Southeast Water Coalition
A joint powers authority to protect the Central Groundwater Basin

AGENDA

SOUTHEAST WATER COALITION
REGULAR MEETING OF THE ADMINISTRATIVE ENTITY
WEDNESDAY, NOVEMBER 18, 2026 12:30 p.m.

Cerritos Sheriff Station
EOC Conference Room
18135 Bloomfield Avenue
Cerritos, California 90703

1. **ROLL CALL**

2. **PUBLIC COMMENTS**

3. **CONSENT CALENDAR**
   a. **SOUTHEAST WATER COALITION ADMINISTRATIVE ENTITY MINUTES OF SEPTEMBER 16, 2026 REGULAR MEETING**
   Recommendation: Approve minutes as submitted.

4. **DISCUSSION/ACTION REGARDING THE CITY OF LYNWOOD MEMBERSHIP UPDATE**
   Chris Kuebert, AE Chair, City of Cerritos
   Recommendation: Receive an update on the City of Lynwood's membership in the Southeast Water Coalition, determine their order in the lead agency rotation schedule, and bring it to the Board for approval.

5. **GENERAL LEGISLATIVE UPDATE**
   Chris Kuebert, AE Chair, City of Cerritos
   Recommendation: Receive a general legislative update for relevant bills.

6. **DISCUSSION REGARDING ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) UPDATES**
   Chris Kuebert, AE Chair, City of Cerritos
   Recommendation: Receive a general update regarding ACWA related items and upcoming events.

7. **DECEMBER 3, 2026 BOARD OF DIRECTORS AGENDA**
   Chris Kuebert, AE Chair, City of Cerritos

Recommendation: Discuss the Southeast Water Coalition Board of Directors Agenda for December 3, 2026.

8. WRITTEN COMMUNICATIONS

9. ADMINISTRATIVE ENTITY MEMBER COMMENTS

On November 13, 2026, 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 Cerritos Administrative Services Department at least 72 hours in advance of the meeting at (562) 916-1314 or at dschneider@cerritos.gov.

The next meeting of the Southeast Water Coalition Administrative Entity will be on Wednesday, January 20, 2027, 12:30 p.m., at Cerritos Sheriff Station, EOC Conference Room, 18135 Bloomfield Avenue, Cerritos, California 90703.

Southeast Water Coalition
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MINUTES OF THE SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
REGULAR MEETING OF THE ADMINISTRATIVE ENTITY

WEDNESDAY, SEPTEMBER 16, 2026
12:30 P.M.

The Regular Meeting of the Southeast Water Coalition (SEWC) Joint Powers Authority Administrative Entity (AE) was held on Wednesday, September 16, 2026, at the City of Cerritos - Cerritos Sheriff Station, EOC Conference Room, 18135 Bloomfield Avenue, Cerritos, CA, 90703. The meeting was called to order at 12:30 p.m. by Chris Kuebert of the City of Cerritos. At the time the meeting was called to order, a quorum of members was present.

Ms. Olivia Turner took attendance, and the following AE members were present:

ITEM 1 - ROLL CALL

Chris Kuebert	City of Cerritos
Andrew Caraveo	City of Commerce
Dan Mueller	City of Downey
Derek Nguyen	City of Lakewood
Michelle Müller	City of Paramount
Chris Castillo	City of South Gate
Joanna Moreno	City of Vernon
Andrew Lujan	City of Whittier

STAFF AND GUESTS ON SIGN-IN SHEET:

Jose Arroyo	City of Cerritos (AE Alternate)
Jim Homet	City of Whittier (AE Alternate)
Mayor Pro Tem Lorraine Avila Moore	City of Lynwood
Dr. Suja Lowenthal	City of Lynwood
Kristin Aguilar	City of Cerritos (Staff)
Sophia Taylor	City of Cerritos (Staff)
Madeline Gallagher	SEWC Staff
Olivia Turner	SEWC Staff

ITEM 2 – PUBLIC COMMENT

None.

ITEM 3 - CONSENT CALENDAR

A motion to approve the Consent Calendar, consisting of the July 15, 2026 Administrative Entity meeting minutes, was made by Mr. Nguyen and seconded by Mr. Lujan. The motion passed by the following voice vote:

AYES: **Kuebert, Caraveo, Nguyen, Castillo, Moreno, Lujan.**

NOES: **None.**

ABSTAIN: **Müller.**

ITEM 4 – DISCUSSION/ACTION REGARDING THE CITY OF LYNWOOD'S REQUEST FOR MEMBERSHIP IN THE SOUTHEAST WATER COALITION

Mr. Kuebert provided information about the City of Lynwood's request for membership in the Southeast Water Coalition as a full voting member. He noted that Lynwood submitted its formal request on September 8, 2026, following authorization by the Lynwood City Council on September 1, 2026, and that the City expressed an interest in strengthening regional partnerships and collaborating on water reliability, infrastructure, advocacy, and other related priorities affecting Southeast Los Angeles County.

