



**Southeast
Water Coalition**

A joint powers authority to protect the Central Groundwater Basin

AGENDA
SOUTHEAST WATER COALITION
REGULAR MEETING OF THE ADMINISTRATIVE ENTITY
THURSDAY, MARCH 20, 2025, 12:00 p.m.

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

- 1. ROLL CALL**
- 2. PUBLIC COMMENTS**
- 3. CONSENT CALENDAR**
 - a. SEWC ADMINISTRATIVE ENTITY MINUTES OF JANUARY 16, 2025
REGULAR MEETING**
Recommendation: Approve minutes as submitted.
- 4. DISCUSSION/ACTION REGARDING UPDATE ON THE STATUS OF THE SEWC
FY 2024-25 BUDGET**
Glen Kau, AE Chair, City of Norwalk
Recommendation: Discuss the status of the SEWC FY 2024-25 Budget.
- 5. DISCUSSION/ACTION REGARDING PFAS LEGISLATION UPDATE**
Glen Kau, AE Chair, City of Norwalk
Recommendation: Receive a report from Legal Counsel regarding SB454 (McNerney) and AB794 (Gabriel).
- 6. DISCUSSION/ACTION REGARDING SEWC FOLLOW-UP LETTER TO THE
DIVISION OF DRINKING WATER (DDW) – HOLLYWOOD DISTRICT**
Glen Kau, AE Chair, City of Norwalk
Recommendation: Receive an update regarding the follow-up letter to Division of Drinking Water (DDW) to address regulatory authority for water quality oversight and enforcement.
- 7. DISCUSSION/ACTION REGARDING UPDATE ON SEWC LETTER TO THE
WATER REPLENISHMENT DISTRICT (WRD) BUDGET ADVISORY COMMITTEE
(BAC)**
Glen Kau, AE Chair, City of Norwalk



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Recommendation: Receive an update regarding the in-person meeting with the Water Replenishment District (WRD) and any updates regarding the WRD Budget Advisory Committee that followed the February Board Meeting.

8. April 3, 2025 BOARD OF DIRECTORS AGENDA

Glen Kau, AE Chair, City of Norwalk

Recommendation: Discuss the SEWC Board of Directors Agenda for April 3, 2025.

9. WRITTEN COMMUNICATIONS

10. ADMINISTRATIVE ENTITY MEMBER COMMENTS

On March 13, 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 Services Department at least 24 hours in advance of the meeting at (562) 929-5511.

The next meeting of the Southeast Water Coalition Administrative Entity will be on Thursday, May 15, 2025, 12:00 p.m., at Norwalk Arts & Sports Complex, Hargitt Room, 13000 Clarkdale Avenue, Norwalk, CA 90650.



**Southeast
Water Coalition**

A joint powers authority to protect the Central Groundwater Basin

**MINUTES OF THE SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
REGULAR MEETING OF THE ADMINISTRATIVE ENTITY**

**THURSDAY, JANUARY 16, 2025
12:00 NOON**

The Regular Meeting of the Southeast Water Coalition Joint Powers Authority Administrative Entity was held in-person at the Norwalk Arts & Sports Complex, Hargitt Room, 13000 Clarkdale Avenue, Norwalk, CA 90650. The meeting was called to order at 12:01 p.m. by AE Chair Glen Kau. At the time the meeting was called to order, a quorum of members was present.

Ms. Madeline Anderson took attendance, and the following Administrative Entity members were present:

ITEM 1 - ROLL CALL

Jamie Morales	City of Cerritos
Andrew Caraveo	City of Commerce
Dan Mueller	City of Downey
Derek Nguyen	City of Lakewood
Glen Kau, AE Chair	City of Norwalk
Michelle Tse	City of Paramount
Sarina Morales-Choate	City of Santa Fe Springs
Chris Castillo	City of South Gate
Joanna Moreno	City of Vernon
Ray Cordero	City of Whittier

STAFF AND GUESTS ON SIGN-IN SHEET:

Madeline Anderson	SEWC Staff
Nicholas Ghirelli	RWG
Jacque Koontz	City of Norwalk (Staff)
Michael Jea	City of Norwalk (Staff)
Alvin Papa	City of Cerritos

John Bednarski
Kim Wilson
Elisa Mendez

Metropolitan Water District
Metropolitan Water District
Metropolitan Water District

ITEM 2 – PUBLIC COMMENT

None.

ITEM 3 - CONSENT CALENDAR

The consent calendar was approved by the following voice vote:

AYES: Caraveo, Kau, Castillo, Moreno, Cordero

NOES: None.

