

Mr. Volk. Yes, Senator. I believe those would be questions to ask your Department of Environmental Quality or whoever runs the SRF, but definitely could be part of the supplemental funding. That is just extra additional funding and

there are additional subsidies that could be used there. They could use their base funding, but definitely could be something to get those users on a reliable, quality source of water.

Senator Merkley. But isn't that kind of the core purpose of the DWWIA money, is to help folks in rural areas be able to address this kind of challenge?

Mr. Volk. Senator, definitely. Definitely. It would be up to each State to divvy that money up how they see fit.

Senator Merkley. Right. I want to turn to another challenge in Crook County. In Crook County, we have had in 2022 a whole bunch of residents who have a very, very high level of manganese that has appeared in their water. Now, Canada has a limit of 120 micrograms, and the World Health Organization, 80 micrograms.

EPA is at 300 micrograms. The estimate for the impact on memory, attention, and motor skills on children is when there is 120 to 400 micrograms. Ten of the 13 nearby family wells have tested over the EPA 300 level, and one well tested at over 1,000 micrograms. So people are incredibly worried about their health.

The calves are dying. At Billy Johnson's dairy, a record number of cows have been dead, same story at Brian Zednick's place. A farmer, Dick Zimmerly, said, "It just chapped my backside that Goliath could get away with running over everybody

else." And the Goliath in this case is a gravel pit that opened nearby.

In this case, there is no public water system nearby to tap in. What can these funds in DWWIA do to help our rural farmers and families that are being impacted in such a fashion?

Mr. Volk. Senator, I can only tell you what we have done in North Dakota over the last 50 years. We have a great network of rural regional systems that would provide water to that farmer. We have worked hard on it. I know that manganese is an issue. In North Dakota, we have been able to use the funding through the Emerging Contaminants section, that is eligible use and that is that 100 percent subsidy.

So if they were able to hook up to a regional supplier like we have done in North Dakota, that would be an option for those rural residents and farmers.

Senator Merkley. You are talking about piped water, right?

Mr. Volk. Correct.

Senator Merkley. But if people are too far away from a piped system to make that feasible, are there other things these funds can do?

Mr. Volk. Senator, I'm not exactly sure. I would have to get back to you on that.

Senator Merkley. Madam Chair, I want to provide for the record several articles about both the nitrates in Morrow County

and the challenge faced there for health, and also about the manganese in Crook County. I think these two instances are examples of the sorts of challenges that people face.

It isn't just the farmers and ranchers. The families' water systems, that is, their pipes, their filters, their water heaters, their toilets are filling up with black sludge, massive corrosion of their pipes. They can't sell their homes. They are afraid to raise their children but they can't afford to move.

It seems to me these are exactly the sorts of things that we are trying to provide funds for in DWWIA to assist. I want us to find a way to help these communities out. Thank you.

Senator Capito. Without objection, we will submit those into the record.

[The referenced information follows:]

Senator Capito. Senator Cramer.

Senator Cramer. Thank you, Madam Chair. Again, thanks to all our witnesses for being here. Eric, thank you for your expertise.

I am going to get to one of the process issues. In some respects, Senator Merkley's questions are about the program in general and how States can use the various stacks in the appropriate ways.

One of the areas, and we talk a lot about the State Revolving Loan Fund, obviously, but one of the areas with regard to the State Revolving Loan Fund and the bigger system and the area for rural people like me, and by the way, this applies not just to water, but certainly to the highway piece of it is well, is to have a formula that consistently recognizes rural States and the unique needs of rural States and that we don't have a formula that simply sends all the money to large population centers.

Obviously, we are talking about a multiple use system that connects. I appreciated your illustration to Jeff with regard to the regional systems in North Dakota that work together.

Could you speak a little bit to the importance of the formula piece of this? The formula is often challenged when it is time to reevaluate and reauthorize the programs. Speak to that.

And you said something in your opening statement, too, that I'd like you to speak a little more to, and that is the technical assistance piece. In all my years in Congress, whenever this came up, the thing I hear the most from the rural systems is the value of technical assistance, how if you even know how to apply for a grant, it helps perhaps get the grant.

Maybe speak to those two things, the formula, and then the technical assistance piece of it.

Mr. Volk. Thanks, Senator Cramer. Definitely on the formula and coming from a small State, we would love any changes or anything that wouldn't harm small States with limited population. Just because we don't have the residents doesn't mean we don't have problems. We have our unique problems whether it is miles of pipe between rural customer, an extremely short construction season. I am looking forward to getting back to our cool temperatures in North Dakota. It has been extremely warm here in D.C.

But definitely, normally as a small State, we get minimally funded, and we are okay with that just as long as we are not adversely affected by any formula change based on a population alone.

Then with the technical assistance, that is the heart of our association. We have been around since 1974, helping when they were first starting rural systems in the State and morphed

into training, technical managerial and financial assistance to all the water and wastewater systems in the State. My staff is going in there day in and day out helping with finding leaks, fixing things, helping them fill out loan applications, helping them connect to the funding sources, helping them hire an engineer if they don't have that. Some of these very small systems even have part-time staff or volunteers.

