MINUTES OF THE SOUTHEAST WATER COALITION
REGULAR MEETING OF THE POLICY BOARD
THURSDAY, DECEMBER 7, 2023, 7:00 p.m.

A regular meeting of the Board of Directors of the Southeast Water Coalition Joint Powers Authority was held on Thursday, December 7, 2023 at 7:00 p.m. at the Vernon City Hall Council Chambers, 240 W. 4305 S. Santa Fe Avenue, Vernon, CA 90058. Teleconference information was available.

Chair Melissa Ybarra called the meeting to order at 7:06 p.m.

BOARD MEMBERS PRESENT:

Chuong Vo	City of Cerritos
Kevin Lainez	City of Commerce
Todd Rogers	City of Lakewood (remote attendance)
Andrew Lara	City of Pico Rivera
Maria del Pilar Avalos	City of South Gate
Melissa Ybarra	City of Vernon
Octavio Martinez	City of Whittier

STAFF AND GUESTS ON SIGN-IN SHEET:

Andrew Caraveo	City of Commerce – AE Alternate
Dan Mueller	City of Downey – AE
Derek Nguyen	City of Lakewood – AE
Joanna Moreno	City of Vernon – AE Chair
Ray Cordero	City of Whitter – AE
Madeline Anderson	SEWC Staff

ITEM 2 – PUBLIC COMMENT

None.

ITEM 3 - CONSENT CALENDAR

Director Lainez moved to approve the consent calendar.

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

AYES: **Vo, Lainez, Rogers, Lara, del Pilar Avalos, Ybarra, Martinez**

NOES: **None.**

ABSTAIN: **None.**

ITEM 4 - UPDATE ON DUPONT AND 3M PFAS CLASS ACTION LAWSUITS

Jody Fortunato, attorney at Cossich Sumich Parsiola & Taylor LLC, provided an update on Dupont and 3M PFAS Class Action Lawsuits remotely. The context for this update is regarding the 3M Company's (3M) and DuPont de Nemours and related companies' (DuPont) class action settlement agreements, which were granted preliminary approval by the Court. The settlement amounts for the DuPont and 3M lawsuits are $1.185 billion and $12.5 billion, respectively. Both settlements are designed to resolve claims for PFAS contamination in Public Water System drinking water. The 3M funds are to be allocated over a 13-year period to pay for testing and remediation of PFAS-contaminated water systems. Many water purveyors have already received the notice for the DuPont settlement, which explains the process for filing a claim. The proposed settlements will be reviewed by class members and go through a final hearing before they can be finalized.

Jody Fortunato stated that final hearings are happening in February. He went over the timeline, including what will happen if there are no appeals. If there are no appeals, 110 days after the ruling is when the initial action form claims will be due and 45 days later, special needs forms will become due. Additionally, Mr. Fortunato mentioned that Cossich Sumich Parsiola & Taylor LLC is assisting clients with filing supplemental claims.

Director del Pilar Avalos moved to approve the following:

a. Receive and file an update from the firm of Cossich, Sumich, Parsiola and Taylor on the status of their nationwide PFAS litigation and its specific impacts on local SEWC cities' on-going PFAS litigation.

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

AYES: **Vo, Lainez, Rogers, Lara, del Pilar Avalos, Ybarra, Martinez**

NOES: **None.**

ABSTAIN: None.

ITEM 5 – LOS ANGELES COUNTY BOARD OF SUPERVISORS APPROVE MOTION TO INVESTIGATE PFAS LEVELS IN LOS ANGELES COUNTY DRINKING WATER

Administrative Entity (AE) Chair Joanna Moreno led an update on the County of Los Angeles' (County) PFAS Investigation. She noted that the County unanimously passed a Motion by Supervisor Janice Hahn to investigate the levels of PFAS in LA County drinking water. She listed the action items that were requested of the Department of Public Health to complete and report back within 90 days, which included indexing which water systems in the county currently test for PFAS, cataloguing which PFAS are being tested for, exploring options to assist and encourage water systems to increase testing, and identifying potential state and federal funding. Ms. Moreno also listed the action items that were requested of the Department of Public Health to complete and report back within 120 days, which included determining the status of statewide PFAS regulations, including any potential gaps, determining whether the rulemaking reflects concerns of LA County communities, and advocating for state and federal funding to support implementation of treatment.

Ms. Moreno noted that during the previous SEWC Board Meeting, the SEWC Board wanted to see what we can do to assist. Since then, Staff has reached out to Hahns office, but there has been no response yet. Additionally, yesterday the LA County Board of Supervisors created legislation to audit water systems, ensuring they are up to current standards.

Director Lara requested a report on this audit and Director Ybarra recommended that SEWC looks into grants that are being offered to each city. Director Del Pilar Avalos mentioned that it would be beneficial to speak with the congressmen/congresswomen who could assist with PFAS funds.

Director del Pilar Avalos moved to approve the following:

a. Discuss the approved Motion by Supervisor Janice Hahn and any appropriate follow-up actions by SEWC.

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

AYES: Vo, Lainez, Rogers, Lara, del Pilar Avalos, Ybarra, Martinez

NOES: None.

ABSTAIN: None.

