



**Southeast
Water Coalition**

A joint powers authority to protect the Central Groundwater Basin

AGENDA
SOUTHEAST WATER COALITION
REGULAR MEETING OF THE POLICY BOARD
THURSDAY, AUGUST 7, 2025, 7:00 p.m.

Norwalk Arts & Sports Complex
Sproul Room
13000 Clarkdale Avenue
Norwalk, CA 90650

- 1. ROLL CALL**
- 2. PUBLIC COMMENTS**
- 3. CONSENT CALENDAR**
 - a. SEWC BOARD OF DIRECTORS MINUTES OF JUNE 5, 2025 REGULAR MEETING (Enclosure)**
Recommendation: Approve minutes as submitted.
 - b. WARRANT REGISTER (Enclosure)**
Recommendation: Approve Warrant Register.

**** End of Consent Calendar****
- 4. PRESENTATION ON PFAS LITIGATION**
Glen W.C. Kau, P.E., AE Chair, City of Norwalk
Recommendation: Receive and file.
- 5. GENERAL LEGISLATIVE UPDATE**
Glen W.C. Kau, P.E., AE Chair, City of Norwalk
Recommendation: Receive and file a general legislative update for relevant bills.
- 6. DISCUSSION/ACTION REGARDING GENERAL COUNSEL PROPOSED FEE AMENDMENT**
Glen W.C. Kau, P.E., AE Chair, City of Norwalk
Recommendation: Approve the requested billing rate fee proposal from Richards Watson & Gershon.

7. DISCUSSION/ACTION REGARDING POTENTIAL NEW MEMBERSHIP OF SEWC

Glen W.C. Kau, P.E., AE Chair, City of Norwalk

Recommendation: Discuss the member benefits one-page fact sheet and SEWC map and determine if there is interest in inviting cities/agencies to join SEWC.

8. DISCUSSION/ACTION REGARDING STRATEGIC PLAN REVIEW

Glen W.C. Kau, P.E., AE Chair, City of Norwalk

Recommendation: Review the current strategic plan and provide comments and direction to the AE.

9. BOARD OF DIRECTORS COMMENTS

10. ADMINISTRATIVE ENTITY CHAIR / LEAD AGENCY COMMENTS

11. ADJOURNMENT

On July 30, 2025, the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours and Special meeting agendas may be amended up to 24 hours in advance of the meeting.

Disability-related services are available to enable persons with a disability to participate in this meeting, consistent with the Federal Americans with Disabilities Act of 1990. Please contact the City of Norwalk Public Utilities Department at least 24 hours in advance of the meeting at (562) 929-5511.

The next meeting of the Southeast Water Coalition Policy Board will be on Thursday, October 2, 2025, at 7:00 PM, at Norwalk Arts & Sports Complex, Sproul Room, 13000 Clarkdale Avenue, Norwalk, CA 90650.



**MINUTES OF THE SOUTHEAST WATER COALITION
REGULAR MEETING OF THE POLICY BOARD
THURSDAY, JUNE 5, 2025, 7:00 p.m.**

A regular meeting of the Board of Directors of the Southeast Water Coalition Joint Powers Authority was held on Thursday, June 5, 2025 at 7:00 p.m. at the Norwalk Arts & Sports Complex, Sproul Room, 13000 Clarkdale Avenue, Norwalk CA 90650. Chair Ana Valencia called the meeting to order at 7:05 p.m. At the time the meeting was called to order, a quorum of members was present.

Ms. Madeline Anderson took attendance, and the following Board of Directors members were present:

BOARD MEMBERS PRESENT:

Frank Aurelio Yokoyama
Kevin Lainez
Horacio Ortiz
Todd Rogers
Ana Valencia
Isabel Aguayo
Andrew Lara
Joe Angel Zamora
Maria del Pilar Avalos
Melissa Ybarra
Octavio Martinez

City of Cerritos
City of Commerce
City of Downey
City of Lakewood
City of Norwalk
City of Paramount
City of Pico Rivera
City of Santa Fe Springs
City of South Gate
City of Vernon
City of Whittier

STAFF AND GUESTS ON SIGN-IN SHEET:

Jennifer Hong
Andrew Caraveo
Derek Nguyen
Michelle Tse
Gladis Deras
Joanna Moreno
Ray Cordero

City of Cerritos – Board Alternate
City of Commerce – AE
City of Lakewood – AE
City of Paramount – AE
City of South Gate – AE
City of Vernon – AE
City of Whittier – AE
City of Norwalk Staff

Glen Kau
Jacque Koontz
Michael Jea
Madeline Anderson
Nicholas Ghirelli

AE Chair, City of Norwalk
City of Norwalk Staff
City of Norwalk Staff
SEWC Staff
Richards Watson & Gershon

ITEM 2 – PUBLIC COMMENT

None.

ITEM 3 - CONSENT CALENDAR

Director Rogers moved to approve the consent calendar.

The motion was seconded by Director Avalos and was approved by the following voice vote:

AYES: Yokoyama, Lainez, Ortiz, Rogers, Valencia, Aguayo, Lara, Zamora, Avalos, Martinez

NOES: None.

ABSTAIN: Ybarra (minutes only)

ITEM 4 - DISCUSSION/ACTION REGARDING SEWC FY 2025-26 BUDGET

Mr. Kau presented the SEWC FY 2025-26 Budget and highlighted line items. Director Avalos asked what the annual fees are for each city, and it was confirmed to be \$10,000 per the bylaws, noted by Mr. Kau.

There were no further questions.

Director Martinez made a motion to approve the SEWC FY 2025-26 Budget, as presented.

The motion was seconded by Director Lainez and was approved by the following voice vote:

AYES: Yokoyama, Lainez, Ortiz, Rogers, Valencia, Aguayo, Lara, Zamora, Avalos, Ybarra, Martinez

NOES: None.

ABSTAIN: None.

ITEM 5 - DISCUSSION/ACTION REGARDING POTENTIAL NEW MEMBERSHIP OF SEWC

Mr. Kau initiated a discussion regarding the formalization of a written process for admitting new members into SEWC. This prompted Director Avalos to question why cities like Lynwood, which operates five wells and has expressed interest in joining, are not currently members. She emphasized the strength in numbers and advocated for proactively reaching out to other cities with wells that are not part of SEWC, such as Bell and Huntington Park. To facilitate this, she proposed sending a formal letter to these prospective members. Director Lainez suggested the creation of a concise "one-pager" to clearly articulate the work and benefits of SEWC membership, noting it would be a valuable tool if one does not already exist.

Mr. Ghirelli offered context on the JPA and its initial purpose. Following this, Director Zamora requested a visual aid, asking staff to present a map of the SEWC's boundaries to strategically identify and target potential new member cities for outreach. This led to an action item for the staff to prepare a map illustrating the boundaries and to create a one-page document detailing the benefits of joining SEWC.

Director Rogers recommended a review of the organization's bylaws. He stressed the importance of ensuring that the SEWC's mission and strategic plan are aligned with its current priorities, especially in light of potential expansion. Mr. Ghirelli agreed with the value of this suggestion, noting that while the existing mission and plan are intentionally broad, it would be worthwhile to re-examine them before incorporating new cities into SEWC.

ITEM 6 – GENERAL LEGISLATIVE UPDATE

Mr. Ghirelli of RWG led the general legislative update, reminding the Board that SEWC has been tracking three bills related to PFAS. He then provided updated information on the bills.

He reminded them that Assembly Bill 794 ("AB-794") would authorize the State Water Board to issue emergency regulations setting maximum contaminant levels ("MCL") for primary and secondary drinking water standards and require the State Water Board to adopt an emergency regulation and initiate a primary drinking water standard for PFAS by December 31, 2026. He noted that since the bill was introduced, the EPA noted they were going to extend the compliance deadline for a couple of years. So in response to that, there was an amendment to the bill that stated any emergency regulation couldn't be earlier than that compliance deadline. He also confirmed that this bill is still in assembly.

Senate Bill 454 ("SB-454") would create the PFAS Mitigation Fund ("Fund"), to be

managed by the State Water Board. The Fund's contents would be used to assist local public entities like water suppliers and wastewater operators in covering the costs of treating PFAS contaminated water to remove the forever chemicals. The update that Mr. Ghirelli provided on this bill is that it has been passed in the Senate and is now going to the assembly.

House of Representatives Bill 1267 ("HR-1267") proposes the "Water Systems PFAS Liability Protection Act," which would exempt certain entities from liability for release of PFAS substances under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). Mr. Ghirelli noted that this bill is still pending in Congress.

There were no further questions.

ITEM 7 – DISCUSSION/ACTION REGARDING PFAS UPDATE

Mr. Kau noted that this item is related to PFAS related activities and asked Mr. Ghirelli to kindly provide an update on PFAS. He noted that the first round of checks were sent out from the 3M lawsuit on May 16th. He also confirmed that the next installment will come later this year. Mr. Ghirelli then noted that the Dupont Settlement is smaller and will be distributed in the next few months. The second set of two settlements that Mr. Ghirelli addressed were Tyco and BASF. He noted that the deadline to submit claims for these settlements was April 2025 and they are still in the claims review process.