So the technical assistance, to us it is the boots on the ground. They know us. We live in their communities, we live in the State, and we are not there one day and never to be seen again. We are there for the long haul.

Senator Cramer. I might even just follow that up then with the next point. So the technical assistance, it seems to me, I still sort of marvel, 11 professionals with over 300 systems. What you have just described is the way that you maximize those resources.

But that doesn't change the fact that there is a pretty significant workforce challenge. There is in every industry. I don't know one yet. Space Force is doing well, I guess.

[Laughter.]

Senator Cramer. But beyond that, there is a serious workforce problem in this Country. In your testimony, you said you expect something like 50 percent of the workforce in your industry will be leaving within 10 years.

What do you all do? I will start with you, then each of you can answer shortly. What is the plan? How do we deal with this or do we just recruit more humans?

Mr. Volk. Senator, part of that problem we are trying to address is with our apprenticeship program. With National Rural Water's help, we have the standards set up. As I said in my testimony, there are 36 States, and North Dakota is one of them. We are relatively new in the process of apprenticeship. We have a workforce development coordinator; he has hired on. He helps with systems, helps navigate through all the rules and regulations of the apprenticeship program, just trying to change the narrative in our business.

In small-town North Dakota it is usually, if your operator leaves, who is the next person up? You bring somebody in, they don't have the experience and it is a vicious circle. We are trying to change the narrative, change the culture where it is a true profession, it is a great, noble profession. They do great work every day. So we are working hard to use the apprenticeship program to get the next generation of workers.

Senator Carper. [Presiding.] Thank you, sir.

Senator Whitehouse, you are next. Right now it looks like Senator Mullin will succeed you, then Senator Padilla, then Senator Ricketts. Please proceed.

Senator Whitehouse. Thanks, Mr. Chairman.

Mr. Volk, the law provides 49 percent for additional subsidization. Is that customarily treated as a cap?

Mr. Volk. Senator, the 49 percent is the cap, I believe. I know we have had some discussions with, is that enough.

Senator Whitehouse. Yes. So, assuming that it is a cap, what effect does it have on communities that don't have the ability to go forward to match in terms of being able to access these IIJA funds?

Mr. Volk. That is a great question. We are struggling with that in North Dakota with getting the lead funding out, where 49 percent subsidization, 51 percent would go on to the customer and most of that lead is going to be in your older neighborhoods, your disadvantaged communities.

So we are really struggling with getting that and finding a balance with the affordability.

Senator Whitehouse. Thanks.

Ms. Powell, in Rhode Island, we are seeing a lot of damage to our water treatment infrastructure related to climate change. We have very, very powerful, unprecedented rain events that have flooded out, for instance, a major city of ours, the City of Cranston's sewage treatment facility. It is really unpleasant to be downstream when a sewage treatment facility floods out.

Narragansett has had to build a dike, a berm around its oceanside sewage treatment facility, Warren, another town, is

having to plan a very expensive move with intermediate protection of its water treatment facility.

How well does the IIJA fund the need that communities are facing to deal with these unprecedented flooding events driven by climate change and our relentless pollution by the fossil fuel industry?

Ms. Powell. Thank you, Senator Whitehouse, for the question. We ourselves are dealing with the impacts of drought conditions. Earlier this week, we had a meeting to talk about moving to a drought watch. So it really is impacting every community, east coast, west coast, north, south.

I think the structure is there in IIJA, the authorization is there, the appropriations need to be there.

Senator Whitehouse. That is what is missing. I agree. Thank you.

Let me also ask you about microplastics. We are starting to see that turn up more and more in drinking water. We see it appear in mothers' breast milk. We see it appear in the end result in a baby's diaper that has obviously gone through the infant. We see it falling in the rain in Colorado, and we don't really understand what the dangers are of microplastics are when consumed by humans.

The bill provides \$10 billion for what it calls emerging contaminants. Is it true that microplastics are only one of

several emerging contaminants that would have to share that \$10 billion if it were to be treated that way? Given the kinds of upgrades that are necessary to deal with microplastics, is \$10 billion a sufficient number?

Ms. Powell. The short answer, Senator, is no. It is not sufficient. We have focused a lot of PFAS.

Senator Whitehouse. Which would be an emerging contaminant?

Ms. Powell. Which is an emerging contaminant. Our projections to deal with that in drinking water are upwards of \$1 billion.

Senator Whitehouse. When you say, "our projections," you mean your --

Ms. Powell. WSSC Water, yes, sir.

So we need to have regulatory certainty. We need to have a comprehensive road map to deal with emerging contaminants that are on the horizon holistically, so that we are making sure our investments in infrastructure upgrades make sense.

Senator Whitehouse. I would wrap up by suggesting some flexibility around the 49 percent for communities that don't have a lot of resources, and additional funding for infrastructure that faces climate-related damage, flooding, drought drying-out conditions, whatever they are, and an expansion of the \$10 billion which now has to cover both PFAS

and microplastics in addition to whatever other emerging contaminants are out there would all be helpful to you.

Ms. Powell. Yes, sir.

Senator Whitehouse. Is that a yes, also, I saw your head nod, Mr. Volk?

Mr. Volk. Yes.

Senator Whitehouse. And Ms. Biser is also nodding. Thank you.

Senator Carper. Head nods are important.