ABSTAIN: Morales, Mueller, Tse, Morales-Choate

ITEM 4 - DISCUSSION/ACTION REGARDING UPDATE ON SEWC LETTER TO THE WATER REPLENISHMENT DISTRICT (WRD) BUDGET ADVISORY COMMITTEE (BAC)

Mr. Kau began by providing the context of the letter to WRD and thanking everyone for the hard work. He noted that on December 19, 2024, the letter was emailed to WRD followed by a hard copy. Mr. Kau noted that he has yet to receive any response. There were no further comments.

Derek Nguyen arrived at 12:04.

ITEM 5 – DISCUSSION/ACTION REGARDING PURE WATER SOUTHERN CALIFORNIA PROGRAM OVERVIEW PRESENTATION BY THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

John Bednarski, Interim Assistant General Manager, Engineering Services Group, began by introducing Kimberly Wilson, Conveyance Team Manager, Program Management, and Elisa Mendez, Principal Public Affairs Representative.

Mr. Bednarski then begun the Pure Water Southern California Program presentation, which started with outlining the history and purpose of the Metropolitan Water District of Southern California (MWDSC). MWDSC is the nation's largest wholesale water provider, which supports a \$1.6 trillion regional economy and delivers water to 19 million people. The district primarily sells to wholesalers or agencies. His presentation covered several aspects, including the program overview, collaboration with SEWC cities, project schedules, funding, ongoing activities, and outreach efforts.

The presentation also discussed the impact of climate change, emphasizing that Southern California faces prolonged droughts followed by heavy rainfall. MWDSC is working to ensure water resource reliability through initiatives such as the

CAMP4W program, which assesses water supply reliability and evaluates future projects.

Mr. Bednarski introduced the Pure Water Program, a multi-step process aimed at reclaiming and purifying used water in Los Angeles County. This initiative involves collecting and treating wastewater, purifying it through advanced technologies such as membrane bioreactors, reverse osmosis, and disinfection, and ultimately using it for groundwater replenishment and other applications. Future objectives include direct delivery to water treatment plants and integrating treated water directly into the potable supply.

The benefits of the Pure Water Program are significant, including treating up to 150 million gallons per day—enough water for 1.5 million people. It is one of the largest programs of its kind globally, following the example of a similar initiative in Orange County. The program enhances water resiliency, replenishes groundwater basins, creates a local water supply, improves water quality, repurposes an untapped wastewater source, supports economic growth, and generates local jobs.

Several partners are involved in this project, including but not limited to, the Upper San Gabriel Valley "Municipal Water District", Central Basin MWD, Long Beach Utilities, Three Valleys MWD, LA Dept. of Water and Power, Water Replenishment District of Southern California, Southern Nevada Water Authority, U.S. Army Corps of Engineers, SoCal Edison, and LA County Public Works.

SEWC cities are centrally located in the project's alignment, making collaboration essential. Mr. Bednarski discussed the potential delivery of pure water to different regions in Southern California. He also provided a project timeline, stating that the draft Environmental Impact Report (EIR) would be released in April, with public comments to follow. He noted that within 12 months, the MWDSC Board aims to certify environmental documents, adopt the program, and integrate it into the capital investment plan. Operations are expected to begin in the early 2030s. The project has secured \$80 million in state funding and multiple federal grants, including investments from the U.S. Bureau of Reclamation "USBR".

Upcoming milestones include a state climate bond initiative, finalizing the conveyance and treatment facility plans, evaluating phased implementation, continuing demonstration testing for direct potable reuse (DPR), developing agreements with member agencies and partners, and finalizing a grant agreement with the USBR. Public outreach is also underway, with tours and surveys conducted to gauge community perceptions.

Mr. Bednarski highlighted workforce development opportunities, as the project is expected to generate 50,000 new jobs.

During the Q&A session, Mr. Cordero inquired about who would manage operations once the conveyance system was established, to which Mr. Bednarski

responded that MWDSC would oversee the entire pipeline. Mr. Kau asked about replenishing aquifers, and Mr. Bednarski emphasized the importance of collaborating with watermasters to avoid disrupting operational units.

Mr. Papa asked about the CAMP4W program and the shift from imported water to local storage, noting potential sizing issues and electrification challenges. Mr. Bednarski explained that a dedicated MWDSC team assessed optimal infrastructure sizing and recommended working through member agencies for further discussions. Mr. Mueller asked whether the Central Basin MWD would address high levels of PFAS and other contaminants. Mr. Bednarski confirmed ongoing discussions with Central Basin regarding a planned five-million-gallon-per-day drop and stated that the reverse osmosis protocols would effectively remove PFAS.

Mr. Nguyen asked why Orange County was not listed as a stakeholder or partner, and Mr. Bednarski explained that Orange County's Groundwater Replenishment System is highly successful, and they do not need additional water at this time. Mr. Papa followed up with concerns about PFAS studies and Mr. Bednarski acknowledged that most contaminants would be removed during treatment, and injection wells require close coordination with WRDSC to avoid disturbing underground plumes. The draft environmental review will include a dedicated section addressing PFAS management.

