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May 2, 2024

The Honorable Young Kim
 U.S. House of Representatives
 Washington, D.C. 20515

Dear Representative Kim:

The Orange County Sanitation District (OC San) writes urging you to support the *Water Systems PFAS Liability Protection Act* (H.R. 7944). This bipartisan legislation provides critical liability protections for public water and wastewater agencies from liability associated with Per- and Polyfluorinated Substances (PFAS) chemicals being designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On April 17, the U.S. Environmental Protection Agency issued its final rule designating PFAS chemicals as hazardous substances under CERCLA. The final rule does not provide liability protections for beneficial reuse of biosolids. OC San manages over 500 tons per day of community-generated biosolids, which are highly treated, nutrient-rich, organic matter recovered through the treatment of municipal wastewater. Without liability protection, OC San and other public water and wastewater agencies could be unjustly entangled in PFAS clean-up litigations at a significant cost to ratepayers in direct violation to the “polluter pays” principle of CERCLA.

H.R. 7944 would provide CERCLA liability protections for water and wastewater utilities and enable sustained beneficial reuse of biosolids. The legislation would protect water and wastewater utilities from opportunistic third-party litigation that would effectively shift significant portions of the clean-up cost from actual responsible parties to water and wastewater ratepayers. It’s worth noting that H.R. 7944 includes an important safeguard where liability protections would only be granted to utilities that abide by all applicable laws at the time of conveyance or treatment of water.

Please support H.R. 7944 to ensure that the underlying “polluter pays” principle of CERCLA is upheld and passive receivers of PFAS chemicals such as public water and wastewater agencies can continue to provide these essential services in a cost-effective manner.

If you have any questions, please do not hesitate to contact Jennifer Cabral, OC San Administration Manager, at (714) 593-7581 or via mail at JCabral@ocsan.gov.

Sincerely,

Chad P. Wanke
 Board Chairman

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