**TESTIMONY OF**

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**ON BEHALF OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES (NACWA)**

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"Emerging Contaminants, Forever Chemicals, and More: Challenges to Water Quality, Public Health, and Communities"

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Good morning and thank you to the Chairs DeFazio and Napolitano, Ranking Members Graves and Rouzer, and all members of the Subcommittee for the invitation to testify before you today on behalf of the National Association of Clean Water Agencies, or NACWA, on the important issue of emerging contaminants.

My name is James Pletl, and I am the Director of the Water Quality Department for the Hampton Roads Sanitation District (HRSD), which provides public sanitary sewer services to 1.7 million people in Southeastern Virginia. I am honored to be here today to represent NACWA and the more than 340 public clean water utilities the Association represents nationwide who, like HRSD, are on the front lines protecting public health and the environment every day.

Emerging contaminants include a wide array of chemical substances that, due to increasingly-sensitive analytical methods, can now be detected in the environment at increasingly lower levels and are garnering attention because many have not yet been fully evaluated as to the risks they may pose. Emerging contaminants include pharmaceuticals, personal care product

ingredients, nanomaterials, and other chemicals including per- and polyfluoroalkyl substances, or PFAS. PFAS chemicals have been manufactured and used in countless everyday products in the U.S. and around the world since the 1940s and continue to be found in our consumer goods. Unfortunately, while these manufactured chemicals have existed for decades, much about them remains unknown. While we can detect PFAS in the environment at the part per trillion level, the potential risks to our environment and ourselves is still being researched and the scientific understanding of PFAS continues to develop, including how these chemicals move through the environment and the toxicology at various concentrations.

Clean water utilities closely follow emerging contaminant-related issues because our mission is to protect human health and the environment, and we know we may be called upon to help address them. I appreciate the opportunity to testify today regarding the perspectives of the public clean water utility community and our recommendations for addressing emerging contaminants. These include focusing on source control, developing our scientific understanding of toxicity and risk assessment to guide regulatory policy, and ensuring that the costs of controlling current industrial sources as well as addressing pre-existing pollution impacts are not unfairly shifted to public ratepayers who are already facing affordability challenges and were not the cause of the pollution.

I'd like to emphasize two points at the outset.

First, public clean water utilities are passive receivers of PFAS, meaning utilities do not produce or manufacture these chemicals or use them in the treatment process. Utilities simply receive PFAS in the raw influent that arrives at the treatment plant, which includes a mixture of

wastewater streams from domestic, commercial and industrial sources. Utilities are required to treat the influent they receive in accordance with all appropriate laws and regulations. Given the wide range of uses for these chemicals, from consumer products in our homes to the vast commercial and industrial applications, coupled with their resistance to degradation, raw wastewater arriving at the municipal treatment plant is likely to contain some level of PFAS. Whether influent concentrations are relatively lower or higher will likely depend on the nature of the user's discharges to the treatment plant.

Second, clean water utilities were not designed to treat these emerging contaminants, and treatment options are limited and costly. PFAS present significant treatment challenges by their very design as "forever chemicals," with most technologies unable to destroy the strong carbon fluorine bond. Currently, there are no reasonably cost-effective techniques available to treat or remove PFAS in the sheer volume of wastewater managed daily by clean water utilities.

For these reasons, source control and eliminating the use of these chemicals in the manufacture of our everyday commercial and consumer products must be at the heart of any fair and cost-effective efforts to reduce PFAS entering the environment. We urge the federal government to advance understanding of the risks to human health and the environment associated with PFAS and, based on improved understanding, take necessary measures to eliminate non-essential uses and reduce PFAS at its source of use. NACWA has encouraged EPA to look holistically across the broad array of existing federal statutes and regulations and develop a comprehensive path forward to best protect human health and the environment given limited resources to do so.

Under the Clean Water Act, NACWA strongly supports EPA using its authority to evaluate and, as necessary, develop effluent limitations guidelines (ELGs) and pretreatment standards for industrial categories discharging PFAS-containing wastewater directly or through municipal sewer systems. Industries that discharge their wastewater to municipal wastewater treatment plants would be regulated through the National Pretreatment Program, a successful cooperative effort among federal, state, and local clean water utility authorities, that gives clean water utilities the ability to develop local limits to better meet the needs of their specific treatment facilities. Using national ELGs and pretreatment standards would also help to establish an approach to regulating PFAS where the industrial creators of these chemicals are responsible for the cost to address them, rather than shifting their costs to municipal ratepayers.

ELGs and the pretreatment program facilitate EPA targeting the highest-priority sources of chemicals of concern, significantly and effectively reducing industrial pollutants before they enter the municipal wastewater treatment plant or waterways. However, as these standards are developed, there are additional burdens created and required of clean water utilities which administer and enforce their local pretreatment programs. Utilities may need to create a pretreatment program if they do not have one already or they may need to scale up an existing pretreatment program to cover a potentially expansive list of upstream industrial sources of PFAS.