Next, Senator Mullin.

Senator Mullin. Thank you, Chairman. You know, we all face unique challenges, being from the Midwest and rural States like Oklahoma, North Dakota. Even major metropolitan areas, such as Boston and New York, San Francisco, Los Angeles, we all have issues facing us when it comes to clean water. Sometimes it is policy related, sometimes it is neglect. Sometimes it is a lack of funding.

But what we do know is one size does not fit all. We need to give municipalities, States flexibility to allow them to make decisions for their unique areas. A lot of times, when Congress, we may have good intentions, sometimes it is politically driven, sometimes it is actually policy driven. I think that is what we are trying to do here, Chairman, is have good, sound policy.

But one size never fits all. When we throw a tremendous amount of money, I mean, \$55 billion is a lot of money, still, for anybody, I don't care who you are, it is a lot money, and then we put restrictions on it, I think we hear from all of our witnesses is hey, we know where it needs to go, we need the flexibility to do so. And if we are going to be funding these projects, then we need to make sure we get those dollars as close to the State, as close to the individuals providing the service as possible, and give them the tools to do it without having the restrictions, which happens so often with Federal funding, is that every dollar has so many stinking strings on it that they can't even access it.

That is what I believe Mr. Volk, you were saying a while ago, what Senator Cramer was trying to say, is just to get through the bureaucracy to get to the funding is a miracle sometimes in itself. So my question to you, Mr. Volk, is what tools do you need for rural parts of the Country, which is most of the Midwest, what would be most helpful? If the money is there, what tools do you need to access it?

Mr. Volk. Yes, Senator, great question, things we talk about all the time. Flexibility would be immensely grateful, I know visiting with our State folks, they would love that. The technical assistance --

Senator Mullin. Flexibility in what? Begin able to use

the dollars for certain projects without having restrictions on the projects? Being able to use flexibility on navigating the bureaucracy?

Mr. Volk. Especially with this funding, with the lead component on our water side, we run the risk in our State of maybe not spending down our first tranche of money as quickly as we can, and we can't apply for the next set of money until we spend that down. We run the risk, if we don't apply for that I believe before September 2024, we could lose that money. That would be reallocated to a State.

So some timing flexibility for our State to navigate, let's say, the lead, like where the lead service inventories are not due to the State until October 16th, 2024, but they have to apply for this new funding, the next year's funding of the lead, in September of 2024. So the funding is kind of ahead at this point of the true problem. The State does not fully know the magnitude of the total lead replacement. We have an idea. But some flexibility on that would be great so they wouldn't run the risk of losing that.

Senator Mullin. The timing.

Mr. Volk. It could maybe have a little more time or could use that at another point.

Senator Mullin. Would it be helpful, instead of us, you know, at each municipality or each rural district, trying to

apply for the grants themselves or the funding themselves, would it be helpful that if we were to allow, if Congress were through the EPA were to just simply give the money to the States that have, like in Oklahoma, DEQ, Department of Environmental Quality, in North Dakota I am sure you have an environmental agency that could help manage it, too, give it to them and allow them to help disburse the dollars in areas and set the timing that you need that is more designed to actually be practical for you guys to achieve what you are trying to get done?

Mr. Volk. Yes, Senator, normally that is how it would work with their base funding through the SRF program. They have an intended use plan that they would go off, and it is on a ranking system with their, if there is health issues or things like that. So they have that flexibility, it is just some of the tightness on some of this new --

Senator Mullin. The timing. So the timing is the thing you need the most help with.

Mr. Volk. Sure.

Senator Mullin. Okay.

Mr. Chairman, I yield back.

Senator Carper. Thank you, sir.

Senator Padilla, please. Welcome.

Senator Padilla. Thank you, Mr. Chair. Let me begin, Mr. Chair, by just reminding you how proud I am of the work this

committee has done to address water affordability for underserved communities, while also working to expand access to water re-use and recycling and reduced lead in drinking water in terms of the foundation for the Bipartisan Infrastructure Investment and Jobs Act, as I know you are proud of.

This last June I chaired a subcommittee hearing examining the challenges facing water systems across the Country and the impacts of aging water infrastructure, as we have been talking about in this hearing already and the effect that aging infrastructure is having on the ability of families to pay their water bills.

The cost of water is rising. Household water and wastewater bills have increased 160 percent since 1998. Just to put it in context, that is a greater rate of growth than the rise in cost for electricity, for rent, or even medical bills.

In 2021, Congress created the temporary Low-Income Household Water Assistance Program in response to the COVID-19 pandemic. We also authorized a new EPA pilot program to help water systems address low-income water affordability. The authorization for LIHWAP, however, expires at the end of the month.

So I know Senator Cardin talked to you, Ms. Powell, earlier about your experience in taking advantage of the resources available and what it meant for customers that were able to

receive aid. Can you emphasize for me and the committee what the program expires at the end of the month, but you might be able to ensure that low-income customers are able to continue to afford their water and sewer bills?

Ms. Powell. Thank you, Senator Padilla, for the question. At WSSC Water, we are also looking to develop new customer assistance programs and enhance the customer assistance program that we already have. We found that by having LIHWAP in place we were able to assist more than 4,000 customers with the cost of their water and sewer bills. That helped them get their accounts back in good standing. It also helped the utility to be able to move forward with our critical mission of investing in infrastructure and our people.

