

Chairman Robert Edward Wolff
Colorado Water Resources and Power Development Authority
Executive Director Jill Long
Colorado Department of Public Health and Environment
Executive Director Rick Garcia
Colorado Department of Local Affairs

Dear Directors Long and Garcia and Chairman Wolff:

Commerce City Council applauds the efforts of you and your respective staffs for the quick implementation of the Bipartisan Infrastructure Law (“BIL”). The funds that Congress allocated to address drinking water quality will be crucial to communities like Commerce City whose water supply has been exposed to emerging contaminants. We are grateful that Congress and the President provided dedicated funding for improvement of drinking water infrastructure generally as well as dedicated funding to address emerging contaminants like per and polyfluoroalkyl substances (“PFAS”).

Unfortunately, the South Adams County Water and Sanitation District (“District”) that serves Commerce City has a drinking water supply which is contaminated by perfluorooctane sulfonate (“PFOA”) and perfluorooctanoic acid (“PFOS”), as well as other substances in the PFAS family. To the credit of the District, it discovered the contamination because it proactively tested its groundwater after national reports indicated that other water utilities were discovering high levels of PFAS in their water supply. While some of the wells were found to have levels lower than the EPA Health Advisory Level (“HAL”) for PFOA and PFOS of 70 ppt, other wells came back well above the HAL, with one well testing at 2,380 ppt. The District took steps to address these contaminants to protect its customers.

The costs the District incurred to address the contamination are significant. When the District discovered the contamination, it immediately ensured that its finished water supply was below the HAL, resulting in about 20% of its water supply being taken offline. The District also made substantial investments in lab equipment and staff to provide timely water quality monitoring and PFAS response. These actions along with increased O&M necessary for treatment has cost District ratepayers over \$3 million.

However, the District’s existing treatment facility cannot treat the most highly contaminated groundwater without a new treatment facility. This is particularly true should EPA set a Maximum Contaminant Level below the existing HAL. To remediate the contaminated portion of its water supply, the District engaged professional engineering consultants who recommended an ion exchange (“IX”) treatment facility. An IX facility will cost tens of millions of dollars that many of the District’s ratepayers are not in the position to fund and should not have to fund.

The District serves disadvantaged communities as noted in the attachments provided with this letter. President Biden and Congress placed an emphasis on serving such communities when it passed the BIL. As noted in guidance released by the White House to assist in implementation of the law, “[w]ater utilities, non-profits, drinking water providers, and other potential recipients should begin to work with local stakeholders and state programs contacts to identify potential projects, with a focus on prioritizing projects serving disadvantaged communities.” The language of the BIL itself as well as federal implementation guidance are designed to solve problems just like those faced by the District and our mutual constituents.

As you are considering the allocation of funding for water infrastructure under the BIL we would urge you to work with the District to fully fund its requests for design and construction of a new treatment facility. If necessary, this would include providing funding from multiple accounts over multiple years to meet the goals of addressing the contamination and ensuring that disadvantaged communities in the

District's service territory aren't put in the position of paying significantly higher rates for contamination they didn't cause.