Mr. Kau and Ms. Koontz confirmed that they reached out to the PFAS lawyers to see if they could provide an update at a future meeting.

ITEM 8 – BOARD OF DIRECTORS COMMENTS

Director Valencia noted that Norwalk suggested doing a tour of the Metropolitan Water District's Carson facility, confirming that the only date that would work for Norwalk is July 23rd. She also confirmed that Norwalk staff is seeking 10 people for a private tour, otherwise SEWC members need to go with the public. She asked everyone to please take a look at their schedules and coordinate accordingly.

Director Avalos invited everyone to South Gate for a street fair on Tweedy Mile, which was scheduled for 6pm the following day until Sunday.

Director Martinez noted that he attended the WRD meeting and provided a general report of what occurred. He reiterated that cities must directly respond to constituents. He informed Board members that WRD arbitrarily ended up offering a 3.8% increase instead of their initial 4% increase without providing

justification for how they arrived at 3.8%, which ultimately passed. Lastly, he noted that the Budget Advisory Committee will meet in the next few weeks.

Director Lara noted that the city of Pico Rivera changed the terms of how they changed water rates by tying water rates to CPI.

There were no further comments.

ITEM 9 – ADMINISTRATIVE ENTITY CHAIR/LEAD AGENCY COMMENTS

None.

ITEM 10 - ADJOURNMENT

The meeting adjourned at 7:49 p.m.

The next regular Southeast Water Coalition Board Meeting will be on August 7, 2025 at 7:00 p.m. at the Norwalk Arts & Sports Complex, Sproul Room, 13000 Clarkdale Avenue, Norwalk CA 90650.

Ana Valencia, Chair

Date



SOUTHEAST WATER COALITION
WARRANT REGISTER

<u>Check No.</u>	<u>Check Amount</u>	<u>Date</u>	<u>Vendor Name</u>	<u>Transaction Description</u>
202031	4,540.00	6/12/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/APR
202101	150.00	6/17/2025	TODD ROGERS	BRD MBR STIP/06-05-25
202514	50.00	7/3/2025	PUBLIC SERVICES	PETTY CASH REIM
202589	9,080.00	7/10/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/MAY & JUN
202823	300.00	7/23/2025	FRANK YOKOYAMA	BRD MBR STIP/04-03-25 & 06-05-25
	14,120.00			
<u>EFT</u>	<u>EFT Amount</u>	<u>Date</u>	<u>Vendor Name</u>	<u>Transaction Description</u>
V21225	3,653.20	6/12/2025	RICHARDS WATSON	LEGAL SVCS/MAR & APR 2025
V21429	150.00	6/19/2025	ANA M VALENCIA	BRD MBR STIP/06-05-25
V21430	150.00	6/19/2025	HORACIO ORTIZ	BRD MBR STIP/06-05-25
V21431	150.00	6/19/2025	JOSE ANGEL ZAMOR	BRD MBR STIP/06-05-25
V21432	150.00	6/19/2025	MARIA DEL PILAR	BRD MBR STIP/06-05-25
V21433	150.00	6/19/2025	MARIA ISABEL AGU	BRD MBR STIP/06-05-25
V21434	150.00	6/19/2025	MELISSA ANNA YBARRA	BRD MBR STIP/06-05-25
V21435	150.00	6/19/2025	OCTAVIO CESAR MARTINEZ	BRD MBR STIP/06-05-25
V21509	833.00	7/10/2025	RICHARDS WATSON	LEGAL SVCS/MAY 2025
	5,536.20			
Total	19,656.20			



**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: August 7, 2025
To: Southeast Water Coalition Board of Directors
From: Glen W.C. Kau, P.E., AE Chair, City of Norwalk

Subject: PRESENTATION ON PFAS LITIGATION

Discussion:

During the June Board Meeting, Nick Ghirelli from Richards Watson and Gershon (RWG), provided an update on PFAS that included the status of recent PFAS lawsuits. Board Members showed interest in receiving a formal PFAS update from Cossich Sumich Parsiola and Taylor, LLC (Cossich Law). Cossich Law is currently representing some of the SEWC cities for PFAS-related lawsuits.

Cossich Law representatives have agreed to provide a virtual presentation to the SEWC Board to discuss the status of the PFAS litigation and answer any related questions.

Recommendation: Receive and file.



**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: August 7, 2025
To: Southeast Water Coalition Board of Directors
From: Glen W.C. Kau, P.E., AE Chair, City of Norwalk

Subject: GENERAL LEGISLATIVE UPDATE

Discussion:

During the June Board Meeting, Nick Ghirelli of Richards Watson & Gershon (RWG) highlighted three bills that are of interest to our members pertaining to PFAS. The purpose of this agenda item is to receive an update on the status of each of these bills.

Assembly Bill 794 ("AB-794") would authorize the State Water Board to issue emergency regulations setting maximum contaminant levels ("MCL") for primary and secondary drinking water standards and require the State Water Board to adopt an emergency regulation and initiate a primary drinking water standard for PFAS by December 31, 2026. **This bill did not pass out of the Assembly prior to the legislative deadline and is now inactive.**

Senate Bill 454 ("SB-454") would create the PFAS Mitigation Fund ("Fund"), to be managed by the State Water Board. The Fund's contents would be used to assist local public entities like water suppliers and wastewater operators in covering the costs of treating PFAS contaminated water to remove the forever chemicals. **This bill passed the Senate with no opposition but is currently pending in the Assembly Appropriations Committee's suspense file awaiting to see if it will progress this legislative session.**

House of Representatives Bill 1267 ("HR-1267") proposes the "Water Systems PFAS Liability Protection Act," which would exempt certain entities from liability for release of PFAS substances under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). **This bill remains pending and no action has been taken by the House.**

Recommendation: Receive and file a general legislative update for relevant bills.

Attachments:

1. Memo Summarizing AB-794, SB-454 and HR-1267.



Nicholas R. Ghirelli

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MEMORANDUM

TO: Southeast Water Coalition
FROM: Nicholas R. Ghirelli
DATE: July, 24, 2025
SUBJECT: PFAS Legislation Update: AB-794, SB-454, and HR-1267

I. INTRODUCTION

We have been asked to provide an update on three currently proposed bills (2 state and 1 federal), representing attempts to address contamination of water supplies with perfluoroalkyl and polyfluoroalkyl substances ("PFAS"), and associated liability for releases of PFAS. A comprehensive explanation of the bills is included in our earlier memo attached hereto.

Assembly Bill 794 ("AB-794") would authorize the State Water Board to issue emergency regulations setting maximum contaminant levels ("MCL") for primary and secondary drinking water standards and require the State Water Board to adopt an emergency regulation and initiate a primary drinking water standard for PFAS by December 31, 2026. **This bill did not pass out of the Assembly prior to the legislative deadline and is now inactive.**

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House of Representatives Bill 1267 ("HR-1267") proposes the "Water Systems PFAS Liability Protection Act," which would exempt certain entities from liability for release of PFAS substances under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). **This bill remains pending and no action has been taken by the House.**

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MEMORANDUM

TO: Southeast Water Coalition

FROM: Nicholas R. Ghirelli
Arley Titzler

DATE: May 29, 2025

SUBJECT: Summaries of Proposed Legislation—AB-794, SB-454, and HR-1267

I. INTRODUCTION

We have been asked to provide an overview of three currently proposed bills (2 state and 1 federal), representing attempts to address contamination of water supplies with perfluoroalkyl and polyfluoroalkyl substances (“PFAS”), and associated liability for releases of PFAS.

Assembly Bill 794 (“AB-794”) would authorize the State Water Board to issue emergency regulations setting maximum contaminant levels (“MCL”) for primary and secondary drinking water standards and require the State Water Board to adopt an emergency regulation and initiate a primary drinking water standard for PFAS by December 31, 2026.

Senate Bill 454 (“SB-454”) would create the PFAS Mitigation Fund (“Fund”), to be managed by the State Water Board. The Fund’s contents would be used to assist local public entities like water suppliers and wastewater operators in covering the costs of treating PFAS contaminated water to remove the forever chemicals.

House of Representatives Bill 1267 (“HR-1267”) proposes the “Water Systems PFAS Liability Protection Act,” which would exempt certain entities from liability for release of PFAS substances under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”).

At the end of this overview, the full text of each bill, in its current form, is presented. AB-794 is Appendix A, SB-454 is Appendix B, and HR-1267 is Appendix C.

II. AB-794—California Safe Drinking Water Act: Emergency Regulations.

A. PROCEDURAL STATUS

February 18, 2025, Assembly Member Jesse Gabriel introduced AB-794.

April 9, 2025, the Assembly Environmental Safety and Toxic Materials Committee amended and passed the bill on a 5-2 vote

May 23, 2025, the Assembly Appropriations Committee passed the bill on an 11-3 vote.