One of the things we are planning to do, and we have been working with water and wastewater utilities across the Country, is to advocate for a permanent program. We need the authorization, then we need the appropriations.

Senator Padilla. You anticipated my follow-up question, which was exactly that. I know it has been a temporary program. But it sounds like you believe a permanent program should be part of a Federal safety net.

Ms. Powell. Absolutely. Because there are some States and communities that don't have the enabling legislation for individual utilities to have their own customer assistance

programs. So having a Federal low-income household water assistance program akin to LIHEAP which helps with energy costs is appropriate for this critical resource.

Senator Padilla. Thank you for that. I won't raise the subject of PFAS. Several of us have talked about it. I do want to associate myself with the comments, questions and concerns raised earlier.

I will ask instead about another issue which is not unique to California, but California seems to be Exhibit A, the need to emphasize disaster resiliency. We have seen no shortage of both challenges and opportunities ensuring access to clean drinking water and safe wastewater, especially when it comes to natural disasters.

Just last week, communities in and around San Diego faced a boil water advisory after the first tropical storm hit southern California in 84 years. It was an anticipated hurricane, tropical depression by the time it made landfall. This comes after a winter where we saw more than 30 atmospheric river storms flooding communities throughout the State.

Yet, we are still emerging from a mega-drought that has stressed water supplies, not just in California, but throughout the west, and even here in the D.C. region, low flows have triggered drought operations.

So another question for you, Ms. Howell, how has the D.C.

drought impacted your operations?

Ms. Howell. Right now, we have normal operations. As I shared, we did have a call earlier this week to talk about how we will deal with the drought conditions. At WSSC Water, because we are making upgrades to our Potomac plant and we are also working to recover capacity in the reservoir that serves our Patuxent plant, we have specific limitations. So the drought conditions are exacerbating the limitations that we have to provide treatment.

So it is really critical that we plan for not only the future where water supply is concerned, but we plan for resiliency, which is why we have been working in the region to advance the water supply resiliency project that was in WRDA 2022.

Senator Padilla. Thank you, and thank you, Mr. Volk. I know you have spoken about the unique challenges facing rural communities. Anything else you would like to add on how do you prepare for flooding, droughts, wildfires, any other natural disaster challenges?

Mr. Volk. Yes, Senator. In North Dakota we do a lot of planning with winter storms, ice storms are very big, and making sure that if the power is interrupted that all our small communities can still keep enough water, whether it is for citizens or if there would be a fire. So it is a concern that

we have in our northern climate. We all have our uniqueness on climate resiliency.

Senator Padilla. Thank you very much.

Thank you, Mr. Chair.

Senator Carper. I think Senator Kelly and Senator Sullivan are en route to join us. Senator Padilla, before we leave, I just want to say thank you for your leadership on these issues and your leadership on the subcommittee you chair. Thank you.

Senator Padilla. And I should mention, the subcommittee hearing, very bipartisan in spirit. Senator Lummis is my partner on the subcommittee as Ranking Member of that subcommittee. So we work in very bipartisan fashion, which I know you try to do at every opportunity.

Senator Carper. You are a good team. Thanks very much.

Until we are joined by Senator Sullivan, I am going to ask a question, maybe another question of Secretary Biser. Would you please take a moment to discuss the disparity between the amount of money that companies spend to manufacture PFAS and the financial burdens on communities that must handle the cleanup of these chemicals?

Ms. Biser. Thank you, Senator. My colleague in Minnesota and her agency recently did some studies on this very topic. What they found is that it costs to buy PFAS about \$50 to \$100 per pound. The cost to remove and destroy PFAS is around \$2.7

million to \$18 million per pound. So there is quite a disparity between those two figures.

Senator Carper. That is quite a disparity. One other question for all of our witnesses. Cybersecurity attacks on drinking water systems in the United States are of increasing concern, as you know, for utilities and the communities that they serve, as documented by a recent report by the American Water Works Association.

What additional resources are necessary for utilities to both invest in resiliency of their systems to cyberattacks as well as to respond to attacks as they occur? Mr. Volk, would you lead us off?

Mr. Volk. Mr. Chairman, another great question. For an association, we strive to provide that technical on-site assistance to our small and rural communities with the cybersecurity. Even as rural and small a State as North Dakota, we are very hooked up to the world, which can be great and can also be a curse to when the bad actors find us.

We have had some recent instances in some very small systems, there have been people that have got on there. They don't know exactly what they are looking at. Luckily, we were able to stop that. Our State is very active, we have some very intelligent experts working on that, and we are working hand in hand with our rural systems with them.

Senator Carper. Good. Thanks for that.

Ms. Powell, same question.

Ms. Powell. Yes, sir, our cyber infrastructure is just as important as the pipes in the ground. We have systems that are connected that have to be protected. We are under attack; there are bad actors that are trying to access our systems, every water system, all the time. I think the water sector is increasingly becoming a prime target for bad actors.

So the long and short of it is that funding needs to be there to support those efforts for cyber-resilience as well.

Senator Carper. All right, thanks.