Mr. Nguyen asked whether the request letter was the only document received and raised the question of where a new member would fall in the lead agency rotation, specifically whether Lynwood would be placed last in line given that it would be joining most recently. Mr. Kuebert invited the AE to consider a recommendation on placement.

The Mayor Pro Tem Lorraine Avila Moore of the City of Lynwood arrived at 12:34 p.m. Mr. Kuebert welcomed her and invited her comments. She explained the importance of membership to Lynwood, noting that the City owns its own wells and water rights and serves a population of nearly 70,000. She stated that Lynwood wants a voice and a vote on issues affecting the region, including legislation and water rate increases. She noted that she is the City's main advocate for water resources, that Lynwood is addressing contamination in one of its five wells. She added that membership would allow Lynwood to share and

receive information, resources, and legal experience, and asked for the AE's consideration.

Mr. Nguyen thanked her for her advocacy and expressed his support for the membership.

Dr. Suja Lowenthal, City Manager of the City of Lynwood, arrived at 12:41 p.m. and shared her background of 18 years in water, including 10 years in municipal water districts and 8 years as a Metropolitan Water District board member. She expressed appreciation for the organization's goals and a commitment to contributing to its efforts. Mr. Kuebert thanked her for her comments.

Following general discussion, Mr. Nguyen moved to approve the following recommendation:

a. Review the City of Lynwood's request for membership of the Southeast Water Coalition and take it to the Board of Directors for formal approval.

The motion was seconded by Ms. Moreno and was approved by the following voice vote:

AYES:	**Kuebert, Caraveo, Mueller, Nguyen, Müller, Castillo, Moreno, Lujan.**
NOES:	**None.**
ABSTAIN:	**None.**

Mr. Dan Mueller from the City of Downey arrived at 12:34 p.m.

ITEM 5 – DISCUSSION/ACTION REGARDING SEWC FY 2025-26 AUDIT PROPOSAL

Mr. Kuebert presented the audit services proposal from Price Paige & Company for Fiscal Year 2025-26. He noted that SEWC requires professional audit services for the fiscal year ending June 30, 2026, that Price Paige & Company has performed the Coalition's audits for the previous two fiscal years, and that the firm submitted a proposal for an all-inclusive maximum fee of $8,300, with an optional one-year extension at the same fee.

Mr. Mueller asked whether this was the same firm the City of Cerritos uses. Mr. Kuebert clarified that Price Paige & Company is the firm SEWC has used for the past two years and is a good fit, noting that it is relatively difficult to find an audit firm for an organization of SEWC's size and that keeping the same firm is advantageous because it already understands the Coalition's finances.

Following general discussion, Mr. Mueller moved to approve the following recommendation:

a. Review the audit services proposal from Price Paige & Company for Fiscal Year 2025-26 and take it to the Board of Directors for approval.

The motion was seconded by Mr. Caraveo and was approved by the following voice vote:

AYES: **Kuebert, Caraveo, Mueller, Nguyen, Müller, Castillo, Moreno, Lujan**

NOES: **None.**

ABSTAIN: **None.**

ITEM 6 – DISCUSSION/ACTION REGARDING PROGRAM MANAGEMENT SUPPORT

Mr. Kuebert introduced the item, explaining that SEWC currently contracts with Koa Consulting, Inc. for program management and administrative services, and that Staff is requesting an amendment to allow Koa Consulting to subcontract additional administrative support to ensure adequate availability and coverage. He noted that any subcontractor would work under Koa's supervision and that there would be no change to the existing scope or contract amount.

Ms. Gallagher provided additional context, noting that Staff discussed the amendment with legal counsel, who estimated the cost at less than one hour of work and recommended revising the contract language so that subcontracting would be permissible. She clarified that Board approval would still be required for any subcontracting and that the amendment would simply make subcontracting possible, with the need driven primarily by in-person meeting coverage and scheduling. Mr. Nguyen asked whether Ms. Gallagher would remain involved, and she confirmed that she would.

