



Southeast Water Coalition

A joint powers authority to protect the Central Groundwater Basin

Meeting Agenda Announcement

Assembly Bill (“AB”) 361, signed into law on September 16, 2021, amends Government Code section 54953 to provide authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown Act (Gov. Code §§ 54950 et seq.).

Consistent with mandates of AB 361, some, or all, SEWC Board Members may attend this meeting virtually. A physical location from which members of the public may observe the meeting or offer public comment will not be made available. Commerce City Hall will not be open to the public for this meeting; however viewing and public comment options are provided below.

View live open session meeting remotely via Zoom:

Join Zoom Meeting:

<https://zoom.us/j/91450167100?pwd=WmpGMEs5WjhMaDdzK3g2WFhiV2c5dz09>

Meeting ID: 914 5016 7100

Password: 693196

One tap mobile:

- 16699009128,,9145016700#,,,,,0#,,693196# US

Public Comment/Question options:

- Email: kjservicesenviro@gmail.com
- Voicemail: (323) 722-4805 ext. 2812

Please submit email and voicemail public comments by at least 5:30 p.m. on the date of the meeting to ensure SEWC Board Members receive and have time to review them. All email and voicemails received by 5:30 p.m. are forwarded to SEWC Board Members. Email and voicemails received after 5:30 p.m. but before the conclusion of the public comment portion will be entered into the record.

AGENDA
SOUTHEAST WATER COALITION
REGULAR MEETING OF THE POLICY BOARD
THURSDAY, FEBRUARY 3, 2022

1. ROLL CALL

2. PUBLIC COMMENTS

3. CONSENT CALENDAR

**a. SEWC BOARD OF DIRECTOR MINUTES OF DECEMBER 3, 2021
REGULAR MEETING**

Recommendation: Approve minutes as submitted.

b. WARRANT REGISTER

Recommendation: Approve Warrant Register.

**c. MAKE FINDINGS PURSUANT TO GOVERNMENT CODE SECTION
54953(e) ESTABLISHED BY ASSEMBLY BILL 361 – NEW LEGISLATION
REGARDING PUBLIC MEETINGS AND TELECONFERENCING**

Recommendation: That the Policy Board take the following actions:

1. Make the following findings pursuant to Government Code Section 54953 (e)(3):
 - a) The Board has reconsidered the circumstances of the COVID-19 state of emergency; and
 - b) State and local officials continue to recommend measures to promote social distancing.

**** End of Consent Calendar****

**4. STATEWIDE DROUGHT DECLARATION REQUIREMENTS AND THEIR
IMPACT ON THE SEWC CITIES / EXPANDED MWD WATER
CONSERVATION PROGRAMS**

Gina Nila, AE Chair, City of Commerce

Recommendation: That the Policy Board take the following action:

Receive and file an update on the State's Drought Declaration and its impact on the SEWC cities and a review of the Metropolitan Water District's expanded water conservation programs.

5. PFAS UPDATE

Gina Nila, AE Chair, City of Commerce

Nick Ghirelli, Richards, Watson, & Gershon

Recommendation: That the Policy Board take the following action:

Receive and file an update on the status of the Water Replenishment District's PFAS remediation program, and the impacts of the potential listing of certain PFAS chemicals under the Federal EPA's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

6. UPDATE ON THE CENTRAL BASIN MUNICIPAL WATER DISTRICT

Alex Rojas, General Manager, Central Basin Municipal Water District

Recommendation: That the Policy Board take the following action:

Receive and file an update from the Central Basin Municipal Water District regarding redistricting and new sponsored legislation.

7. SEWC PROGRAM MANAGEMENT CONTRACT EXTENSION

Gina Nila, AE Chair, City of Commerce

Recommendation: That the Policy Board take the following action:

Approve a term extension for SEWC Administrative Services with KJServices Environmental Consulting, retroactive to July 1, 2021, through June 30, 2023.

8. APPROVE AN INCREASE IN THE LUMP SUM BUDGET WITH RICHARDS, WATSON, AND GERSHON FOR MONITORING AND REVIEW OF CENTRAL BASIN MWD MEETINGS

Gina Nila, AE Chair, City of Commerce

Recommendation: That the Policy Board take the following action:

Increase the current lump sum budget allocation for Richards, Watson, and Gershon for the monitoring and review of the Central Basin MWD by \$2,000, increasing from \$10,000 to \$12,000.

9. BOARD OF DIRECTORS COMMENTS

10. ADMINISTRATIVE ENTITY CHAIR / LEAD AGENCY COMMENTS

11. ADJOURNMENT

Disability-related services are available to enable persons with a disability to participate in this meeting, consistent with the Federal Americans with Disabilities Act of 1990. Spanish interpreters are also available. For information or to request services, please contact the City of Commerce Public Works Department at least 24 hours in advance of the meeting at (323) 722-4805 ext. 2812.

The next meeting of the Southeast Water Coalition Board of Directors will be on Thursday, April 7, 2022, 6:30 pm, at Commerce City Hall, 2535 Commerce Way, Commerce, CA, 90040.

I, Michelle Keshishian, City of Commerce, do hereby certify, under penalty of perjury under the laws of the State of California that the foregoing notice was posted pursuant to Government Code Section 54950 Et. Seq. and City of Commerce Ordinance at the following locations: Commerce City Hall, Rosewood Neighborhood Library, and the Commerce Senior Center.

Dated: January 31, 2022

Michelle Keshishian
Environmental Coordinator
City of Commerce

**MINUTES OF THE
SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY**

REGULAR MEETING OF THE POLICY BOARD

**THURSDAY, DECEMBER 2, 2021
6:30 P.M.**

The regular meeting of the Southeast Water Coalition Joint Powers Authority Policy Board, conducted electronically over Zoom, was called to order at 6:30 p.m. by Policy Board Vice Chair Melissa Ybarra.

1. ROLL CALL

Kristen Sales (KJServices Environmental Consulting) called roll and the following Board Members were present on the Zoom call:

Frank Yokoyama	City of Cerritos
Sean Ashton	City of Downey
Todd Rogers	City of Lakewood
Margarita Rios	City of Norwalk
Isabel Aguayo	City of Paramount
Annette Rodriguez	City of Santa Fe Springs
Maria Pilar Avalos	City of South Gate (arrived at 6:35pm)
Melissa Ybarra	City of Vernon
Jessica Martinez	City of Whittier

Also Present:

Michelle Keshishian	City of Commerce
Jason Wen	City of Lakewood
Sarah Ho	City of Paramount
Jesse Sira	City of Santa Fe Springs
Gladis Deras	City of South Gate
Joanna Moreno	City of Vernon
Ray Cordero	City of Whittier

Others in Attendance:

Cesar Rangel	City of Whittier
Nick Ghirelli	RWG
Alex Rojas	CBMWD GM
Rob Beste	WRD
Kristen Sales	KJServices Environmental Consulting
Kevin Sales	KJServices Environmental Consulting

2. PUBLIC COMMENTS

No public comments were received.

3. CONSENT CALENDAR

SEWC Board Vice Chair Melissa Ybarra (Vernon) asked for a motion to approve the Consent Calendar. The motion was made by Board Member Todd Rogers (Lakewood) and seconded by Board Member Sean Ashton (Downey). The motion passed with a unanimous roll call vote by all SEWC Board Members present.

4. UPDATE ON WRD PFAS REMEDIATION PROGRAM

The Board received an update from Mr. Rob Beste, the Assistant General Manager of the Water Replenishment District (WRD). Mr. Beste stated that the WRD's Technical Advisory Committee (TAC) recommended adding \$12 to the Replenishment Assessment (RA) per acre foot to fund additional PFAS remediation programs. In addition the WRD is looking at the possibility of securing Federal funding, and is communicating with Federal and other agencies that additional PFAS remediation funding is needed immediately.

Board Member Margarita Rios (Norwalk) stated that City Council had received a presentation from Liberty Utilities about the PFAS issue about 6 weeks prior and wondered if the City should follow-up directly with the WRD about possible PFAS remediation funding or if it would be better to have Liberty Utilities contact them? Mr. Beste stated that sometimes utility companies like Liberty just go ahead with the necessary construction and then, after its completion, apply to WRD for reimbursement. He suggested that the City discuss the issue with Liberty Utilities to determine which way to proceed. Board Member Rios thanked Mr. Beste for his follow-up on the issue.

The item was received and filed by the SEWC Board of Directors.

5. UPDATE ON CENTRAL BASIN MUNICIPAL WATER DISTRICT

The Board received an update from Mr. Alex Rojas, the General Manager of the Central Basin Municipal Water District. Mr. Rojas stated that the CBMWD was adopting the "One Water" philosophy in line with the policy that the Metropolitan Water District had adopted. As part of this approach, the District is looking to sponsor legislation in the next year that would address the following funding priorities: provide redundant connections for cities to provide seismic resiliency, recycled water expansion, and PFAS remediation treatment within the Central Basin area. Mr. Rojas further stated that the District will pursue direct funding as soon as possible from the State. He explained that local water purveyors did not create the PFAS program and that additionally 70% of the District is made up of disadvantaged communities (DAC). The Central Basin MWD is looking to bring in money to provide direct PFAS funding for the region. Mr. Rojas stated that the District proposed bill would be going to their legislative committee soon and that he welcomed comments on its form from SEWC cities.