Mr. Bednarski concluded by providing contact information for further inquiries, offering a site visit, and thanking attendees for their collaboration.

ITEM 6 - DISCUSSION/ACTION REGARDING A FORMAT CHANGE TO THE AGENDA REPORTS

Mr. Kau began by providing context regarding the current Staff Report format and the format that the City of Norwalk uses for their Staff Reports, noting that the main difference between the formats was simply where on the page the recommendations were located. The current version has recommendations at the top of the Staff Reports and the City of Norwalk Staff Reports have recommendations at the bottom of the page.

Mr. Nguyen said since it doesn't really make a substantial change, he is happy to support the motion to help Norwalk, as they are the AE Chair. The general consensus was that if a format is simpler and easier for the lead agency, it makes sense to use that format for SEWC Staff Reports.

Nick Ghirelli confirmed that no motion was necessary, as there was general consent across the members that this change should be implemented.

ITEM 7 – FEBRUARY 6, 2025 BOARD OF DIRECTORS AGENDA

Mr. Mueller mentioned it would be valuable for the SEWC Board to receive the same Pure Water Southern California Program presentation that the AE received. The following list was suggested for the upcoming SEWC Board Meeting: Pure Water Presentation

- Potential Update of WRDSC
- Potential Update on letter to DDW
- Status update on Budget

ITEM 8 – WRITTEN COMMUNICATIONS

None.

ITEM 9 - ADMINISTRATIVE ENTITY MEMBER COMMENTS

Mr. Cordero offered support regarding the California fires, noting that there is a link on ca.gov that provides assistance for anyone who has been affected by the fires. He encouraged SEWC members to send this link to anyone who was affected by the fires.

Mr. Nguyen asked if anyone started on the cross connection plan. Ms. Moreno said she has a template and can share with everyone.

Mr. Nguyen also reminded SEWC members that the Public Health Goals Report is due July 1st.

ITEM 10 - ADJOURNMENT

The meeting adjourned at 1:06 p.m.

The next regular Southeast Water Coalition Administrative Entity Meeting will be held on March 20, 2025 at 12:00 p.m. at the Norwalk Arts & Sports Complex, Hargitt Room, 13000 Clarkdale Avenue, Norwalk, CA 90650.

Chair

Date



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

Date: March 20, 2025
To: Southeast Water Coalition Administrative Entity
From: Glen W.C. Kau, AE Chair, City of Norwalk

**Subject: DISCUSSION/ACTION REGARDING UPDATE ON THE STATUS OF THE
SEWC FY 2024-25 BUDGET**

Background:

During the June Board Meeting on June 6, 2024, the FY 2024-25 Budget was passed. With total expenditures projected to increase during FY 2024-25, the Proposed Budget indicated an Ending Balance of \$120,094.

The purpose of this agenda item is to check in with AE members to ensure that SEWC is on track regarding the budget in preparation for drafting the FY 2025-26 budget for the May AE meeting.

It is important to note any additional expenditures or reduced costs other than what was anticipated throughout the year so SEWC can be best prepared to draft next fiscal year's budget and account for any forthcoming changes in spending or saving.

Recommendation: Discuss the status of the SEWC FY 2024-25 Budget.

Attachments:

1. SEWC Approved FY 2024-2025 Budget
2. SEWC Approved FY 2024-2025 Budget vs. Expenditures
3. Balance Sheet – As of 3/17/25
4. Warrant Register – As of 3/17/25

SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY

FISCAL YEAR 2024-2025 DRAFT BUDGET

	FY 2023-2024		FY 2024-2025
	Approved Budget	Total Projected Expenditures	Proposed Budget
Carryover Balance	\$190,384	\$190,384	\$176,374
Revenues:			
Annual Assessments for Member Agencies	\$110,000	\$110,000	\$110,000
Less Credits to Member Agencies	(\$66,000)	(\$66,000)	(\$49,500)
Interest Income	\$1,000	\$1,020	\$1,000
Total Revenues	\$45,000	\$45,020	\$61,500
Available Funds	\$235,384	\$235,404	\$237,874
Expenditures:			
Program Management Services	\$35,000	\$36,930	\$54,480
As Needed Government Relations	\$10,000	\$0	\$10,000
Legal Services	\$10,000	\$5,500	\$10,000
Board/Staff Travel/Meeting Expense	\$1,000	\$0	\$1,000
Financial Audit	\$7,000	\$6,500	\$7,000
Policy Board Compensation	\$9,900	\$5,100	\$9,900
Office Supplies	\$100	\$0	\$100
Policy Board Meetings	\$3,000	\$2,900	\$3,000
Administrative Entity Meetings	\$1,800	\$2,100	\$2,300
Consultant Services	\$20,000	\$0	\$20,000
Consultant Services Contingencies	\$0	\$0	\$0
Total Expenditures	\$97,800	\$59,030	\$117,780
Ending Balance	\$137,584	\$176,374	\$120,094

Notes:

1. Draft Budget - Assumes credit of \$4,500 off of \$10,000 member agency annual dues resulting in total annual dues of \$5,500.

**SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY
FISCAL YEAR 2024-2025 APPROVED BUDGET/EXPENDITURES**

	FY 2023-2024		FY 2024-2025	
	Approved Budget	Total Projected Expenditures	Approved Budget	Expenditures To Date
Carryover Balance:	\$ 190,384	\$ 190,384	\$ 176,374	\$ 210,042.32
Revenues				
Annual Assessments for Member Agencies	\$ 110,000	\$ 110,000	\$ 110,000	\$ 110,000.00
Less Credits to Member Agencies	\$ (66,000)	\$ (66,000)	\$ (49,500)	\$ (44,000.00)
Interest Income	\$ 1,000	\$ 1,020	\$ 1,000	\$ 880.70
Total Revenues	\$ 45,000	\$ 45,020	\$ 61,500	\$ 66,880.70
Available Funds:	\$ 235,384	\$ 235,404	\$ 237,874	\$ 276,923.02
Expenditures				
Program Management Services	\$ 35,000	\$ 36,930	\$ 54,480	\$ 31,780.00
As Needed Government Relations	\$ 10,000	\$ -	\$ 10,000	\$ -
Legal Services	\$ 10,000	\$ 5,500	\$ 10,000	\$ 5,734.31
Board/Staff Travel/Meeting Expense	\$ 1,000	\$ -	\$ 1,000	\$ -
Financial Audit	\$ 7,000	\$ 6,500	\$ 7,000	\$ -
Policy Board Compensation	\$ 9,900	\$ 5,100	\$ 9,900	\$ 2,700.00
Office Supplies	\$ 100	\$ -	\$ 100	\$ -
Policy Board Meetings	\$ 3,000	\$ 2,900	\$ 3,000	\$ -
Administrative Entity Meetings	\$ 1,800	\$ 2,100	\$ 2,300	\$ -
Policy Board & Administrative Entity Meetings	\$ -	\$ -	\$ -	\$ 2,165.33
Consultant Services	\$ 20,000	\$ -	\$ 20,000	\$ -
Consultant Services Contingencies	\$ -	\$ -	\$ -	\$ -
Total Expenditures:	\$ 97,800	\$ 59,030	\$ 117,780	\$ 42,379.64
Ending Balance:	\$ 137,584	\$ 176,374	\$ 120,094	\$ 234,543.38

Notes:

1. Draft Budget - Assumes credit of \$4,500 off of \$10,000 member agency annual dues resulting in total annual dues of \$5,500.



SOUTHEAST WATER COALITION
BALANCE SHEET AS OF 3/17/2025

Revenues

Transfer of funds - City of Vernon	210,042.32
Member agencies contributions	44,000.00
Expense reimbursement	831.14
Interest Earnings	880.70

Total Revenues	<u>255,754.16</u>
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Expenditures

Consulting Services	31,780.00
Legal Services	5,734.31
Board Member Compensations	2,700.00
Conferences and Meetings	2,165.33

Total Expenditures	<u>42,379.64</u>
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Ending Balance	<u><u>213,374.52</u></u>
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SOUTHEAST WATER COALITION
WARRANT REGISTER JULY 2024 - MARCH 2025

<u>Check No.</u>	<u>Check Amount</u>	<u>Date</u>	<u>Vendor Name</u>	<u>Transaction Description</u>
197309	4,540.00	8/29/2024	KOA CONSULTING INC	PROFESSIONAL SVCS/JUL 2024
197648	4,540.00	9/19/2024	KOA CONSULTING INC	PROFESSIONAL SVCS/AUG 2024
197996	4,540.00	10/10/2024	KOA CONSULTING INC	PROFESSIONAL SVCS/SEP 2024
198720	4,540.00	11/19/2024	KOA CONSULTING INC	PROFESSIONAL SVCS/OCT 2024
199461	4,540.00	1/2/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/NOV 2024
199869	300.00	1/28/2025	TODD ROGERS	BOARD MEMBER STIPEN/AUG & DEC
199893	4,540.00	1/28/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/DEC 2024
200061	150.00	2/11/2025	TODD ROGERS	BRD MBR STIP/02-06-25
200429	4,540.00	2/27/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/JAN
	32,230.00			

