

**Marc A. Lucca, President – Aqua Pennsylvania, Inc.**  
**PFAS Testimony**  
**Joint House and Senate Democratic Policy Committee Hearing**  
**Warminster, PA**  
**September 6, 2024**

Thank you for this opportunity to share with the committee our thoughts on PFAS. PFAS stands for per- and polyfluoroalkyl substances, which is the chemical name for a group of synthetic chemicals used in various consumer products due to their water, stain, and grease resistant properties. They are commonly known today as “forever chemicals” which typically refers to their persistence in nature. I would offer that “forever chemicals” not only refers to how long we will be responding to their existence in nature, specifically in our drinking water, but the fact that we will be forced to pay for their cleanup and removal for the same period of time.

Aqua Pennsylvania has been on the forefront of PFAS issues for more than a decade. I hope my remarks today put at ease any questions you may have about our work on this important topic so that you may see Aqua as a leader in Pennsylvania on this issue and many more related to our field.

Today, the Centers for Disease Control & Prevention (CDC) and the Agency for Toxic Substances & Disease Registry are studying epidemiological evidence which suggests associations between increase in exposure to specific PFAS compounds and certain health effects. These include increases in cholesterol levels (PFOA, PFOS, PFNA, PFDA); lower antibody response to some vaccines (PFOA, PFOS, PFHxS, PFDA); changes in liver enzymes (PFOA, PFOS, PFHxS); pregnancy-induced hypertension and preeclampsia (PFOA, PFOS); and small decreases in birth weight (PFOA, PFOS); kidney and testicular cancer (PFOA). The risk of health effects associated with PFAS depends on many other factors as well.

Treatment of drinking water has always been about protecting and providing a communities’ drinking water. There was a time many years ago when water treatment was simpler, but that is no longer the case. This work requires training in science, engineering, operations and other fields to ensure employees are adequately prepared for the work required of them. Recently, we have heard it said in Pennsylvania that anyone can perform the critical, life sustaining roles as drinking water and wastewater service provider. This is a misguided assertion made perhaps to justify a previously identified position mostly dealing with the cost of water treatment and delivery.

To those disciples of this position, I simply say it is not true and perhaps even dangerous to uphold. It is positions like this that, if followed, will lead to continued degradation of our water and wastewater utility facilities, demean the professionals who perform this work and, in the end, result in the services provided being unacceptable. This assertion is

exemplified by the response, or shall I say lack of response, by some to the presence of PFAS in their drinking water.

PFAS has been known since at least 2013 when US Environmental Protection Agency (EPA) required utilities sample, through its Unregulated Contaminant Monitoring Rule Program (UCMR) 3, their drinking water sources for six PFAS compounds. Yet, there remains some utilities who are not prepared for PFAS in their drinking water. This seems unbelievable given the widespread discussion on this topic in the national and local news, and following the PADEP and EPA MCLs.

At Aqua, we started our work on PFAS in 2013. It has been a long road—one that we're built for as water and wastewater experts—and we are incredibly proud of the leadership position we have taken fighting PFAS on behalf of the customers we serve, while holding the perpetrators responsible.

Arguably PFAS first became a public topic in May 2016 when EPA revised its provisional advisories with new, lifetime health advisories that combined PFOA and PFOS and set a 70 Part Per Trillion (PPT) health advisory. At that time there was little public information available about PFAS and people were frightened. Our customers turned to us, and we responded with the same swift level of expertise and professionalism.

In 2017, we started testing everyone of our drinking water sources across Pennsylvania. We collected nearly 1,000 samples to know where PFAS existed in our drinking water sources and at what concentrations which helped refine our plan of action. We faced the challenge, though, of having to wait six weeks for PFAS sample results to be returned from the lab, as only a handful of labs in the United States were certified to perform lab testing in accordance with EPA standards. Decisions like replacement of spent media, critical to ensure protection of our customer's drinking water, are based on receipt of timely lab results. It was unacceptable to make operational decisions based on lab data that was outdated by the time it was received.

In response, we purchased lab equipment, applied for and received PADEP lab certification and trained our lab chemists and technicians to run these lab tests. Today, we can get PFAS results in hours. This is the customer service we provide, and we offered it to neighboring utilities like Horsham Municipal Water Authority who would otherwise have to wait a long time for receipt of lab results. We still run all of Horsham Municipal Water Authority's PFAS tests to this day.

As we were preparing our plan of action to remediate PFAS, it's important to remember that drinking water utilities had only a lifetime health advisory to guide them—no formal rule or regulation. The first MCL in Pennsylvania would not become law until January 2023. Again, we did not wait. In 2020, with MCLs from PADEP more than 3 years away and EPA more than 4 years away, we set our own internal company standard for PFOA, PFAS or PFNA of

13 PPT, the lowest standard in our eight-state footprint at the time (in New Jersey). We are aware of no other company setting such a standard at that time. In the absence of any other information, we took the lead in protecting our customers and the water they were served.