In discussing redistricting, Mr. Rojas stated that AB 1794 will take effect in November 2022. Their redistricting map will be on the December 20th Board Meeting agenda and that public hearings would follow, tentatively in January and February 2022, with tentative approval of the redistricting map at their March 2022 Board meeting. Initial estimates show that each District will serve between 375,000 and 385,000 voters. District 5 will most likely be the most affected.

Mr. Rojas stated that Central Basin has sold their building and that they are currently looking for a new location. They will continue to be in their current location through June 30, 2022. The Central Basin's current budget is \$21.5M in Operations and Reserves, with \$5M restricted for bonds and \$16M unrestricted.

There were no questions from SEWC Board Members. The item was received and filed by the SEWC Board of Directors.

6. UPDATE ON STATEWIDE DROUGHT CONDITIONS

SEWC Administrative Entity Vice Chair Joanna Moreno (Vernon), provided the Board with a report on the current state-wide drought conditions. She stated that new state regulations may impose restrictions of wasteful water use practices at residential and commercial properties.

The item was received and filed by the SEWC Board of Directors.

7. MAKE FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)(3) ESTABLISHED BY ASSEMBLY BILL 361 - NEW LEGISLATION REGARDING PUBLIC MEETINGS AND TELECONFERENCING

The item was received and filed by the SEWC Board of Directors.

8. BOARD OF DIRECTORS COMMENTS

Board Vice Chair Melissa Ybarra wished everyone a happy holiday.

9. ADMINISTRATIVE ENTITY CHAIR / LEAD AGENCY COMMENTS

Kristen Sales (KJServices Environmental Consulting) announced that this was her last SEWC meeting as she has accepted a new position with the County of Sonoma. Ms. Sales received thanks from various Board Members.

10. ADJOURNMENT

Policy Board Chair Rebollo (Commerce) adjourned the meeting at 7:08 p.m.

CHAIR

ATTEST:

Payment Register

From Payment Date: 11/23/2021 - To Payment Date: 1/27/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference	
GENERAL ACCOUNT - CBB GENERAL ACCOUNT										
<u>Check</u>										
421134	12/08/2021	Open			Accounts Payable	KJ SERVICES ENVIRONMENTAL CONSULTING LLC	\$2,000.00			
421161	12/15/2021	Open			Accounts Payable	AGUAYO, MARIA, ISABEL	\$150.00			
421163	12/15/2021	Open			Accounts Payable	ASHTON, SEAN	\$150.00			
421165	12/15/2021	Open			Accounts Payable	DEL PILAR AVALOS, MARIA	\$150.00			
421180	12/15/2021	Open			Accounts Payable	MARTINEZ, DELPHIN, JESSICA	\$150.00			
421189	12/15/2021	Open			Accounts Payable	RIOS, MARGARITA, L	\$150.00			
421190	12/15/2021	Open			Accounts Payable	RODRIGUEZ, ANNETTE	\$150.00			
421191	12/15/2021	Open			Accounts Payable	ROGERS, TODD, SCOTT RANDALL	\$150.00			
421199	12/15/2021	Open			Accounts Payable	YBARRA, MELISSA, ANNA	\$150.00			
421200	12/15/2021	Open			Accounts Payable	YOKOYAMA, FRANK, AURELIO	\$150.00			
Type Check Totals:										
							10 Transactions	\$3,350.00		
<u>EFT</u>										
2593	12/08/2021	Open			Accounts Payable	RICHARDS, WATSON & GERSHON	\$493.00			
2594	12/08/2021	Open			Accounts Payable	RICHARDS, WATSON & GERSHON	\$552.50			
2595	12/08/2021	Open			Accounts Payable	RICHARDS, WATSON & GERSHON	\$289.00			
2596	12/08/2021	Open			Accounts Payable	RICHARDS, WATSON & GERSHON	\$130.00			
2612	12/15/2021	Open			Accounts Payable	RICHARDS, WATSON & GERSHON	\$32.50			

Payment Register

From Payment Date: 11/23/2021 - To Payment Date: 1/27/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
2613	12/15/2021	Open			Accounts Payable	RICHARDS, WATSON & GERSHON	\$425.00		
Type EFT Totals:							\$1,922.00		
GENERAL ACCOUNT - CBB GENERAL ACCOUNT Totals									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	10	\$3,350.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	10	\$3,350.00	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$1,922.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	6	\$1,922.00	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	16	\$5,272.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	16	\$5,272.00	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	10	\$3,350.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	10	\$3,350.00	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$1,922.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	6	\$1,922.00	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	16	\$5,272.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	16	\$5,272.00	\$0.00

**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: February 3, 2022
To: Southeast Water Coalition Board of Directors
From: Gina Nila, AE Chair, City of Commerce

**Subject: STATEWIDE DROUGHT DECLARATION REQUIREMENTS AND THEIR
IMPACT ON THE SEWC CITIES / EXPANDED MWD WATER
CONSERVATION PROGRAMS**

Recommendation: That the Policy Board take the following action:

Receive and file an update on the State's Drought Declaration and its impact on the SEWC cities and a review of the Metropolitan Water District's expanded water conservation programs.

Background

At their December 2, 2021 meeting, the Policy Board received an update on the extent of the California Drought. On October 19, 2021, Governor Newsom expanded the statewide drought emergency declaration to include every county in the state, calling for a Statewide water use reduction of 15% from 2020 levels.

On November 9, 2021, the Metropolitan Water District (MWD) Board of Directors declared a Drought Emergency, citing lack of supply from the State Water Project (SWP) water from Northern California. The MWD Board approved expanding conservation programs, including \$5.5M to install high-efficiency toilets in older apartment buildings; increase its turf replacement program rebate from \$2 to \$3/sq ft for public agencies that replace grass with more water-efficient landscaping; and provide additional \$1.5 million for its program to directly install water-efficient devices for income-qualified customers.

While many of these water conservation programs are aimed at and applied for directly by residents and businesses, two of the programs are targeted at cities:

1. The public agency turf removal program, which can be applied for directly via the SoCal Water Smart website (socalwatersmart.com) beginning in February 2022, and
2. Member Agency Administered Program (MAAP) which is applied for through the Central Basin Municipal Water District as the cities' representative to the MWD Board.

On January 4, 2022 the State Water Boards adopted a series of water use regulations that are intended to help meet the Governor's 15% water use reduction goal. While many of these water use restrictions focus on individual water use, some apply directly to cities, including the prohibition against watering medians.

Other restrictions include:

- Cleaning streets or construction site prep
- Applying water to outdoor landscapes that results in more than incidental runoff
- Washing vehicles without an automatic shutoff nozzle
- Washing impervious areas such as sidewalks, driveways and buildings
- Irrigation within 48 hours of a one-fourth inch of rain
- Filling or topping off fountains, lakes, and ponds

The regulations are enforceable by the Water Boards as well as the cities with fines allowable up to \$500 per day.

Local agencies may also enforce stricter water conservation rules, including those in their Water Shortage Contingency Plans.

Attachments:

1. Drought Conservation Emergency Regulations FAQs
2. State Water Boards Media Release
3. League of California Cities – media release



Fact Sheet

Drought Conservation Emergency Regulation – January 2022: Frequently Asked Questions

Updated: January 6, 2022

What wasteful water uses are prohibited?

To promote water conservation, the use of potable water is prohibited in this emergency regulation for the following:

- Applying water to outdoor landscapes resulting in more than incidental runoff
- Washing vehicles without an automatic shutoff nozzle
- Washing impervious areas
- Street cleaning or construction site prep
- Decorative fountains, lakes, or ponds
- Irrigating turf within 48 hours of one fourth of an inch ($\frac{1}{4}$ ") of rainfall
- Irrigating turf on public medians

Are there exemptions from the prohibitions?

Yes. The use of water is not prohibited to the extent use is necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.

What are examples of health and safety needs?

The State Water Resources Control Board has included a "health and safety" exemption to allow the otherwise prohibited water use practices to address reasonable and legitimate healthy and safety needs. Examples of activities where water applications may be necessary to address a health or safety need include controlling nuisance dust, suppressing fires, removing pathogenic waste from sidewalks (such as animal waste), and using potable water that is likely to have direct human contact necessitating drinkable water. When feasible, however, a broom or similar method of cleaning that doesn't use potable water should be used.

What is "incidental runoff" and what are some examples?

"Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.



Should I skip irrigation due to rain?

Yes. If it rained recently or is going to rain soon, you should change your lawn irrigation schedule. You can check the weather online to plan for and confirm the amount of rainfall in your area. Also, it is important to keep watering trees.

Why does the regulation prohibit irrigation during or within 48 hours of one fourth of an inch (1/4") of rainfall specifically?

The similar prohibition that was in place during the last drought was triggered by "measurable rainfall." The Board received a number of comments that it should use a numeric volume that is easily understood and implemented, and that reasonably serves the intended purpose, i.e., that it should reflect an amount of precipitation that allows irrigation systems to be turned off without harming landscapes. One fourth of an inch was proposed by a number of commenters.

