



**Southeast
Water Coalition**

A joint powers authority to protect the Central Groundwater Basin

AGENDA
SOUTHEAST WATER COALITION
REGULAR MEETING OF THE POLICY BOARD
THURSDAY, JUNE 5, 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 APRIL 3, 2025 REGULAR MEETING (Enclosure)

Recommendation: Approve minutes as submitted.

b. WARRANT REGISTER (Enclosure)

Recommendation: Approve Warrant Register.

**** End of Consent Calendar****

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

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

Recommendation: Approve the SEWC FY 2025-26 Budget as presented.

5. DISCUSSION/ACTION REGARDING POTENTIAL NEW MEMBERSHIP OF SEWC

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

Recommendation: Discuss the process of adding new members and the option to invite cities/agencies to join SEWC.

6. GENERAL LEGISLATIVE UPDATE

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

Recommendation: Receive a general legislative update for relevant bills.



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7. DISCUSSION/ACTION REGARDING PFAS UPDATE

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

Recommendation: Receive an update on PFAS and related activities.

8. BOARD OF DIRECTORS COMMENTS

9. ADMINISTRATIVE ENTITY CHAIR / LEAD AGENCY COMMENTS

10. ADJOURNMENT

On May 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, August 7, 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, APRIL 3, 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, April 3, 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 7:04 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	City of Cerritos
Ana Valencia	City of Norwalk
Isabel Aguayo	City of Paramount
Joe Angel Zamora	City of Santa Fe Springs
Maria del Pilar Avalos	City of South Gate
Octavio Martinez	City of Whittier

STAFF AND GUESTS ON SIGN-IN SHEET:

Dan Mueller	City of Downey – AE
Derek Nguyen	City of Lakewood – AE
Michelle Tse	City of Paramount – AE
Chris Castillo	City of South Gate – AE
Ray Cordero	City of Whittier – AE
Kyle Cason	City of Whittier – AE
Jacque Koontz	City of Norwalk Staff
Michael Jea	City of Norwalk Staff
Madeline Anderson	SEWC Staff
Nicholas Ghirelli	Richards Watson & Gershon
Lorraine Avila Moore	City of Lynwood City Council
Vera DeWitt	Water Replenishment District
Rob Beste	Water Replenishment District

ITEM 2 – PUBLIC COMMENT

None.

ITEM 3 - CONSENT CALENDAR

Director Avalos moved to approve the consent calendar.

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

AYES: Valencia, Aguayo, Zamora, Avalos, Martinez

NOES: None.

ABSTAIN: Yokoyama (minutes only)

ITEM 4 - PRESENTATION - WATER REPLENISHMENT DISTRICT (WRD) DRAFT FISCAL YEAR (FY) 2025/26 BUDGET AND PROPOSED REPLENISHMENT ASSESSMENT

Ms. Koontz began by providing context on the past correspondence between SEWC and WRD, especially regarding the Budget Advisory Committee (BAC) concerns.

She turned it over to Mr. Rob Beste, WRD Assistant General Manager who gave a presentation on the budget, noting how the finance committee came up with the numbers. He began by highlighting the extensive service area of WRD, encompassing 43 cities within southern Los Angeles County, covering 420 square miles and serving a population of 4 million people, which represents over 10% of California's total population, making it the second largest water district by population in the state. Mr. Beste further explained that groundwater constitutes nearly 50% of the region's water demand and noted that there is approximately 150 billion gallons of usable groundwater storage. He elaborated on WRD's multifaceted role in managing this groundwater basin through replenishment, monitoring, cleanup, water recycling, basin modeling, and acting as the regional watermaster.

Mr. Beste then addressed the increasing costs and variable availability of MWD water, noting that WRD manages the basin based on long-term averages of 30 years to ensure a stable supply and collaborates with pumpers to find solutions. He mentioned a shift in their budgeting approach, as they no longer allocate large sums for bulk water purchases from MWD. Mr. Beste pointed out a graph illustrating the locations where significant project funding and grant money have been invested. He also recalled the formation of a pumping committee several years prior to initiate the PFAS treatment program and outlined WRD's funding

assistance programs, which include wellhead treatment, grants and loans, and support in applying for funding.

