



CITY COUNCIL MEETING  
AGENDA SCHEDULING REQUEST FORM

TO: CITY MANAGER

FROM: Councilwoman Beth Haney

FOR (DATE OF COUNCIL MEETING): February 1, 2022

"OTHER BUSINESS" ITEM TO BE AGENDIZED:

TITLE OF REPORT/ ITEM: Resolution and Letters Supporting Federal  
PFAS Legislation

ADDITIONAL INFORMATION: See attached.

CC: MAYOR & CITY COUNCIL  
CITY CLERK

## Template

### A RESOLUTION OF THE (YOUR AGENCY) SUPPORTING FEDERAL PFAS LEGISLATION THAT PROTECTS RATEPAYERS AND WATER/WASTEWATER AGENCIES

**WHEREAS**, PFAS are a group of chemicals developed by chemical manufacturers that would otherwise not exist naturally and despite playing no role in releasing PFAS into the environment, cities and water agencies must find ways to remove them from local water supplies; and,

**WHEREAS**, PFAS have been detected in the Orange County Groundwater Basin, managed by Orange County Water District, and are estimated to cost Orange County communities more than \$1 billion, over 30 years—a cost that will likely increase; and,

**WHEREAS**, Ratepayers are at risk from pending PFAS legislation and associated PFAS costs and water agencies and stakeholders must take action to inform members of Congress of these devastating impacts; and,

**THEREFORE**, All PFAS-related legislation must exempt water and wastewater agencies from any liability for PFAS cleanup costs; and,

**WHEREAS**, A water utility that complies with applicable and appropriate federal management and treatment standards must not be responsible for current and future costs associated with a PFAS cleanup; and,

**WHEREAS**, Given the potential for federal legislation, such as the PFAS Action Act of 2021 (H.R. 2467), to expose water agencies that simply receive and treat water supplies with across-the-board liability for PFAS-related cleanups when they have no responsibility for the presence of PFAS, an explicit exemption from Superfund clean-up liability must be made for water and wastewater agencies; and,

**WHEREAS**, Under existing law (Safe Drinking Water Act), the USEPA ensures that public health benefits of new drinking water standards are reasonably balanced with the compliance costs that water system ratepayers will ultimately incur and eliminating this analysis would burden ratepayers of all income levels with astronomical costs to comply with drinking water standards; and,

**WHEREAS**, When setting drinking water standards for PFOA and PFOS, we advocate for the USEPA to use this longstanding methodology.; and,

**NOW, THEREFORE**, let it be resolved that the Board of Directors of the (Your Agency) hereby supports these federal PFAS policy principles to protect water/wastewater agencies and their ratepayers and,

**FURTHERMORE**, we call upon the Orange County Congressional Delegation and California Senatorial Delegation to cast votes implementing these public policy positions.

Adopted: Date

cc: Orange County Water District

**DATE**

Sent via email to: Chris Gorud; Colin.Timmerman@mail.house.gov;  
Shane.Trimmer@mail.house.gov; Jacob.Marx@mail.house.gov;  
Jonathan.Kuperman@mail.house.gov

The Honorable Congressman Correa  
2301 Rayburn House Office Building  
Washington, D.C. 20515  
(email: Ngoc.Nguyen@mail.house.gov)

The Honorable Congresswoman Kim  
1306 Longworth House Office Building  
Washington, D.C. 20515  
(email: Colin.Timmerman@mail.house.gov)

The Honorable Congressman Lowenthal  
108 Cannon House Office Building  
Washington, D.C. 20515  
(email: Shane.Trimmer@mail.house.gov)

The Honorable Congresswoman Porter  
1117 Longworth House Office Building  
Washington, D.C. 20515  
(email: Jacob.Marx@mail.house.gov)

The Honorable Congresswoman Steel  
1113 Longworth House Office Building  
Washington, D.C. 20515  
(email: Jonathan.Kuperman@mail.house.gov)

Dear Representatives Correa, Kim, Lowenthal, Porter, and Steel:

Orange County is a national leader in water recycling with the Groundwater Replenishment System, stormwater capture behind Prado Dam and most recently regarding extraction of PFAS from our drinking water. These landmark projects are environmentally superior and have saved Orange County ratepayers billions of dollars from not purchasing expensive, imported water.