It's been raining. Why do we need a drought emergency regulation?

During October and November 2021, there were significant water savings at least in part due to communities not watering lawns during and immediately after rain events. Although the greatest opportunities for water savings are still the warmer months, those savings come predominantly from reductions in outdoor water use, which also occurs during the cooler months in California. Major water savings have been observed during times of rainfall. Furthermore, strong snowpack and rainfall in December does not guarantee enough water supply for the year. For example, snowpack levels in December 2012 were similar to those in December 2021, but a dryer than normal January through March 2013 led to drought levels in April 2013 that persisted until 2017.

Will the prohibition on using potable water for irrigating turf on public street medians allow communities to irrigate trees?

Yes. The prohibition applies only to turf (lawn) on public street medians. Trees provide many social and environmental benefits, such as shade, carbon sequestration, and habitat. Urban trees also reduce energy use by shading buildings, reduce heat island effects and associated health impacts, absorb and filter storm runoff and urban flooding, and protect air quality. For more information on taking care of trees while saving water, go to [Save Our Trees](#) on the SaveOurWater.com website.

Where can someone report water waste or violations of these prohibitions?

The easiest and most helpful way a person may file a complaint of water waste is by accessing [SaveWater.CA.Gov](#), which is an online portal that is easily accessible from smartphones and other devices through a web browser. Anyone may file a water waste complaint. After submitting the complaint, it is automatically directed to the local water supplier and the State Water Resources Control Board. The website also allows you to upload photos of the activity, which helps with enforcement decision making. It is likely

most water suppliers will prefer to use their own enforcement strategies and apply their own existing water use restrictions, though they will have discretion in how they deal with complaints.

Who is subject to enforcement (warnings, fines, etc.) for engaging in prohibited water uses?

Most of the prohibitions apply to individual water users, which in some cases includes cities, counties, and businesses to the extent those entities engage in prohibited activities. The prohibition against watering turf on public street medians, for example, is more likely to apply to local governments than to individual homeowners. The prohibition relating to using potable water in decorative fountains may apply to individual homeowners, state and local government, and some commercial properties. The homeowners' association (HOA) provision would also prohibit HOAs from fining residents who are taking some appropriate drought responses.

Who may enforce the emergency regulation's prohibitions?

In addition to being enforceable by the State Water Resources Control Board, any local agency, city, or county (or city and county) that has authority to enforce infractions will be able to enforce these prohibitions at their discretion. The regulation would give local government/agencies the ability to pursue their own enforcement but does not constrain their discretion in how they use their enforcement resources. Enforcement may include warning letters, mandatory water use audits (for large commercial or institutional properties), and fines (up to \$500 per day). Before imposing monetary penalties, the Board has directed staff, and encouraged other enforcing entities, to provide one or more warnings, to consider peoples' ability to pay, to consider payment plans of at least 12 months without a tax lien, and to not cause peoples' water service to be shut off for nonpayment. The Board also encourages agencies to provide assistance to disadvantaged communities, including translation of water conservation announcements into various languages.

May HOAs or cities enforce landscaping rules that restrict homeowners' drought responses?

Many homeowners have wanted to change their landscaping to conserve water during or in response to drought emergencies. The most common complaints the State Water Resources Control Board receives during drought are from homeowners frustrated by homeowners' associations (HOAs) attempting to enforce their landscaping rules in a manner that may violate the Davis-Stirling Act. The Board or a local agency could impose penalties on any HOA that violates the Act. Likewise, cities and counties are prohibited from restricting certain drought responses.

Are local agencies required to use the emergency regulation's enforcement authority?

Local government/agencies retain their discretion in how they use their enforcement resources; nothing about this regulation gives water waste infractions priority over other infractions or requires any specific enforcement. Local government/agencies also may choose to enforce their own drought conservation rules in their discretion, including those in their Water Shortage Contingency Plans (WSCPs), as opposed to the emergency regulation. The emergency regulation gives local agencies additional options to deal with water waste.

How is the State Water Board addressing social equity in this emergency regulation?

The Board encourages agencies to provide assistance to disadvantaged communities, including translation of water conservation announcements into various languages. Also, before imposing monetary penalties, the Board directed staff, and encouraged other enforcing entities, to provide one or more warnings before imposing monetary penalties, to consider peoples' ability to pay and payment plans for monetary penalties, and to not cause peoples' water service to be shut off for nonpayment.

How long will this emergency regulation be in effect?

An emergency regulation becomes effective when filed with the Secretary of State by the Office of Administrative Law (OAL). This emergency regulation will most likely take effect on or about January 15, 2022, depending on the OAL process. The emergency regulation will remain in effect for one year from the effective date, unless the State Water Board determines that it is no longer necessary, modifies it, or renews the regulation.

What changes have been made from the initially-proposed regulation text to the final adopted regulation text?

On November 30, 2021, State Water Board staff proposed initial text for the emergency regulation. On January 4, 2021, State Water Board staff proposed minor changes to the language of two prohibitions, which the Board incorporated into the regulation text it adopted, as follows:

Clarifying changes were made to the street cleaning/construction site preparation prohibition (section 995, subdivision (b)(1)(D)) such that the adopted regulation prohibits only the "use of potable water for street cleaning or construction site preparation purposes." This change clarifies that the prohibition on using potable water does not apply to all uses of water for construction activities (such as mixing concrete) and that it only applies to construction site preparation if no other method is available.

The prohibition on using potable water for irrigating turf on public medians (section 995, subdivision (b)(1)(G)), which refers to the area between two portions of a roadway, was also modified in the final adopted regulation to remove “landscaped areas between the street and sidewalk” and to include “ornamental.” Thus, the regulation prohibits only the “use of potable water for irrigation of ornamental turf on public street medians.” The change removes the prohibition against using potable water to irrigate turf on parkways, which are generally the area between the sidewalk and the street. These changes remove a significant source of confusion and uncertainty, making the prohibition easier to implement. Water agencies likely made changes in the last drought regarding irrigating medians, so limiting the prohibition in this manner should not lead to significant new costs or have a notable potential impact on trees.



Media Release

State Water Board adopts emergency water use regulations to boost drought resilience

Despite early winter storms, California remains in a drought

January 4, 2022

Contact: [Edward Ortiz](#) - Public Information Officer

SACRAMENTO – As climate change-fueled extreme weather continues to disrupt our water system, the State Water Resources Control Board today adopted an [emergency regulation](#) that prohibits certain wasteful water use practices statewide and encourages Californians to monitor their water use more closely while building habits to use water wisely.

Among the wasteful water practices included are irrigating ornamental landscapes when it's raining, using potable water to clean hard surfaces or driveways, and the use of ornamental fountains. The regulation stems from Governor Newsom's [Emergency Drought Proclamation](#) on October 19, 2021, which expanded the drought emergency statewide and encouraged the State Water Board to supplement voluntary conservation measures by prohibiting certain wasteful water uses. Prohibited use regulations are not new in California. Similar regulations were in place during the state's last severe drought. In some areas, they were made permanent through local action.

"Climate change is challenging us to build drought resilience in our water infrastructure and management practices and at an individual level in our daily habits," said E. Joaquin Esquivel, chair of the State Water Board. "Prohibiting wasteful water practices increases awareness of water as a precious resource no matter what type of weather we are experiencing in a given moment, because weather extremes are now part of our climate reality."

The prohibitions apply to specific uses and apply to all water users, including individuals, business and public agencies, and can be enforced through warning letters, water audits or fines. The prohibitions will remain in place for one year unless extended, modified or removed. They help ensure that Homeowners' Associations (HOAs), cities and counties don't unlawfully restrain homeowners from taking water conservation actions. Even without the emergency regulation, it is illegal for HOAs to prevent water conservation during a drought emergency, but the regulation allows for monetary penalties for certain violations of existing law.



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD

1001 I Street, Sacramento, CA 95814 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • www.waterboards.ca.gov



The board has the authority to impose monetary penalties, and the regulation makes the prohibitions infractions, which may be enforceable by local governments or other agencies that have the authority to enforce infractions.

The emergency regulation takes effect within ten days once approved by the Office of Administrative Law and filed with the Secretary of State.

The easiest and most helpful way a person may file a complaint of water waste is by accessing <https://savewater.ca.gov>.

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper resource allocation and efficient use for the benefit of present and future generations.



Temporary drought rules go into effect Jan. 14; cities may use their own discretion during enforcement process

Jan 12, 2022

California water officials have enacted statewide drought rules similar to those in force during the 2012-2016 drought in an effort to increase water conservation. The temporary regulations go into effect on or about Jan. 14, 2022 and will last for one year.

Although the rules mostly focus on individual water use in urban areas, some apply directly to local agencies (including cities), such as the use of water on public medians. Under the regulations, using potable water for the following actions is prohibited unless there is an immediate health and safety hazard, such as a fire or pathogenic waste.