<u>EFT</u>	<u>EFT Amount</u>	<u>Date</u>	<u>Vendor Name</u>	<u>Transaction Description</u>
V19029	716.50	8/29/2024	RICHARDS WATSON AND GERSHON INC	LEGAL SERVICES/JUL 2024
V19071	1,035.14	9/19/2024	RICHARDS WATSON AND GERSHON INC	LEGAL SERVICES/AUG 2024
V19292	1,035.14	10/10/2024	RICHARDS WATSON AND GERSHON INC	LEGAL SERVICES/SEP 2024
V19814	595.00	1/2/2025	RICHARDS WATSON AND GERSHON INC	LEGAL SERVICES
V20105	300.00	1/28/2025	ANA M VALENCIA	BOARD MEMBER STIPEN/AUG & DEC
V20106	300.00	1/28/2025	MARIA DEL PILAR AVALOS	BOARD MEMBER STIPEN/AUG & DEC
V20107	150.00	1/28/2025	MARIA ISABEL AGUAYO	BOARD MEMBER STIPEN/DEC
V20108	150.00	1/28/2025	MARIO TRUJILLO	BOARD MEMBER STIPEN/AUG
V20109	150.00	1/28/2025	MELISSA ANNA YBARRA	BOARD MEMBER STIPEN/DEC
V20110	300.00	1/28/2025	OCTAVIO CESAR MARTINEZ	BOARD MEMBER STIPEN/AUG & DEC
V20111	300.00	1/28/2025	CHUONG V VO	BOARD MEMBER STIPEN/AUG & DEC
V20146	150.00	2/11/2025	ANA M VALENCIA	BRD MBR STIP/02-06-25
V20147	150.00	2/11/2025	MARIA DEL PILAR AVALOS	BRD MBR STIP/02-06-25
V20148	150.00	2/11/2025	MELISSA ANNA YBARRA	BRD MBR STIP/02-06-25
V20149	150.00	2/11/2025	OCTAVIO CESAR MARTINEZ	BRD MBR STIP/02-06-25
V20160	2,352.53	2/11/2025	RICHARDS WATSON AND GERSHON INC	LEGAL SVCS/DEC 2024
	7,984.31			

Total **40,214.31**



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

Date: March 20, 2025
To: Southeast Water Coalition Administrative Entity
From: Glen W.C. Kau, AE Chair, City of Norwalk

Subject: DISCUSSION/ACTION REGARDING PFAS UPDATE

Background:

Recently, state legislature introduced two bills that are of interest to our members pertaining to PFAS. SB454 (McNerney) would establish a PFAS fund for grants and/or loans. AB794 (Gabriel) would establish emergency regulations to equal federal levels.

Recommendation: Receive a report from Legal Counsel regarding SB454 (McNerney) and AB794 (Gabriel).

Attachments:

1. Memo Summarizing AB794 and SB454.



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MEMORANDUM

ATTORNEY WORK PRODUCT

TO: Clients

FROM: Nicholas R. Ghirelli
Arley T. Titzler

DATE: March 12, 2025

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

I. INTRODUCTION

We have been asked to provide an overview of two bills currently before the California Legislature, both of which represent attempts to address contamination of water supplies throughout California with perfluoroalkyl and polyfluoroalkyl substances (“PFAS”).

Assembly Bill Number 794 (“AB-794”) proposes repealing Health and Safety Code § 116365.03 and replacing it with an expanded version. As currently enacted, § 116365.03—a provision of the California Safe Drinking Water Act (“California SDWA”)—governs the State Water Resources Control Board’s (“State Water Board”) authority to issue emergency regulations where there is a pre-existing federal counterpart issued under the Federal Safe Drinking Water Act (“Federal SDWA”). AB-794 would expand the State Water Board’s authority 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 January 1, 2026.

Senate Bill Number 454 (“SB-454”) proposes adding Chapter 4.9 (commencing with § 116774.20) to Part 12 of Division 104 of the California Health and Safety Code. 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.

ATTORNEY WORK PRODUCT

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

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

A. PROCEDURAL STATUS

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

On March 3, 2025, AB-794 was referred to the Assembly Committee on Environmental Safety & Toxic Materials.

On March 21, 2025, AB-794 will be eligible to be heard in Committee.

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 pursuant to the Federal SDWA. However, the Water Board may not adopt emergency regulations establishing MCLs for primary and secondary drinking water standards.

C. IMPACT OF ENACTING AB-794

AB-794 proposes repealing § 116365.03 and replacing it with a new, much expanded version. Notably, AB-794 would eliminate the prohibition on issuing an emergency regulation containing MCLs. Subdivision (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. AB-794 would add new language, further specifying the nature and scope of the State Water Board's authority.

