

RESOLUTION NO. 6039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, SUPPORTING THE ORANGE COUNTY WATER DISTRICT AND 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 over time; and,

WHEREAS, water and wastewater agencies are potentially at risk from pending PFAS legislation and associated PFAS costs, water agencies and stakeholders must act on behalf of ratepayers to inform members of Congress of these devastating impacts; and,

WHEREAS, water and waste water agencies did not discharge PFAS into local water basins, PFAS-related legislation must exempt those 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 to litigation for simply receiving and treating water supplies, there must be an explicit exemption from Superfund clean-up liability for water and wastewater agencies; and,

WHEREAS, under existing law (Safe Drinking Water Act), the United States Environmental Protection Agency (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 PFAS agencies like the Orange County Water District advocate for the USEPA to use this longstanding methodology,

THE CITY COUNCIL OF THE CITY OF LA HABRA DOES HEREBY RESOLVE AS FOLLOWS:

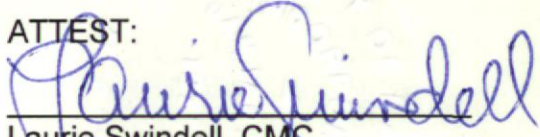
NOW, THEREFORE, IT IS ORDERED by the City Council of the City of La Habra as follows:

- A. The City Council supports the Orange County Water District position as it relates to federal PFAS legislation and the need to protect ratepayers and water and wastewater treatment agencies; and
- B. Directs City staff to prepare and transmit letters supporting the Orange County Water District's position to federal elected officials.

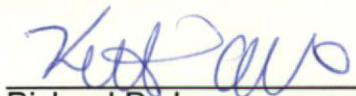
PASSED, APPROVED AND ADOPTED this 20th Day of December, 2021.



Jose Medrano
Mayor

ATTEST:


Laurie Swindell, CMC
City Clerk

APPROVED AS TO FORM:


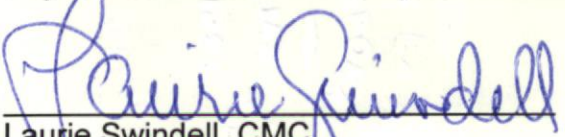
Richard D. Jones
City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss
CITY OF LA HABRA }

I, LAURIE SWINDELL, CMC, City Clerk of the City of La Habra, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 6039 and was duly passed and adopted by the City Council of the City of La Habra at a regularly scheduled meeting held on the 20th day of December, 2021, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS: Medrano, Gomez, Espinoza, Shaw, Simonian
NOES: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of La Habra this 20th day of December, 2021.



Laurie Swindell, CMC
City Clerk



City of La Habra

"A Caring Community"

ADMINISTRATION

110 East La Habra Boulevard
Post Office Box 337
La Habra, CA 90633-0785
Office: (562) 383-4010
Fax: (562) 383-4474

December 21, 2021

Sent via email to:

Chris.Gorud@mail.house.gov
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

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

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

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

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

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

Orange County is a national leader in water recycling projects and programs, including the Groundwater Replenishment System, stormwater capture behind Prado Dam, and most recently, the extraction of per- and polyfluoroalkyl substances (PFAS) from our drinking water. Each of these landmark projects and programs are environmentally superior and have saved Orange County ratepayers billions of dollars from not purchasing expensive, imported water.

It has come to our 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. As you know, OCWD has no responsibility for the presence of PFAS and the potential imposition of CERCLA liability on water districts runs contrary to the "polluter pays" public policy.

We respectfully request that you work in support of OCWD's efforts to garner 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 that would better 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,

A handwritten signature in blue ink, appearing to be 'JM', with a long horizontal flourish extending to the right.

Jose Medrano
Mayor
City of La Habra

cc: La Habra City Council
Jim Sadro, City Manager
Elias Saykali, Director of Public Works
Steve Sheldon, OCWD Board President (ssheldon@ocwd.com)
Lisa Ohlund, Ohlund Management and Technical Services (l.ohlund@me.com)
Cori Takkinen, Townsend Public Affairs (ctakkinen@townsendpa.com)



City of La Habra

"A Caring Community"

ADMINISTRATION

110 East La Habra Boulevard
Post Office Box 337
La Habra, CA 90633-0785
Office: (562) 383-4010
Fax: (562) 383-4474

December 21, 2021

Sent via email to:

John.Watts@feinstein.senate.gov
Angela.Ebner@padilla.senate.gov
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:

Per- and Polyfluoroalkyl Substances, also known as 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 supplies, and conduct expensive monitoring.

As you may know, 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 potentially increase over time. 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.

We respectfully ask you to consider legislation to address PFAS and other contaminants of emerging concern and 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), a bill that 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 our nation's 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 and its elimination would potentially burden ratepayers of all income levels with higher costs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JM', with a long horizontal flourish extending to the right.

Jose Medrano
Mayor
City of La Habra

cc: La Habra City Council
Jim Sadro, City Manager
Elias Saykali, Director of Public Works
Steve Sheldon, OCWD Board President (ssheldon@ocwd.com)
Lisa Ohlund, Ohlund Management and Technical Services (l.ohlund@me.com)
Cori Takkinen, Townsend Public Affairs (ctakkinen@townsendpa.com)