Promote Continued Infrastructure Investment in the Clean Water Sector

The recent passage of the Infrastructure Investment and Jobs Act (IIJA) provided the clean water sector with a significant down payment toward addressing critical infrastructure needs, and represents a revitalized federal partnership with local agencies. This investment was critical for California, where agencies are implementing increasingly complex treatment and water supply solutions due to drought conditions, rising temperatures, and sea level rise. However, Congress must build on the bipartisan infrastructure law and continue to support future clean water sector needs. Specifically, CASA urges Congress to provide:

- Robust Ongoing Federal Assistance: Support annual appropriations for the federal programs that support improved water quality and reliable water supply. This includes the Clean Water Act’s State Revolving Loan Fund, Water Infrastructure Finance and Innovation Act and Title XVI (water recycling) that are the backbone of the federal partnership that has evolved over the past fifty years.
- Climate Resilience Funding: Support federal climate programs and appropriations that assist projects and planning for wastewater treatment facilities to address climate change impacts. This includes impacts from sea level rise, drought, wildfire response activities, and diversifying renewable energy supplies.
- Cybersecurity: Deliver robust financial and technical assistance to clean water agencies to address cybersecurity concerns. The sector is identified by the Department of Homeland Security as critical infrastructure.

New Buy American Mandates to be Workable for Clean Water Agencies

As the federal government implements IIJA, it is vital that provisions intended to boost domestic manufacturing (Build America, Buy America mandates) do not cause project delays, cost increases, or create a disincentive to rely on federal assistance that could result in disinvestment in the clean water sector.

Due to the advanced treatment processes used to fulfill water quality permit requirements, clean water agencies often rely upon advanced and unique technologies and equipment. For more than fifty years, clean water agencies have invested billions of dollars to acquire Best Available Technology (BAT) compliant technologies, many if not most of which are manufactured outside of the United States. We are concerned that implementation of the new Buy American mandates for manufactured products, without appropriate transition time and an effective waiver process, will sacrifice our ability to deliver meaningful water quality improvements at a reasonable cost to ratepayers.

As such, we request that Congress and the Administration allow:

- Project Flexibility: Provide increased time for implementation of new Buy American mandates, allowing projects that are complete with design and planning but do not yet have fully executed funding agreements to not have to go back to the drawing board or forego federal funds; and
- Efficient Waiver Process: Develop an efficient, effective waiver process that will expedite waiver requests to avoid project disruptions. To ensure that agencies meet permit requirements and uphold water quality and public health responsibilities, we must ensure that an effective and efficient waiver process is established within the new Buy America mandates.

CASA has previously submitted comments highlighting our position on these important issues.
Develop an Approach to PFAS Focused on Pretreatment and “Polluter Pays” Principles

The presence of PFAS in the environment is a significant concern that clean water agencies are working to address, despite the fact that we are neither a producer nor generator of this class of chemicals. While we work diligently to identify sources of contamination and potential treatment options, Congress and USEPA must develop policy solutions that hold those responsible for the production, distribution and subsequent contamination to account. Clean water agencies and their ratepayers should not be burdened with the costs of response.

As Congress considers various approaches to address PFAS, we ask that you:

- Recognize the clean water sector as “passive receivers” of PFAS and exempt us from CERCLA liability if PFAS becomes a CERCLA designated hazardous substance.
- Require any new pretreatment requirements to focus source control measures on those responsible for the introduction of these chemicals into the stream of commerce.
- Provide federal grants assistance to the publicly owned treatment works to implement pretreatment activities that address PFAS contamination.

CASA has previously submitted comments highlighting our position on these important issues.

Support Efforts to Address Improper Flushing of Single-Use Wet Wipes

Single-use wet wipes are a significant source of damage and disruption to clean water collection and treatment infrastructure. Improperly flushed wet-wipes pose costly operational challenges, impede the effectiveness of wastewater treatment infrastructure and pose risks to public health and the environment. As a positive step towards addressing this issue, we ask Congress to support the WIPPES Act (H.R. 4602) and the PIPES Act (H.R. 6591). Together, H.R. 4602 and H.R. 6591 holistically address the pervasive, but preventable, flushing of single-use wet wipes. Specifically:

- **H.R. 4602 (Lowenthal)** requires “Do Not Flush” labeling on non-flushable wet wipes packaging, and recognizes that non-flushable wipes can be composed of synthetic materials that are not designed or intended to be flushed down the toilet, such as diaper wipes, cleaning wipes, and personal care wipes. The bill also offers a voluntary opportunity for wipes manufacturing industries to execute national education and outreach campaigns to educate consumers, and is the federal equivalent of a recently adopted California law.

- **H.R. 6591 (McClain)** codifies the International Water Services Flushability Group (IWSFG) code of practice for flushability standards and requires manufacturers to certify with EPA that wipes products are indeed “flushable.” It also establishes a flushability certification process that ensures truthful marketing and labeling practices, establishes a USEPA reporting website to house manufacturer certification reports, and defines flushable wipes to include single-use wet wipes that are intentionally marketed by the manufacturer to be flushable and sewer safe.

CASA is a strong supporter of both of these bills and we ask Congress to help us address this pervasive wipe problem through bipartisan, holistic legislation.