Subdivision (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

ATTORNEY WORK PRODUCT

introducing AB-794, concerns that EPA may weaken or roll back the national drinking water standards for PFAS, set for the first time in 2024.¹

Subdivision (c) would provide that an emergency regulation *cannot* contain drinking water standards that are less stringent than federal ones. An emergency regulation *may*, however, contain more stringent requirements that are “not materially different in substance and effect” from the requirements of the California SDWA and its implementing regulations.

Subdivision (e) would classify emergency regulations as regulatory agency actions categorically exempt from environmental review under the California Environmental Quality Act (“CEQA”). See Cal. Code Regs., tit. 14, § 15308.

Subdivision (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. See Health & Saf. Code § 116365(c).

Subdivision (g) would require the State Water Board, for any contaminant that already has a public health goal (see Health & Saf. Code § 116365(c)), to “initiate proceedings to establish primary drinking water standards.” See Health & Saf. Code § 116365(a). 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).

Subdivision (h) would require the State Water Board, on or before January 1, 2026, to adopt an emergency regulation and “initiate a primary drinking water standard” for PFAS (see C.F.R. § T. 40, Ch. I, Subch. D, Pt. 141; Pt. 142), that is consistent with the California SDWA.

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

D. PROCEDURAL STATUS

On February 19, 2025, California Senate member Jerry McNerney introduced Senate Bill Number 454 (“SB-454”). SB-454 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.

On February 26, 2025, SB-454 was referred to the Senate Committee on Environmental Quality.

¹ <https://a46.asmdc.org/press-releases/20250219-lawmakers-advocates-introduce-legislation-protect-californians-dangerous>

ATTORNEY WORK PRODUCT

On March 11, 2025, SB-454 is scheduled to be heard in committee on April 2, 2025.

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.

Article 1 would outline the Legislature’s findings, declarations, and intent in enacting Chapter 4.9. Under § 116774.20(a), the Legislature would detail the rights of all Californians to safe water and water which does not harm the environment, the State’s intent to uphold or achieve such rights, and the deleterious effects of PFAS contamination on such rights.

Article 2 would contain the provisions governing creation of the “PFAS Mitigation Fund.”

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

Subdivision (b) of § 116774.22 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. This subdivision would require that any acquired external funding be deposited into a “PFAS Reduction Account,” and would make such funding available continuously, as an appropriation to the State Water Board. However, the bill does not provide for any dedicated funding source into the PFAS Mitigation Fund; funding would be based on appropriations from the Legislature.

Section 116774.23 would allow the State Water Board to expend funding from the PFAS Mitigation Fund and PFAS Reduction Account “in the form of a grant, loan, or contract.” This section would also allow the State Water Board to use funds appropriated pursuant to Chapter 4.9 to assist water suppliers and wastewater operators by covering or reducing their costs incurred in connection with: treating drinking water to meet applicable state and federal maximum PFAS contaminant levels, treating wastewater to meet applicable waste discharge requirements, properly disposing of PFAS contamination after treating drinking water or wastewater supplies, and any other costs claimed to be associated with removal of PFAS from drinking water or wastewater.

Section 116774.24 would provide that to be eligible to receive funds pursuant to Chapter 4.9, water suppliers and wastewater operators must “include 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.”

ATTORNEY WORK PRODUCT

Section 116774.25 would permit the State Water Board to adopt guidelines for implementing the provisions of Chapter 4.9.

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 PFAS Mitigation Fund.

Section 116774.28 would assert that any public agency's participation in a funded activity or contribution to the PFAS Mitigation Fund "serves a public purpose and does not constitute a gift of public funds." See Cal. Const., art. XVI, § 6.

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IV. APPENDIX A

*Below is the current text of § 116365.03, annotated with the changes proposed by AB-794 (as of March 12, 2025). Proposed text additions are displayed in **blue italics**; proposed deletions are displayed in **red-strikeout**.*

§ 116365.03.

- (a) The state board may adopt as an emergency regulation, a regulation, ~~except a regulation that establishes maximum contaminant levels for primary and secondary drinking water standards,~~ that is not more stringent than, and is not materially different in substance and effect 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 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*

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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 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, 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.*

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V. APPENDIX B

Below is the text proposed by SB-454, to add Chapter 4.9 (commencing with § 116774.20) to Part 12 of Division 104 of the California Health and Safety Code (as of March 12, 2025).

CHAPTER 4.9. PFAS Mitigation Program***Article 1. Findings and Declarations*****§ 116774.20.**

(a) 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) Concentrated perfluoroalkyl and polyfluoroalkyl substances (PFAS) contamination in water creates cumulative health burdens resulting in communities with greater health risks, such as cancer, reproductive health and fertility effects, and immune system disorders.
- (4) Community water supplies and wastewater contain contamination with PFAS substances leaving water unsafe. Water and wastewater suppliers are not responsible for the introduction of PFAS into the environment, yet these local agencies are responsible for treating our water supplies to provide potable, safe drinking water and treating our wastewater so as to not harm the environment and prevent furthering the ubiquitous nature of PFAS.