The discussion then shifted to the FY 2026 Replenishment Assessment. He noted that the BAC had convened three separate meetings on February 25, 2025, March 4, 2025, and March 11, 2025, to discuss the proposed budget and the associated replenishment assessment. The BAC, by vote, recommended reducing the water purchase estimate by \$38 million. Mr. Beste clarified that while WRD produces water at their facilities, they also purchase a significant amount of water from various locations at different rates, including putting treated water into the ground and buying water for four barrier areas, facilitated by agreements with multiple parties. He mentioned that the current budget includes a slightly higher water purchase estimate to align more closely with actual figures.

Mr. Beste explained that the limited rainfall in 2025 resulted in a substantial amount of water being directed to the ocean due to contamination from the Altadena fires. He reiterated their continuous efforts to optimize rainwater capture, highlighting the capture of 350,000 acre-feet in the past two years, which broke historical records. He commended the staff's expertise in developing the quantity budget but acknowledged the influence of external factors, particularly the significant price increases imposed by MWD. Mr. Beste stated that WRD aimed for rate increases within the CPI range (3-4%). He further explained that part of the rate increase was attributed to the operational costs of a newly constructed plant in Vernon dedicated to water cleanup.

Director Martinez commented on the complexity of the data presented and inquired about the selection process for BAC members. He was informed that the committee comprises public works directors, water managers, and similar professionals from other agencies, and there had been efforts to encourage participation. Mr. Beste noted that the Board intends to review the formation of the BAC to ensure equal representation. He noted that the committee has grown from 7 to 13 members, all of whom are involved in the water industry, although their familiarity with WRD's specific numbers and calculations may vary.

Director Martinez then questioned the BAC's recommendations, noting their suggested 0.9% increase compared to the Finance Committee's recommendation of 4%. He inquired about the purpose of the BAC if disagreements persisted despite access to the same data. Mr. Beste responded that while diverse perspectives are valuable, differing opinions have become more frequent recently, and he also pointed out that they had collected less revenue than anticipated.

Mr. Cason expressed gratitude to WRD for providing the requested data, acknowledging that they had been seeking this information for some time. He

noted that he would like to thoroughly examine the charts provided. Director Martinez then asked Mr. Cason about the potential benefits of using a 5-year average for the projected budget. Mr. Cason explained that WRD believes a 5-year average would be unsuitable due to significant fluctuations. He stated that he had not heard a compelling justification for rejecting a 5-year average and questioned the rationale behind the \$5 million allocation in the budget. He concluded by emphasizing the importance of understanding the budget, as it ultimately impacts the customers who pay for these services.

ITEM 5 - DISCUSSION/ACTION REGARDING CONCERNS ON WRD'S BUDGET **RELATED ACTIVITIES**

Director Valencia invited Ms. DeWitt to make a brief statement, as she requested to do so prior to the start of the meeting. Ms. DeWitt stated that she was present as an individual, rather than a WRD Board member and expressed her strong concern and disappointment regarding the tone of the draft letter, urging for a reconsideration of its language. Director Avalos thanked Ms. DeWitt, emphasizing the hope that the concerns of SEWC would be genuinely considered. Director Avalos highlighted the negative impact of consistent overbudgeting and stressed the critical importance of water, urging a reconsideration of the proposed 4% increase due to its community impact.

Ms. Koontz then provided a brief historical overview of the Budget Advisory Committee (BAC) and the initial letter sent by SEWC to WRD. She mentioned WRD's attendance at a subsequent meeting for an in-person discussion, followed by WRD's own letter. Ms. Koontz explained that three additional concerns arose, which prompted the drafting of the subsequent letter under discussion.