Following general discussion, Ms. Moreno moved to approve the following recommendation:

a. Review Staff's request regarding program management support for the Southeast Water Coalition and take an amendment to the Board of Directors for approval.

The motion was seconded by Mr. Nguyen and was approved by the following voice vote:

AYES: **Kuebert, Caraveo, Mueller, Nguyen, Müller, Castillo, Moreno, Lujan**

NOES: **None.**

ABSTAIN: **None.**

ITEM 7 – DISCUSSION/ACTION REGARDING SEWC WEBSITE UPDATE

Mr. Kuebert introduced the item, noting that Staff has continued development of the new standalone website following feedback received from the Administrative Entity and the Board, and that the site now includes some information and agenda packets from previous meetings. He noted that there have been difficulties working with the vendor on training, and that Staff has a training session scheduled with Revize the following week to work through live updates to meeting agendas, past agenda packets, the calendar, and member names. He then turned the presentation over to Ms. Gallagher.

Ms. Gallagher reviewed the current state of the website and the challenges in working with Revize, explaining that the vendor initially agreed to complete the edits but, following a training session held on a more advanced version of the site, indicated that Staff could make the edits going forward. She noted that the site SEWC purchased is a basic template with significant limitations. Some photos have been updated and links to the member city websites have been added, and Staff would like to improve the formatting and add city seals where possible. She reviewed two calendar layout options, a "mini" calendar and a full calendar, and requested the group's feedback on which to use.

Mr. Kuebert stated that he preferred the mini calendar as easier to read and follow, and the consensus of the group was that the mini calendar is preferred in order to provide an easy user experience. Members requested that the calendar display all meetings for at least the current fiscal year, and ideally one to two years, for the lead agency's meetings. Ms. Turner suggested an option to separate the AE and Board calendars for ease of use. Members also agreed that the site's color scheme should be blue rather than orange.

The group discussed the layout of the members tab, which will host both the AE and Board members, and the Documents tab, which will house the Member Benefits page and the one-pager process documents. Mr. Mueller asked what additional documents should be included, and members identified the JPA agreement and the Strategic Plan. The group also discussed how agendas would link from the calendar, with the recommendation that the meetings and agenda page display the next meeting with a link to its agenda, while the calendar page display the full schedule and a link to past, archived agenda packets. Staff asked members to visit and search the site so that it surfaces in search engine results, and noted the goal of completing the updates before the Board meeting in order to present the site and obtain further direction.

Mr. Mueller asked whether a higher-tier version of the site offering more customization is available. Ms. Gallagher and Ms. Turner explained that SEWC currently has a basic templated version with limited customization, that higher

tiers offer more flexibility, and that Staff would gather that information and provide it to the Board.

ITEM 8 – GENERAL LEGISLATIVE UPDATE

Mr. Kuebert noted that legal counsel was not able to attend the meeting, and he read the legislative update provided by legal counsel, as follows:

Assembly Bill 35: Expedited Proposition 4 Grant Funding Procedures. Assembly Bill 35 ("AB 35"), which amends Section 90135 of the Public Resources Code, was signed by the Governor on July 16, 2026, and is now effective. The bill exempts the development and adoption of regulations needed to effectuate or implement local assistance programs funded under the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 from Administrative Procedure Act ("APA") requirements. The bill streamlines the rulemaking process to prevent the stalling of grant programs of public agencies, non-profit organizations, special districts, joint powers authorities, tribes, public utilities, or mutual water companies. AB 35 also requires entities that receive competitive grant program funding to establish project solicitation and evaluation guidelines, publish and transmit these guidelines to the appropriate committees, hold a public meeting, and meet additional requirements.

Assembly Bill 1603: PFAS Reporting for Pesticides. Assembly Bill 1603 ("AB 1603"), which adds Sections 12500.3-12500.4 and Sections 13200-13202 to the Food and Agricultural Code, imposes annual reporting and public disclosure requirements on the Department of Pesticide Regulation ("Department") regarding per- and polyfluoroalkyl substance ("PFAS") pesticide contamination of produce, groundwater, drinking water, soil, and the environment. The Department is required to report PFAS pesticide ingredients, defined as PFAS that are intentionally added to a pesticide as active, adjuvant, or inert ingredients, on its online database or annual report, publish a list of registered pesticides that contain such ingredients, and submit the list to county commissioners by July 1, 2028, or an earlier date if the reporting database is released sooner. The bill has been enrolled and awaits the Governor's signature as of September 3, 2026.