Secretary Biser?

Secretary Biser. It is certainly a new challenge that is being presented to systems, and a clear and present danger to those systems. But I think having funding for training and technical assistance and any necessary upgrades, but again, the focus should always be on public health and how we are keeping that top of mind. Thank you.

Senator Carper. Thank you.

We have been joined by Senator Sullivan. How are you doing?

Senator Sullivan. Thank you, Mr. Chairman, I am doing great.

Senator Carper. It is nice to see you. Ready to go?

Senator Sullivan. Ready to go, as always.

Senator Carper. You are recognized.

Senator Sullivan. For the witnesses, thank you. Just real quick on the CERCLA question, I know it is an important one, I have a bunch of questions on some other topics, but is it safe to say that all three of you agree that there should be some element of limitation on liability, particularly in the PFAS-CERCLA related issue? Was that your testimony, Ms. Biser?

Ms. Biser. Senator, I think it is a good conversion to have to look at any unintended consequences. We want to make sure that polluters are on the hook to pay and that we are not overburdening ratepayers, for example. So I think it is a topic that is worthy of careful consideration.

Senator Sullivan. Okay. How about you, Ms. Powell?

Ms. Powell. I do think it is important for water utilities, as passive receivers, to have those protections, and that the focus be on the polluters bearing the costs.

Senator Sullivan. Yes. It is like airports and other entities, too, all of a sudden they are seeing, like in my State a lot of these entities will go bankrupt, and they weren't the reason for it.

What about you, Mr. Volk?

Mr. Volk. Yes, those small and rural systems would totally agree they should not be held responsible for that, and

polluters should pay.

Senator Sullivan. Okay, good.

Ms. Powell, and this is really for everybody, this Administration talks about environmental justice, environmental equity. I saw that in your bio. I have no issue with that. The problem, and I have said it in this committee a million times before, the Biden Administration has environmental justice and equity with a big asterisk, if you are an Alaska Native or indigenous person from Alaska, you don't get any environmental justice or equity. You get attacked by this Administration.

So yesterday we had another outrage, a legal outrage, the Administration canceled leases in the ANWR despite Congress saying you had to do it, and then they restricted the National Petroleum Reserve of Alaska, which was set aside by Congress, like 70 years ago, for oil and gas development.

Mr. Chairman, I want to submit the joint Alaska delegation press release on this for the record.

Senator Carper. Without objection.

[The referenced information follows:]

Senator Sullivan. The vast majority of the people in this press release are Alaska Natives, elected Alaska Natives, screaming, screaming, what are you doing, Deb Haaland? Why are you taking away our jobs? Why are you taking away our revenues?

This is environmental injustice for indigenous people in my State and it happened every damned day with this Administration. I have said it 50 million times in this committee.

But why do they get so outraged? I want to show this chart, I have also shown it a million times in this committee. That is an American Medical Association chart from 1980 to 2014, what places in America had life expectancy increases. Unfortunately, some places in America actually had life expectancy decreases, mostly because of the opioid epidemic.

The place in our Country that increased life expectancy the most by far was Alaska, up to 13 years. It was in our rural communities, our indigenous communities. Why? A, because it started really low. Life expectancy for Native Alaskans was the lowest in the Country by far. But B, from 1989, we had responsible resource development, jobs, clinics, hospitals, very important to this panel, water and sewer.

So my constituents' life expectancy in a lot of these places, North Slope, Aleutian Island chain, up to 13 years. Thirteen years. What is more important, I have asked this many times, policy indicator of success more important than are the

people you representing living longer? I don't know, and I don't think there is anything more important.

So yesterday this Administration took a whack at that. They are trying to make my constituents live less longer. Deb Haaland, ironically, it is just shocking, she is a Native American, she attacks Alaska Natives every time she opens here mouth.

But anyway, what does this have to do with this hearing? Because a lot of the revenues that come from this kind of resource development go into water and sewer. My State has over 30 communities that don't have any running water or flush toilets. I think that is the most of any State in the Country. It is all indigenous people.

So do you think that is environmental justice or racial equity? By the way, they are the most patriotic Americans in the Country, because they all serve at higher rates in the military, Alaska Natives, than any other ethnic group.

So my question for the panel is, in terms of formulas, by the way, the EPA Administrator was in Alaska just over August. We did a meeting with Alaska Natives on these issues. I showed him that chart, I have shown him that chart many times. So in terms of the formula for water and sewer, don't you think it should prioritize, just for fairness, call it racial justice, racial equity, just call it good old American fairness, the

communities that don't have anything first? There is a lot of talk about aging infrastructure on water and sewer. But I think sometimes we miss like no infrastructure.

So can I get the witnesses' response, just on a formula, shouldn't we be prioritizing communities in America that don't have anything, flush, no running water, no flush toilets, American citizens? It is not right in my view. But I would welcome any views on that. Ms. Powell, maybe you can start.

Ms. Powell. I will be happy to start, Senator Sullivan. Thank you for the question and the awareness.

I will say from a personal standpoint, and I have said it many times, I believe that equity is about communities having that they need so that all communities can thrive on equal footing.

Senator Sullivan. Like running water.