We appreciate efforts by Congress to provide important funding to clean water utilities to help them afford the new costs associated with addressing PFAS through the pretreatment program. Congressional attention is also important to ensure EPA has the resources needed to identify

the appropriate industrial categories and set science-based guidelines. NACWA is opposed to any efforts to bypass science or established regulatory processes or set timelines that cannot credibly be met. It is, in short, critical to get this right before proceeding with any actions and to take the time necessary to do so based on sound science.

Addressing PFAS through ELGs and the industrial pretreatment program can help reduce some of the largest PFAS sources into the wastewater treatment system. But it must be recognized that a municipal clean water utility's industrial pretreatment program will not control or eliminate the domestic inputs of PFAS to the wastewater treatment plant from everyday household products such as nonstick cookware, stain resistant carpets, personal care products, waterproof clothing, and many others.

Acknowledging the limits of source control and pretreatment, some are looking to clean water utilities to provide treatment technology to target PFAS. But due to the widespread use of these chemicals, their persistence in the environment and the technological and financial limitations of large-scale wastewater treatment, public clean water utilities simply cannot treat PFAS to levels being expected of drinking water systems with current technology. Removing PFAS chemicals from municipal wastewater influent and effluent will require advanced treatment technologies such as granulated activated carbon, ion exchange, reverse osmosis, or pyrolysis – all of which are prohibitively expensive for the substantial volume of wastewater that will need to be treated. Many of these treatment technologies result in residuals that would be PFAS-contaminated and require their own treatment and management options; leading to a never-ending circular path of waste that is extremely expensive to eliminate.

For these reasons, utilities are understandably concerned about the development of any regulated requirement to meet standards of quality like water quality criteria. EPA has time and again stated that it will not consider implementation costs or other practical realities when it develops water quality criteria – they must only be based on the science. Unless any eventual water quality criteria account for background levels, cost, and the priority of putting upstream industrial controls in place first, the clean water utility communities could be faced with a cost and compliance crisis: namely, permit limits that simply cannot be met. Once these requirements are written into regulation a municipality has little opportunity to modify them.

Better scientific understanding of the actual risks posed by PFAS and the environmental and health benefits of actions being taken to address them is also crucial to help municipalities make sound management decisions for the communities they serve. This is especially true in the management of treated wastewater residual solids, or biosolids, where there are currently only three reliable management options: they can be applied to land as a fertilizer and soil amendment, sent to a landfill, or incinerated.

Each of these biosolids management options may have their own challenges when emerging contaminants are considered. While EPA continues its work on understanding the potential risks of PFAS in biosolids, increased concerns over PFAS in municipal residuals have started to appear at the state level. Some clean water utilities are facing severe regulatory pressures on their biosolids management process without sufficient scientific study on how these new regulations will impact their management of thousands of tons of residuals generated each day; a necessary result of the wastewater treatment process. Clear federal guidance is critical to provide assurances regarding how the management of residuals can be safely and cost-

effectively carried out. Biosolids land application has remained a long-held and safe practice with clear benefits to utilities, farmers, and the environment. Curtailing or banning land application due to trace levels of PFAS will create a significant challenge for public utilities, increase loading to landfills – which can in turn negatively impact clean water utilities that are looked at to treat landfill leachate – or put increasing pressure on already dwindling incinerator capacity, all at increased cost to ratepayers.

Lastly, PFAS and other emerging contaminants highlight the need for Congress to continually focus on and modernize the process by which U.S. EPA and other federal agencies review and approve chemicals to be produced and used in the marketplace. The long-term environmental fate and potential health and ecosystem impacts must be considered prior to production and use of any chemical, rather than looking to communities and public utilities to remediate or remove new concerning compounds after they have been used and discarded.

As public utilities across the country deal with a variety of growing water quality challenges and increasing compliance obligations, communities are facing critical decisions on how to invest in and update their critical clean water infrastructure while maintaining affordable rates for customers. Each time an emerging contaminant comes to the forefront for potential regulation, it must be reviewed through a consistent and scientific regulatory process with a focus on meaningful risk assessment and not simply reacting to public/political outcry.

In closing, as science further evolves on PFAS and how to best protect public health, public utilities stand ready to do our part to ensure the communities we serve are best protected from risk. As stewards of the environment and public health this is our key goal, and we look to

Congress and the Administration to be a long-term partner with us and assist our communities in this shared effort.

NACWA thanks you for the invitation to provide this testimony, appreciates the ongoing engagement by the Committee with the public clean water sector on this issue, and looks forward to continuing to work together on policy solutions that protect the health of our communities through the application of thorough, risk-based science. That concludes my testimony, and I would be happy to answer any questions the Committee may have.