B. SECTION 116365.03 AS CURRENTLY ENACTED

Section 116365.03 is a provision of the California SDWA (Chapter 4 of Part 12 of Division 104 of the California Health and Safety Code, §§ 116270 to 116755), which governs the State Water Board's authority to issue emergency regulations under the California SDWA. As currently enacted, § 116365.03 generally permits the State Water Board to issue emergency regulations that are "not more stringent" and "not materially different in substance and effect" than regulations issued under the Federal SDWA. However, the Water Board may **not** adopt emergency regulations establishing MCLs for primary and secondary drinking water standards.

The State Water Board has the authority to issue emergency regulations pursuant to California Government Code § 11346.1. An "emergency" is defined as "a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare."¹ Under Section 11346.1(a)(2), any agency adopting an emergency regulation must give notice—with exception for situations clearly posing a threat of immediate and serious harm—to any person who has filed a request for notice of regulatory action with the agency at least five working days prior to filing the regulation with the Office of Administrative Law. This notice must include: (A) the specific language to be adopted, and (B) a finding of emergency.

The finding of emergency must include information required by Gov. Code § 11346.5(a)(2)–(6), a description of facts showing the need for immediate action, a demonstration by substantial evidence of the need for the proposed regulation, and identification of any technical, theoretical, or empirical study, report, or similar document the agency is relying on.

Under Section 11346.1(e), emergency regulations may only remain in effect for 180 days, unless the agency complies with the provisions of Gov. Code §§ 11346.2 to 11347.3, inclusive, which provide the necessary procedure to engage stakeholders through public notice, discussion, comment, and hearings. Section 11346.1(h) allows extension of this time period no more than twice, each for a period of 90 days.

Subsection (d) of AB-794 would modify the general requirements for adopting an emergency regulation. The subsection would no longer require the State Water Board to describe facts showing the need for immediate action. In addition, this subsection would declare that a State Water Board emergency regulation promulgated under the new § 116365.03 is "not subject to

¹ Gov. Code § 11342.545.

review by the Office of Administrative Law and shall remain in effect until revised by the state board or the implementation of a primary drinking water standard.”

C. IMPACT OF ENACTING AB-794

AB-794 proposes to eliminate the prohibition on issuing an emergency regulation containing MCLs. Subsection (a) would allow the State Water Board to issue emergency regulations containing MCLs that are “not more stringent” and “not materially different in substance or effect” than a regulation issued under the Federal SDWA.

Subsection (b) would provide that the State Water Board’s authority to issue an emergency regulation includes the authority to adopt requirements in a federal regulation in effect as of January 19, 2025, regardless of whether that regulation is subsequently repealed or amended to be less stringent. In a press release, Assembly member Gabriel cited as motivation for introducing AB-794, concerns that EPA may weaken or roll back the national drinking water standards for PFAS, set for the first time in 2024.²

Subsection (c) would provide that an emergency regulation *cannot* contain drinking water standards that are less stringent than federal ones. A recent amendment to the bill means that an emergency regulation cannot contain more stringent requirements or compliance deadlines than federal law

Subsection (e) would classify emergency regulations as agency actions categorically exempt from environmental review under the California Environmental Quality Act (“CEQA”).³

Subsection (f) would authorize the Office of Environmental Health Hazard Assessment to “initiate proceedings to establish a public health goal” for any contaminant in an emergency regulation without an established public health goal.⁴

Subsection (g) would require the State Water Board, for any contaminant that already has a public health goal,⁵ to “initiate proceedings to establish primary drinking water standards.”⁶ For a contaminant without an established public health goal, the State Water Board would be required to “initiate proceedings to establish a primary drinking water standard as soon as a public health goal is established” under § 116365.03(f).

Subsection (h) would require the State Water Board, on or before December 31, 2026 (previously January 1, 2026), to adopt an emergency regulation and “initiate a primary drinking

² <https://a46.asmdc.org/press-releases/20250219-lawmakers-advocates-introduce-legislation-protect-californians-dangerous>

³ See Cal. Code Regs., tit. 14, § 15308.

⁴ See Health & Saf. Code § 116365(c).

⁵ See Health & Saf. Code § 116365(c).

⁶ See Health & Saf. Code § 116365(a).

water standard” for PFAS substances (89 Fed. Reg. 32532 (April 26, 2024)),⁷ that is consistent with the California SDWA. The compliance deadline would align with the federal regulation.

III. SB 454—State Water Resources Control Board: PFAS Mitigation Program

D. PROCEDURAL STATUS

February 19, 2025, California Senator Jerry McNerney introduced SB-454, which proposes the addition of a Chapter 4.9 (commencing with § 116774.20) to Part 12 of Division 104 of the California Health and Safety Code.

April 8, 2025, SB-454 was amended

May 28, 2025, the Assembly unanimously passed SB-454

E. CONTENT

SB-454 would add a new chapter—Chapter 4.9. PFAS Mitigation Program (§ 116774.20 to § 116774.28)—to Part 12 of Division 104 of the California Health and Safety Code. The purpose of SB-454 is to help local agencies fund their efforts to clean up PFAS contamination without having to increase costs to ratepayers.⁸

Article 1 would outline the Legislature’s findings, declarations, and intent in enacting Chapter 4.9. Under Section 116774.20(a)(1)–(7), the Legislature would detail the rights of all Californians to safe water and water which does not harm the environment and the State’s intent to uphold or achieve such rights. The Legislature would also detail the ongoing pervasive use of PFAS substances in industrial processes and manufacturing products, as well as the deleterious effects of PFAS contamination, leaving water unsafe and creating cumulative health burdens for California’s communities.

Article 2 would contain the provisions governing creation of the “PFAS Mitigation Fund.” Section 116774.21 would provide all applicable definitions. Notably, PFAS would be defined, for the purposes of Chapter 4.9, as “a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.” Under an amendment, the bill’s operative provisions would not take effective until the Legislature appropriates funding.

Section 116774.22(a) would create the PFAS Mitigation Fund (“Fund”) within the State Treasury, and provide that upon appropriation by the Legislature, the State Water Board would be able to use the Fund to accomplish the objectives of the PFAS Mitigation Program.

⁷ 89 Fed. Reg. 32532 amended 40 C.F.R. § 141.2 to include definitions for various PFAS substances. 89 Fed. Reg. 32532 is available at: <https://www.govinfo.gov/content/pkg/FR-2024-04-26/pdf/2024-07773.pdf>.

⁸ <https://sd05.senate.ca.gov/news/bay-area-legislator-introduces-bill-help-clean-forever-chemicals-water-supply>

Section 116774.22(b) would allow the State Water Board to seek out and accept external funding from nonstate, federal, and private entities, but **would not require contributions from local agencies**. Any acquired external funding would be deposited into a “PFAS Reduction Account” (“Account”) and such funding would be made available continuously, as an appropriation to the State Water Board. However, the bill does not provide for any dedicated funding source into the Fund.

Section 116774.23(a) would allow the State Water Board to expend funding from the Fund “in the form of a grant, loan, or contract.” This section would also allow the State Water Board to use funds appropriated under Chapter 4.9 to assist water suppliers and sewer system providers by covering or reducing their costs incurred in connection with: (1) treating drinking water, including recycled water, to meet applicable state advisory levels and federal maximum PFAS contaminant levels; (2) treating wastewater or recycled water, (3) properly disposing of PFAS contamination after treating drinking water, recycled water, or wastewater, and (4) any other costs claimed to be associated with removal of PFAS from drinking water, recycled water, or wastewater.

Section 116774.23(b) would detail a non-exhaustive list of eligible expenditures, including: (1) constructing a new or upgrading an existing treatment facility, (2) monitoring or pilot testing infrastructure for PFAS treatment alternatives, and (3) costs associated with planning, design, and infrastructure for eligible projects.

Section 116774.23(c) would require that the State Water Board allocate no more than 5% of the Fund to administrative costs.

Section 116774.24 would provide that to be eligible for funding, water suppliers and sewer system providers must “include a clear and definite purpose for how the funds will be used to provide benefits to their community related to safe drinking water, recycled water, or treated wastewater.”⁹

Section 116774.25(a) would require the State Water Board to develop and adopt guidelines implementing Chapter 4.9.

Section 116774.25(b) would require the State Water Board to address specific subjects in its guidelines, including: (1) “specific funding criteria for each funding source,” (2) “identification of minimum and maximum grant amounts, based on percentage of the total annual moneys available,” and (3) “opportunities for public comment, where the state board shall solicit stakeholder input” through (A) notifying the public when the draft guidelines are published online and (B) holding at least two public workshops before issuing final guidelines.

⁹ As originally proposed, SB-454 conditioned funding eligibility on inclusion of “a clear and definite purpose for how the funds will be used to provide a public benefit related to safe drinking water or treated wastewater.”

Article 3 would detail the interplay between Chapter 4.9, existing laws, and state obligations.

Section 116774.27 would provide that Chapter 4.9 does not function to expand any existing state obligations to provide resources for or require expenditure of additional resources beyond what goes into the Fund.