Ms. Powell. Having been in the water sector for some time, I am not here to speak on behalf of the water sector, but I can tell you, I don't know anyone who believes that we should trade the needs of the underserved for the needs of the unserved. I think every community needs to have what it needs.

I think this historic investment in water and wastewater infrastructure or being able to provide water and wastewater infrastructure needs to be fully funded. It needs to be sustainable and long-term, so that every community can thrive on

equal footing.

Senator Sullivan. Thank you. Anyone else?

Ms. Biser. Sir, we your concern with making sure that we are getting funding to those who need it the most. We actually change a lot of our process to ensure that we are reaching, we have a lot of communities who were bypassed over the years for water and wastewater services. So we, in getting our funding, canvassed all the county public health departments to find out which communities did not have service, or did not have access to reliable service. Then we did outreach to utilities to encourage them to do projects to connect those folks.

So far, we are slated to connect over 2,000 homes to potable water for the first time. We are still working on that. It did require us changing our process. Also, we do give extra points on our criteria to make sure that we are meeting those needs of our residents in all parts of our State, especially our rural parts of our State.

Senator Sullivan. Great. Mr. Volk, do you have a final thought on this?

Mr. Volk. In North Dakota, we have worked hard with various State partners, Federal partners, to meet the gap of those underserved, we do have four tribal nations to meet those needs. There are other places in the State where just like you described, there is limited water, limited sewage, even in this

day and age. It is crazy, and yes, those should go close to the top.

Senator Sullivan. Thank you. Thank you, Mr. Chairman.

Senator Carper. You are welcome. Thank you, Senator.

Glad you could join us.

Senator Capito, and then I will have a question or two, then we will wrap it up.

Senator Capito. Thank you, Mr. Chairman, and thank all of you for being here today. It is very interesting to see rural, urban, big States, small States, we all have some similarities and some different concerns.

My last question is around risk communications. We had an incident in East Palestine, Ohio, where there was a train derailment and great concern expressed by me and many others about the impacts on the water systems of the chemicals that were being carried, the hazardous materials that were being carried in the train and how it was handled.

We had a hearing on it, and one of the things that came out of the hearing was the risk communication, not just EPA, but I will use EPA in this case, because you all deal with EPA, in this case was not as good as it could be. So if you are in a community that is at risk because of an accident, a weather event, whatever, I am sure you have all dealt with this, I have had this in my own community, to have appropriate risk

communication is absolutely essential. In other words, don't say something and, or don't say something then expand on it 24 hours later. React immediately, use science, all these things.

I am going to ask you, Secretary Biser, what experience do you have in this and how do failures in risk communications put additional burdens on your State? You have your State entities reacting, your governor reacting, and I am interested in the Federal level risk communication.

Senator Biser. Thank you, Senator Capito. This is a very important issue and one we spend a lot of time thinking about at the department. Certainly, when accidents happen, or one area we deal with a lot and actually work with EPA on a lot is PFAS. As residents get testing on their drinking water wells and find out that they have high levels of PFAS, you want to make sure you are providing folks with actionable science-based information, giving them what their options are and making sure you are consistent, as you pointed out.

We try to spend a lot of time in advance thinking through what questions residents will have. Sometimes you don't have as much time, as you pointed out with East Palestine. But we maintain web pages, we answer calls every day from residents who are concerned about these issues. We certainly work with our fellow States, local partners and our Federal partners in EPA to make sure we have a comprehensive and whole-of-government

approach to ensure that no matter where they call, they get the same answer. We want to make sure there is consistency across agencies.

Senator Capito. Right. I think that is really important, particularly with PFAS. You see it in the media all the time, different types of reports. EPA has not set the drinking level, which I have been pressing them for for probably now three years to do this. But they did set a level that is untestable.

So if they come back with a drinking level that is higher than the level they put out last year that could have some risk to it, here you have confused messages to people who find this in their water systems. So we have to get this right.

I appreciate what you all do every day, because I know you are dealing with it with all different kinds of maybe possible contaminants and other things that happen. But the general public relies on you to make sure that the information that they're getting is just not accurate but timely, and you are relying on other people to give you information. So I think that is an area we really need to stay on and be as vigilant as possible.

Thank you all very much. Thanks for being here.

Senator Carper. Thank you, Senator Capito.

I have one last question, then we will wrap it up.

Ms. Powell, this is for you. The Bipartisan Infrastructure

Law included, as you recall, some \$15 billion in funding for lead service replacements. Many districts across our Country have been busy this year creating service lines, line inventories and assessing what kinds of problems exist in their respective areas.

Has your water district been able to access Bipartisan Infrastructure Law funding to meet your obligations to replace lead service lines? What are the challenges you are experiencing as you work to address this challenge?

Ms. Powell. Thank you for the question, Senator Carper. As I shared in my testimony, I am happy that part of our progress is receiving some projected funding for our lead service line inventory and replacement work. Our lead service line inventory work is underway. We are developing a comprehensive program, so that when we have that data, we will be able to help those that have lead service lines remove those lead service lines.

We believe that most are on private property, as we have been going through this process. So there will need to be policies to make sure that it encourages the removal of lead service lines on private property that we don't have access to. There also needs to be the funding in place to help those customers with that cost as well.