Here are other ways we led the water industry in our response:

- **Communication with the public.**
  - In 2016, Aqua Pennsylvania created a webpage dedicated to PFAS where we shared information about the chemical and water quality results, and where customers could find information about their water quality. Remember that there was little information available to the public, making this webpage a repository of information for our customers, elected officials, regulatory agencies and others about PFAS and our customers' drinking water. That is but one service we provided to our customers. I am not aware of any other utility that shared as much information with the public.
  - Aqua representatives attended two public meetings along with representatives from CDC, PADEP, and EPA. Several hundred people attended each of these meetings who were permitted to ask questions of those on the panel and share their concerns.
  - In 2018 Aqua representatives held communications focus groups with residents and community leaders in Abington Township, Cheltenham Township, Jenkintown Borough, Springfield Township and Upper Dublin Township.
- **Communication with elected officials.**
  - In August and November of 2018, Aqua held information sessions with state and local elected officials to share information and our plan of action and to answer questions they may have.
- **Worked with regulatory agencies.**
  - Given our experience in PFAS and as a utility provider we replied to PADEP and EPA when they developed their PFAS MCLs. This information was reviewed by these agencies as they made their decision regarding a PFAS MCL and other actions they took.
- **Held the perpetrators responsible.**
  - We attended numerous Base Realignment Closure (BRAC) meetings with the military and acted as a local watchdog for what we observed was happening with the PFAS cleanup at the Horsham Military Base. Aqua representatives challenged those who made false claims that surface water contaminated

with PFAS was not leaving the base. We were true leaders acting on behalf of our customers.

- We sued the manufacturers of the chemicals to mitigate the impact this remediation would have on customer bills. Companywide, we filed 381 claims across eight states against 3M/Dupont.
- **PFAS treatment in place.**
  - Our first PFAS treatment was installed at two well stations in 2017. Today, we have treatment at five well stations, positively impacting about 135,000 customers and meeting the PADEP MCL far before it was required.
  - We have additional treatment at three wells under construction with completion planned before the end of 2025 as we move toward meeting the EPA MCL.
  - In all, today, we have treatment on seven sources of drinking water treating more than 27 million gallons per day.

PFAS treatment is both expensive and complex to plan and build. Some sites do not have adequate space to install the necessary equipment or sufficient area to accommodate future media replacement. While permitting challenges are many, we have developed an excellent working relationship with PADEP Southeast Regional Office when it comes to PFAS permitting. I am hopeful other regional offices will provide the same response to permit applications. Yet, there remain many challenges when you consider all permits, including local permits, that may impose certain building requirements, landscaping, traffic control during construction and other requirements. Moreover, given the federal timeline in which we must comply, the competition for equipment, filter media, contractors and even engineers and licensed operators will be impactful as there is a shortage of people in these fields. Our many activities on PFAS and other related work create greater interest from equipment and filter media suppliers, which gives us an advantage in better pricing and availability of equipment when others might struggle. It also gives us an advantage securing contractors and engineers. These are the economies of scale we bring and the customer benefit we provide. Returning to my opening remarks, this work cannot be done by anyone, and frankly, we should not want it done by just anyone. People that do this critical life-sustaining work are water and wastewater professionals.

I am proud to say we are in compliance with PADEP MCL. Our plan for compliance with EPA's 2029 deadline for its MCL includes installation of PFAS treatment which will mitigate the presence of PFAS in our drinking water, but there will be an ongoing routine cost to test the water and to replace and dispose of spent filter media. These costs will have an ongoing impact on customer rates. To mitigate the impact, we have been aggressively

pursuing Pennsylvania Infrastructure Investment Authority (PENNVEST) funding and have been successful so far in securing more than \$17 million in grants, but these grants are not available to offset on-going operational costs, only construction. They must be borne by the customer. We have also sued the manufacturers of PFAS and expect to begin recovery of funds from the lawsuits, but it will be a small fraction of our overall investment. Unfortunately, the “forever chemical” will have forever costs.

I’ll leave you with a few thoughts:

- First, the changing water and wastewater requirements compounded by emerging contaminants like PFAS are exactly what we at Aqua are built to handle. To suggest anyone can do this work is misguided and perhaps irresponsible.
  - Consider some utility providers across the Commonwealth share employees with other town departments like public works. These employees are sometimes required to manage and operate utilities and other public works facilities such as street maintenance. Perhaps PFAS is a bellwether saying communities cannot and should not operate our drinking water and wastewater utilities as a part-time effort by employees including managers who have other unrelated job duties. In the end, the customers suffer from poor service.
  
- Second, issues like PFAS contribute to customer rate increases. This is not an investor-owned or municipal government issue. It is a fact we all must face. According to the American Water Works Association, the EPA MCL is likely to require from \$37.1 to \$48.3 billion of capital investment in the next 5 years, which will require communities to bear a \$2.7 to \$3.5 billion annual investment to build and operate – that’s twice the EPA’s estimate. There is also much more than just construction to consider.
  - The Bipartisan Infrastructure Law provides \$9 billion specifically to invest in communities with drinking water impacted by PFAS and other emerging contaminants. Where will the rest of the money come from?

Thank you for receiving my comments today. We at Aqua are committed to working on this very important issue and we will make ourselves available to help in any way that we can.