- Cleaning streets or construction site prep.
- Irrigating turf on public medians.
- Applying water to outdoor landscapes in a manner that results in more than incidental runoff.
- Washing vehicles without an automatic shutoff nozzle.
- Washing “impervious” areas, such as sidewalks, driveways, and buildings.
- Irrigating turf within 48 hours of one-fourth of an inch of rainfall.
- Filling or topping off decorative fountains, lakes, or ponds.

The regulations are enforceable by the California Water Resources Control Board and relevant local agencies, including cities. Violators can face fines of up to \$500 per day. The Board is encouraging progressive enforcement, starting

with warning letters for families and mandatory water use audits for large commercial or institutional properties. However, local agencies can use their discretion when enforcing the rules.

Additionally, local agencies may enforce stricter conservation rules, including those in their Water Shortage Contingency Plans, in addition to the emergency regulations. The regulations also prohibit agencies and homeowners associations from penalizing residents who cut back on water usage, resulting in brown lawns.

More information about the regulations, including health and safety exemptions, can be found on the Board's [FAQ](#)

(https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/docs/20220106-faq-emergency-regulations-january-2022.pdf) or

(https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/emergency_regulation.html) **Conservation Emergency Regulations**

(https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/emergency_regulation.html) program web page. For questions, contact California Water

Resources Control Board Climate Lead

(<mailto:christopher.hyun@waterboards.ca.gov>) **Chris Hyun**

(<mailto:christopher.hyun@waterboards.ca.gov>) .

**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: February 3, 2022
To: Southeast Water Coalition Board of Directors
From: Gina Nila, AE Chair, City of Commerce
Nick Ghirelli, Richards, Watson, & Gershon

Subject: PFAS UPDATE

Recommendation: That the Policy Board take the following action:

Receive and file an update on the status of the Water Replenishment District's PFAS remediation program, and the impacts of the potential listing of certain PFAS chemicals under the Federal EPA's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Background

At their December 2, 2021 meeting, the Board received an update from Mr. Rob Beste, Assistant General Manager, on the Water Replenishment District's (WRD) PFAS Remediation Program. As part of that presentation a list was provided showing the water purveyors that had submitted projects under the program.

WRD Remediation Program status

To date the WRD has executed funding agreements with two applicants: the Pico Water District, and most recently, as of January 20, 2022, with the City of Commerce.

Potential Listing of PFAS Chemicals on CERCLA

There are two efforts ongoing at the Federal level to add certain PFAS chemicals as pollutants under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The EPA has said they will be releasing, for comment, a proposed ruling in Spring 2022 adding certain PFAS chemicals to the list of CERCLA pollutants. Additionally, there is pending federal legislation, HR 2467, *The PFAS Action Act*, which would potentially accomplish the same thing.

See the attached memo prepared by Richards, Watson, and Gershon on the potential impacts to and effects on cities and other water purveyors of including PFAS (specifically PFOA and PFOS) chemicals as pollutants under the CERCLA registry.

Attachments:

1. WRD PFAS Remediation - Status of Projects
2. RWG Memo – Implications of Listing Certain PFAS as CERCLA Hazardous Substances
3. California Senate Bill SB1044 – banning PFAS use in certain fire-fighting systems



WRD PFAS Remediation Program - Status of Projects

No.	Pumper	Type of Funding Requested	PFAS-Impacted Wells	Quantity of Proposed PFAS Treatment Systems	Pumper's Estimated Total Project Cost	Program Funding Amount	Status
1	City of Commerce	Funding Support	Only 1 well: Well 7-01	1	\$2.5M	\$1.14M	Pumper to submit backup information regarding project costs. Draft Funding Agreement under review by Pumper.
2	Pico Water District	Funding Support	Total of 3 wells: Well 11 Well 8 Well 5A	3	\$5.44M	\$4.25M	Funding Agreement executed on 9/23/21. WRD processing monthly reimbursements.
3	City of Pico Rivera	Funding Support	Total of 7 wells: Well 1 Well 2 Well 3 Well 4 Well 5 Well 11 Well 12	4	\$13.9M	\$4.18	WRD waiting on revised Funding Application from Pumper.
4	California Water Service Company (Cal Water), East Los Angeles (ELA)	Funding Support	Only 1 well: Well 63-01	1	\$4.2M	\$4.11	WRD waiting on revised Funding Application submittal from Pumper.
5	City of Montebello	Funding Support	Only 1 well: Well MONT1	1	TBD	TBD	WRD waiting on Funding Application submittal by Pumper.
6	San Gabriel Valley Water Company	Funding Support	TBD	TBD	TBD	TBD	WRD waiting on Funding Application submittal by Pumper.
7	City of Bell Gardens	TBD	Only 1 well: Well 1	1	TBD	TBD	WRD waiting on Funding Application submittal by Pumper. Initial PFAS Application from Pumper not submitted during Round 1 (by Oct 2020).



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MEMORANDUM

ATTORNEY-CLIENT PRIVILEGE

TO: Administrative Entity Members
Southeast Water Coalition

FROM: Nicholas R. Ghirelli
Chelsea O'Sullivan

DATE: December 14, 2021

SUBJECT: Implications of Listing Certain PFAS as a CERCLA Hazardous Substances

I. Introduction

Per- and Polyfluoroalkyl Substances (PFAS) are a broad class of widely used chemicals that are persistent in the environment and slow to degrade. PFAS are present in our nation's waters, including our potable water supply. PFAS have also been found to accumulate in humans and animals and cause harmful health effects. Given their prevalence and characteristics, in recent years the United States Environmental Protection Agency (EPA) has faced increasing pressure to regulate PFAS. In response, EPA is currently pursuing many actions to regulate PFAS across its programs.

Of particular interest, EPA is planning to list perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), two common types of PFAS, as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Congress is concurrently considering taking action to require EPA to list PFOA and PFOS and their salts as hazardous substances under CERCLA. These anticipated and pending actions to list certain PFAS as hazardous substances and the potential implications of such listings for water providers are discussed below.

The Administrative Entity has requested this memorandum to explain the legal consequences to SEWC members of listing PFAS chemicals as hazardous substances under CERCLA. As explained more fully below, once certain PFAS are listed as CERCLA hazardous substances, water providers could potentially face liability under CERCLA as owners or operators of a facility where a listed

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PFAS was released or an entity that arranged for the disposal of a listed PFAS removed from its systems.

II. Pending and Anticipated Actions to Designate Certain PFAS as Hazardous Substances

On October 18, 2021, EPA released its “PFAS Strategic Roadmap: EPA’s Commitments to Action 2021-2014” (PFAS Roadmap), which listed, among many other PFAS related actions, that EPA is developing a Notice of Proposed Rulemaking (NPRM) to designate PFOA and PFOS as hazardous substances under CERCLA.¹ The NPRM is scheduled to be released for public comment in Spring of 2022. The final rule is anticipated in Summer 2023. EPA is also planning to issue an Advanced Notice of Proposed Rulemaking (ANPRM) in Spring of 2022 to seek public input on whether to similarly designate other PFAS as hazardous substances under CERCLA.

The PFAS Action Act of 2021 (H.R. 2467) is currently pending before Congress. The bill, if passed, would require EPA to designate PFOA and PFOS as hazardous substances under CERCLA within one year of the bill’s enactment. The bill would also require EPA to determine whether to list all or certain other PFAS as CERCLA hazardous substances within five years of the bill’s enactment. H.R. 2467 is largely duplicative of EPA’s planned rulemaking efforts. However, the bill also provides that “a sponsor of a civilian airport or shared-use airport” shall not be liable for the costs of responding to releases of PFAS due to the use of aqueous film forming foam if such use was required by the Federal Aviation Administration (FAA) or carried out in accordance with FAA standards and guidance. There are no similar exclusions for water utilities despite comments from the American Water Works Association requesting such an exclusion.² H.R. 2467 also contains numerous other provisions regarding PFAS.³

IV. Overview of CERCLA

CERCLA, originally enacted in 1980 and subsequently amended, is designed to identify sites where hazardous substances have been released or there is an imminent threat of release and to respond to those releases or threatened releases. As part of this scheme CERCLA authorizes

¹ The PFAS Strategic Roadmap is just the latest in a series of EPA publications outlining the Agency’s planned actions to address PFAS. Earlier iterations included the PFAS Action Plan (February 2019), which included an action item to begin the necessary steps to propose designating PFOA and PFOS as hazardous substances through one of the available federal mechanisms, including CERCLA. EPA’s proposal in the current PFAS Strategic Plan is more concrete in terms of the anticipated timeline than its predecessor the PFAS Action Plan.

² The letter from American Water Works Association is available here: <https://www.awwa.org/Portals/0/AWWA/Government/SupportMcKinley-Gottheimer-McClainAmend18-AWWA.pdf>

³ The full text of the bill is available here: <https://www.congress.gov/bill/117th-congress/house-bill/2467/text>

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EPA to conduct removal and remedial actions to address hazardous substance releases. EPA can also compel “potentially responsible parties” (PRPs) to cleanup sites or, if EPA undertook the cleanup itself, it can recover its cleanup costs from PRPs. In turn PRPs can sue each other for response costs and obtain contribution. See CERCLA Section 107(a)(4)(B) and Section 113. The PRPs under CERCLA include:

- Current owners and operators of a facility where hazardous substances were released or are in danger of being released;
- Owners or operators of a facility at the time the hazardous substances were disposed of at the facility;
- Persons or entities that arranged for the treatment or disposal of hazardous substances at the facility (i.e. generators); and
- Persons or entities that transported the hazardous substance to a facility selected by the transporter.