Section 116774.28 would assert that any public agency's participation in a funded activity or contribution to the Fund "serves a public purpose and does not constitute a gift of public funds."¹⁰

IV. HR-1267—Water Systems PFAS Liability Protection Act

A. PROCEDURAL STATUS

On February 12, 2025, Representative Marie Gluesenkamp Perez [D-WA-03] introduced HR-1267, with bipartisan support from Rep. Celeste Maloy [R-UT-02].¹¹ HR-1267 proposes the "Water Systems PFAS Liability Protection Act," which would exempt certain public and private water entities from liability for releases of PFAS under CERCLA.

Also on February 12, 2025, HR-1267 was referred to the House Committee on Energy and Commerce and the House Committee on Transportation and Infrastructure, in each case for consideration of the particular provisions of HR-1267 falling under that committee's jurisdiction.

B. CONTENT

HR-1267 would enact the "Water Systems PFAS Liability Protection Act," a law meant to exempt certain water and wastewater treatment facilities from liability under CERCLA in connection with releases of PFAS.

Subsection 2(a)(1) would define a covered PFAS substance as a "non-polymeric perfluoroalkyl or polyfluoroalkyl substance that contains at least 2 sequential fully fluorinated carbon atoms, excluding gases and volatile liquids, that is a hazardous substance," as defined by Section 101 of CERCLA.¹²

Subsection (2)(a)(3) would define "protected entities" as: (A) public water systems,¹³ (B) publicly and privately owned or operated treatment works,¹⁴ (C) municipalities with a

¹⁰ See Cal. Const., art. XVI, § 6.

¹¹ <https://gluesenkamppez.house.gov/posts/gluesenkamp-perez-maloy-introduce-bipartisan-legislation-to-shield-southwest-washington-ratepayers-from-pfas-cleanup-costs>

¹² Section 101 of CERCLA defines the term "hazardous substance." 42 U.S.C. § 9601(14).

¹³ Section 1401 of the Federal SDWA defines the term "public water system." 42 U.S.C. § 300f(4).

¹⁴ Section 212 of the Clean Water Act defines the term "treatment works." 33 U.S.C. § 1292(2)(A)–(B).

stormwater discharge permit,¹⁵ (D) State political subdivisions and special districts acting as wholesale water agencies; and (E) contractors performing activities described in Subsection (c) for any of the entities in (A)–(D).

Subsection (2)(b), the exempting provision, would prohibit recovery by any entity—including the federal, any state, or any tribal government—under CERCLA for costs incurred resulting from a protected entity’s releases of PFAS substances.

Subsection (2)(c) would provide that a protected entity will only be exempt from CERCLA liability if it “transports, treats, disposes of, or arranges for transport, treatment, or disposal of” covered PFAS substances (1) “in a manner consistent with all applicable laws at the time the activity is carried out,” and (2) “during and following the conveyance or treatment of water under Federal or State law,” which includes: (A) “management or disposal of biosolids consistent with” Section 405 of the CWA,¹⁶ (B) “discharge of effluent in accordance with” an NPDES permit issued under Section 402 of the CWA,¹⁷ (C) “release or disposal of water treatment residuals or any other byproduct of drinking water or wastewater treatment activities, such as granulated activated carbon, filter media, and processed waste streams,” or (D) “conveyance or storage of water for the purpose of conserving or reclaiming the water for water supply.”

Section (2)(d) would provide that liability under CERCLA for release of PFAS is still available where a protected entity acts with “gross negligence or willful misconduct in the discharge, disposal, management, conveyance, or storage” of PFAS substances.

HR-1267 was proposed in response to an EPA regulation adopted in 2024, which defined PFAS substances as hazardous substances for the purposes of liability under CERCLA.¹⁸ While the EPA declared it would use discretion in enforcing the rule, to primarily target those responsible for PFAS pollution, Rep. Gluesenkamp Perez and other supporters of HR-1267 have stated they do not think this is sufficient action to protect drinking water, wastewater, and stormwater utilities who merely receive PFAS contaminated water.¹⁹ HR-1267 would provide a permanent solution in shielding these entities from CERCLA liability.

¹⁵ Section 402 of the Clean Water Act governs NPDES permits issued for stormwater discharges. 33 U.S.C. § 1342(p).

¹⁶ 33 U.S.C. § 1345.

¹⁷ 33 U.S.C. § 1342.

¹⁸ 89 Fed. Reg. 39124. Available at: <https://www.govinfo.gov/content/pkg/FR-2024-05-08/pdf/2024-08547.pdf>.

¹⁹ <https://gluesenkamppez.house.gov/posts/gluesenkamp-perez-maloy-introduce-bipartisan-legislation-to-shield-southwest-washington-ratepayers-from-pfas-cleanup-costs>

V. APPENDIX A

Below is the current text of § 116365.03 (as of May 28, 2025).

116365.03.

- (a) The state board may adopt as an emergency regulation, regulation a regulation that is not more stringent than, and is not materially different in substance and effect than, than the requirements of a regulation promulgated pursuant to the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.).
- (b) The authority of the state board to adopt an emergency regulation under this section includes the authority to adopt requirements of a federal regulation promulgated pursuant to the federal Safe Drinking Water Act that is in effect when the state board adopts the emergency regulation and authority to adopt requirements of a federal regulation that was in effect on January 19, 2025, regardless of whether the requirements were repealed or amended to be less stringent.
- (c) An emergency regulation adopted pursuant to this section shall not implement less stringent drinking water standards than the requirements of a federal regulation that was in effect on January 19, 2025, and may include 2025. Maximum contaminant levels and compliance dates for those maximum contaminant levels adopted as part of an emergency regulation shall not be more stringent than the maximum contaminant levels and compliance dates of a regulation promulgated pursuant to the federal Safe Drinking Water Act. The emergency regulation may include monitoring requirements that are more stringent than the requirements of the federal regulation to the extent those more stringent requirements are not materially different in substance and effect from the requirements of this chapter or regulations implementing this chapter.
- (d) The adoption of a regulation pursuant to this section is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the state board pursuant to this section is hereby exempted from the requirement that it to describe facts showing the need for immediate action and is not subject to review by the Office of Administrative Law and shall remain in effect until revised by the state board or the implementation of a primary drinking water standard.
- (e) The adoption of an emergency regulation pursuant to this section is a Class 8 action, within the meaning of Section 15308 of Title 14 of the California Code of Regulations.

- (f) Upon the adoption of an emergency regulation pursuant to subdivision (b), the Office of Environmental Health Hazard Assessment shall initiate proceedings to establish a public health goal pursuant to subdivision (c) of Section 116365 for any contaminant included in the emergency regulation that does not have a public health goal.
- (g) Upon the adoption of an emergency regulation pursuant to subdivision (b), the state board shall initiate proceedings to establish primary drinking water standards pursuant to subdivision (a) of Section 116365 for all the contaminants included in the emergency regulation that have a public health goal pursuant to subdivision (c) of Section 116365. If a contaminant included in the emergency regulation does not have a public health goal, then the state board shall initiate proceedings to establish a primary drinking water standard as soon as a public health goal is established for the contaminant under paragraph (f).
- (h) On or before January 1, December 31, 2026, the state board shall adopt an emergency regulation and shall initiate a primary drinking water standard for the perfluoroalkyl and polyfluoroalkyl substances covered by page 32532 in Number 82 of Volume 89 of the Federal Register in a manner that is consistent with this chapter. The timeline to comply with the emergency regulation shall align with the federal regulation cited above.

VI. APPENDIX B

Below is the text of SB-454 as currently drafted (as of May 28, 2025)

Article 1. Findings and Declarations

116774.20.

- (i) The Legislature finds and declares all of the following:
- (1) Every Californian should enjoy the same degree of protection from environmental and health hazards. No single group of people should bear a disproportionate share of the negative environmental consequences and adverse health impacts arising from industrial, governmental, or commercial operations or policies.
 - (2) State law also declares that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.
 - (3) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) continues to be used in a broad range of industrial processes and in manufacturing products because of their water and stain resistant, nonstick, surfactant, and other properties, including for making packaging, plastic food ware, cleaning products, ski waxes, menstrual products, metal products, propellants, coatings and paints, and much more, despite the growing body of evidence that these chemicals may leach into food, water supplies, and even the human body through exposures.
 - (4) Concentrated PFAS contamination in the environment creates cumulative health burdens resulting in communities with greater health risks, such as cancer, reproductive health and fertility effects, and immune system disorders.
 - (5) PFAS makes its way into community water supplies and wastewater. Water suppliers and wastewater treatment operators are not responsible for the introduction of PFAS into the environment, yet these local agencies are responsible for treating our water and wastewater.
 - (6) Enhancing the long-term sustainability of drinking water systems and wastewater systems for all communities increases our communities' resilience and environmental safety.
 - (7) Funding for the infrastructure to treat PFAS in water supplies, including recycled water, and wastewater systems under this chapter promotes investments for

communities, including disadvantaged communities, and important contributions to those communities in adapting to a cleaner climate and environment.