Senate Bill 1313: PFAS Mitigation Fund. As previously noted, legal counsel is not aware of any progress on Senate Bill 454 ("SB 454") (2025), which would have created the PFAS Mitigation Fund; the Governor's veto of the bill has been sustained. Progress on the modified version, subsequently reintroduced as Senate Bill 1313 ("SB 1313"), has also been halted. SB 1313 would clarify that PFAS treatment funding is an eligible project through Safe Drinking Water State Revolving Fund programs and would ultimately expand access to financial assistance to address PFAS contamination in drinking water. In addition, the State Water Resources Control Board's revisions of its policy handbook would not be

subject to the rulemaking process under the APA. The bill has not moved out of committee to the Senate floor.

Federal EPA PFAS Regulations. Legal counsel is not aware of updates on the pending EPA rules to extend the perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonic acid ("PFOS") compliance deadlines and rescind previously adopted regulatory determinations and regulations for perfluorohexane sulfonic acid ("PFHxS"), perfluorononanoic acid ("PFNA"), hexafluoropropylene oxide dimer acid ("HFPO-DA"), and Hazard Index Mixtures of these three PFAS and perfluorobutanesulfonic acid ("PFBS"), since the virtual public hearing held on July 7, 2026.

Southeast Water Coalition Website Litigation Update. At the Board meeting on August 6, 2026, a member inquired about relevant litigation-related information that SEWC may post on its website.

Mr. Kuebert opened the item for questions to relay to legal counsel. Mr. Nguyen raised a question regarding the settlement funds recovered by individual agencies, asking whether the amount each agency receives is public information and whether agencies would want those amounts posted on the SEWC website. He noted that agencies generally do not object to disclosing that they are party to the litigation to recover PFAS funds, but that whether the specific recovery amounts, and the portion paid to the attorneys, are public and appropriate to post is a legal question. Mr. Mueller added that the recovery is generally calculated based on the volume of water impacted at a set amount. Mr. Kuebert confirmed that SEWC is part of the litigation and that Staff would relay the question to legal counsel and seek their input on appropriate website language.

ITEM 9 – DISCUSSION REGARDING ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) UPDATES

Mr. Kuebert provided a general update on ACWA-related items and upcoming events. On September 30th and November 10th, ACWA is holding a virtual continuing legal education workshop for water professionals. He noted that the September 30th session focuses on the fundamentals of California surface water rights, and the November 10th session focuses on the fundamentals of California groundwater rights. On Friday, November 6th, from 10:00 to 11:30 a.m., ACWA is holding virtual office hours for Region 8. ACWA's 2026 Fall Conference will be held in Anaheim from December 1st through December 3rd. Additional details are available under the Events tab on ACWA's website. There were no questions.

ITEM 10 – OCTOBER 1, 2026 BOARD OF DIRECTORS AGENDA

Mr. Kuebert opened a discussion to confirm which items should be placed on the October 1, 2026 Board of Directors Agenda, and the following items were discussed:

1. City of Lynwood's Request for Membership in SEWC
2. SEWC FY 2025-26 Financial Audit Proposal
3. Program Management Support Amendment
4. Website Update
5. General Legislative Update
6. ACWA Update

ITEM 11 – WRITTEN COMMUNICATIONS

None.

ITEM 12 – ADMINISTRATIVE ENTITY MEMBER COMMENTS

Mr. Nguyen again expressed his appreciation to the City of Lynwood for attending and requesting membership. He also reminded the group of Assembly Bill 1572, passed in 2023, which prohibits the use of potable water to irrigate nonfunctional turf at commercial, industrial, and institutional properties, and noted that the compliance deadline of January 1, 2027 is approaching. He encouraged members to ensure their agencies are addressing the requirement, as the State will require documentation. Mr. Kuebert thanked the Mayor Pro Tem Lorraine Avila Moore and Dr. Lowenthal of the City of Lynwood for attending.

ITEM 13 – ADJOURNMENT

The meeting adjourned at 1:12 p.m.

The next regular Southeast Water Coalition Administrative Entity Meeting will be held on Wednesday, November 18, 2026 at 12:30 p.m. at the Cerritos Sheriff Station, EOC Conference Room, 18135 Bloomfield Avenue, Cerritos, California 90703.

