

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9718-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
SUPPORTING FEDERAL PFAS LEGISLATION THAT PROTECTS RATEPAYERS AND
WATER/WASTEWATER AGENCIES

WHEREAS, 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;

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

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;

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

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;

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;

WHEREAS, Under existing law, 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;

WHEREAS, Amendments to the Safe Drinking Water Act should not delete the longstanding cost-benefit analysis; and

WHEREAS, OCWD supports providing direct grant funding for PFAS remediation to water and wastewater agencies as provided in the Senate-passed Infrastructure Investment and Jobs Act (H.R. 3684).

NOW, THEREFORE, let it be resolved that the City of Garden Grove City Council supports these federal PFAS policy principles to protect water/wastewater agencies and their ratepayers; and

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

Adopted this 14th day of December 2021.

ATTEST:

/s/ STEVE JONES
MAYOR

/s/ TERESA POMEROY, CMC
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on December 14, 2021, by the following vote:

AYES:	COUNCIL MEMBERS:	(7)	BRIETIGAM, O'NEILL, NGUYEN D., BUI, KLOPFENSTEIN, NGUYEN K., JONES
NOES:	COUNCIL MEMBERS:	(0)	NONE
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

/s/ TERESA POMEROY, CMC
CITY CLERK

CITY OF GARDEN GROVE



Steve Jones
Mayor

Diedre Thu-Ha Nguyen
Mayor Pro Tem - District 3

George S. Brietigam
Council Member - District 1

John R. O'Neill
Council Member - District 2

Patrick Phat Bui
Council Member - District 4

Stephanie Klopfenstein
Council Member - District 5

Kim Bernice Nguyen
Council Member - District 6

December 15, 2021

The Honorable Congressman Correa
2301 Rayburn House Office Building
Washington, D.C. 20515

Subject: Per- and Polyfluoroalkyl (PFAS) Federal legislation

Dear Congressman Correa:

Orange County is a national leader in water recycling with the Groundwater Replenishment System, storm water 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 having to purchase expensive imported water.

It has come to the attention of the City of Garden Grove that proposed federal legislation, PFAS Action Act of 2021 (H.R. 2467), would attach Comprehensive Environmental Response Compensation and Liability (CERCLA) to the Orange County Water District (OCWD) as it removes 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 assist OCWD's efforts in garnering an exemption from CERCLA liability for water districts as they properly remove PFAS from drinking water.

Additionally, the House-approved Infrastructure Act (H.R. 3684) unfortunately included a section that amends the Safe Drinking Water Act to delete the longstanding cost-benefit analysis in the development of new drinking water standards. Under current law, the US-EPA ensures that public health benefits of new drinking water standards are balanced with the compliance costs that water system ratepayers will ultimately incur. Eliminating the cost-benefit analysis would potentially subject ratepayers of all income levels to higher costs.

At the Garden Grove City Council meeting held on December 14, 2021, Resolution No. 9718-21 was adopted by the City Council in support of pending federal PFAS legislation to protect ratepayers and water/wastewater agencies. On behalf of the Garden Grove City Council, I am respectfully requesting support for the efforts of OCWD to maintain the cost-benefit analysis in the Safe Water Drinking Act.

Sincerely,

A handwritten signature in blue ink that reads "Steve Jones".

Steve Jones
Mayor

cc: The Honorable Congressman Lowenthal
The Honorable Congresswoman Steel
The Honorable Congresswoman Kim
The Honorable Congresswoman Porter
OCWD Board President Steve Sheldon

CITY OF GARDEN GROVE



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December 15, 2021

The Honorable Congressman Lowenthal
108 Cannon Housing Office Building
Washington, D.C. 20515

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December 15, 2021

The Honorable Congresswoman Kim
1306 Longworth House Office Building
Washington, D.C. 20515

Subject: Per- and Polyfluoroalkyl (PFAS) Federal legislation

Dear Congresswoman Kim:

Orange County is a national leader in water recycling with the Groundwater Replenishment System, storm water 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 having to purchase expensive imported water.

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December 15, 2021

The Honorable Congresswoman Porter
1117 Longworth House Office Building
Washington, D.C. 20515

Subject: Per- and Polyfluoroalkyl (PFAS) Federal legislation

Dear Congresswoman Porter:

Orange County is a national leader in water recycling with the Groundwater Replenishment System, storm water 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 having to purchase expensive imported water.

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December 15, 2021

The Honorable Congresswoman Steel
1113 Longworth House Office Building
Washington, D.C. 20515

Subject: Per- and Polyfluoroalkyl (PFAS) Federal legislation

Dear Congresswoman Steel:

Orange County is a national leader in water recycling with the Groundwater Replenishment System, storm water 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 having to purchase expensive imported water.

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December 15, 2021

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

Dear 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” principal and create a new separate drinking water standard setting process for PFAS chemicals.

As you consider legislation to address PFAS and other contaminants of emerging concern, I respectfully ask 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 Comprehensive Environmental Response Compensation Liability (CERCLA) for PFAS-related cleanup. It is vital for an exemption be secured for these agencies from CERLA liability no less than what is provided to our nation’s airports. 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, 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. Eliminating this analysis would burden ratepayers of all income levels with higher costs to comply with drinking water standards. Amendments to the Safe Drinking Water Act should not delete the longstanding cost-benefit analysis. On behalf of the City of Garden Grove and the Garden Grove City Council, I call upon California’s Senators to cast votes implementing these public policy positions. Finally, I support providing direct grant funding for PFAS remediation to water and wastewater agencies as provided in the Senate-passed Infrastructure Investment and Jobs Act (H.R. 3684). If I can provide any further information or assistance, please contact City of Garden Grove Water Manager, Samuel Kim, at (714) 741-5534.

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cc: The Honorable Senator Dianne Feinstein
OCWD Board President Steve Sheldon

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