See CERCLA Section 107. CERCLA defines “owner or operator,” “facility,” and “release” very broadly. CERCLA Section 101. Since these definitions are so broad, water providers could be considered an owner or operator of a facility and potentially face liability for releases or disposal of hazardous substances under CERCLA.

CERCLA imposes strict liability on PRPs for releases of listed hazardous substances. This liability is also joint and severable. This means that one PRP can be liable regardless of fault and for the entire cleanup costs if it is not possible to accurately apportion responsibility among other PRPs. There are limited defenses and exceptions to liability under CERCLA, but these are narrowly defined and construed. Due to this broad scheme, CERCLA exposes PRPs to a large amount of liability and uncertainty.

CERCLA requires that remedial actions, whether performed by EPA or a PRP, be protective of human health and the environment and that sites be cleaned-up to meet Applicable or Relevant and Appropriate Requirements (ARARs). See CERCLA Section 121. ARARs are selected from applicable and appropriate federal environmental standards, such as maximum contaminant levels under the Safe Drinking Water Act and water quality criteria under the Clean Water Act, and state requirements provided they are more stringent than the federal requirements. See CERCLA Section 121. The precise ARARs for a given remedial action will vary depending on its location, the hazardous substance in question, and the nature of the release.

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Persons in charge of facilities where a release of hazardous substances has occurred are also required to report that release to the National Response Center if the quantity of hazardous substance is over a certain threshold established by EPA. See CERCLA Section 103(a). Failure to properly report can result in severe civil and criminal penalties.

CERCLA is focused on addressing the release or threatened release of a “hazardous substance,” as that term is statutorily defined under CERCLA Section 101(14). “Hazardous substances” are those substances designated as hazardous pursuant to certain other federal statutes, including the Clean Water Act, Resource Conservation and Recovery Act, the Federal Water Pollution Control Act, the Clean Air Act, and Toxic Substances Control Act. *Id.* EPA also has the authority under CERCLA Section 102 to designate additional hazardous substances not listed under these other statutory schemes. Under this authority, EPA has determined that any substance that exhibits certain characteristics or that is listed the table in 40 C.F.R. Section 302.4 are also CERCLA hazardous substances. See 40 C.F.R. Section 302.4. EPA’s forthcoming rulemaking, or any rulemaking under Congressional direction pursuant to H.R. 2467, to list certain PFAS as CERCLA hazardous substances, would likely do so by adding the selected PFAS to the list in 40 C.F.R. Section 302.4.

V. Consequences of Hazardous Substances Listing

If EPA moves forward with designating PFOA and PFOS, or other PFAS, as hazardous substances (whether by its own initiative or pursuant to Congressional directive) those listed PFAS will be pulled into the broad statutory scheme described above which could create exposure for water providers. This listing may expand the sites under which CERCLA cleanup may occur and could result in new or different remedial actions to address those PFAS at sites where remedial action is already being undertaken for other hazardous substances.

Clean-up Liability - Given the broad scope of CERCLA liability, once certain PFAS are listed as CERCLA hazardous substances, water providers could potentially face liability under CERCLA as owners or operators of a facility where a listed PFAS was released or an entity that arranged for the disposal of a listed PFAS removed from its systems. Without a rulemaking proposal or a final action from Congress providing direction to EPA, the full extent of such liability is not known at this time. EPA also has enforcement discretion when deciding which PRPs to pursue to recover cleanup costs for a particular chemical or issuing administrative cleanup orders to require PRPs to engage in cleanup themselves. Water providers, like any other potentially responsible party, would also potentially be able to sue other PRPs for response costs and contribution, though such litigation is often prolonged and costly.

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It is also not clear what level of cleanup would be required of PRPs and what standards would be utilized as ARARs. At this time EPA has released drinking water health advisories for PFOA and PFOS at 70 parts per trillion, but has not established any enforceable federal standard such as a Maximum Contaminant Level or water quality criteria for any PFAS. In July 2021, California's EPA, Office of Environmental Health Hazard Assessment released a proposed Public Health Goals (PHGs) for PFOA and PFOS. If finalized, the State Water Resources Control Board could use these PHGs to establish enforceable drinking water standards, also known as California Maximum Contaminant Levels, for PFOA and PFOS, which may provide an ARAR. Determining the right ARAR is complicated by the fact that PFAS are generally present in water in very small concentrations (parts per trillion) and have been found to have health effects at very small concentrations.

Reporting - Water providers could also be subject to the reporting requirements under CERCLA if a certain PFAS was released from their facilities over the reportable quantity set by EPA. This reportable quantity will likely be set by EPA's forthcoming proposal. Other reporting requirements, such as those under the Emergency Planning and Community Right to Know Act of 1986 (EPCRA) may also be triggered as they apply to CERCLA hazardous substances. See EPCRA Section 104.

Ripple Effect on State Requirements - Many states, including California, have state laws analogous to CERCLA that incorporate the federal list of hazardous substances. See e.g. Cal. Health and Safety Code Section 25316 (defining "hazardous substances" under state law to include "Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of [CERCLA] (42 U.S.C. Sec. 9602)"). Thus, listing of certain PFAS as CERCLA hazardous substances under federal law will also impact the regulation of those PFAS under California state law.

VI. Conclusion

The full impact of listing PFOA, PFOS or other PFAS as CERCLA hazardous substances will be better understood upon release of EPA's NPRM in Spring of 2022. However, such a listing will likely expose water providers to CERCLA liability for PFAS found in their systems, and potentially require water providers to report releases of listed PFAS. Furthermore, such a designation will also mean listed PFAS are considered hazardous substances under California state law.

RWG is currently tracking EPA's anticipated proposal and H.R. 2467 and will keep the Southeast Water Coalition updated on important developments.

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Senate Bill No. 1044

CHAPTER 308

An act to add Sections 13029, 13061, and 13062 to the Health and Safety Code, relating to fire protection.

[Approved by Governor September 29, 2020. Filed with
Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1044, Allen. Firefighting equipment and foam: PFAS chemicals.

Existing law authorizes the State Fire Marshal to make such changes as may be necessary to standardize all existing fire protective equipment throughout the state and requires the State Fire Marshal to notify industrial establishments and property owners having equipment for fire protective purposes of the changes necessary to bring their equipment into conformity with standard requirements.

This bill, commencing January 1, 2022, would require any person, as defined, including a manufacturer, as defined, that sells firefighter personal protective equipment to any person to provide a written notice to the purchaser at the time of sale if the firefighter personal protective equipment contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill would require the seller and the purchaser to retain a copy of the written notice on file for at least 3 years and to furnish the notice and associated sales documentation to the Attorney General, a city attorney, a county counsel, or a district attorney within 60 days upon request, as provided. The bill would authorize the Attorney General, a city attorney, a county counsel, or a district attorney to request from a manufacturer, and the bill would require the manufacturer to provide, a certificate of compliance that certifies that the manufacturer is in compliance with these provisions. The bill would provide that a violation of these requirements is punishable by a specified civil penalty upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney.

The bill, commencing January 1, 2022, would prohibit a manufacturer of class B firefighting foam from manufacturing, or knowingly selling, offering for sale, distributing for sale, or distributing for use in this state, and would prohibit a person from using in this state, class B firefighting foam containing intentionally added PFAS chemicals. The bill would establish exemptions from this requirement, including a limited-term waiver, as prescribed. The bill would require a person that uses class B firefighting foam containing intentionally added PFAS chemicals to report use of the chemical, or report if there is a release to the environment, to the State Fire Marshal. This bill would require the State Fire Marshal to impose a fee on a person applying for the waiver or submitting the report that does not exceed

the reasonable costs of administering the waiver or reporting provisions, as provided. The bill would require a manufacturer to provide a specified notice to persons that sell the manufacturer's products in the state and to recall prohibited products, as provided. The bill would provide that a violation of these provisions is punishable by a specified civil penalty, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney. The bill, commencing January 1, 2022, would prohibit a person, as defined, from discharging or otherwise using for training purposes class B firefighting foam that contains intentionally added PFAS chemicals, and would provide that a violation of this prohibition is punishable by a specified civil penalty, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney.

This bill would state that its provisions are severable.

The people of the State of California do enact as follows:

SECTION 1. Section 13029 is added to the Health and Safety Code, to read:

13029. (a) For purposes of this section, the following definitions apply:

(1) "Firefighter personal protective equipment" means personal protective equipment covered by the general industry safety orders in Sections 3403 to 3411, inclusive, of Title 8 of the California Code of Regulations.

(2) "Manufacturer" means a person that manufactures, imports, or distributes domestically firefighter personal protective equipment.

(3) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(4) "Person" has the same meaning as defined in Section 19 and includes a public entity.