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- (5) Enhancing the long-term sustainability of drinking water systems and wastewater systems for all communities increases our communities' resilience and environmental safety.
- (6) Funding for treating PFAS in water supplies 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.
- (b) It is the intent of the Legislature that true environmental justice be brought to our state by beginning to address the continuing disproportionate environmental burdens in the state by creating a fund to provide safe and clean water by treating for PFAS in every California community, for every Californian.
- (c) 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 [sic] 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) "State board" means the State Water Resources Control Board.
- (e) "Wastewater operator" means a person or entity who operates a wastewater treatment plant and who possesses a valid, unexpired operator certificate.

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- (f) “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 General Fund and may be expended by the state board, upon appropriation by the Legislature, for 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. The state board may expend moneys from the fund and account in the form of a grant, loan, or contract, or to provide assistance services to water suppliers and wastewater operators for one or more of the following purposes:

- (a) Cover or reduce the costs for water suppliers associated with treating drinking water to meet the applicable state and federal maximum PFAS contaminant levels.
- (b) Cover or reduce the costs for wastewater operators associated with treating wastewater to meet applicable waste discharge requirements.
- (c) Cover or reduce the costs for water suppliers or wastewater operators associated with proper disposal of PFAS contamination after treating drinking water and wastewater supplies.
- (d) Any other costs an applicant claims are associated with the removal of PFAS in drinking water and wastewater.

§ 116774.24. In order to be eligible for funds pursuant to this chapter, a water supplier or wastewater operator shall include 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.

§ 116774.25. The state board may adopt guidelines to implement this chapter.

ATTORNEY WORK PRODUCT***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.

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

Date: March 20, 2025
To: Southeast Water Coalition Administrative Entity
From: Glen W.C. Kau, AE Chair, City of Norwalk

**Subject: DISCUSSION/ACTION REGARDING SEWC FOLLOW-UP LETTER TO
THE DIVISION OF DRINKING WATER (DDW) – HOLLYWOOD DISTRICT**

Background:

After the original letter sent on April 4, 2024 to the Executive Director of the State Water Resources Control Board - Division of Drinking Water (DDW), staff had seen more involvement from the new Section Chief in the permitting process, and an improvement on DDW's willingness to work with SEWC member cities. However, because DDW staff continued to impose disputable permit conditions on some SEWC cities, SEWC Board members voted to send a follow-up letter to DDW, expressing specific concerns and hoping for positive change. The follow up letter was sent to DDW on December 10, 2024. An email from the SEWC AE Chair was sent to DDW on February 7, 2025 to check in on the status of DDW's response.

The purpose of this agenda item is to receive an update, if applicable, regarding any responses by DDW related to the ongoing concerns regarding DDW permit requirements.

Recommendation: Receive an update regarding the follow-up letter to Division of Drinking Water (DDW) to address regulatory authority for water quality oversight and enforcement.



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

Date: March 20, 2025
To: Southeast Water Coalition Administrative Entity
From: Glen W.C. Kau, AE Chair, City of Norwalk

**Subject: DISCUSSION/ACTION REGARDING WATER REPLENISHMENT
DISTRICT (WRD) BUDGET ADVISORY COMMITTEE (BAC) LETTER**

Background:

The Water Replenishment District (WRD) Budget Advisory Committee (BAC), which has been reviewing WRD's budget since 2018, recently elected three new members. The BAC plays an important role in shaping the WRD's priorities that impact SEWC cities. Post election, and despite a public promise to maintain it, WRD expressed intentions to restructure the BAC. With approval by the WRD Board on November 19, 2024, the BAC was transitioned to a new structure. WRD acknowledged the results of the current BAC election and modified the composition of the BAC to include six additional members from the west coast basin for the 2024-2025 fiscal year. The new formation and structure of the BAC has caused concerns with SEWC AE Members. In response, at the December 5, 2024 Board Meeting, the SEWC Board Members voted to send WRD a letter to express SEWC concerns. A letter was sent to WRD on December 19, 2024.

During the February 6, 2025 Board meeting, WRD representatives attended the meeting and had a live discussion with SEWC Board members addressing concerns outlined in the letter sent by SEWC. The following day on February 7, 2025, WRD emailed a letter addressed to the attention of the SEWC Board Chair.

The purpose of this agenda item is to receive an update on the letter and any potential responses or actions from WRD following the February Board Meeting.

