



Hidden Valley Lake Community Services District

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March 7, 2024

The Honorable Mitch McConnell

Senate Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper

Senate Environment and Public Works
Committee Chair
United States Senate
Washington, D.C. 20510

The Honorable Shelley Moore Capito

Senate Environment and Public Works
Committee Ranking Member
United States Senate
Washington, D.C. 20510

RE: S. 1430 (Sen. Cynthia Lummis)– Water Systems PFAS Liability Protection Act
POSITION: SUPPORT

Dear Minority Leader McConnell, Chair Carper, and Ranking Member Capito,

Hidden Valley Lake Community Services District (HVLCSO, the District) respectfully requests your support for **statutory protection for water systems from liability under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for per- and polyfluoroalkyl substances (PFAS)**. HVLCSO is a small water and wastewater utility that serves a residential population of just under seven thousand in Lake County. Failing infrastructure, increasing compliance and operational costs, and inflation have placed an increasing burden on our ratepayers to receive safe and reliable water and wastewater services. According to the California State Water Resources Control Board's *2022 Risk Assessment Results for Public Water Systems*, the District is categorized as having an "Extreme Water Bill" at 87%, meaning that of all public water systems in the state the District's water bill rates are abnormally high, or within the top 87%. With an average monthly bill of \$187.83, water affordability and reliability are extremely important to the District and potential liability for PFAS contamination and its associated costs are a serious concern for our agency.

A CERCLA designation for PFAS without statutory protection exposes drinking water and wastewater utilities like ours to potential litigation from the actual polluters. PFAS users and producers can abuse litigation to reduce their own clean-up costs and increase costs on water utilities – costs which we are then forced to pass along to ratepayers. Even when water systems can successfully defend themselves in court against CERCLA claims, the cost of that litigation alone could contribute to ongoing water affordability challenges.

In September 2022, EPA published a proposed rule to designate PFOA and PFOS as CERCLA hazardous substances. CERCLA is designed to remediate contaminated sites and hold parties that caused the contamination financially responsible for cleanup through its "polluter pays" model. HVLCSO strongly supports the "polluter pays" principle. However, without S. 1430, agencies like us will be facing a "community pays" outcome that unfairly shifts the clean-up and liability costs onto the public that we serve. Public water and

wastewater agencies are passive receivers of PFAS from a vast array of domestic, commercial, and industrial sources. Water systems, and the public, do not have control over PFAS in the environment given the overwhelming presence of this family of chemicals in the chain of commerce and in homes.

Without an explicit exemption from financial liability under CERCLA, water systems could also be held financially liable for the cleanup of Superfund sites contaminated with PFAS. All for merely fulfilling their responsibilities under the Safe Drinking Water Act to treat and dispose of these chemicals to protect public health. PFAS producers have been profiting from PFAS and knowingly been polluting our waterways and environment for decades. Refusing to call for accountability for their actions is inexcusable.

As the Senate considers the place of PFAS under CERCLA, HVLCSO urges you to uphold CERCLA's "polluter pays" principle and protect water systems and the ratepayers they serve. **We urge you to do so by supporting S. 1430, the Water Systems PFAS Liability Protection Act.**

Sincerely,

Hidden Valley Lake Community Services District

A handwritten signature in blue ink, appearing to read "Hannah Davidson".

Hannah Davidson, Water Resources Specialist II

CC:

Senator Cynthia Lummis