



February 22, 2024

The Honorable Laphonza Butler
United States Senate
112 Hart Senate Office Bldg.
Washington, D.C. 20510

Re: S. 1430 (Lummis) Water Systems PFAS Liability Protection Act – SUPPORT

Dear Senator Butler:

On behalf of the City of Santa Rosa, I am writing to express our concerns about the U.S. Environmental Protection Agency's (USEPA) proposed designation of per-and polyfluoroalkyl (PFOA and PFAS) as a hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which is now in final review at the Office of Management and Business. Such designation would cause water and wastewater systems and ratepayers to incur environmental cleanup liability instead of those responsible for the pollution. Senate Bill 1430 (S.1430), by Cynthia Lummis, would ensure that water and wastewater systems and ratepayers are shielded from CERCLA liability for PFAS.

NATALIE ROGERS
Mayor

MARK STAPP
Vice Mayor

EDDIE ALVAREZ

VICTORIA FLEMING

DIANNA MACDONALD

JEFF OKREPKIE

CHRIS ROGERS

Santa Rosa Water delivers approximately six billion gallons of drinking water, each year, to over 54,000 customer accounts, and maintains the sanitary sewer system for over 49,000 customer accounts in Santa Rosa, serving a population of approximately 178,000 residents. Additionally, Santa Rosa Water operates the Santa Rosa Regional Water Reuse System, which serves approximately 230,000 residents in Santa Rosa, Rohnert Park, Cotati, Sebastopol, and unincorporated portions of Sonoma County. The hub of the Water Reuse System is the Laguna Treatment Plant, which cleans and recycles approximately 7 billion gallons of wastewater each year from homes, businesses, and industry in the region. During dry to normal years nearly 100% of our tertiary recycled water is beneficially reused for agricultural and urban irrigation, as well as to recharge the Geysers steamfields to produce clean and renewable energy.

The City is supportive of legislation that would prevent PFOA and PFAS from getting into water systems, through prohibitions on the manufacturing and use of these chemicals, however, environmental cleanup liability should be faced by the entities responsible for that pollution. CERCLA was built on a "polluter pays" principle, that holds companies that produced and profited from hazardous substances that were discharged into the environment responsible for the cleanup. The proposed designation of PFOA and PFOS as hazardous substances in CERCLA means that drinking water and wastewater systems that passively receive these substances into their systems could face CERCLA cleanup liability



simply because an upstream polluter deposited the chemicals in their water supplies or discharged them into the wastewater system.

A CERCLA designation for these substances exposes drinking water and wastewater utilities, like the City of Santa Rosa, to potential litigation from the actual polluters. PFOA and PFAS users and producers can abuse litigation to reduce their liability and shift the burden to water and wastewater systems. Even if a water or wastewater system is able to successfully defend themselves in court against CERCLA claims, the cost of litigation alone could contribute to the ongoing water and wastewater affordability challenge.

With the proposed rule under final review this spring, we strongly urge Congress to support S. 1430 to ensure that water and wastewater systems and their ratepayers are not held liable for the cleanup of these substances when they bear no responsibility.

NATALIE ROGERS
Mayor

MARK STAPP
Vice Mayor

Thank you for your attention on this matter. If you have any questions please feel free to contact Sean McNeil, Deputy Director of Environmental Services at 707-543-3938 or via email at SMcneil@srcity.org.

EDDIE ALVAREZ

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Sincerely,

Natalie Rogers
Mayor