



# COACHELLA VALLEY WATER DISTRICT

*Established in 1918 as a public agency*

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May 2, 2025

The Honorable Raul Ruiz, M.D.  
United States House of Representatives  
2342 Rayburn House Office Building  
Washington, D.C. 20515

## **RE: Support for H.R. 1267 PFAS Liability Exception under CERCLA for Passive Receivers**

Dear Representative Ruiz:

On behalf of Coachella Valley Water District (CVWD), I write in support of H.R. 1267, the *Water Systems PFAS Liability Protection Act*, and humbly request your co-sponsorship of the legislation. Recently introduced by Representatives Celeste Maloy (R-UT-02) and Marie Gluesenkamp Perez (D-WA-03), the bipartisan legislation would provide a liability exemption for public agencies providing water and wastewater services from financial responsibility to clean and dispose of Poly- and Per-fluoroalkyl Substances (PFAS), also known as “forever chemicals.” Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), local agencies—such as CVWD—may be held liable for PFAS contamination in their water systems, despite being “passive receivers” of these pollutants, even though we are not a producer, manufacturer or intentional user of PFAS; nor has the district ever profited from the manufacturing or sale of such chemicals.

Established in 1918, CVWD was formed with the core mission of safeguarding and preserving water resources, primarily for agricultural irrigation purposes. Over the years, CVWD has evolved into a multifaceted agency serving a vast area of approximately 1,000 square miles, stretching from the San Gorgonio Pass to the Salton Sea, predominantly within Riverside County but also including portions of Imperial and San Diego counties. Today, CVWD offers a wide array of water-related services, including delivering irrigation and drinking water, groundwater replenishment, storm water protection, wastewater recycling, and water conservation.

CVWD’s mission statement resolves to provide the public high-quality water at a reasonable cost—a responsibility we take very seriously. To that end, CVWD frequently tests our water system for the presence of PFOS and PFOA. Due to the existence of PFAS in many household goods, PFAS contamination is often prevalent in wastewater. As advances in “potable reuse” wastewater recycling technology continue to be made in the Coachella Valley—a vital long-term resource to ensure responsible water stewardship and security—the threat of PFAS entering the drinking water system, and the cost of treating for it, are ever present.

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Last year, the U.S. Environmental Protection Agency (EPA) categorized several types of PFAS chemicals as hazardous substances under CERCLA. From its inception, CERCLA was built on a “polluter pays” principle; designed to hold responsible the companies that produced and profited from hazardous substances that were discharged into the environment. However, drinking water treatment systems and wastewater treatment facilities are not “producers” of PFAS and do not utilize or profit from PFAS chemicals. Rather, these chemicals are found in products used every day by consumers, and trace amounts of PFAS make their way into wastewater and solid waste systems daily, as a byproduct of the manufacturers’ use of PFAS in consumer goods. While the EPA has stated its desire to avoid taxpayers bearing the burden of paying for PFAS cleanup, without a liability exemption for passive receivers written into statute by Congress, taxpayers—who are also utility ratepayers—will likely have increased costs forced on them due to third party liability lawsuits against utilities.

As a drinking water and wastewater service provider, CVWD is committed to protecting public health and the environment; while ensuring the ratepayers do not pay for the pollution and contamination of others. Funding site cleanup costs—or paying for extensive litigation—would force public agencies to raise their service rates; inappropriately shifting the burden from the manufacturers of PFAS to the public and increasing costs for families and businesses.

Once again, CVWD humbly asks for your co-sponsorship of H.R. 1267, and thanks you for considering this important legislation. Please be in touch should you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "J.M. Barrett". The signature is stylized and written in cursive.

J.M. Barrett  
General Manager