Mr. Nguyen added that this letter was drafted following growing frustrations regarding the BAC and its new format. He pointed out that the BAC had recommended a 0.9% rate increase, and despite several budget line items, the discussion had primarily focused on water purchases, noting a 9% increase in rates over the past four years. He expressed the desire to examine other line items and the difficulty of projecting figures without adequate background information, clarifying that the 0.9% recommendation pertained to only one line item. Mr. Nguyen further emphasized the desire for WRD to reconsider the formation of the BAC and sought clarity on its future. He also raised concerns about an increase in the reserve amount, reportedly from grants that have not been observed, totaling \$109 million. He concluded by stating that the letter represented a culmination of various frustrations and aimed to convey their opinion on the BAC for the Board's consideration while expressing interest in collaborating with WRD.

Director Valencia then sought the Board's consensus on sending the letter, which was affirmed. The floor was opened for proposed edits. Director Martinez asked Ms. DeWitt to specify the parts of the letter that were concerning, to which she reiterated her concern about the harsh tone of the language used.

Ultimately, it was still decided that the letter should be sent as-is because it accurately reflects how SEWC members feel about the frustrations and concerns regarding the BAC and WRD's proposed budget.

Director Zamora made a motion to send the letter as is, with the exception of updating the last page to accurately reflect the current Board members.

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

AYES: **Yokoyama, Valencia, Aguayo, Zamora, Avalos, Martinez**
NOES: **None.**
ABSTAIN: **None.**

ITEM 6 – GENERAL LEGISLATIVE UPDATE

Ms. Koontz began by providing a brief background on the agenda item. Mr. Nicholas Ghirelli then provided a report on several legislative bills recently introduced at the State and Federal levels related to PFAS contamination.

Mr. Ghirelli noted 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 January 1, 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. However, Mr. Ghirelli noted a potential issue as the bill does not currently include provisions for these grants.

Last, Mr. Ghirelli noted the House of Representatives Bill 1267 ("HR-1267"), which 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 considered this bill to be ultimately beneficial despite potential cost implications, as it is intended to protect public water systems.

Director Zamora then requested that Mr. Ghirelli share this information to ensure widespread awareness of these legislative efforts.

ITEM 7 – BOARD OF DIRECTORS COMMENTS

Director Zamora expressed his support for SEWC members who serve on the BAC and for everything they are doing. Director Avalos echoed this and asked the SEWC members on the BAC to look at the numbers on the slides that were shown by WRD and come back with updated suggestions now that they have more information.

Mr. Castillo noted that he was shocked by water stabilization rate policies and carryover conversion. He noted that he has concerns about purchasing estimates and pumping estimates.

Director Avalos wanted to note that Lynwood is not a part of this JPA and would like to explore adding them as a member and anyone else. Councilmember Lorainne from the City of Lynwood thanked everyone for allowing her to be at the meeting. She noted that the topics that SEWC addresses are extremely important to her because the City of Lynwood has aging wells and water rights issues.

Director Avalos asked Mr. Nguyen to potentially draft a letter or notes for SEWC cities to reference or send out to continue the efforts of taking a stand.

It was requested that Staff send a reminder about the April 29th meeting.

ITEM 8 – ADMINISTRATIVE ENTITY CHAIR/LEAD AGENCY COMMENTS

Ms. Koontz noted that Glen Kau said there was interest expressed in touring the Pure Water California facility. She noted that there will be a survey link sent to the Board and AE with a few potential dates. She asked SEWC members to fill out which dates work best for them. She noted that tours are minimum of 10 guests and maximum of 40 guests and are 90 minutes long.

Lastly, Ms. Koontz let the Board Members know that there are stipend payment forms for anyone who has not yet turned it in. She confirmed that she has the list of who has turned theirs in, in case anyone wasn't sure.

Mr. Nguyen thanked the Board members for their support.

ITEM 9 - ADJOURNMENT

The meeting adjourned at 8:56 p.m.