- (j) It is the intent of the Legislature that true environmental justice be brought to our state by addressing PFAS contamination, including the continuing disproportionate environmental burdens in the state and on passive receivers by creating a fund to provide for the treatment of PFAS in water, wastewater, and recycled water.
- (k) It is the intent of the Legislature that the state board, in managing the fund, strive to ensure all regions of the state receive an equitable level of consideration for funding pursuant to this chapter, to the extent practicable.

Article 2. PFAS Mitigation Fund

116774.21. For the purposes of this chapter, the follow definitions apply:

- (a) “Account” means the PFAS Reduction Account established pursuant to Section 116774.22.
- (b) “Fund” means the PFAS Mitigation Fund established pursuant to Section 116774.22.
- (c) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- (d) “Recycled water” has the same meaning as defined in subdivision (n) of Section 13050 of the Water Code.
- (e) “Sewer service provider” has the same meaning as defined in subdivision (n) Section 13288 of the Water Code.
- (f) “State board” means the State Water Resources Control Board.
- (g) “Water supplier” means a local public agency or private company supplying or storing water, or a mutual water company.

116774.22.

- (a) The PFAS Mitigation Fund is hereby created in the State Treasury. Upon appropriation by the Legislature, moneys deposited into the fund shall be available for the state board to expend consistent with the purposes of this chapter.
- (b) The state board may seek out and accept nonstate, federal, and private funds for purposes of this chapter, and those funds shall be deposited into the PFAS Reduction Account, which is hereby created within the PFAS Mitigation Fund. Notwithstanding

Section 13340 of the Government Code, moneys in the account shall be continuously appropriated without regard to fiscal years to the state board for purposes of this chapter.

116774.23.

- (a) The state board may expend moneys from the fund and account in the form of a grant, loan, or contract, or to provide technical assistance services to water suppliers and sewer system providers for one or more of the following purposes:
 - (1) Cover or reduce the costs for water suppliers associated with treating drinking water, including recycled water, to meet the applicable state advisory levels and applicable state and federal maximum PFAS contaminant levels.
 - (2) Cover or reduce the costs for sewer system providers associated with treating wastewater or recycled water to reduce or remove PFAS.
 - (3) Cover or reduce the costs for water suppliers or sewer system providers associated with proper disposal of PFAS contamination after treating drinking water supplies, recycled water, or wastewater.
 - (4) Any other costs an applicant claims are associated with the removal of PFAS in drinking water, recycled water, and wastewater.
- (b) Eligible expenditures made pursuant to subdivision (a) shall include, but not be limited to, all of the following:
 - (1) Construction of a new treatment facility or to upgrade an existing treatment facility that addresses PFAS contamination.
 - (2) Infrastructure related to monitoring or pilot testing for PFAS treatment alternatives.
 - (3) The costs associated with planning, design, and infrastructure for eligible projects.
- (c) The state board may expend no more than 5 percent of the total moneys available in the fund for the purposes of administering the fund.

116774.24. In order to be eligible for funds pursuant to this chapter, a water supplier or sewer system provider shall include a clear and definite purpose for how the funds will be used to provide benefits to their community related to safe drinking water, recycled water, or treated wastewater.

116774.25.

- (a) The state board shall adopt guidelines to implement this chapter.
- (b) The development of the guidelines shall include, but not be limited to, all of the following:
 - (1) Specific funding criteria from each funding source.
 - (2) Identification of minimum and maximum grant amounts, based on percentage of the total annual moneys available.
 - (3) Opportunities for public comment, where the state board shall solicit stakeholder input by doing both of the following:
 - (A) Notify the public when draft guidelines are posted on the state board's internet website.
 - (B) Conduct two public workshops on the draft guidelines to receive and consider public comment prior to finalizing the guidelines.

Article 3. General Provisions

116774.26. Actions taken to implement, interpret, or make specific this chapter are not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

116774.27. This chapter does not expand any obligation of the state to provide resources for the provisions of this chapter or to require the expenditure of additional resources beyond the amount of moneys deposited in the fund.

116774.28. The Legislature finds and declares that participation in an activity authorized for funding from the fund or a contribution to the fund by a federal, state, or local agency serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

Article 4. Contingent Operation

116774.29. This chapter shall become operative contingent upon an appropriation by the Legislature for its purposes.

VII. APPENDIX C

Below is the text proposed by HR-1267 (as of May 28, 2025).

SECTION 1. Short title.

This Act may be cited as the “Water Systems PFAS Liability Protection Act”.

SECTION. 2. Exemption of water and wastewater treatment facilities from CERCLA liability for releases of PFAS.

(a) Definitions.—In this section:

- (1) COVERED PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE.—The term “covered perfluoroalkyl or polyfluoroalkyl substance” means a non-polymeric perfluoroalkyl or polyfluoroalkyl substance that contains at least 2 sequential fully fluorinated carbon atoms, excluding gases and volatile liquids, that is a hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).
- (2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).
- (3) PROTECTED ENTITY.—The term “protected entity” means—
 - (A) a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));
 - (B) a publicly or privately owned or operated treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292));
 - (C) a municipality to which a permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is issued for stormwater discharges;
 - (D) a political subdivision of a State or a special district of a State acting as a wholesale water agency; and
 - (E) a contractor performing the management or disposal activities described in subsection (c) for an entity described in any of subparagraphs (A) through (D).

(b) Exemption.—Subject to subsection (c), no person (including the United States, any State, or an Indian Tribe) may recover costs or damages from a protected entity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9601 et seq.) for costs arising from a release to the environment of a covered perfluoroalkyl or polyfluoroalkyl substance.

(c) Requirements.—Subsection (b) shall only apply if a protected entity transports, treats, disposes of, or arranges for the transport, treatment, or disposal of a covered perfluoroalkyl or polyfluoroalkyl substance—

(1) in a manner consistent with all applicable laws at the time the activity is carried out; and

(2) during and following the conveyance or treatment of water under Federal or State law, including through—

(A) the management or disposal of biosolids consistent with section 405 of the Federal Water Pollution Control Act (33 U.S.C. 1345);

(B) the discharge of effluent in accordance with a permit issued under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342);

(C) the release or disposal of water treatment residuals or any other byproduct of drinking water or wastewater treatment activities, such as granulated activated carbon, filter media, and processed waste streams; or

(D) the conveyance or storage of water for the purpose of conserving or reclaiming the water for water supply.

(d) Savings provision.—Nothing in this section precludes liability for damages or costs associated with the release of a covered perfluoroalkyl or polyfluoroalkyl substance by a protected entity if that protected entity acted with gross negligence or willful misconduct in the discharge, disposal, management, conveyance, or storage of the covered perfluoroalkyl or polyfluoroalkyl substance.



**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: August 7, 2025
To: Southeast Water Coalition Board of Directors
From: Glen W.C. Kau, P.E., AE Chair, City of Norwalk

**Subject: DISCUSSION/ACTION REGARDING GENERAL COUNSEL PROPOSED
FEE AMENDMENT**

Discussion:

Richards Watson & Gershon ("RWG") has provided general legal counsel services to the Southeast Water Coalition ("SEWC") since 1991. RWG's no-term contract agreement has billing rates set at \$170 per hour which have not been adjusted since 2006. RWG is requesting a gradual increase in billing rates to be phased in over the next four years. Specifically, they are proposing a composite rate for general day-to-day services, as follows:

July 1, 2025 - June 30, 2026: \$205 per hour

July 1, 2026 - June 30, 2027: \$240 per hour

July 1, 2027 - June 30, 2028: \$270 per hour

July 1, 2028 until further modified: \$305 per hour

Recommendation: Approve the requested billing rate fee proposal from Richards Watson & Gershon.

Attachments:

1. Letter from RWG Regarding Billing Rates for Legal Counsel Services and Original Fee Agreement for Legal Counsel Services



Nicholas R. Ghirelli

T 714.990.0901
F 714.990.6230
E nghirelli@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

May 28, 2025

The Honorable Ana Valencia
Chair, Southeast Water Coalition Board of Directors
C/O Glen Kau, PE
Southeast Water Coalition JPA
12700 Norwalk Boulevard
Norwalk, CA 90650

Re: Billing Rates for Legal Counsel Services

Dear Chair Valencia:

As you may know, Richards, Watson & Gershon ("RWG") has provided legal services to the Southeast Water Coalition ("SEWC") since 1991 pursuant to the attached legal services agreement dated October 27, 2006 ("Agreement"). The firm's billing rates, as outlined in the Agreement, have not been adjusted over the past 19 years. Due to the significant passage of time, I write to respectfully request a gradual increase in our billing rates to be phased in over the next four years. Specifically, we are proposing a composite rate for general day-to-day services, as follows:

July 1, 2025 - June 30, 2026: \$205 per hour

July 1, 2026 - June 30, 2027: \$240 per hour

July 1, 2027 - June 30, 2028: \$270 per hour

July 1, 2028 until further modified: \$305 per hour

This amounts to an approximately \$35 per hour increase to our current composite rate of \$170 per hour for each of the next four fiscal years.

