



NEW YORK RURAL WATER ASSOCIATION, INC.

PO BOX 487, CLAVERACK, NEW YORK 12513

OFFICE 518-828-3155 FAX 518-828-0582

WEBSITE ADDRESS www.nyruralwater.org



New York Rural Water Association (NYRWA) Testimony to the NYS Assembly Standing Committee on Environmental Conservation

Re: Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Contamination in Water & Wastewater

Date: Thursday, November 21, 2024, beginning at 11:00 a.m.; Hearing Room B, LOB, Albany, NY

Thank you, Honorable Chair Glick, and the distinguished members of the New York State Assembly Committee on Environmental Conservation for your invitation and allowing the NYRWA to provide testimony here today regarding the urgent matter of PFAS contamination in water, with a focus on the role of wastewater treatment plants. My name is Jamie Herman and I am the Chief Executive Officer for the New York Rural Water Association (NYRWA). NYRWA is a membership association representing 1500+ water and wastewater utility systems, predominantly serving populations of 10,000 or less. Our member systems provide water and wastewater services that protect public health and the environment, and provide safe, resilient, and affordable 24/7/365 services to over 4.9 million NYS residents each and every day. The New York Rural Water Association generally works in collaboration with the New York Section AWWA and the New York Water Environment Association regarding legislative and regulatory matters facing the water and wastewater industries in New York State.

The PFAS contamination of our drinking water sources and wastewater systems was created by no fault of our own, but rather by large companies who profited from the development of these chemicals, and continued to do so even after science proved the potential harmful effects. The taxpayers and/or water and wastewater utility consumers should not be responsible to bear the cost of sampling, engineering, construction, and operation and maintenance of treatment facilities designed to remove these harmful chemicals. NYRWA is committed to the belief that the companies who produced these chemicals should be held financially responsible for any and all remedial efforts. The most common treatment for PFAS contamination removal is Granular Activated Carbon (GAC), which is an absorption process requiring regeneration and costly routine replacement. A majority of water and wastewater utilities in NYS are already saddled with debt service attributed to treatment, distribution and collection system improvements required to maintain compliance with federal & state regulations, or to expand services to underserved regions of our state. These water and wastewater utilities are no longer able to borrow funds to construct treatment to eliminate PFAS contamination while still providing affordable rates to the residents of NYS.

As stated, the NYRWA predominantly represents small, rural water and wastewater utilities which make up approximately 87% of the total number of water and wastewater systems statewide. These facilities often lack the technical and financial capacity needed to address issues such as PFAS contamination. Small, rural communities are often operating on small budgets to maintain affordability, and often lack internal professional services such as engineering, requiring them to contract with outside private firms for even preliminary engineering reports or design. Regardless of the size of the utility, all water and wastewater systems face similar issues related to the treatment of PFAS contamination. The design and construction of these treatment facilities is extremely expensive and generally requires years of planning, design, engineering, approvals, and construction. All of which is followed by years of operation and maintenance to ensure they are functioning properly and maintaining regulatory compliance.

Page 1



NEW YORK RURAL WATER ASSOCIATION, INC.

PO BOX 487, CLAVERACK, NEW YORK 12513

OFFICE 518-828-3155 FAX 518-828-0582

WEBSITE ADDRESS www.nyrruralwater.org



These projects are even more difficult today due to the workload of engineering firms and contractors due to water and wastewater treatment facility life cycle required improvements/replacements and new regulations for both industries. The rising price of building materials, items specific to water or wastewater treatment, and labor definitely impact the budgets and rate structures of our utilities. Many utilities also lack the footprint or property to add any additional treatment processes, further impacting the cost of any required improvements. Specifically related to PFAS treatment, the GAC utilized requires costly replacement and disposal. These additional costs markedly increase the expense to the utility and also fuel the uncertainty as to whether these utilities will be held liable for the disposal of hazardous materials. The government, at both the federal and state levels, need to ensure that long-term sustainable funding will be in place to assist utilities with initial construction and replacement costs and to safeguard utilities from liability. Also, uncertainty and confusion over PFAS contamination regulations may cause difficulties. We believe that the new USEPA drinking water standard of 4 ppt will alleviate fears in the water sector that water systems may be blamed or classified as hazardous dischargers if their PFAS levels met water regulation but exceeded the limit established for wastewater regulation. Any such confusion should be addressed and a solution should be provided.

