

RESOLUTION NO 21-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUSTIN 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; and,

WHEREAS, PFAS have been detected in the Orange County Groundwater Basin, managed by Orange County Water District (OCWD), and are estimated to cost Orange County 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, 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, 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); and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tustin hereby supports these federal PFAS policy principles to protect water/wastewater agencies and their ratepayers and,

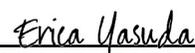
BE IT FURTHER RESOLVED, we call upon the Orange County Congressional Delegation and California Senatorial Delegation to cast votes implementing these public policy positions and authorize the Mayor to finalize, sign and execute the letters attached to the agenda report, respectively.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tustin held on the 16th day of November, 2021.

DocuSigned by:


LETITIA CLARK,
Mayor

ATTEST:

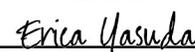
DocuSigned by:


ERICA N. YASUDA,
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF TUSTIN)

I, Erica N. Yasuda, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, do hereby certify that the whole number of the members of the City Council is five; that the above and foregoing Resolution No. 21-97 was duly and regularly passed and adopted at a regular meeting of the City Council held on the 16th day of November, 2021 by the following vote:

COUNCILMEMBER AYES: Clark, Lumbard, Cooper, Gallagher, Gomez (5)
COUNCILMEMBER NOES: _____ (0)
COUNCILMEMBER ABSTAINED: _____ (0)
COUNCILMEMBER ABSENT: _____ (0)

DocuSigned by:


ERICA N. YASUDA,
City Clerk

Office of the City Council



December 1, 2021

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, 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 purchasing expensive, imported water.

It has come to my attention that proposed federal legislation, PFAS Action Act of 2021 (H.R. 2467), would attach CERCLA liability 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. Please support the efforts of OCWD to maintain the cost-benefit analysis in the Safe Water Drinking Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Letitia Clark".

Letitia Clark
Mayor

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

Office of the City Council



December 1, 2021

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 principal 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. It is vital that you secure an exemption for these agencies from CERCLA liability no less than that 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 and 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.

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).

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 lclark@tustinca.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Letitia Clark".

Letitia Clark
Mayor

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