(5) "Public entity" has the same meaning specified in Section 13050.1.

(b) (1) Commencing January 1, 2022, any person, including a manufacturer, that sells firefighter personal protective equipment to any person shall provide a written notice to the purchaser at the time of sale if the firefighter personal protective equipment contains intentionally added PFAS chemicals. The written notice shall include a statement that the firefighter personal protective equipment contains PFAS chemicals and the reason that PFAS chemicals are added to the equipment.

(2) The person selling firefighter personal protective equipment and the purchaser of the equipment shall retain a copy of the written notice on file for at least three years from the date of the transaction. Within 60 days of a request by the Attorney General, a city attorney, a county counsel, or a district attorney, the seller or purchaser of firefighter personal protective equipment shall furnish to the requesting entity the written notice, or a copy of the written notice, and associated sales documentation.

(c) The Attorney General, a city attorney, a county counsel, or a district attorney may request from a manufacturer, and a manufacturer shall provide,

a certificate of compliance that certifies that the manufacturer is in compliance with subdivision (b) for that manufacturer's firefighter personal protective equipment.

(d) (1) Except as provided in paragraph (2), and upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a person that violates subdivision (b) or (c) shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for a first violation, and not to exceed ten thousand dollars (\$10,000) for each subsequent violation.

(2) An individual firefighter shall not be personally liable for payment of the civil penalty imposed pursuant to paragraph (1).

(3) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies available under any other law.

SEC. 2. Section 13061 is added to the Health and Safety Code, to read: 13061. (a) For purposes of this section, the following definitions apply:

(1) "Class B firefighting foam" means foam designed to prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

(2) "Fixed foam fire suppression system" means an engineered or preengineered total flooding or local application system consisting of a fixed supply of extinguishing agent permanently connected for fixed agent distribution to fixed nozzles that are arranged to discharge an extinguishing agent into an enclosure (total flooding), directly onto a hazard (local application), or a combination of both; or an automatic sprinkler system.

(3) "Fuel-in-depth pool" means fuel pooling in an area bounded by contours of land or physical barriers that are at least six inches in height, surround a surface area greater than 500 square meters, and are designed to retain fuel.

(4) "Manufacturer" means a person that manufactures, imports, or distributes class B firefighting foam.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(6) "Person" has the same meaning as defined in Section 19 and includes a public entity.

(7) "Public entity" has the same meaning specified in Section 13050.1.

(8) "Terminal" means a bulk liquid storage facility exclusively engaged in the merchant wholesale distribution of petroleum products, including liquefied petroleum gas, that contains at least one storage tank containing petroleum products with a surface area of 120 square meters or greater or a facility engaged in the distribution of crude petroleum from extraction or processing facilities, that includes at least one storage tank containing crude petroleum with a surface area of 120 square meters or greater.

(b) (1) Except as provided in paragraphs (2) to (6), inclusive, commencing January 1, 2022, a manufacturer of class B firefighting foam shall not manufacture, or knowingly sell, offer for sale, distribute for sale, or distribute for use in this state, and no person shall use in this state, class B firefighting foam containing intentionally added PFAS chemicals.

(2) This subdivision does not apply to any manufacture, sale, distribution, or use of class B firefighting foam for which the inclusion of PFAS chemicals is required by federal law, including, but not limited to, Section 139.317 of Title 14 of the Code of Federal Regulations. If a federal requirement to include PFAS chemicals in class B firefighting foam is revoked after January 1, 2021, this subdivision shall not apply for one year after the requirement is revoked.

(3) Paragraph (1) does not apply until January 1, 2024, to any part of a facility that does both of the following:

(A) Uses a fixed foam fire suppression system for class B fires.

(B) Has in place a system designed for 110 percent containment of any expected discharge volume.

(4) Paragraph (1) does not apply until January 1, 2028, to any manufacture, sale, or distribution of class B firefighting foam to, or to use by, a person at a terminal or an oil refinery, which may include the use of a fixed foam fire suppression system, for either of the following uses:

(A) For use on a storage tank for combustible or flammable liquids with a surface area of 120 square meters or greater.

(B) For use for fire suppression on a fuel-in-depth pool.

(5) The operator of a terminal or an oil refinery that meets the criteria specified in paragraph (4) shall disclose this information to the State Fire Marshal on or before January 1, 2022. If, after providing this information to the State Fire Marshal, the operator of a terminal or an oil refinery described in paragraph (4) intends to transition a facility to PFAS-free firefighting foam, the operator shall inform the State Fire Marshal no later than 90 days prior to the proposed transition date.

(6) (A) A person who operates a terminal or oil refinery may apply to the State Fire Marshal for a waiver to extend the exemption in paragraph (4) beyond January 1, 2028.

(B) (i) The State Fire Marshal may grant a waiver under subparagraph (A) for a specific use if the applicant provides all of the following:

(I) Clear and convincing evidence that there is no commercially available replacement that does not contain intentionally added PFAS chemicals and that is capable of suppressing fire for that specific use.

(II) Information on the amount of firefighting foam containing intentionally added PFAS chemicals stored, used, or released onsite on an annual basis.

(III) A detailed plan, with timelines, for the operator of the terminal or oil refinery to transition to firefighting foam that does not contain intentionally added PFAS chemicals for that specific use.

(IV) A plan for meeting the requirements of paragraph (8).

(ii) The State Fire Marshal shall provide an applicant an opportunity to correct deficiencies in the initial submission in relation to subclauses (II) to (IV), inclusive, of clause (i).

(C) The State Fire Marshal shall not grant a waiver under this paragraph for a specific use if any other oil refinery or terminal is known to have transitioned to commercially available class B firefighting foam that does not contain intentionally added PFAS chemicals for that specific use. The applicant may provide evidence as to why this subparagraph is inapplicable, including evidence that the specific use is different. In making a decision on a waiver, the State Fire Marshal shall consider both information provided by the applicant and information provided through public comment.

(D) The term of a waiver under this paragraph shall not exceed two years. A waiver may be extended for one additional consecutive term. All waivers shall expire by January 1, 2032.

(E) The State Fire Marshal shall ensure there is an opportunity for public comment during the waiver process.

(F) An oil refinery or terminal that has received a waiver may provide and use class B firefighting foam containing intentionally added PFAS chemicals in the form of mutual aid to another oil refinery or terminal at the request of authorities only if the other oil refinery or terminal also has a waiver.

(G) A person that anticipates applying for a waiver for an oil refinery or terminal shall submit a notice of intent to the State Fire Marshal by July 1, 2025, in order to be considered for a waiver beyond January 1, 2028.

(H) The State Fire Marshal shall notify the waiver applicant of a decision within one year of the waiver submission date.

(7) A person that uses class B firefighting foam containing intentionally added PFAS chemicals pursuant to paragraph (4) or (6) shall report the use of the foam to the State Fire Marshal within five business days of the use, including the identity of the foam, the quantity used, the total PFAS concentration, the application for which the foam was used, and the duration of the fire.

(8) (A) A person that uses class B firefighting foam containing intentionally added PFAS chemicals pursuant to paragraph (4) or (6) shall do all of the following:

(i) Allow no release directly to the environment, such as to unsealed ground, soakage pits, waterways, or uncontrolled drains.

(ii) Fully contain all releases onsite.

(iii) Implement containment measures such as bunds and ponds that are controlled, impervious to PFAS chemicals, and do not allow firewater, wastewater, runoff, and other wastes to be released to the environment, such as to soils, groundwater, waterways, or stormwater.

(iv) Dispose of all firewater, wastewater, runoff, and other wastes in a way that prevents releases to the environment.

(v) If there is a release to the environment, report the identity of the foam, the quantity used, the total PFAS concentration, and the form of any waste

that contains PFAS chemicals that is released into the environment to the State Fire Marshal within five business days of the release.

(vi) Document the measures undertaken pursuant to this subparagraph. In investigating compliance with this subparagraph, the Attorney General, a city attorney, a county counsel, or a district attorney may request the documentation. A person that operates an oil refinery or terminal shall provide the documents upon this request.

(B) A failure to meet the requirements of subparagraph (A) shall not preclude the use of class B firefighting foam containing intentionally added PFAS chemicals if the failure was a result of factors beyond the control of the person. Such a violation shall be subject to civil penalties pursuant to subdivision (i).

(9) The State Fire Marshal shall impose a fee on a person who requests a waiver or waiver extension pursuant to paragraph (6), not to exceed the reasonable costs of administering the waiver or waiver extension provisions. The State Fire Marshal shall impose a fee on a person who submits a report required pursuant to paragraph (7), or clause (v) of subparagraph (A) of paragraph (8), not to exceed the reasonable costs of administering the reporting requirement.

(c) On or before July 1, 2021, a manufacturer of class B firefighting foam containing intentionally added PFAS chemicals shall notify, in writing, persons that sell the manufacturer's products in the state about the provisions of this section. For products sold after July 1, 2021, a manufacturer shall provide that notification on or before December 31, 2021, if the manufacturer has not already provided the notification.