So I am happy to report progress. We are receiving,

projected to receive funding, and we will look forward to applying for more as we know more.

Senator Carper. All right, thank you for that. As we prepare to close, I am going to give each of you maybe 30 seconds for a closing thought you would like to leave us with. Then we are going to get ready to go start voting.

Mr. Volk, closing thought, please.

Mr. Volk. Chairman Carper, Ranking Member Capito, thank you very much for letting me speak here on behalf of small and rural systems. These systems, and I can speak on North Dakota, they do a great job day in and day out, a lot of them on, like we talked about, shoestring budgets and limited staff. But they do a great job.

I want to just put a shout-out to all those that work with the systems. Because sometimes in the water business when you make the news, it is not for good things. That is a shame. They do great things every single day for the residents not only of our State but the Nation. That profession should be elevated to the highest levels. That is what I want to end with, recognizing those folks in the trenches.

Senator Carper. Thank you, good. Most appropriate.

Ms. Powell?

Ms. Powell. Thank you, sir, thank you again, Senator Carper and Ranking Member Capito, for having me here again. I

always learn something when I come.

Senator Carper. We do too.

Ms. Powell. What I would also leave the committee with is the need to focus on workforce as well. We can talk about all of the funding we need for the infrastructure. But without having the people in place to maintain that infrastructure, to protect those millions of dollars of investment, we will be putting money into and not being able to maintain those investments.

So thank you, Senator Capito, for your focus on workforce as well. I just want to say thank you to Team H2O.

Senator Carper. All right, great, thank you. I would say before we turn to Ms. Biser, I mentioned this to Senator Capito in an earlier conversation, during the month of August we were in recess, which is unusual for us to be out for a month. I spent part of that time just covering my little State, visiting a lot of businesses large and small, non-profits and other entities.

I always ask three questions of them. I would say, how are you doing, I would say, how are we doing, our Congressional delegation, Federal Government, State government, and what can we do to help. I can't tell you how many times people said, what we need is folks who will come to work. We need people who are trainable, who have a good work ethic, who will come to work

to learn how to do jobs. We have the lowest unemployment rate I think we have had in years, it is about 3.5 percent. Last time I checked that, I think we have about 8 million, almost 9 million jobs open right now that we are trying to fill, about 5 million people that are allegedly looking for work.

One of the challenges for us at the State level, local level, Federal level, is workforce gelling and making sure we have the workforce with the skills that are needed in all kinds of jobs, including some of the ones we are talking about here today. It is critically important.

Ms. Biser, please.

Ms. Biser. First of all, thank you for having me here today to talk about this historic investment. Thank you for your leadership in making that possible.

I want to continue the theme with a slightly different take, which is the workforce development as it relates to State capacity to handle our job. The grants that we are giving out boomerang back to us in the form of permits. We are facing an unprecedented level of retirement. To give you an example, a third of my department can retire in the next five years. We have a 24 percent vacancy rate for engineers.

Senator Carper. Say that again, how much?

Ms. Biser. Twenty-four percent. You can ask any colleague of mine throughout the Country, they are going to give you some

lower numbers. This is a major focus across the Country.

Categorical grants from Congress make up 25 percent of my entire operating and staffing budget. And they remain stagnant. So while I know this is a policy committee and not funding, I will just put a plug in that there is a nexus there, that as we are seeing stagnant rates of funding that our responsibilities are growing, that in order for us to make sure these programs are successful, we are going to need to make sure we have the resources to recruit and maintain highly qualified staff.

Thank you.

Senator Carper. All right, thank you.

We have been joined by Senator Kelly. We stretched this out as long as we could, and you are just in time. We are about to close this down. Go right ahead, we are glad to see you.

Senator Kelly. I am the last one, Mr. Chairman?

Senator Carper. Yes, you are worth waiting for.

Senator Kelly. All right. Thank you. Thank you for waiting, and thank you, all of you, for being here today. It has been an important hearing.

Secretary Biser, I want to begin by talking about PFAS contamination in drinking water. I imagine that may have come up already.

As a member of the group of 11 Republicans and 11 Democrats that worked to negotiate the Bipartisan Infrastructure Law, one

of the top priorities, my top priorities here was dedicated funding for drinking water systems to respond to PFAS contamination. It is a problem in Arizona, but it is also a problem across the Country.

Thanks to our bipartisan law, more than \$10 billion is being allocated to drinking water systems across the Country to address this contamination. In the State of Arizona, this funding has already been put to work helping drinking water systems specifically in the southern part of the State to install systems to remediate this growing PFAS plume that we see in the groundwater aquifer under where I live and where my wife lives, my granddaughter, who is 2, it is under Tucson.

Since the Infrastructure Law was passed, the EPA has developed new drinking water standards for PFAS. The new proposed maximum containment level would be 4 parts per trillion, instead of the current guidance, which is 70, much lower.

Secretary Biser, while the EPA has not yet finalized its drinking water standards, if the proposed levels were finalized, how would that impact our drinking water systems, and how many additional systems in the State of Arizona, as an example, would be required to do this PFAS cleanup?

Ms. Biser. Senator Kelly, first of all, thank you for your question and thank you for your leadership on this very, very

important topic. I can speak to North Carolina's experience with that, and we have 43 of our large municipal and county systems that would not meet the 4 parts per trillion number that you cited as the proposed MCL.