_____ _____

Chair Date

Southeast Water Coalition
A joint powers authority to protect the Central Groundwater Basin

Agenda Item: 4

SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT

Date: November 18, 2026
To: Southeast Water Coalition Administrative Entity
From: Chris Kuebert, AE Chair, City of Cerritos

Subject: **DISCUSSION/ACTION REGARDING THE CITY OF LYNWOOD MEMBERSHIP UPDATE**

Discussion:
Following authorization by the Lynwood City Council on September 1, 2026, the City of Lynwood submitted a formal request on September 8, 2026, to join the Southeast Water Coalition (SEWC) as a full voting member. At the September 16, 2026 Administrative Entity (AE) meeting, the AE reviewed the request and voted to forward it to the Board of Directors (Board). On October 1, 2026, the Board formally approved the City of Lynwood's request to join SEWC as a voting member.

Since the Board's approval, the membership process has been completed. The City of Lynwood has executed the signature page to the Joint Powers Agreement, and Staff has filed the required paperwork with the Secretary of State. The City's new representatives have also been added to the Form 700 filing system. With these steps complete, the City of Lynwood is now an official member of the Southeast Water Coalition.

With the City of Lynwood's membership finalized, the purpose of this agenda item is to provide the AE with a status update and to open discussion regarding where the City of Lynwood will fall in the rotation of the lead agency. Staff requests the AE's input and direction on Lynwood's placement in the lead agency rotation schedule.

Recommendation: Receive an update on the City of Lynwood's membership in the Southeast Water Coalition, determine their order in the lead agency rotation schedule, and bring it to the Board for approval.

Attachments:
1. Current Lead Agency Rotation Schedule

Southeast Water Coalition
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Agenda Item: 4

Lead Agency Transition History

Norwalk	1991--1994
Pico Rivera	1994--1996
Whittier	1996--1998
Downey	1998--2000
South Gate	2000--2002
Norwalk	2002--2004
Cerritos	July 2004 -- June 2006
Paramount	July 2006 -- June 2008
Lakewood	July 2008 -- June 2010
Santa Fe Springs	July 2010 -- June 2012
Pico Rivera	July 2012 -- June 2014
South Gate	July 2014 -- June 2016
Downey	July 2016 -- June 2018
Whittier	July 2018 -- June 2020
Commerce	July 2020 -- June 2022
Vernon	July 2022 -- June 2024
Norwalk	July 2024 -- June 2026

Norwalk is currently the SEWC Chair. Cerritos is slated to be SEWC Lead Agency next after Norwalk. Following current procedure, the Vice-Chair will be adopted at the same time as the Chair.

After the Chair's two-year term, the Vice-Chair will then become the Chair. (ex. when Cerritos becomes Lead Agency in July 2026, Paramount will become Vice-Chair.)

Beginning in July 2026, Lead Agency schedule repeats: Cerritos, Paramount, Lakewood, Santa Fe Springs, Pico Rivera, South Gate, Downey, Whittier, Commerce, Vernon, Norwalk.

THIS DOCUMENT IS FROM 2024 AND SHOULD BE USED FOR CONTEXT ON LEAD AGENCY TRANSITION HISTORY

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MEMORANDUM

TO: Southeast Water Coalition Administrative Entity

FROM: Nicholas R. Ghirelli;
Natalie C. Kalbakian

DATE: November 18, 2026

SUBJECT: Legislative Update

Our office has been asked to provide an overview of federal regulations and state laws and information relevant to the Entity's mission.

Assembly Bill 35: Expedited Proposition 4 Grant Funding Procedures

Assembly Bill 35 ("AB 35"), which amends Section 90135 of the Public Resources Code, was signed by the Governor on July 16, 2026, and is now effective. The bill exempts the development and adoption of regulations needed to effectuate or implement local assistance programs funded under the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024,[1] from Administrative Procedure Act ("APA") requirements. The bill streamlines the rulemaking process to prevent the stalling of grant programs of public agencies, non-profit organizations, special districts, joint powers authorities, tribes, public utilities, or mutual water companies. AB 35 also requires entities that receive competitive grant program funding to establish project solicitation and evaluation guidelines, publish and transmit these guidelines to the appropriate committees, hold a public meeting, and meet additional requirements. There are no additional updates on this bill.