(d) A manufacturer that manufactures, sells, or distributes class B firefighting foam containing intentionally added PFAS chemicals subject to paragraph (1) of subdivision (b) after January 1, 2021, shall recall the product by March 1, 2022, and shall reimburse the retailer or any other purchaser for the product. A recall of the product shall include safe transport and storage and documentation of the amount and storage location of the PFAS-containing firefighting foam, until the California Environmental Protection Agency formally identifies a safe disposal technology. The manufacturer shall provide this documentation to the Attorney General, a city attorney, a county counsel, or a district attorney upon request.

(e) A manufacturer that manufactures, sells, or distributes class B firefighting foam containing intentionally added PFAS chemicals pursuant to paragraph (3) of subdivision (b) shall recall the product by March 1, 2024. A recall of the product shall include safe transport and storage and documentation of the amount and storage location of the PFAS-containing firefighting foam, until the California Environmental Protection Agency formally identifies a safe disposal technology. The manufacturer shall provide this documentation to the Attorney General, a city attorney, a county counsel, or a district attorney upon request.

(f) After the expiration of any applicable exemption or waiver pursuant to paragraph (4) or (6) of subdivision (b), a person that operates a terminal or oil refinery shall safely store any remaining class B firefighting foam

containing intentionally added PFAS chemicals until the California Environmental Protection Agency formally identifies a safe disposal technology. Safe storage includes safe transport and documentation of the amount and storage location of the class B firefighting foam containing intentionally added PFAS chemicals. The person shall provide this documentation to the Attorney General, a city attorney, a county counsel, or a district attorney upon request.

(g) The Attorney General, a city attorney, a county counsel, or a district attorney may request from a manufacturer, and a manufacturer shall provide, a certificate of compliance that certifies that the manufacturer is in compliance with this section for that manufacturer's class B firefighting foam containing intentionally added PFAS chemicals.

(h) (1) Except as provided in paragraph (2), and upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a person that violates subdivision (b), (c), (d), (e), (f), or (g) shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for a first violation, and not to exceed ten thousand dollars (\$10,000) for each subsequent violation.

(2) An individual firefighter shall not be personally liable for payment of the civil penalty imposed pursuant to paragraph (1).

(3) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies available under any other law.

(i) The California Environmental Protection Agency's formal identification of a safe disposal technology for PFAS-containing firefighting foam, pursuant to subdivisions (d), (e), and (f), is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

SEC. 3. Section 13062 is added to the Health and Safety Code, to read:

13062. (a) Commencing January 1, 2022, a person shall not discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added PFAS chemicals.

(b) (1) Except as provided in paragraph (2), and upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a person that violates subdivision (a) shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for a first violation, and not to exceed ten thousand dollars (\$10,000) for each subsequent violation.

(2) An individual firefighter shall not be personally liable for payment of the civil penalty imposed pursuant to paragraph (1).

(c) For purposes of this section, "person" has the same meaning specified in Section 19 and includes a public entity.

(d) For purposes of this section, "public entity" has the same meaning specified in Section 13050.1.

(e) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies

provided in this section are cumulative with any other remedies available under any other law.

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: February 3, 2022
To: Southeast Water Coalition Board of Directors
From: Alex Rojas, General Manager, Central Basin Municipal Water District

Subject: UPDATE ON THE CENTRAL BASIN MUNICIPAL WATER DISTRICT

Recommendation: That the Policy Board take the following action:

Receive and file an update from the Central Basin Municipal Water District regarding redistricting and new sponsored legislation.

Redistricting

The Board will receive an update on the status of the Central Basin's redistricting process. The District is in the process of moving from five Divisions to 4. At the Central basin's December 20, 2021 meeting, their Board did receive a report on Redistricting but there was no discussion or action taken by their Board at that time. The Board held a Special Meeting on January 31, 2022 which was the first Redistricting Public Hearing. Proposed maps for the 4 Divisions were presented and comment was received from both the public and the Directors. The second Public Hearing will be held at the Board's regular monthly meeting on February 21, 2022.

Legislation

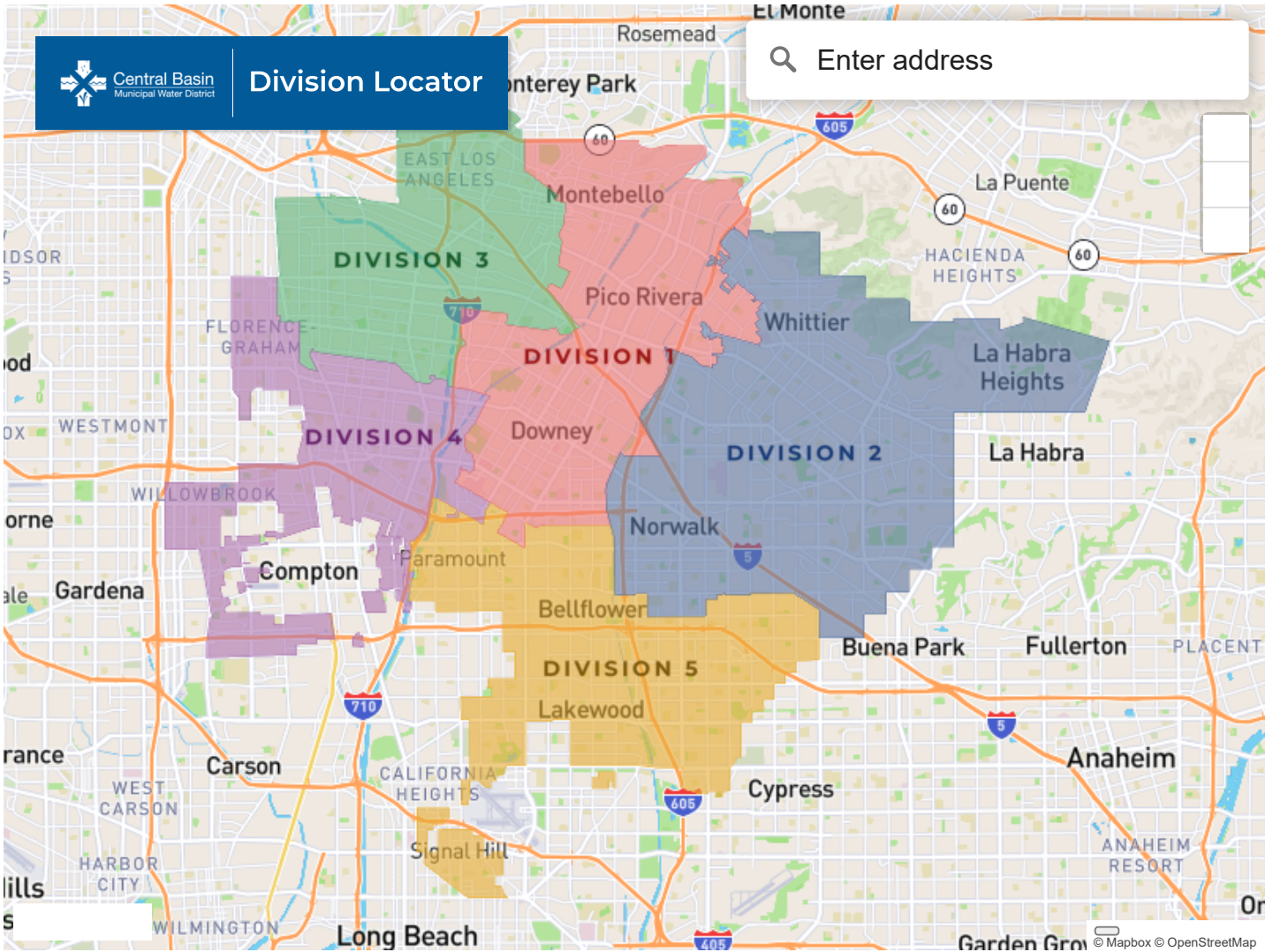
The Central Basin MWD is developing a new piece of legislation entitled the *Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022*. The Central Basin held an on-line workshop on December 22, 2021 to discuss the bill's language and receive input from interested parties.

Since that workshop there have been no updates on the proposed legislation from Central Basin. No legislative sponsor has been named, and, per Jason Gonsalves of Gonsalves and Son, as of January 26, 2022, the bill has not been introduced. The deadline for submitting it to the Legislature as a spot bill is February 18, 2022.

Attachments:

1. Current District map with 5 Divisions
2. CBMWD draft redistricting map
3. CBMWD proposed legislation – draft text

4. Legislation talking points



Division Boundaries

Division I:

Director Martha Camacho-Rodriguez

Term Start: 11/2020

Term Expires: 12/2024

Service Area: Bell Gardens, Downey, Montebello, Pico Rivera, West Whittier-Los Nietos, and unincorporated areas of Los Angeles County

Division II:

Director Robert Apodaca

Term Start: 11/2018

Term Expires: 12/2022

Service Area: La Habra Heights, La Mirada, Norwalk, Santa Fe Springs, Whittier and South Whittier

Division III:

Board President, Arturo Chacon

Term Start: 11/2018

Term Expires: 12/2022

Service Area: Bell, Commerce, Cudahy, Huntington Park, Maywood, Walnut Park, Vernon, portions of Monterey Park, and unincorporated areas of East Los Angeles.

