



## ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

TO: Jerome D. Schad, Chair  
Peggy A. LaGree, Vice Chair  
Michele M. Iannello, Treasurer

FROM: Terrence D. McCracken, Secretary to the Authority

DATE: May 13, 2024

SUBJECT: Support of Water Systems PFAS Liability Protection Act

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At the last Board meeting, Sabrina Figler reported on her recent participation in AWWA's Fly-In annual event in Washington, D.C. Ms. Figler noted the purpose of the Fly-In is to advance AWWA's priorities on Capitol Hill by utilizing its vast membership and the influence each member has with their own congressional representatives. One of AWWA's four legislative priorities is to support the passage of S. 1430, the Water Systems PFAS Liability Protection Act, which provides statutory protections from PFAS liability under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for water systems.

As you are aware, CERCLA was created on a "polluter pays" principle, aiming to hold companies that produced and profited from hazardous substances that were discharged into the environment accountable for the cleanup. A drinking water system that removes PFAS from source water and then must dispose of the PFAS-laden media could be treated as a PFAS polluter if the disposal sites become subject to CERCLA cleanup. This would force local ratepayers to cover the cost of the cleanup bill after already paying for the removal of the contaminants from the water.

This potential liability would create an undue burden for the Authority and its ratepayers; therefore, I am requesting that the Board approve sending a resolution of support to U.S. Senators Chuck Schumer and Kristen Gillibrand, Representative Tim Kennedy and New York Congressman Nick Langworthy.

A resolution of support for the passage of the Water Systems PFAS Liability Protection Act has been included for your consideration at the meeting of May 23, 2024.

TDM:alh

ERIE COUNTY WATER AUTHORITY  
AUTHORIZATION FORM  
For Approval/Execution of Documents  
(check which apply)

|   |   |
|---|---|
| <b>Contract:</b><br><b>Project Description:</b> _____ | <b>Project No.:</b><br>Support of the Water Systems PFAS Liability Protection Act |
|---|---|

**Item Description:**

|   |  |   |                                       |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement  | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment          | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD  | <input type="checkbox"/> NYSDOT Agreement              | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum     |
| <input type="checkbox"/> Recommendation for Award of Contract   | <input type="checkbox"/> Recommendation to Reject Bids |   |                                       |
| <input type="checkbox"/> Request for Proposals  |  |   |                                       |
| <input checked="" type="checkbox"/> Other <u>Support of the Water Systems PFAS Liability Protection Act</u> |  |   |                                       |

**Action Requested:**


|   |  |
|---|--|
| <input type="checkbox"/> Board Authorization to Execute   | <input type="checkbox"/> Legal Approval                              |
| <input type="checkbox"/> Board Authorization to Award   | <input type="checkbox"/> Execution by the Chairman                   |
| <input type="checkbox"/> Board Authorization to Advertise for Bids  | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals                               |  |
| <input checked="" type="checkbox"/> Other <u>Support of the Water Systems PFAS Liability Protection Act</u> |  |

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

|   |       |             |
|---|-------|-------------|
| <input type="checkbox"/> Other                      | _____ | Date: _____ |
| <input type="checkbox"/> Chief Operating Officer    | _____ | Date: _____ |
| <input type="checkbox"/> Executive Engineer         | _____ | Date: _____ |
| <input type="checkbox"/> Director of Administration | _____ | Date: _____ |
| <input type="checkbox"/> Comptroller                | _____ | Date: _____ |
| <input type="checkbox"/> Chief Financial Officer    | _____ | Date: _____ |
| <input type="checkbox"/> Legal                      | _____ | Date: _____ |

**APPROVED FOR BOARD RESOLUTION:**

|  |  |                       |
|--|--|-----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: <u>5/8/2024</u> |
|--|--|-----------------------|

**Remarks:** \_\_\_\_\_  
\_\_\_\_\_

|                               |                       |
|-------------------------------|-----------------------|
| <b>Resolution Date:</b> _____ | <b>Item No:</b> _____ |
|-------------------------------|-----------------------|