For extraordinary services, such as litigation, unusually complicated contracts requiring attorneys with specialized experience, water law issues and assisting with bond issues and other financing, if any, we propose a composite rate of \$305 per hour, an increase of \$30 per

hour over the current cap of \$275 per hour. Please note that I have rarely been asked to perform extraordinary services to date.

The proposed increases are merely intended to gradually bring the nearly 20-year old rates near the market, recognizing the discount our firm has provided to SEWC over many years. Please note that these rates reflect a discount below my current standard billing rate of approximately \$500 per hour.

Should this arrangement be acceptable to the Board, we respectfully request that you execute and return a duplicate original of this letter to my attention. Upon execution, this letter will serve as an amendment to the Agreement. Our legal relationship will continue to be governed by the terms of the Agreement, except as previously amended.

Finally, I write this letter in my private capacity as a shareholder with RWG and not as general counsel to SEWC. As such, you may seek independent legal counsel for advice on the contract amendment or any related matter.

As always, it is a pleasure to work with you and the entire SEWC team.

Very truly yours,



Nicholas R. Ghirelli

Attachment: Legal Services Agreement

Agreed by:

SEWC Policy Board Chair

Date



RICHARDS | WATSON | GERSHON

ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

RECEIVED
OCT 31 2006
CITY OF PARAMOUNT

RICHARD RICHARDS
(1916-1988)

GLENN R. WATSON
(RETIRED)

HARRY L. GERSHON
(RETIRED)

October 27, 2006

STEVEN L. DORSEY
WILLIAM L. STRAUSS
MITCHELL E. ABBOTT
GREGORY W. STEPANICICH
ROCHELLE BROWNE
WILLIAM B. RUDELL
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMAN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
STEVEN K. ORR
B. TILDEN KIM
SASKIA T. ASAMURA
KAYSER O. SUME
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CRAIG A. STEELE
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GINETTA L. GIOVINCO
TRISHA ORTIZ
CANDICE K. LEE
DAVID G. ALDERSON
MELISSA C. LAUZARDO
MARICELA E. MARROQUIN
BRIAN D. MABEE
GENA M. STINNETT
JENNIFER PETRUSIS
STEVEN L. FLOWER
ROBERT C. HORTON
MATTHEW E. COHEN
ANDREW TAM
DEBBIE Y. CHO

Mr. Gene Daniels
Chairman, Southeast Water Coalition
Paramount City Hall
16400 Colorado Avenue
Paramount, California 90723

Re: Retainer Agreement

Dear Mr. Daniels:

I am pleased that Richards, Watson and Gershon will continue to serve as General Counsel for the Southeast Water Coalition to assist the Coalition as it expands its services on behalf of its member entities. This letter will replace the retainer agreement between the Coalition and the firm dated September 3, 1991.

I will continue to have primary responsibility for representing the Coalition. We will also use other attorneys, legal assistants and other law firm personnel as may be helpful in representing the Coalition's interests.

We will bill for fees on a monthly basis. When a bill is to be sent, we will review it before it is issued to ensure that the amount charged is appropriate and accurately reflects the services rendered.

The firm will provide general day-to-day services at the composite rate of \$170 per hour. These services, as before, will include attending Policy Board and Administrative Entity meetings when requested, drafting standard agreements, amending the conflict of interest code as needed and performing similar routine duties.

We will provide extraordinary services at a 15% discount from our standard rates, with a cap of \$275 per hour for any individual attorney. Specialized services will include litigation, unusually complicated contracts requiring attorneys with specialized experience, water law issues and assisting with bond and other financings, if any.

Jim Markman, our water law expert, will provide services related to water law matters at the rate of \$260 per hour. As we have discussed with the Coalition's staff,

OF COUNSEL
MARK L. LAMKEN
SAYRE WEAVER
WILLIAM K. KRAMER
NORMAN A. DUPONT
JIM R. KAPIAK

SAN FRANCISCO OFFICE
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE
TELEPHONE 714.990.0901

Mr. Gene Daniels
Chairman, Southeast Water Coalition
Paramount City Hall
October 27, 2006
Page 2

Jim is very familiar with the types of issues the Coalition will be facing and has extensive experience dealing with water replenishment issues in Los Angeles County.

In addition, we will bill the Coalition for costs in connection with our representation. Such costs include copying documents (\$.10/page), facsimile transmission of documents (\$1.00/page), long distance telephone, court fees, litigation costs, messenger and delivery services, and other similar costs. Such costs frequently are billed to the firm from third-party vendors. Therefore, there sometimes will be a delay between the time such costs are incurred and the time when they appear on your bill.

These rates are subject to adjustment yearly, but will remain the same through the end of 2007. We will inform the Coalition at least 30 days prior to an increase in rates. This agreement will continue until terminated, which either party may do at any time.

We rarely have fee disputes with clients. Nevertheless, you should be aware that the Coalition is entitled to require that any fee dispute be resolved through the mandatory fee arbitration provisions of the California Business & Professions Code. One such program is operated under the auspices of the Los Angeles County Bar Association. Many other local bar associations have similar programs.

In the event that you choose not to utilize the County Bar arbitration procedures, you agree that all fee disputes between us shall be submitted to binding arbitration in Los Angeles to be conducted by the American Arbitration Association, in accordance with its commercial arbitration rules. In any dispute concerning billing for services rendered, the prevailing party, as defined in California Code of Civil Procedure section 1032, will be entitled to recover its reasonable attorney's fees and costs.

The Coalition has the right to terminate our representation at any time. We have the same right, subject to our obligation to provide the Coalition with reasonable notice to arrange alternative representation. In either circumstance, the Coalition agrees to secure new counsel to represent it as quickly as possible and to cooperate fully in the substitution of the new counsel as counsel of record in any litigation in which we may be involved. If the Coalition elects to terminate the firm, we will be paid all fees and costs incurred prior to the termination within 30 days after delivery of a final bill for services.

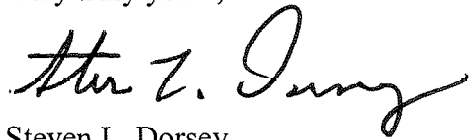
Mr. Gene Daniels
Chairman, Southeast Water Coalition
Paramount City Hall
October 27, 2006
Page 3

We are also required to inform you that we maintain professional liability insurance. Our legal relationship and the terms of this agreement will be governed by the substantive laws of the State of California.

We are excited to be able to assist the Coalition in its new role and to continue our long-term relationship.

Please sign and return a copy of this letter if it correctly reflects the arrangement between our firm and the Coalition. If not, please call me.

Very truly yours,



Steven L. Dorsey

cc: Ralph H. Webb

Agreed by:



By: Gene Daniels
Gene Daniels, Chairman
Southeast Water Coalition

Date: 11/2/2006



**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: August 7, 2025
To: Southeast Water Coalition Board of Directors
From: Glen W.C. Kau, P.E., AE Chair, City of Norwalk

**Subject: DISCUSSION/ACTION REGARDING POTENTIAL NEW MEMBERSHIP
FOR SEWC**

Discussion:

During the April Board Meeting, a discussion ensued regarding the process of adding new member cities/agencies to SEWC. The Board requested clarification regarding the process of approving another member to join. The process includes submitting a request to join, the Board reviewing and approving their request, and the submitter signing the JPA agreement to finalize their membership.

This topic was discussed at the May AE Meeting, and a request was made for a concise one-page fact sheet detailing the application process. The application process fact sheet was presented to the Board in June. In response, the Board requested a one-page member benefits fact sheet be developed to supplement the application process, in addition to a map detailing the cities that are currently a part of SEWC and surrounding cities that may be interested in joining based on common interest.

During the July AE Meeting, the draft map was presented, and member benefits were discussed. There was a general consensus by AE members that the member benefits one-page fact sheet, application process one-page fact sheet, and map are great resources to have on hand.

Recommendation: Discuss the member benefits one-page fact sheet and SEWC map and determine if there is interest in inviting cities/agencies to join SEWC.

Attachments:

1. SEWC Membership Benefits one-page fact sheet
2. SEWC Map

SEWC MEMBER BENEFITS

The Southeast Water Coalition Joint Powers (SEWC) was created in July 1991 and is comprised of eleven cities. These agencies formed a joint power authority to improve and protect the quantity and quality of the regional water supply. SEWC's water purveyors service a population of 670,000 in a service area of 93+ square miles.

SEWC's mission is to prevent the contamination of the Central Groundwater Basin from migrating contaminated groundwater and to encourage good governance of water policies to ensure the availability of reliable, quality, and affordable water.