I will say, though, broadly speaking, what is needed is, North Carolina got a head start because we had an industrial facility that kind of forced us to be a leader in this area and learn a lot quickly. So we have had a number of years to do assessments. Nationwide, States need funding to do assessments, to get a handle on where PFAS is.

The most cost-effective way to treat it is actually to prevent it from happening in the first place. So we need funding to see where it is coming from, because the first step is to put down the shovel and stop digging, stop putting it into the environment and look at how we can better control that piece of it. We also need to get a handle on where we are finding it.

North Carolina has done extensive testing, both in large water systems but also in small. We are in the process right now of testing over 650 of our small water systems which serve mobile home communities, churches, day cares, other sensitive population centers.

Having the funding, having the ability to do that comprehensively is going to help us get our arms around it overall, and also ultimately decrease the amount of treatment

costs that we are going to have associated with making sure that our drinking water is safe for public health.

Senator Kelly. Do you have a sense in North Carolina, then, how you would have to scale the removal system to get from 70 to 4? How many more systems would you have to add, and what do you think that cost would be?

Ms. Biser. Since there is not currently a drinking water standards, there had not been a lot of systems that were currently put into place. We do have two water systems that are larger that because of PFAS contamination, there were higher levels of PFAS contamination coming from the Cape Fear River, they had both put in place one reverse osmosis system and another a granular activated carbon system.

So those are out two examples that we are looking to right now. Based on their experience and the costs associated with implementation of those systems, we are estimating between \$661 million and \$1.3 billion for those 43 large water systems to come into compliance to be able to meet the 4 parts per trillion number. That does not include the small water systems that are going to need to put filtration in place.

So we don't have a number there yet, because results from those tests are starting to roll in, but we don't have a complete picture.

Senator Kelly. Are there any future methods to remove

PFAS, anything that is being developed or any innovation out there that could get us to 4 parts per trillion at potentially a lower cost?

Ms. Biser. The reverse osmosis systems and the granular activated carbon systems are the two most common and very efficient measures that we have available to us today. I know there is a lot of research and development that is ongoing. I know within our university system they are looking at potential opportunities. But there are none that are scalable that I am aware of that are commercially and available in a widespread fashion yet.

But I am encouraged that we have a lot of research and development going. I think we need more research and development, not only on the treatment systems themselves, but also how to assess and treat the spent media associated with those, so we have the ability to destroy the PFAS and not just perpetuate it within the environment.

Senator Kelly. Thank you.

Senator Carper. Thanks for making the extra effort to join us.

I want to really close where we began, and that is to thank you not just for showing up today, not just for preparing for today, and not just for your thoughtful responses to the questions and the issues that we have raised. Members of this

committee are very proud of the work we have done on infrastructure for our Country. It is not something we do just at the Federal level, as you know, it is the State and local and private sector and non-profits and so forth. So it is very much a team effort.

Matthew 25, when I was thirsty, did you give me to drink. It doesn't get any more important than that, know when we turn on the spigots that what we are going to drink is safe for us and our families.

We usually have good attendance at our hearings, but this has been exceptional. It is reflective of how important our colleagues, Democrat and Republican, regard these issues and the need to continue to make progress. Everything we do, we know we can do better. You have given us some good input as to how we might be guided missiles as opposed to unguided missiles.

The Bipartisan Infrastructure Law made historic investments, as we said earlier, in drinking water infrastructure across our Nation. There is still a lot of work, as Robert Frost would say, miles to go before sleep.

So plenty of work to do. In Congress, we have every intention of remaining active. It is not just enough to write legislation and introduce legislation, vote on legislation in committees and on the Floor, we have do our job of oversight. This is an important part of our job, and this is a serious part

of that oversight.

We want to stay active to work with our State and local partners to ensure that reliable, safe drinking water remains available to everyone in this Country who has it, and for those who don't have it, that they get it.

Before we adjourn, just a couple of final items. I typically say to our staffs, we have some wonderful members of this committee, both sides of the aisle, but also are blessed with great staff. These hearings don't just occur. The staff collaborates, they work together, they pull together. There is a thoughtful panel of witnesses week after week, month after month, and today is no exception.

But this is one of my favorite parts of the hearing. I get to ask unanimous consent to enter into the record materials related to today's hearing.

[The referenced information follows:]

Senator Carper. And I would add that Senators will be allowed to submit written questions for the record through the close of business on Thursday, September 21st, 2023. The thing I like about this is when I ask unanimous consent there is nobody here to object.

[Laughter.]

Senator Carper. I know I will get my way.

So hearing no objection, we will compile those questions, we are going to send them to all of you. We would ask that you respond to us by tomorrow -- no, no, by Thursday, October 5th. Thursday October 5th.

I think with that, I would say one last thing to our friend from North Dakota, I know you didn't go to North Dakota State, but I used to tell your friends out there, take it easy on the Blue Hens. We are usually bruised and battered, especially with guys as big as you. It is not a fair fight.

All right, thanks everybody. It is great to be with all of you today. Take care, and God bless.

[Whereupon, at 11:59 p.m., the hearing was adjourned.]