**Southeast Water Coalition JPA
Board Meeting Minutes**

April 3, 2025

AGENDA ITEM: 3a

The next regular Southeast Water Coalition Board Meeting will be on June 5, 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 JULY 2024 - MAY 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
200975	4,540.00	4/3/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/FEB
201628	4,540.00	5/15/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/MAR
	41,310.00			

<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
	(831.14)	12/13/2024	RICHARDS WATSON AND GERSHON INC	REFUND ON OVER PAYMENT-SEP INV
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
V20640	442.00	3/25/2025 RICHARDS WATSON AND GERSHON INC	LEGAL SVCS/JAN 2025
V20903	150.00	4/29/2025 ANA M VALENCIA	BRD MBR STIP/04-03-25
V20905	300.00	4/29/2025 JOSE ANGEL ZAMOR	BRD MBR STIPEN/FEB & APR
V20904	150.00	4/29/2025 HORACIO ORTIZ	BRD MBR STIP/02-06-25
V20907	150.00	4/29/2025 MARIA ISABEL AGU	BRD MBR STIP/02-06-25
V20906	150.00	4/29/2025 MARIA DEL PILAR	BRD MBR STIP/04-03-25
V20907	150.00	4/29/2025 MARIA ISABEL AGU	BRD MBR STIP/04-03-25
V20908	150.00	4/29/2025 OCTAVIO CESAR MA	BRD MBR STIP/04-03-25
V20913	712.20	4/29/2025 RICHARDS WATSON	LEGAL SVCS/FEB 2025
	9,507.37		
Total	<u>50,817.37</u>		



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

Date: June 5, 2025
To: Southeast Water Coalition Board of Directors
From: Glen W.C. Kau, P.E., AE Chair, City of Norwalk

Subject: DISCUSSION/ACTION REGARDING SEWC FY 2025-26 BUDGET

Discussion:

The Proposed Budget for Fiscal Year (FY) 2025-26 includes the Approved Budget for FY 2024-25, Total Projected Expenditures for FY 2024-25, and a Proposed Budget for FY 2025-26. The Ending Balance for the FY 2024-25 stands at \$193,059, reflecting both actual expenditures and projections for the remainder of the ongoing fiscal year. This is higher than the Approved Budget's Ending Balance of \$120,094 due to lower projected expenditures.

Anticipated member agency dues for FY 2024-25 are projected at \$60,500, inclusive of credits to member agencies. There was no change to the member rates from last year. With total expenditures projected to increase during the FY 2025-26, the Proposed Budget indicates an Ending Balance of \$123,759.

Recommendation: Approve the SEWC FY 2025-26 Budget as presented.

Attachments:

1. Fiscal Year 2025-2026 Proposed Budget.
2. FY 2024-25 Warrant Register as of 4/30/25.

SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY
FISCAL YEAR 2024-2025 APPROVED BUDGET/EXPENDITURES vs PROPOSED FISCAL YEAR 2025-2026 BUDGET

	FY 2024-2025			FY 2025-2026
	Approved Budget	Revenue & Expenditures To Date	Projected Expenditures	Proposed Budget
Carryover Balance:	\$ 176,374	\$ 210,042.32	\$ 220,614	\$ 193,059
Revenues				
Annual Assessments for Member Agencies	\$ 110,000	\$ 110,000	\$ 110,000	\$ 110,000
Less Credits to Member Agencies	\$ (49,500)	\$ (49,500)	\$ (49,500)	\$ (49,500)
Interest Income/Reimbursements	\$ 1,000	\$ 880.70	\$ 1,000	\$ 1,000
Total Revenues	\$ 61,500	\$ 61,380.70	\$ 61,500	\$ 61,500
Available Funds:	\$ 237,874	\$ 271,423.02	\$ 282,114	\$ 254,559
Expenditures				
Program Management Services	\$ 54,480	\$ 36,320.00	\$ 54,480	\$ 63,000
As Needed Government Relations	\$ 10,000	\$ -	\$ -	\$ 10,000
Legal Services	\$ 10,000	\$ 6,888.51	\$ 10,500	\$ 11,000
Board/Staff Travel/Meeting Expense	\$ 1,000	\$ -	\$ 225	\$ 1,000
Financial Audit	\$ 7,000	\$ -	\$ 8,250	\$ 9,500
Policy Board Compensation	\$ 9,900	\$ 3,900.00	\$ 9,900	\$ 9,900
Office Supplies	\$ 100	\$ -	\$ -	\$ 100
Policy Board Meetings	\$ 3,000	\$ -	\$ 3,200	\$ 3,600
Administrative Entity Meetings	\$ 2,300	\$ -	\$ 2,500	\$ 2,700
Policy Board & Administrative Entity Meetings	\$ -	\$ 3,700.04	\$ -	\$ -
Consultant Services	\$ 20,000	\$ -	\$ -	\$ 20,000
Consultant Services Contingencies	\$ -	\$ -	\$ -	\$ -
Total Expenditures:	\$ 117,780	\$ 50,808.55	\$ 89,055	\$ 130,800
Ending Balance:	\$ 120,094	\$ 220,614.47	\$ 193,059	\$ 123,759