Current SEWC member cities include:

**Cerritos – Commerce – Downey – Lakewood – Norwalk – Paramount – Pico Rivera
– Santa Fe Springs – South Gate – Vernon – Whittier**

While there are many benefits to being a member of SEWC, there are a few that stand out the most, including:

A unified and collective voice to amplify concerns on regional issues

Partnerships and potential discounts from consultants and associations

Collaboration on common goals and objectives

Updates and presentations on relevant legislation and regulations

Agency networking opportunities

Advocacy and representation for regulatory and legislative policies

Enhanced community engagement and influence

Support from fellow member cities on relevant concerns or challenges

SEWC MAP

DRAFT

Legend

Los Angeles County

 No Information

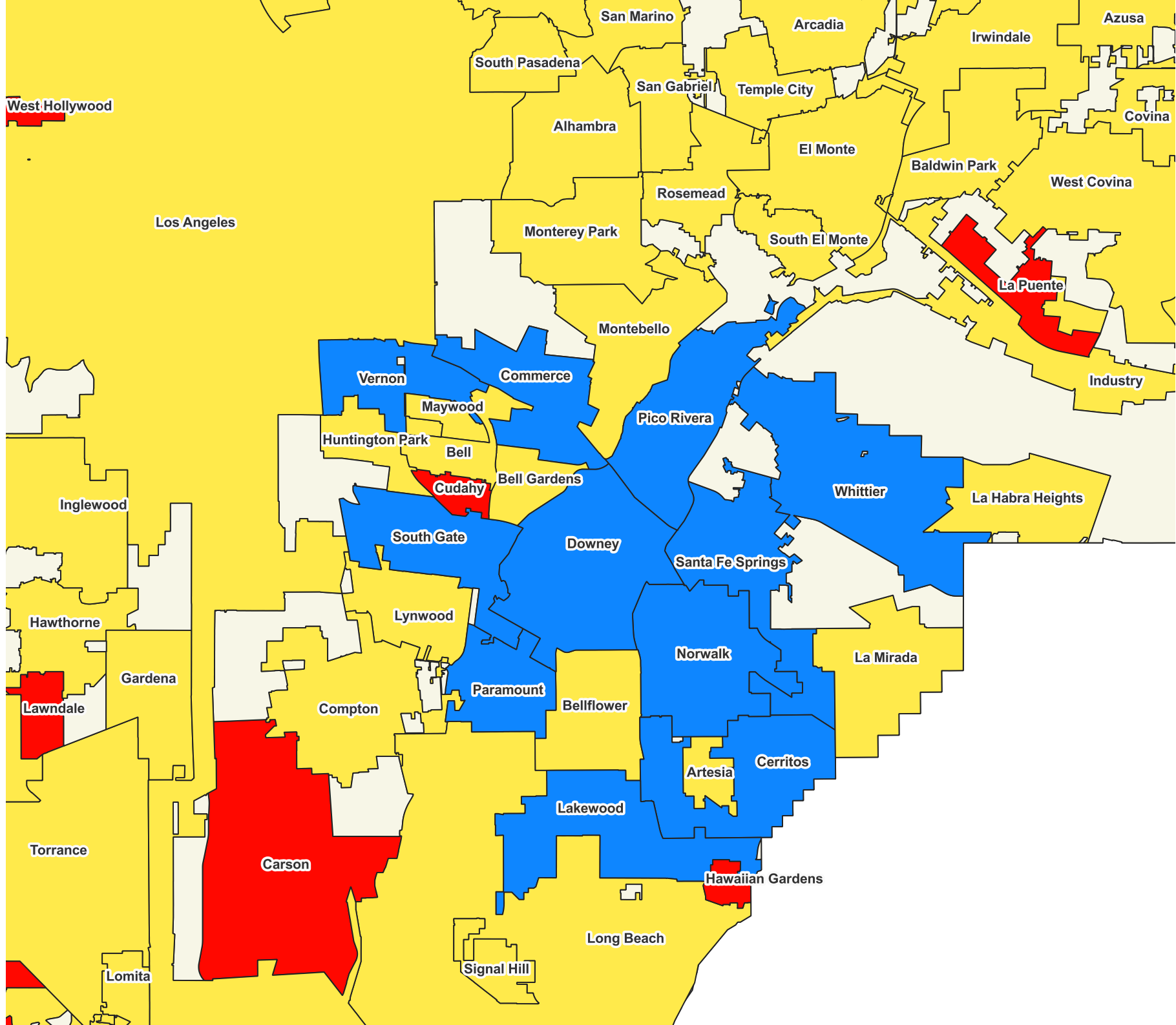
 Potential Party

 Unincorporated Area

 Member Cities



0 2.5 5 mi





**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: August 7, 2025
To: Southeast Water Coalition Board of Directors
From: Glen W.C. Kau, P.E., AE Chair, City of Norwalk

Subject: DISCUSSION/ACTION REGARDING STRATEGIC PLAN REVIEW

Discussion:

During both the May AE Meeting and the June Board Meeting, interest in reviewing the Strategic Plan was discussed. SEWC members questioned the plan's alignment with the organization's evolving goals, mission, and member benefits. Members highlighted the importance of a clear and up to date Strategic Plan to define the group's vision and focus areas. Also, it was noted that an update to the Plan would assist with attracting new members that are aligned with SEWC's objectives.

During the July AE Meeting, members went over the strategic plan and determined that the best course of action would be to bring the strategic plan to the Board for comments and direction.

Recommendation: Review the current strategic plan and provide comments and direction to the AE.

Attachments:

1. 2017 SEWC Strategic Plan

2017 Southeast Water Coalition Strategic Plan

Message from the Board

Welcome to the Southeast Water Coalition's (SEWC) Strategic Plan. This document is a blueprint for how SEWC will respond to current challenges and make the best of future opportunities for the benefit of our customers. It confirms our vision, mission, goals, strategies, and objectives as a Joint Powers Authority dedicated to providing regional water service, supporting the high quality of life and economy of the region.

SEWC was created in July 1991 and is comprised of eleven member cities. The SEWC "region" represents the combined boundaries of the member cities. These agencies formed a Joint Powers Authority (JPA) to improve and protect the quantity and quality of their regional water supply. SEWC's water purveyors service a population of approximately 670,000 in a service area of 93+ square miles.



The initial purpose for the formation of the Southeast Water Coalition was to protect the Central Groundwater Basin from contamination migrating from the San Gabriel Valley Groundwater Basin. Over the years, SEWC has worked diligently with the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers to improve the monitoring of groundwater contaminants, determine cost-effective remediation to protect the Whittier Narrows and Central Groundwater Basin from the South El Monte plume, and lobby the EPA for early implementation of remediation projects.

The SEWC Policy Board consists of one representative (normally a Councilmember) from each member city. The Administrative Entity carries out the policies of the Policy Board and consists of: one representative from each member city; three representatives that are employees of three Public Utility Commission-regulated private water companies providing retail water service within the SEWC area; and one ex-officio, non-voting advisory member nominated by California Department of Water Resources. The member cities are:

- Commerce
- Cerritos
- Downey

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- Lakewood
- Norwalk
- Paramount
- Pico Rivera
- Santa Fe Springs
- South Gate
- Vernon
- Whittier

SEWC's Policy Board is charting a course for continued success in the future through the development and execution of this Strategic Plan. The Strategic Plan defines the vision, mission, goals, and future business strategy for SEWC. Our commitments to the communities we serve fall into three areas: Groundwater Protection, Advocacy and Communications, and Funding. These commitments are established as the six goals of the Strategic Plan. Our Board actions will consistently support these commitments and we will track the progress against this plan, revisiting the Strategic Plan regularly to adjust as conditions warrant.

Board Member Naresh Solanki
City of Cerritos

Board Member Oralía Rebollo
City of Commerce

Board Chairman Alex Saab
City of Downey

Board Member Todd Rogers
City of Lakewood

Board Member Leonard Shryock
City of Norwalk

Board Member Tom Hansen
City of Paramount

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Board Member Gustavo Camacho
City of Pico Rivera

Board Member Juanita Trujillo
City of Santa Fe Springs

Board Member Maria Davila
City of South Gate

Board Member Kelly Nguyen
City of Vernon

Board Member Fernando Dutra
City of Whittier

Administrative Entity Members

- Charlie Emig – Cerritos
- Vince Brar – Cerritos
- Maryam Babaki – Commerce
- Gina Nila – Commerce
- Dan Mueller – Downey
- Lourdes Vargas – Downey
- Jason Wen – Lakewood
- Adriana Figueroa – Norwalk
- Julian Lee – Norwalk
- Chris Cash – Paramount
- Sarah Ho – Paramount
- James Enriquez – Pico Rivera
- Gabriel Gomez – Pico Rivera
- Frank Beach – Santa Fe Springs
- Noe Negrete – Santa Fe Springs



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- Arturo Cervantes – South Gate
- Chris Castillo – South Gate
- Gladis Deras – South Gate
- Mike DeFrank – Vernon
- Todd Dusenberry -- Vernon
- David Schickling – Whittier

Consultant Support

- Ed Means – Means Consulting LLC
- Kristen Sales – KJ Services Environmental Consulting
- Kevin Sales - KJ Services Environmental Consulting

Introduction

The Strategic Plan was developed under the guidance of the SEWC Board of Directors and Administrative Entity. This team met over an approximate six-month period including multiple Administrative Entity and Board workshops.