Assembly Bill 1603: PFAS Reporting for Pesticides

Assembly Bill 1603 ("AB 1603"), which adds Section 12500.3-12500.4 and Sections 13200-13202 to the Food and Agricultural Code and amends Section 12500.2, imposes annual reporting and public disclosure requirements on the Department of Pesticide Regulation ("Department") regarding per-and polyfluoroalkyl substance ("PFAS") pesticide contamination of produce, groundwater, drinking water, soil, and the environment. The Department is required to report PFAS pesticide ingredients, defined as PFAS that are intentionally added to a pesticide as active, adjuvant, or inert ingredients, on its online pesticide use reporting database and in its annual report and other relevant pesticide use reporting documents. Lastly, the Department must

[1] Division 50 of the Public Resources Code (commencing with section 90000).

publish a list of these registered pesticides containing PFAS pesticide ingredients and submit the list to county commissioners by July 1, 2028, or an earlier date if the reporting database is released sooner, and thereafter update the list within 60 days of registration of a new pesticide containing PFAS pesticide ingredients. The bill was approved by the Governor and chaptered on September 27, 2026.

Senate Bill 1313: PFAS Mitigation Fund

As previously noted, we are not aware of any progress on Senate Bill 454 ("SB 454") (2025), which would have created the PFAS Mitigation Fund. The Governor's veto of the bill has been sustained. Progress on the modified version of the bill, which was subsequently reintroduced as Senate Bill 1313 ("SB 1313"), has also been halted. SB 1313 would clarify that PFAS treatment funding is an eligible project through Safe Drinking Water State Revolving Fund programs, and ultimately expand access to financial assistance to address PFAS contamination in drinking water. In addition, the State Water Resources Control Board's revisions of its policy handbook would not be subject to the rulemaking process under the APA. The bill has not moved out of the Committee to the Senate floor.

Federal EPA PFAS Regulations

We are not aware of updates on the pending EPA rules to extend the perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonic acid ("PFOS") compliance deadlines and rescind previously adopted regulatory determinations and regulations for perfluorohexane sulfonic acid ("PFHxS"), perfluorononanoic acid ("PFNA"), hexafluoropropylene oxide dimer acid ("HFPO-DA"), and Hazard Index Mixtures of these three PFAS and perfluorobutanesulfonic acid ("PFBS") since the virtual public hearing held on July 7, 2026. The EPA has not issued final rules at this time.

Case Law

In *Chamber of Commerce of United States v. Environmental Protection Agency*, the D.C. Circuit Court of Appeals recently upheld the EPA's May 2024 designation of PFOA and PFOS as "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), which governs the cleanup of "hazardous substances" and "pollutants or contaminants" from the environment.[2] The EPA made this determination based on the "significant body of research on adverse health effects as well as the tendency of PFOA and PFOS to remain for many years in the environment and to bioaccumulate in human bodies." The agency also published a cost-benefit analysis to assess direct and indirect impacts on regulated parties. The designation was challenged by various manufacturing, transportation, and waste management companies that use, transport, or discharge PFOA and PFOS on substantive and procedural grounds. First, the court affirmed that the EPA was permitted under federal law to designate elements, compounds, mixtures, solutions, and substances which may present a possibility of "substantial danger" to the public health or welfare or the environment (e.g., likely

[2] *Chamber of Commerce of United States v. Environmental Protection Agency* (D.C. Cir. 2026) 187 F.4th 636.

to be carcinogenic to humans) when released. Next, the court concluded that the agency had satisfied federal noticing requirements since the final designation rule was the logical outgrowth of the notice of proposed rulemaking and comment process, and the cost-benefit and regulatory impact analyses evolved logically from the initial economic assessment. Further, the court concluded that the EPA's supplementary quantitative analysis in response to public requests for the data was also consistent with federal law as it simply confirmed the previous qualitative assessment in the EPA's initial notice and comment, and did not employ any novel methodology. Lastly, the court rejected numerous arguments that the EPA's final rule was "arbitrary and capricious" due to miscalculations of costs and benefits, or that the designation would unavoidably lead to significant liability.

PFAS Settlements

In addition to the settlements already reached with 3M, DuPont, Tyco, and BASF, a federal district court recently granted preliminary approval of settlements related to PFAS contamination between Public Water Systems ("PWS") and four other companies: Carrier Global Corporation, Amerex Corporation, Archroma U.S. Inc., and Nation Ford Chemical Company, (collectively, "C.A.A.N."). The new settlements total $149,075,000 in additional compensation, subject to approval at the Final Fairness Hearing on January 15, 2027. The Settlement Class includes active PWS that already have a Qualifying PFAS Test Result; PWS that were required to test under the EPA's Unregulated Contaminant Monitoring Rule ("UCMR-5"); and PWS that otherwise serve more than 3,300 people according to the EPA's Safe Drinking Water Information System.