



COMMONWEALTH OF PENNSYLVANIA  
 PENNSYLVANIA PUBLIC UTILITY COMMISSION  
 COMMONWEALTH KEystone BUILDING  
 400 NORTH STREET  
 HARRISBURG, PENNSYLVANIA 17120

April 19, 2024

TO: Members of the Pennsylvania Congressional Delegation  
 FROM: The Commissioners of the Pennsylvania Public Utility Commission

**Re: Action is needed to address potential CERCLA liability for water and wastewater public utilities that treat for and dispose of these substances to ensure public health and safety and the potential resulting rate increases to water and wastewater customers.**

As the Commissioners of the Pennsylvania Public Utility Commission (PUC) anticipate the Environmental Protection Agency’s (EPA) final action on its proposal to designate Per- and Polyfluoroalkyl Substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the PUC is concerned about how water and wastewater public utilities may be affected and the potential resulting costs to Pennsylvania water customers in increased rates.

Our regulated water and wastewater public utilities are required to provide safe, affordable public service to our communities. Following EPA’s final action on this proposed rule, water and wastewater public utilities may be liable under CERCLA for PFAS remediation as they treat for and dispose of these substances in accordance with the applicable law to protect public health and safety.

Without Congressional action to protect water and wastewater public utilities from CERCLA liability, water and wastewater customers may bear the ultimate responsibility for these remediation costs. This is because EPA does not have clear authority to exempt certain entities from CERCLA liability beyond exclusions provided by Congress.

Communities across America rely on water systems run by America’s water and wastewater public utilities to provide safe drinking water, nourish our families, run our homes and businesses, protect our waterways and more. Water and wastewater public utilities have been at the forefront of protecting the public health, safety and the environment by investing to remove PFAS from our drinking water, even in the absence of state or federal requirements.

Accordingly, we encourage Congress to take action to address potential CERCLA liability for water and wastewater public utilities that treat for and dispose of these substances to ensure public health and safety to avoid potential resulting rate increases to water and wastewater customers. Accordingly, we urge you to support language to protect water and wastewater utilities and consumers.

Sincerely,

Stephen M. DeFrank  
 Chairman

Kimberly M. Barrow  
 Vice Chair

Ralph V. Yanora  
 Commissioner

Kathryn L. Zeffuss  
 Commissioner

John F. Coleman, Jr.  
 Commissioner