

**Association of Metropolitan Water Agencies  
American Water Works Association  
National Association of Water Companies  
Association of California Water Agencies**

April 25, 2003

The Honorable W. J. "Billy" Tauzin  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable John D. Dingell  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressmen Tauzin and Dingell:

We are writing today to express the opposition of our organizations to certain provisions in the Department of Defense's Readiness and Range Preservation Initiative, the broadened definition of "operational range," and the DoD's proposal to secure the right of removal of Safe Drinking Water Act cases from state courts to federal courts. If enacted, these provisions could greatly impact the safety of water supplies throughout the country and force consumers to bear the costs for cleaning up DOD-related contamination and securing alternative water sources.

In the Readiness and Range Preservation Initiative, new definitions of "solid waste" and "release" would exempt the DoD from key provisions of the Resource Conservation and Recovery Act and the Comprehensive Environment Response, Compensation, and Liability Act. The exemptions would inhibit the ability of EPA, its state partners or water systems to prevent contamination and prevent the loss of drinking water sources. The DoD proposal would require human health and environmental affects to occur beyond the boundaries of an operational range before action could be taken. Acting only after the damage has been done will incur unnecessary public health risks, unacceptable losses of water sources, and high costs to clean up water supplies and/or secure alternative sources.

The proposed broadened definition of "operational range," would appear to include DOD contractor facilities, labs, or retired training or research sites. In conjunction with the Readiness and Range Preservation Initiative, the broader definition would provide too many opportunities for DoD to block EPA, its state partners or even water systems from interceding to protect a water source threatened with contamination on a DoD-related site.

Many water systems across the United States have experienced contamination of their water supplies by the rocket fuel component perchlorate, for instance. It is well known that the Colorado River and the Central Arizona Project canal, both of which serve as drinking water sources for many large and small communities in the Southwest, are contaminated with perchlorate. In addition, there are at least two dozen known cases of groundwater, soil and surface water being contaminated by DoD-related sites in Alabama, Arizona, California, Maryland, Missouri, New Mexico, Texas, Utah, Washington and West Virginia. If the DoD proposals are enacted, EPA, states and water systems would be inhibited from addressing or preventing this type of contamination.

Our organizations also oppose the DoD's proposed amendment to the Safe Drinking Water Act (SDWA) to provide that a federal agency has a right of removal to a federal district court of any proceeding in a state court against such agency. We oppose this provision because it could interfere with the ability of states and local governments to protect drinking water supplies and public health. The SDWA specifically states that nothing in the SDWA or any other law of the United States shall be construed to prohibit, exclude, or restrict any state or local government from bringing any action or obtaining any remedy or sanction in any state or local court against an agency of the federal government under state or local law to enforce any requirement respecting the provision of safe drinking water. DoD proposes to negate this provision in the SDWA.

The DoD's proposals would leave many contaminated lands and sources of drinking water unprotected and undermine the ability of water systems to provide Americans with clean, safe drinking. We respectfully urge you to oppose enacting these provisions into law.

Sincerely,



Diane VanDe Hei  
Executive Director  
Association of Metropolitan Water Agencies



Tom Curtis  
Deputy Executive Director  
American Water Works Association



Peter Cook  
Executive Director  
National Association of Water Companies



Stephen Hall  
Executive Director  
Association of California Water Agencies

CC: Committee Members