

**Congress of the United States**  
**Washington, DC 20515**

September 25, 2007

The Honorable John Dingell  
Chairman  
Committee on Energy & Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Albert R. Wynn  
Chairman  
Subcommittee on Environment &  
Hazardous Materials  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Dingell and Chairman Wynn,

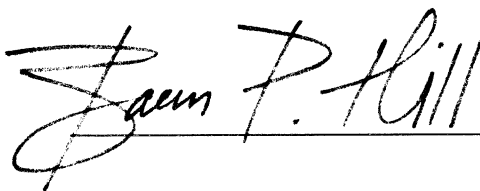
As members of the Blue Dog Coalition, we are writing to express our strong support to find a legislative solution to an Environmental Protection Agency (EPA) policy memorandum on submetering ["Applicability of the Safe Drinking Water Act to Submetered Properties – 68 Fed. Reg. 74,233 (Dec. 23, 2003)]. This policy requires multiple-dwelling property owners to retest water that has already been tested and treated by a regulated public water system (PWS) because the property owner bills residents for water usage. While the EPA admits that submetering encourages conservation and does not impact water quality, the agency uses a clause in the Safe Drinking Water Act (SDWA) to force retesting merely because property owners bill for water usage and are therefore deemed to be "selling" water under the SDWA. The EPA has already exempted single apartment buildings from the testing requirements, and we believe that manufactured housing communities should be afforded the same regulatory standing.

The owners of the many manufactured housing communities in our districts, primarily small business operators, suffer an undue burden by retesting the water notwithstanding the fact that this water comes directly from an already regulated PWS. Additionally, burdensome testing requirements further erode affordable housing options in rural areas because the cost is passed to the homeowner or tenant. An average manufactured housing community with 300 households would incur an annual cost of \$5,000-\$11,000.

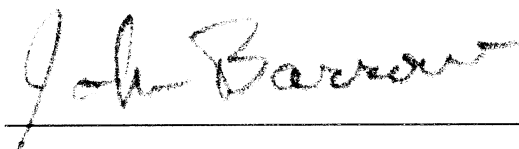
The redundant testing has no value. The utility that furnishes the water cannot use this new information to make decisions about water treatment, and will not permit the property owner to treat the water. Further, the EPA has never demonstrated that properties that submeter pose any risk to water quality. Instead, this policy has effectively dissuaded property owners from submetering, and therefore hindered conservation efforts.

Thank you for your time and attention to this matter. We look forward to working with you in the 110<sup>th</sup> Congress to find a legislative solution to this issue that directly affects our districts.

Sincerely,



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*Mike...*

*Ben Chandler*

*Jim Mathis*

*Maion Berry*

*Paul Nease*

*Bob Gordon*

*Chad Malcom*

Cc: The Honorable Joe Barton, Ranking Member, Energy & Commerce  
The Honorable John Shimkus, Ranking Member, Subcommittee on Environment & Hazardous  
Materials