It has come to my attention that the House-passed federal legislation, PFAS Action Act of 2021 (H.R. 2467), would result, if enacted, in exposing the Orange County Water District (OCWD) to CERCLA's liability standard as OCWD works to remove PFAS from drinking water. OCWD has no responsibility for the presence of PFAS and the concept of imposing CERCLA liability on water districts runs contrary to the "polluter pays" public policy. I respectfully request that you work in support of OCWD's efforts in garnering an exemption from CERCLA liability for water and wastewater agencies as they properly remove PFAS from drinking water as Congress continues to consider legislative responses to protect our drinking water supplies.

Additionally, under current law (Safe Drinking Water Act), the USEPA ensures that public health benefits of new drinking water standards are balanced with the compliance costs that water system ratepayers will ultimately incur. When setting drinking water standards for PFOA and PFOS, we advocate for the USEPA to use this longstanding methodology.

Sincerely,

(insert your name)

(insert position, name of city or agency)

cc: Board President Steve Sheldon (ssheldon@ocwd.com)

**DATE**

Sent via email to: [John.Watts@feinstein.senate.gov](mailto:John.Watts@feinstein.senate.gov); [Angela.Ebiner@padilla.senate.gov](mailto:Angela.Ebiner@padilla.senate.gov); [Sarah.Swigg@padilla.senate.gov](mailto:Sarah.Swigg@padilla.senate.gov)

The Honorable Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington D.C. 20510

The Honorable Senator Alex Padilla  
United States Senate  
112 Hart Senate Office Building  
Washington D.C. 20510

Dear Senator Feinstein and Senator Padilla:

PFAS are a group of man-made chemicals created by chemical manufacturers and despite playing no role in releasing PFAS into the environment, cities and water agencies must find ways to remove them from local water supplies, find alternative water supply, and conduct expensive monitoring. PFAS have been detected in the Orange County Groundwater Basin, managed by Orange County Water District (OCWD), and are estimated to cost Orange County communities more than \$1 billion, over 30 years—a cost that could increase. Complicating this cleanup burden, ratepayers are at additional risk from pending PFAS legislation that would effectively abandon the “polluter pays” principle and create a new separate drinking water standard setting process for PFAS chemicals.

**I ask as you consider legislation to address PFAS and other contaminants of emerging concern, that you ensure such legislation provides an explicit exemption from liability for water and wastewater agencies related to PFAS cleanup costs.** A water utility that complies with applicable and appropriate federal management and treatment standards must not be responsible for current and future costs associated with a PFAS cleanup. We are especially concerned that the House has approved the PFAS Action Act of 2021 (H.R. 2467). This bill creates liability for water agencies that simply receive and treat water supplies with across-the-board CERCLA liability for PFAS-related cleanups. This pending legislation provides an exemption for the nations’ airports, and it is vital that you secure an exemption to also include water and wastewater agencies. Water agencies have no responsibility for the presence of PFAS and the concept of imposing CERCLA liability is bad public policy.

Also, under existing law (Safe Drinking Water Act), the USEPA ensures that public health benefits of new drinking water standards are reasonably balanced with the compliance costs. We advocate for the USEPA to use this current methodology when setting drinking water standards for PFOA and PFOS. This is a longstanding method that has been used and its elimination would burden ratepayers of all income levels with higher costs.

I call upon California’s Senators to cast votes implementing these public policy positions. If I can provide any further information or assistance, please contact me at **(insert your contact information)**.

Sincerely,

**(insert your name)**  
**(insert position, name of city or agency)**

cc: Board President Steve Sheldon ([ssheldon@ocwd.com](mailto:ssheldon@ocwd.com))