Recommendation: Receive an update regarding the in-person meeting with the Water Replenishment District (WRD) and any updates regarding the WRD Budget Advisory Committee that followed the February Board Meeting.

Attachments:

1. WRD Letter RE: Budget Advisory Committee (BAC) for FY2026 Budget Process



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JOHN D. S. ALLEN, DIRECTOR

STEPHAN TUCKER, MBA, PE, PMP, GENERAL MANAGER

February 7, 2025

Attention: Ana Valencia, SEWC Chair and Councilmember, City of Norwalk
Southeast Water Coalition
Sent via Email: avalencia@norwalkca.gov

RE: Budget Advisory Committee (BAC) for FY2026 Budget Process

Dear Chair Valencia:

Thank you for your letter received on January 13, 2025, regarding the Water Replenishment District's (WRD) Budget Advisory Committee (BAC). As you know, WRD is tasked with managing groundwater in the West Coast and Central Groundwater Basins. Groundwater from these basins provides nearly half of the water used in southern Los Angeles County.

WRD's service area includes 43 cities and nearly 4 million people over 420 square miles. WRD's stakeholders include pumping cities, water districts, and private corporations. Through innovative planning and partnerships with our pumpers and all levels of government, WRD has developed a climate-resilient and sustainable groundwater replenishment source for those we serve.

The BAC was originally mandated by legislation enacted in 2018. The law created a seven-member pumper-selected Budget Advisory Committee to review WRD's budget, replenishment assessment, finances, and reserves and make recommendations to the WRD board. That law expired in 2020. In the spirit of transparency and accountability with the pumper community, the WRD Board of Directors voted to keep the BAC. It is important to note that the BAC is advisory and has no legal authority to set rates. Per the California Water Code, that authority lies with the WRD Board of Directors, who are elected every four years by residents in five divisions.

For several years, WRD has worked with the BAC to advise and comment on setting the replenishment assessment with great success. Through this partnership, we have been able to keep rates low with modest increases when needed while developing innovative projects that have reduced our reliance on costly imported water, helped cities and other stakeholders deliver clean and safe water to their customers, and protect our groundwater basin from seawater intrusion along the coast.

Throughout its tenure, a hallmark of the BAC was representation from both the Central and West Coast Basins as well as small, medium, and large pumpers. This helped ensure that all entities had a seat at the table, allowing them to advocate for the needs of their communities. Last year, however, the election was dominated by stakeholders in the Central Basin, causing an imbalance in representation.

In your letter, you assert that this decision was made without further discussion with Central Basin Pumpers. Respectfully, I would like to inform you that our Board considered the issue at a publicly noticed board meeting that was open to stakeholders and the public. During this meeting, we heard concerns from both sides of the issue and the Board voted to create an ad hoc committee to develop a plan of action. This led to a 2nd public meeting where we adopted a resolution to temporarily change the structure of the BAC to ensure representation from both basins without disenfranchising those who were elected to serve on the BAC. This resolution amended the district's administrative code to change the structure of the BAC to allow for representation from both basins. I would like to emphasize, as we did during the adoption process, that this solution is temporary and will be reconsidered after this year's budget and rate-setting process.

It is important to note that issues that arise in WRD's service area are not considered as Central Basin versus West Basin issues. WRD's goal is to maximize the amount of groundwater used throughout the region. As such, groundwater cleanup projects that are funded in cities like Norwalk and Vernon benefit all pumpers by allowing those entities to pump more water, while seawater intrusion barrier projects along the coast benefit all pumpers by protecting our resources and allowing those pumpers to use more groundwater. Increasing the ability of pumpers to fully utilize their groundwater pumping rights keeps rates low for everyone: big or small pumper, city or water district, West Coast Basin, or Central Basin.

Thank you for your concern and interest in WRD's BAC and rate-setting process. We would welcome the opportunity for a meeting to discuss these issues further and provide an update on WRD's projects and programs that not only provide safe, clean, and sustainable water for your residents and businesses but also provide free education programs and workforce development opportunities.

We look forward to meeting with you.

Sincerely,



Joy Langford
Board President
Water Replenishment District

Cc:

Chuong Vo

SEWC Vice Chair

Mayor Pro-Tem, City of Cerritos

Kevin Lainez

Council Member

City of Commerce

Mario Trujillo

Mayor

City of Downey

Todd Rogers

Mayor

City of Lakewood

Isabel Aguayo

Council Member

City of Paramount

Andrew C. Lara

Mayor

City of Pico Rivera

Joe Angel Zamora

Council Member

City of Santa Fe Springs

Maria del Pilar Avalos

Council Member

City of South Gate

Melissa Ybarra

Mayor Pro Tem

City of Vernon

Octavio Cesar Martinez

Council Member

City of Whittier