

United States Senate

WASHINGTON, DC 20510

August 4, 2022

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

We appreciate the Environmental Protection Agency's announcement on June 15th regarding the availability of the first \$1 billion of a total of \$5 billion provided in the bipartisan infrastructure law to specifically address per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants in small and disadvantaged communities. As you work to develop final guidance for states, tribes and territories interested in applying for these funds, we write to reiterate our intent for this funding to be available for a wide array of projects and activities to address PFAS contamination in small and disadvantaged communities, including allowing for states to provide assistance to residents whose private wells are impacted by contamination of underground drinking water sources. We further encourage you to provide states flexibility and guidance on evaluating their underlying criteria for determining which communities are disadvantaged to ensure that those facing disproportionate impact from PFAS contamination may receive assistance through this program.

The small and disadvantaged communities program includes a specific authorization for state response to contaminants,¹ which helps address contaminants that are present in public water systems or underground sources of drinking water that potentially present a threat to people's health. During Senate consideration of the Drinking Water and Wastewater Infrastructure Act (DWWIA), we worked to ensure this program could be implemented appropriately to cover more places affected by drinking water contamination from PFAS, arsenic and other substances that threaten public health.² The underlying DWWIA legislation also made important improvements to the overall small and disadvantaged communities program authorized under the Safe Drinking Water Act to allow for programs for household water quality testing and to allow for assistance that directly and primarily benefits the disadvantaged community on a per-household basis.

During negotiations on the bipartisan infrastructure bill, which incorporated the Senate-passed DWWIA legislation, we specifically included \$5 billion for the small and disadvantaged communities program and its state response to contaminants program to meet the scope of the challenge. Our intent in providing this significant influx of funds was to reach more Americans, including those who rely on private wells, and ensure their water is safe from contamination. It is crucial that this funding be executed with the appropriate flexibility not only to support public water systems but also to help address contamination for those who rely on private wells.

¹ 42 U.S.C. 300j-19a(j)(1)

² "SA 1461 – 117th Congress (2021-2022): DRINKING WATER AND WASTEWATER INFRASTRUCTURE ACT OF 2021-- Resumed; Congressional Record Vol. 167, No. 74." April 29, 2021. S2321-S2322.

With an estimated 23 million people or more nationwide relying on residential wells, it is important that the historic investments in safe drinking water help all families. We look forward to working with you on this important issue.

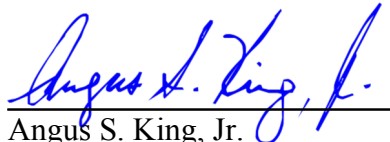
Sincerely,



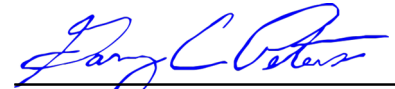
Jeanne Shaheen
United States Senator



Susan M. Collins
United States Senator



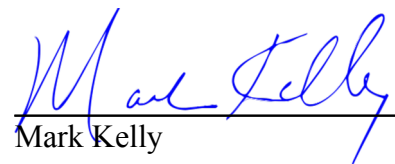
Angus S. King, Jr.
United States Senator



Gary C. Peters
United States Senator



Mike Rounds
United States Senator



Mark Kelly
United States Senator