One item we can be assured, our industry will rise to this challenge thanks in large part to our water and wastewater professionals. The dedicated water and wastewater operators of this great State are passionate about their communities and the services they provide in an effort to protect public health. They are the “boots on the ground” protecting us, and are the unsung heroes of public health and protection of the environment.

The New York Rural Water Association supports a responsible, science based regulatory approach that considers fact-based limits regarding health issues, identification of sources of contamination, proven and cost-effective treatment methods, and long-term sustainable funding mechanisms which address initial design and construction as well as operation and maintenance and replacement costs.

We would like to express our appreciation to the New York State Department of Environmental Conservation (NYS DEC) for including NYRWA in preliminary discussions over recent years as they developed regulatory guidance as it pertains to PFAS contamination. The NYRWA supports the regulatory framework that the NYS DEC has set forth to stakeholders including our association. We believe their approach is well thought out and both responsive and responsible. We contend that all water and wastewater utilities are passive receivers, and should not be held liable or publicly condemned for PFAS contamination that we did not create.

The NYS DEC has spelled out a responsible plan which initially addresses significant and identified dischargers, as well as industrial dischargers. We applaud their effort to develop regulatory guidance that is manageable both for the wastewater utility and for their department staff. The NYS DEC has provided a plan that adds the regulatory requirements for POTWs as their SPDES permit is renewed, rather than assigning regulation to all POTWs at one time, which would not be manageable. Assigning compliance to all POTWs at one time would overwhelm resources including laboratories used for sample analysis, which could lead to unnecessary violations. They have also developed a responsible Characterization Sampling requirement for influent and effluent PFAS contamination analysis.



NEW YORK RURAL WATER ASSOCIATION, INC.

PO BOX 487, CLAVERACK, NEW YORK 12513

OFFICE 518-828-3155 FAX 518-828-0582

WEBSITE ADDRESS www.nyruralwater.org



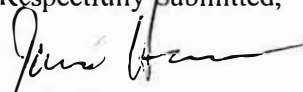
The Characterization Sampling is intended to develop a baseline of data in reference to PFAS contamination, and if detected at established levels, would require POTWs to collaborate on a Source Control and Minimization Plan. The Source Control and Minimization Plan is essentially a template on identifying where the PFAS contamination is being discharged from, and steps that could be taken to reduce or eliminate the detected levels. While these steps require more labor, sampling, and reporting, they are manageable steps that the wastewater professionals at POTWs can achieve. Also, we applaud the NYS DEC for their effort in developing guidance documents and informative materials which are available on their website and were designed to educate on ways to restrict, reduce, or eliminate PFAS contamination.

Respectful Requests:

- The NYRWA would urge the NYS Senate & Assembly to pass A3556D/S5648D which would ban the use of PFAS in the manufacture of everyday products, and would mitigate potential further contamination as we all try to remove the existing contamination from water sources and wastewater discharges.
- The NYRWA would urge the inclusion of \$600 million for the Clean Water Infrastructure Act (CWIA) for FY2025-2026.
- The NYRWA would urge your consideration in the inclusion of funding for Engineering Planning Grants for drinking water, to duplicate those already available for the wastewater industry.
- The NYRWA would urge your consideration in the inclusion of funding to assist POTWs with the cost of the Characterization Sampling that is now required under the NYS DEC regulatory framework surrounding PFAS contamination.
- The NYRWA would respectfully request that this committee and the full NYS Assembly only consider legislation that provides funding to assist POTWs with the requirements set forth in the existing NYS DEC regulatory framework. Any legislation that modified or expedited the existing regulatory framework would lead to confusion, overwhelm existing resources such as laboratories, and unnecessarily increase costs for our POTWs and their rate-payers.

In conclusion, the NYRWA sincerely appreciates the Committee for focusing on PFAS contamination and for allowing our participation in this hearing. New York State water and wastewater utilities are passive receivers, and yet are faced with the very costly proposition of reducing or removing PFAS contamination from their drinking water and environmental discharges. Careful consideration, responsible regulation, and funding mechanisms are required if we are to achieve our common goals of protecting public health and the environment. Thank you!

Respectfully Submitted,



Jamie Herman, CEO