ITEM 6 – RECORDS RETENTION POLICY

Administrative Entity (AE) Chair Joanna Moreno began by acknowledging that the Southeast Water Coalition has never established a formal policy for record retention and with the transition of administrative support functions, it has become a necessary policy in order to determine what to do with both electronic and physical records dating back as far as 2002.

The retention schedule is detailed in Exhibit A of Resolution No. 2023-01. Nicholas Ghirelli of Richards Watson Gershon provided context around why this policy is important and how the schedule was determined. He confirmed that the retention schedule is consistent with other similar organizations.

Director del Pilar Avalos moved to approve the following:

a. Approve and adopt Resolution No. 2023-01, Resolution of the Policy Board of the Southeast Water Coalition Joint Powers Authority Adopting a Records Retention Schedule.

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

AYES: Vo, Lainez, Rogers, Lara, del Pilar Avalos, Ybarra, Martinez

NOES: None.

ABSTAIN: None.

ITEM 7 – LEGISLATIVE UPDATE

Administrative Entity (AE) Chair Joanna Moreno provided an update on recently approved and vetoed legislation in California. She highlighted two water bills that were vetoed: Assembly Bill 249 (AB 249), which would require community water systems serving school sites to prepare a sampling plan for each school site and test for lead in all potable water system outlets of the schools and AB 1423, which would prohibit a public entity from purchasing or installing a covered surface containing regulated PFAS.

Additionally, Ms. Moreno highlighted five water bills that were signed into law. These bills include AB 541, which directs the State Water Board to require a public

water system that has experienced a wildfire event meeting specified criteria to perform analysis of its source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, for the presence of benzene, AB 682, which requires the state board to update the state board's online search tool for funding applications to include additional descriptions, AB 755, which requires a public entity to conduct a water usage demand analysis prior to completing, or as part of, a cost-of-service analysis, AB 1572, which makes legislative findings and declarations concerning water use and specifically the use of potable water to irrigate nonfunctional turf, and SB 659, which establishes the California Water Supply Solutions Act of 2023 to require the department to provide actionable recommendations to develop additional groundwater recharge opportunities that increase the recharge of the state's groundwater basins.

ITEM 8 – BOARD OF DIRECTORS COMMENTS

Director Lara kicked off the discussion by mentioning that the City of Pico Rivera had high levels of PFAS years ago and consequently received money from their congresswoman and federal grants and using the money by spending more than $12 million for PFAS filters. Pico Rivera has installed these PFAS filters, but they are struggling to get the permit from the state representative.

Administrative Entity member Derek Nguyen shared his experiences at the city of Lakewood when dealing with getting their operating permits. He suggested putting things in writing, and requesting compliance documentation when certain things are being required.

Director del Pilar Avalos, Director Lainez, and Director Vo offered advice on the situation, including bringing this issue up to higher levels and writing a letter expressing concern from the entity.

Director Rogers moved to approve the following:

a. Approve the addition of "Draft Letter to Address PFAS Filters and Permitting Obstacles" to the current meeting's agenda as an emergency item.

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

AYES: **Vo, Lainez, Rogers, Lara, del Pilar Avalos, Ybarra, Martinez**

NOES: **None.**

ABSTAIN: None.

ITEM 9 – DRAFT LETTER TO ADDRESS PFAS FILTERS AND PERMITTING OBSTACLES

This item was added to the agenda as an emergency item based on the Board of Directors' conversation. The Board saw an immediate need for resolution and felt the matter could not wait until the next meeting for action. Director Vo suggested that SEWC write a letter to address the issue brought up by Director Lara regarding the fact that they are not able to use the PFAS filters that have been installed until the permits are issued, of which the Engineer seems to be delaying without valid reason. This letter would be drafted by the Administrative Entity, sent to the Board for review, and ultimately would be signed and sent by all cities of the SEWC.

Director Rogers moved to approve the following:

a. Assign the Administrative Entity to draft a Letter to address the PFAS filters and permitting obstacles and present it to the Board for finalizing and signing.

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

AYES: Vo, Lainez, Rogers, Lara, del Pilar Avalos, Ybarra, Martinez

NOES: None.

ABSTAIN: None.

ITEM 10 – ADMINISTRATIVE ENTITY CHAIR/LEAD AGENCY COMMENTS

None.

ITEM 11 - ADJOURNMENT

The meeting adjourned at 7:46 p.m.

The next regular Southeast Water Coalition Board Meeting will be on February 1, 2024 at 7:00 p.m. at the Vernon City Hall Council Chamber, 240 W. 4305 S. Santa Fe Avenue, Vernon, CA 90058.

_____ _____

Melissa Ybarra, Chair Date

ABSTAIN: None.

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Director Rogers moved to approve the following:

a. Assign the Administrative Entity to draft a Letter to address the PFAS filters and permitting obstacles and present it to the Board for finalizing and signing.

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

AYES: Vo, Lainez, Rogers, Lara, Ybarra, Martinez, Avalos

NOES: None.

ABSTAIN: None.

ITEM 10 – ADMINISTRATIVE ENTITY CHAIR/LEAD AGENCY COMMENTS

None.

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Ana Valencia

~~Melissa Ybarra~~, Chair

Ana Valencia

Date