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July 21, 2021

The Honorable Alan Lowenthal  
 The Honorable Katie Porter  
 The Honorable Lou Correa  
 The Honorable Michelle Steel  
 The Honorable Young Kim  
 U.S. House of Representatives  
 Washington, D.C. 200515

Dear Members of the Orange County Congressional Delegation:

On Monday, July 19, the House Committee on Rules approved a structured rule to allow for House floor debate and vote on the PFAS Action Plan (H.R. 2467). In taking this action, the committee rejected efforts to allow a vote on providing protections for public water and wastewater agencies from unwarranted liability under CERCLA (Superfund). In light of this decision, **we request that you vote against passage of H.R. 2467 unless it is amended to ensure that public water and wastewater agencies that are innocent recipients of this ubiquitous chemical are provided an exemption from liability as afforded to airports.**

As an agency dedicated to the protection of public health, our priority is to ensure compliance with federal, state and local clean water mandates. We conduct these activities under strict Clean Water Act water quality standards incorporated into enforceable permitting conditions. Under H.R. 2467, an unprecedented expansion of Superfund liability would be imposed upon our operations. Simply, the action to accept, treat and dispose of water or wastewaters that may contain PFAS would expose our ratepayers to liability because of Superfund’s expansive liability regime. This legal regime makes no accommodation for the public services we provide and serves only as an incentive for those truly, potentially responsible parties to pursue public agencies as contributors to any PFAS-related clean-ups and or penalties for damages.

Given the unprecedented and unreasonable liability provisions of H.R. 2467, we regretfully seek your opposition to the bill when the House proceeds with floor action.

Sincerely,

John B. Withers  
 Board Chairman

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