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.
2. Administrative Entity Members to look into developing a policy to facilitate a consistent financial transfer of funds during lead agency changes.
3. Lead Agency to discuss developing a reserve budget line item for planning purposes with Auditor.



SOUTHEAST WATER COALITION
PAYMENT REGISTER JULY 2024 - APRIL 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
200975	4,540.00	4/3/2025	KOA CONSULTING INC	PROFESSIONAL SVCS/FEB
	36,770.00			

<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
V20640	442.00	3/25/2025	RICHARDS WATSON AND GERSHON INC	LEGAL SVCS/JAN 2025

V20903	150.00	4/29/2025	ANA M VALENCIA	BRD MBR STIP/04-03-25
V20905	300.00	4/29/2025	JOSE ANGEL ZAMOR	BRD MBR STIPEN/FEB & APR
V20904	150.00	4/29/2025	HORACIO ORTIZ	BRD MBR STIP/02-06-25
V20907	150.00	4/29/2025	MARIA ISABEL AGU	BRD MBR STIP/02-06-25
V20906	150.00	4/29/2025	MARIA DEL PILAR	BRD MBR STIP/04-03-25
V20907	150.00	4/29/2025	MARIA ISABEL AGU	BRD MBR STIP/04-03-25
V20908	150.00	4/29/2025	OCTAVIO CESAR MA	BRD MBR STIP/04-03-25
V20913	712.20	4/29/2025	RICHARDS WATSON	LEGAL SVCS/FEB 2025
	10,338.51			

<u>MISC</u>	<u>Amount</u>	<u>Date</u>	<u>Vendor Name</u>	<u>Transaction Description</u>
CAL CARD	41.71	10/7/2024	SMART AND FINAL 325	9-2AUG
CAL CARD	569.13	10/7/2024	GOLDEN SUN	9-2AUG
CAL CARD	60.88	10/7/2024	GOLDEN SUN	9-2AUG
CAL CARD	165.35	11/6/2024	AMAZON MARK* H341R2LP3	10-2SEP
CAL CARD	55.10	11/6/2024	AMAZON MARK* Z82BU2E51	10-2SEP
CAL CARD	254.85	11/6/2024	PANERA BREAD #601975 O	10-2SEP
CAL CARD	9.90	1/8/2025	AMAZON MARK* 6G40M3GL3	12-2NOVR
CAL CARD	6.00	1/8/2025	AMAZON MARK* JD4TK6RE3	12-2NOVR
CAL CARD	238.14	1/8/2025	CHIPOTLE ONLINE	12-2NOVR
CAL CARD	9.99	1/8/2025	COSTCO WHSE #1050	12-2NOVR
CAL CARD	47.29	1/8/2025	TARGET 00014241	12-2NOVR
CAL CARD	336.92	2/6/2025	OLIVE GARDEN 0021303	1-2DEC
CAL CARD	63.74	2/6/2025	STATERBROS154	1-2DEC
CAL CARD	3.28	2/6/2025	WAL-MART #4132	1-2DEC
CAL CARD	303.05	3/5/2025	JERSEY MIKES ONLINE UC	2-2JAN
CAL CARD	54.01	3/6/2025	AMAZON MARK* Z76RW1SN2	3-2FEB
CAL CARD	41.88	3/19/2025	AMAZON MARK* Z77M20DL2	3-2FEB
CAL CARD	11.75	3/19/2025	AMAZON MARK* ZC0XV95M0	3-2FEB
CAL CARD	29.75	3/19/2025	AMAZON MKTPL*Z78CR22V0	3-2FEB
CAL CARD	328.49	3/19/2025	BEST BUY 00001172	3-2FEB
CAL CARD	29.20	3/19/2025	COSTCO WHSE #0410	3-2FEB
CAL CARD	198.73	3/19/2025	DON'S BBQ NO 5	3-2FEB
CAL CARD	22.71	3/19/2025	DON'S BBQ NO 5	3-2FEB

