



March 18, 2024

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

RE: Water Systems PFAS Liability Protection Act – SUPPORT

Dear Chairman Carper and Ranking Member Capito,

On behalf of the San Francisco Public Utilities Commission (SFPUC) and the 2.7 million customers we serve each day, I am writing to express our support for S. 1430, the Water Systems PFAS Liability Protection Act, introduced by Senator Cynthia Lummis. I encourage the Senate Environment and Public Works Committee to act on this important legislation.

The SFPUC provides water, wastewater, and power services within the City and County of San Francisco and wholesale water to three Bay Area counties through the Hetch Hetchy Regional Water System. We are the third largest public utility in California, with infrastructure in seven counties, a \$2 billion annual operating budget, and over \$1.5 billion in capital projects planned annually for the next two years.

The SFPUC agrees that the U.S. Environmental Protection Agency (EPA) should take steps to eliminate and clean up sites contaminated by per- and polyfluoroalkyl substances (PFAS). However, the responsibility for bearing the costs of the cleanup liability should not be imposed upon water and wastewater systems that do not use, manufacture, or sell these compounds. Rather, we passively receive them from waters polluted by manufactured products or from polluted wastewater deposited into wastewater collection systems.

EPA has stated that it intends to employ “enforcement discretion,” and not pursue Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup liability related to PFAS against water and wastewater

London N. Breed
 Mayor

Tim Paulson
 President

Anthony Rivera
 Vice President

Newsha K. Ajami
 Commissioner

Sophie Maxwell
 Commissioner

Kate H. Stacy
 Commissioner

Dennis J. Herrera
 General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

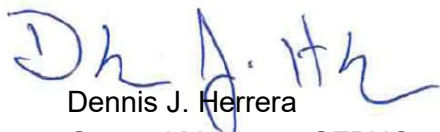


systems. However, this does not protect water and wastewater systems against CERCLA claims filed by polluters themselves, which can use the courts to attempt to offload some of their cleanup responsibility onto water and wastewater systems or other passive receivers that had no role in introducing PFAS into the environment.

Subjecting water and wastewater system ratepayers to cleanup costs and CERCLA litigation filed by polluters is in direct contrast with the “polluter pays” principle at the core of CERCLA and will only result in increased water and wastewater rates nationwide, exacerbating the existing utility rate affordability challenges. Congress must protect water systems and their ratepayers against such costs and claims.

We urge you to protect water and wastewater system ratepayers nationwide by providing clear and targeted liability protections for passive receivers like water and wastewater systems. Thank you for your attention to this important issue.

Sincerely,



Dennis J. Herrera
General Manager, SFPUC

cc: Senator Alex Padilla
Senator Laphonza Butler