

October 12, 2009

The Honorable Xxxxx, XXXXXXXX,  
U.S. House of Representatives

Dear Representative XXXXXXXX,

As the House Subcommittee on Energy and Environment prepares to mark up HR3258, I ask you to support amendment of the bill to preserve the ability of communities to make their own decisions regarding the treatment of local drinking water. I have first-hand, on-the-ground experience in this as a provider of safe water to XX,XXX people in your district.

In HR3258 there are provisions titled "Methods to Reduce the Consequences of a Chemical Release from an Intentional Act." These provisions would place the final decision on which materials – primarily disinfectants – or processes a drinking water utility may use with state drinking water primacy agencies.

Drinking water utilities tailor their treatment and distribution processes according to regulatory obligations (such as the federal requirement to use chlorine in some form and to achieve certain levels of disinfection), to critical variations in source water characteristics (such as temperatures, pH, pathogens, etc.), and to other local factors (such as delivery options for disinfectant chemicals, the need to maintain reserve supplies in the event of supply interruption, spatial limitations at the plant site, local ambient temperatures that affect the "shelf life" of chemicals and the attendant chemical degradation and breakdown products, etc.

We also ask that you support amendments that would

- strengthen criminal penalties for disclosure of sensitive information to make them similar to such penalties under the Bioterrorism Act of 2002;
- prevent discovery of sensitive information through civil suits filed via Safe Drinking Water Act citizen suit provisions; and
- provide an appeals process for utilities in case amendments to preserve local decisionmaking are defeated.

We look forward to hearing from you on this issue, and offer the expertise of our staff to further discuss how water utilities choose the materials and processes that we use to provide safe and sufficient water to the people in our community.

Sincerely,