CAL CARD	218.59	3/19/2025 DON'S BBQ NO 5	3-2FEB
CAL CARD	179.11	4/24/2025 AMAZON RETA* BK25R11F3	4-2MAR
CAL CARD	269.01	4/24/2025 CHIPOTLE ONLINE	4-2MAR
CAL CARD	151.48	4/24/2025 STAPLES	4-2MAR
	<u>3,700.04</u>		
Total	<u><u>50,808.55</u></u>		



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

Date: June 5, 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. Also, the option to invite cities/agencies who may be interested in becoming a member.

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 fact sheet detailing the application process. The purpose of this agenda item is to present and discuss the process of adding new members and to understand if there is an interest in the option to invite cities/agencies to join SEWC.

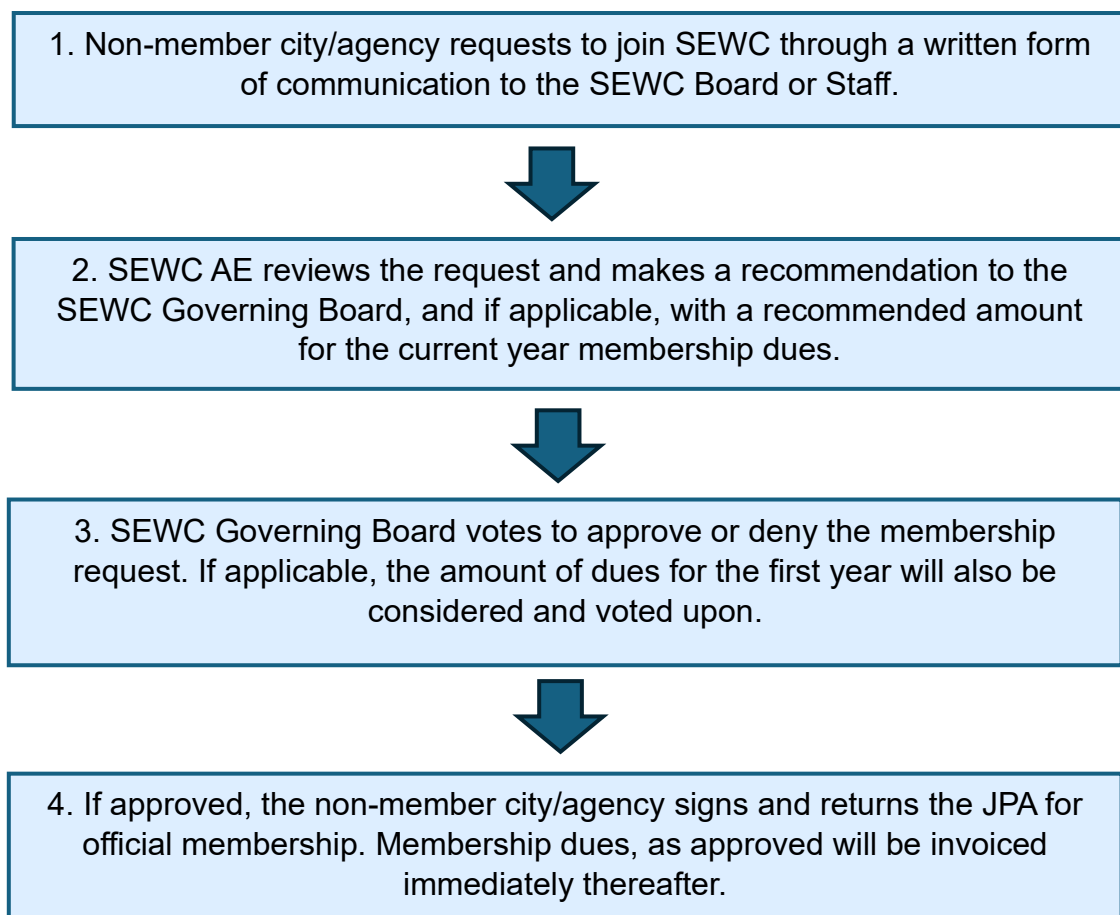
Recommendation: Discuss the process of adding new members and the option to invite cities/agencies to join SEWC.