The focus of strategic deliberations was the recognition of key issues SEWC will face in the next five-year planning horizon (and beyond). Workshops identified strengths, weaknesses, opportunities, and threats (SWOT Analysis) that the Strategic Plan should consider. Major challenges for SEWC include actively tracking and synthesizing information for Policy Board consideration related to protecting the Central Basin from contamination, advocating for water policy that is in the interest of the Central Basin, and seeking funding to support SEWC programs and member projects. The Board adopted the Strategic Plan in April of 2017.

The five-year Strategic Plan will be implemented and tracked through the annual budget process. Strategic Plan activities will be budgeted in later years and subject to Board review and approval. In the future, staff will ensure the proposed budgets reflect the priorities established in the Strategic Plan.

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Vision Statement

“SEWC is a valued advocate for safe and reliable water supplies that support the quality of life and economy of the southeast Los Angeles region”



Mission Statement

SEWC's mission is to advocate for water policies that ensure the availability of reliable, quality, and affordable water.

Values

The Policy Board and Administrative Entity have adopted the following values to guide the internal and external interactions of SEWC:

- Integrity - the quality of being honest and having strong moral principles
- Open communication – we will communicate in an unreserved and objective fashion
- Collaboration – we will work jointly to achieve the Coalition's goals
- Public stewardship of resources – we will carefully and prudently manage the resources that are entrusted to us
- Transparency – our Coalition activities will be visible and information/deliberations accessible

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Goals / Strategies / Objectives

The Board developed three goals that represent SEWC's key commitments to the community it serves. SEWC is committed to:

- **Goal 1: Groundwater Protection** – SEWC will provide leadership and collaborate to protect and sustain the Central Basin groundwater supply of the SEWC region
- **Goal 2: Advocacy and Communications** – SEWC will track, develop, coordinate, and communicate input into water policy affecting the SEWC region
- **Goal 3: Funding** – SEWC will seek funding for water resource projects and programs benefiting the SEWC region

Goal 1: Groundwater Protection – SEWC will provide leadership and collaborate to protect and sustain the Central Basin groundwater supply of the SEWC region

Strategy 1.1 – Enhance understanding of area hydrogeology:

Objective 1.1.1 Support tracking of groundwater quality/plume information (including modeling)

Objective 1.1.2 Engage Water Replenishment agencies, to periodically update SEWC on existing contamination plume movement



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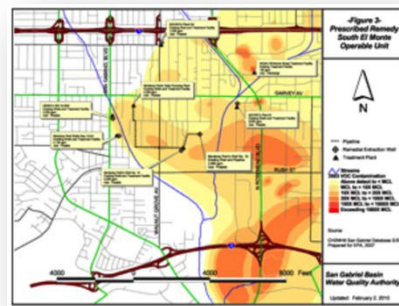
Strategy 1.2 – Identify and support projects that enhance and protect groundwater in the SEWC region to “shovel-ready” status to take advantage of funding opportunities:

- Objective 1.2.1 Develop a SEWC region plan including projects, policies, or programs that protect and enhance water quality within the SEWC region
- Objective 1.2.2 Identify and collaborate to develop the conceptual project components required to achieve “shovel-ready” status, including preparation of preliminary studies for regional projects (including groundwater storage)
- Objective 1.2.3 Analyze opportunities for developing system interties between member agencies to increase water supply resiliency

Goal 2: Advocacy and Communications – SEWC will track, develop, coordinate, and communicate input into water policy affecting the SEWC region

Strategy 2.1 – As directed by the Board, monitor and advocate for improvements to State, federal, and regional water policy and regulations:

- Objective 2.1.1 Monitor and track State, federal and regional water-related legislation including tracking of Central Basin Water Association legislative reports
- Objective 2.1.2 Develop and present water policy positions to the Board for action
- Objective 2.1.3 Advocate Board positions



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Objective 2.1.4 Support good governance policy changes at regional water agencies

Objective 2.1.5 Actively develop relationships with regulators

Strategy 2.2 – Work in partnership with the Gateway Water Management Authority (GWMA) to implement the Integrated Regional Water Management Plan (IRWMP) for the southeast Los Angeles County and lower Los Angeles and San Gabriel Rivers Watershed:

Objective 2.2.1 Establish SEWC project priorities

Objective 2.2.2 Attend meetings of the GWMA

Objective 2.2.3 Advocate for SEWC priorities

Strategy 2.3 – Represent the regions' interests before local, State and federal agencies:

Objective 2.3.1 Work in partnership with USEPA and other agencies to continue to protect Central Basin drinking water wells from detectable contamination

Objective 2.3.2 Work in partnership with USEPA, State and local agencies to continue to prioritize cleanup of the Omega Chemical Site, to ensure compliance with State and federal drinking water standards



Objective 2.3.3 Work in partnership with DTSC, federal, and local agencies to continue to prioritize cleanup of the Whittier Narrows Operable Unit (WNOU), to ensure compliance with State and federal drinking water standards

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Objective 2.3.4 Track the San Gabriel Basin Water Quality Authority (SGBWQA) / South El Monte Operable Unit (SEMOU) barrier project and the long term SEMOU remediation project by USEPA/SGBWQA

Objective 2.3.5 Track the Water Quality Protection Program monitoring results

Strategy 2.4 – Support the development of recycled water:

Objective 2.4.1 Track the Groundwater Reliability Improvement Project (GRIP) including monitoring of costs, benefits, and mitigation of impacts on local agencies

Objective 2.4.2 Track and engage the Sanitation Districts of Los Angeles County /Metropolitan Water District of Southern California Joint Water Pollution Control Facility recycled water indirect potable reuse project, and other potable reuse projects that affect the SEWC region

Objective 2.4.3 Track other regional recycled water projects (e.g. Central Basin MWD projects)

Strategy 2.5 – Communications: SEWC will inform, engage and respond to the community it serves:

Objective 2.5.1 Prepare coordinated message points for members to ensure uniform factual communications

Strategy 2.6 – Track and participate in area water policy groups:

Objective 2.6.1 Monitor Central Basin Municipal Water District activities

Objective 2.6.2 Monitor WRD activities

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Objective 2.6.3 Monitor Central Basin Water Association activities

Objective 2.6.4 Participate in activities of the Central Basin Watermaster

Goal 3: Funding and Effective SEWC Administration – SEWC will seek funding for water resource projects and programs benefiting the SEWC region

Strategy 3.1 – Identify funding opportunities for SEWC priority projects:

Objective 3.1.1 Maintain an updated list of funding resources for SEWC region projects and programs

Objective 3.1.2 Where appropriate, identify, advocate and pursue local, State, and federal commitment to fund projects and programs (including groundwater contamination cleanup) in the SEWC region

Objective 3.1.3 Track funding success

Strategy 3.2 – Identify, advocate and pursue improvements to the State and federal funding process for water, wastewater, and storm water projects and facilities:

Objective 3.2.1 Engage in State and federal funding initiatives to ensure the terms are supportive of SEWC project funding objectives

Strategy 3.3 – Administration of SEWC:

Objective 3.3.1 Schedule and support the activities of the Administrative Entity and the Policy Board

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Objective 3.3.2 Develop a staffing strategy/plan that meets the resource needs of SEWC

Objective 3.3.3 Create and present annual budgets to the Policy Board for approval
Objective 3.3.4 Effectively manage consultants to achieve the directives of the Policy Board

Objective 3.3.5 Develop an “on-boarding” process for new SEWC Administrative Entity and Policy Board members (consider mentoring, communication of JPA, responsibilities, “SEWC 101”, etc.)

Objective 3.3.6 Periodically review JPA documents to ensure they are current

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Implementation

The Strategic Plan is intended to be a living document that will be reviewed and updated periodically. It will be used in planning and budgeting the activities of SEWC. Implementation will occur through the SEWC management plans, action/implementation plans, programs, and the allocation of resources through the annual budget process.

We will establish clear priorities for implementation of our Strategic Plan in order to use our limited resources as effectively as possible. We will set these priorities using criteria developed by the Policy Board and staff, and will assess them regularly to ensure they reflect changes in our internal and external environments. We will effectively communicate these priorities so that staff can adjust their work program and our customers and ratepayers will understand the basis for our actions.

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Glossary

The following key terms are used in this strategic plan:

Goal – SEWC’s commitment to the community it serves

Issue – a problem or opportunity facing SEWC

Mission – the primary reason(s) for the existence of the organization

Objective – measurable work activity that, when accomplished, will directly lead to the success of the strategy

Plume – areas of elevated concentrations of groundwater contaminants

Strategy – how an issue is solved to achieve the goal

Strategic Plan – a structured plan to drive SEWC to achieve its goals

SWOT Analysis – description of strengths, weaknesses, opportunities, and threats to identify areas of focus in the strategic plan

Vision – what effect SEWC aspires to have