



1053 SPRUCE RD * P.O. BOX 3348 * ALLENTOWN, PA 18106-0348
610-398-2503 * email: service@lehighcountyauthority.org
www.lehighcountyauthority.org

March 8, 2024

The Honorable Tom Carper
Chairman
Committee on Environment and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
Washington, DC 20510

Sent via email to Joe_Brown@epw.senate.gov and John_Kane@epw.senate.gov

RE: S.1430 - Water Systems PFAS Liability Protection Act

Dear Chairman Carper and Ranking Member Capito,

Lehigh County Authority (LCA) is a medium sized water and wastewater utility serving approximately 270,000 people in the City of Allentown and surrounding communities in eastern Pennsylvania. Our mission is to protect public health and the environment by providing high-quality, safe, and reliable water and wastewater services. Achieving this mission has grown more challenging over the years as utilities are facing mounting costs associated with addressing aging infrastructure and new regulatory requirements.

One such new requirement is the impending new federal drinking water limit on perfluoroalkyl and polyfluoroalkyl substances (PFAS), which will cost utilities across the nation billions of dollars to remove. In the face of the costs associated with new treatment requirements to remove PFAS, LCA is concerned about the compounding effect of the U.S. Environmental Protection Agency's (EPA) proposal to designate two PFAS compounds (PFOA and PFOS) as hazardous substances. The proposal is now in final review at the U.S. Office of Management and Budget, and will add even more burden to our customers if water and wastewater utilities are forced to incur environmental cleanup costs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). **We ask you to support a statutory protection for water and wastewater systems from liability under CERCLA to help ensure polluters, not the public, pay for PFAS cleanup.**

CERCLA liability will be an additional burden on top of the significant treatment costs utilities will incur to meet Safe Drinking Water Act and Clean Water Act PFAS regulations. CERCLA would force ratepayers to pay twice for others' mistakes – first for the treatment of their drinking water, and then again for the environmental remediation burden. A CERCLA designation for

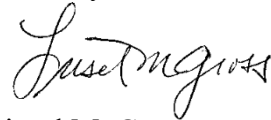
PFAS also exposes drinking water and wastewater utilities like LCA to potential litigation from the actual polluters. Passing these burdens to utilities and their ratepayers simply adds to the water affordability challenge we face across the nation, including in LCA's service area.

Congress should uphold the original "polluter pays" principle of CERCLA and ensure chemical companies and other polluters can't shift the cost of their contamination onto local communities. S. 1430 was introduced last year and provides narrowly tailored liability exemptions for water and wastewater systems to ensure that polluters, not ratepayers, are held financially responsible for PFAS contamination under CERCLA.

With this proposed EPA rule under final review this spring, it is critical that Congress move quickly to ensure that water and wastewater systems and their ratepayers are not unfairly punished for PFAS contamination for which they bear zero responsibility or blame. **I therefore urge you to support the inclusion of S. 1430, the Water Systems PFAS Liability Protection Act, in any PFAS legislative package the Committee considers.**

Please contact me at lieselgross@lehighcountyauthority.org or 610-398-2503 if you have any questions about this letter or the services LCA provides. Thank you for your consideration!

Sincerely,



Liesel M. Gross
Chief Executive Officer