Attachments:

1. SEWC Membership Application Process.

SEWC MEMBERSHIP APPLICATION PROCESS

The process in which a non-member city or agency can join SEWC as a member city is a four-part process. First, the non-member city or agency submits a request to join as a full-voting member, in writing signed by its Governing Board Mayor/Chair or City Manager/General Manager. The second step is for the Administrative Entity (AE) to make a recommendation to the SEWC Governing Board (“SEWC Board”) regarding the request and presenting it to the SEWC Board for consideration. The SEWC Board then considers the AE’s recommendation and votes to approve or not approve the request to join. If approved, the last step in the process is for SEWC Staff to send the JPA Agreement along with a copy of the most recent, adopted strategic plan to ensure alignment and set expectations. Membership is official once the signed JPA Agreement is returned to SEWC. Depending on the time of year for beginning the official membership, the amount of dues for that year will be considered on a case-by-case basis.





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

Date: June 5, 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:

Recently, the state legislature introduced bills that are of interest to our members pertaining to 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").

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

Attachments:

1. Memo Summarizing AB794, SB454 and HR1267.



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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: June 5, 2025
To: Southeast Water Coalition Board of Directors
From: Glen W.C. Kau, AE Chair, City of Norwalk

Subject: DISCUSSION/ACTION REGARDING PFAS UPDATE

Discussion:

PFAS updates include the Environmental Protection Agency's (EPA) rolling back of drinking water standards and compliance deadline, and the 3M Settlement.

EPA Rollback and Compliance Deadline Changes:

The Biden administration's EPA finalized the first national drinking water standards for six PFAS chemicals. These established Maximum Contaminant Levels (MCLs) for PFOA and PFOS (4 parts per trillion each) and set limits for PFHxS, PFNA, HFPO-DA (GenX), and a hazard index for mixtures including PFBS. Water systems were initially given until 2029 to comply.

As of May 2025, the EPA has recently announced changes to these regulations. First, the focus of these regulations will be on PFOA and PFOS, recognizing them as the most common and concerning PFAS.

Additionally, the compliance deadline for PFOA and PFOS is being pushed back by two years, from 2029 to 2031. This is a significant change that gives cities more time to implement the necessary treatment technologies.

The EPA states that this delay and reconsideration are to provide "common-sense flexibility", especially to smaller and rural communities, who face significant challenges and costs in meeting the stringent new standards.

The 3M Settlement:

3M has agreed to pay between \$10.5 billion and \$12.5 billion over 13 years to resolve claims that its manufactured PFAS chemicals have polluted drinking water supplies. This settlement received final court approval in late March/early April 2024. The funds are intended to support PFAS remediation efforts for public water systems that have detected

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PFAS or may do so in the future. This includes funding for treatment technologies and testing initiatives.

Public water systems that have incurred costs for testing, monitoring, and potentially early remediation efforts for PFAS are now able to seek reimbursement from the settlement funds.

Recommendation: Receive an update on PFAS and related activities.