Division IV:

Director Leticia Vasquez

Term Start: 11/2020

Term Expires: 12/2024

Service Area: Lynwood, South Gate, Florence-Graham, Willowbrook, and portions of Compton and Carson

Division V:

Director Phillip Hawkins

Term Start: 11/2020

Term Expires: 12/2024

Service Area: Artesia, Bellflower, Cerritos, Hawaiian Gardens, Lakewood, Paramount and Signal Hill

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THE



REDISTRICTING
COLLABORATIVE

**Central Basin Municipal Water District\ District - Demographic Analysis of Plans
Based on 2021 Final Statewide Database Prisoner-Adjusted Data**

Ideal Division Population: 383,139

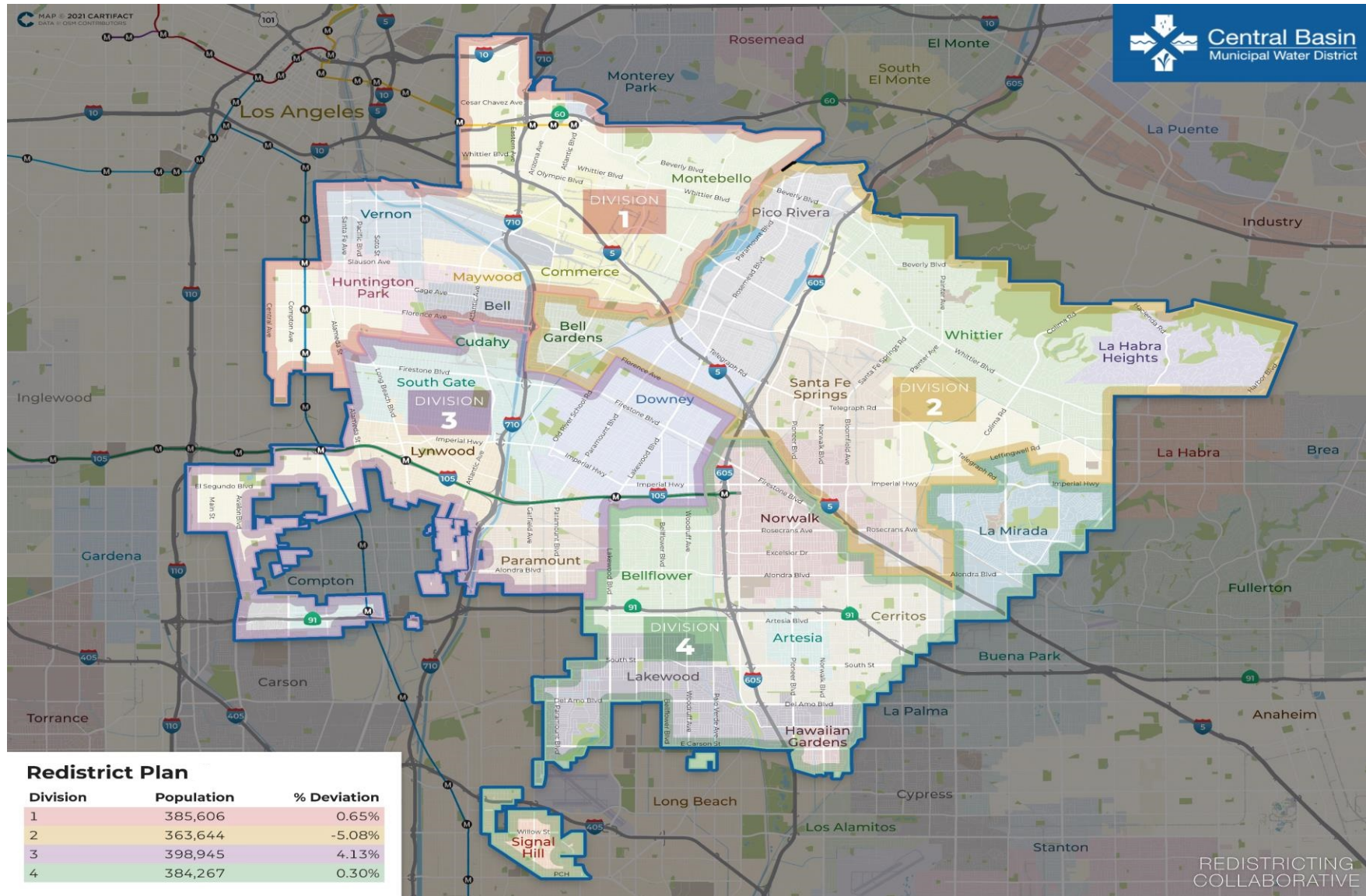
District	Population	Deviation%	Latino CVAP %	NH Black CVAP%	NH White CVAP%	NH Amer. Ind. CVAP%	NH Asian CVAP%
1	385,606	0.64%	88.76%	2.85%	4.17%	0.18%	3.68%
2	363,708	-5.07%	72.70%	1.78%	18.92%	0.48%	5.54%
3	398,944	4.13%	74.72%	13.31%	7.87%	0.22%	3.05%
4	384,299	0.30%	39.37%	8.73%	26.28%	0.38%	23.95%

Total Deviation: 9.20%

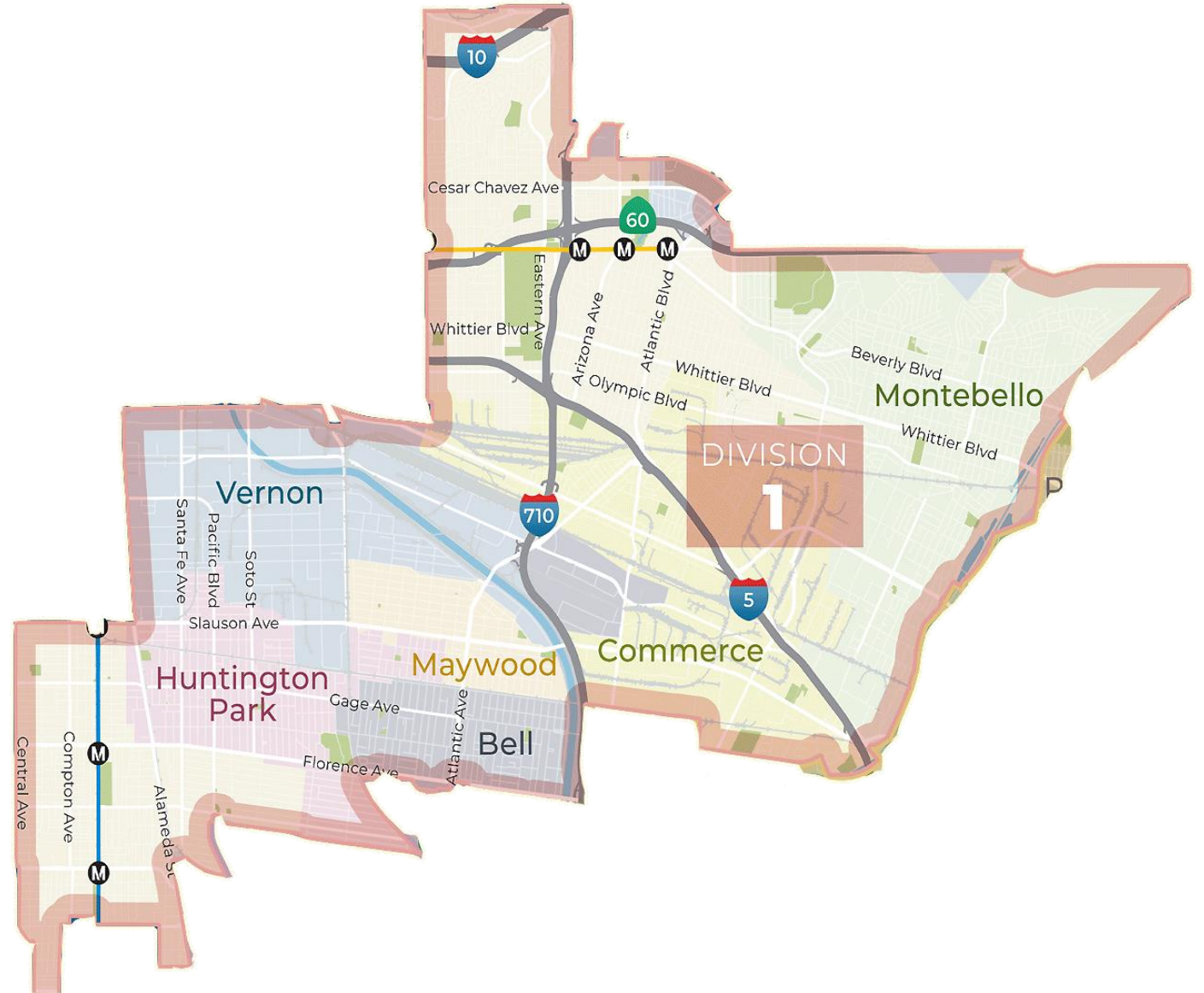
NH = Non-Hispanic

CVAP = Citizen Voting Age Population

Draft Proposed Map



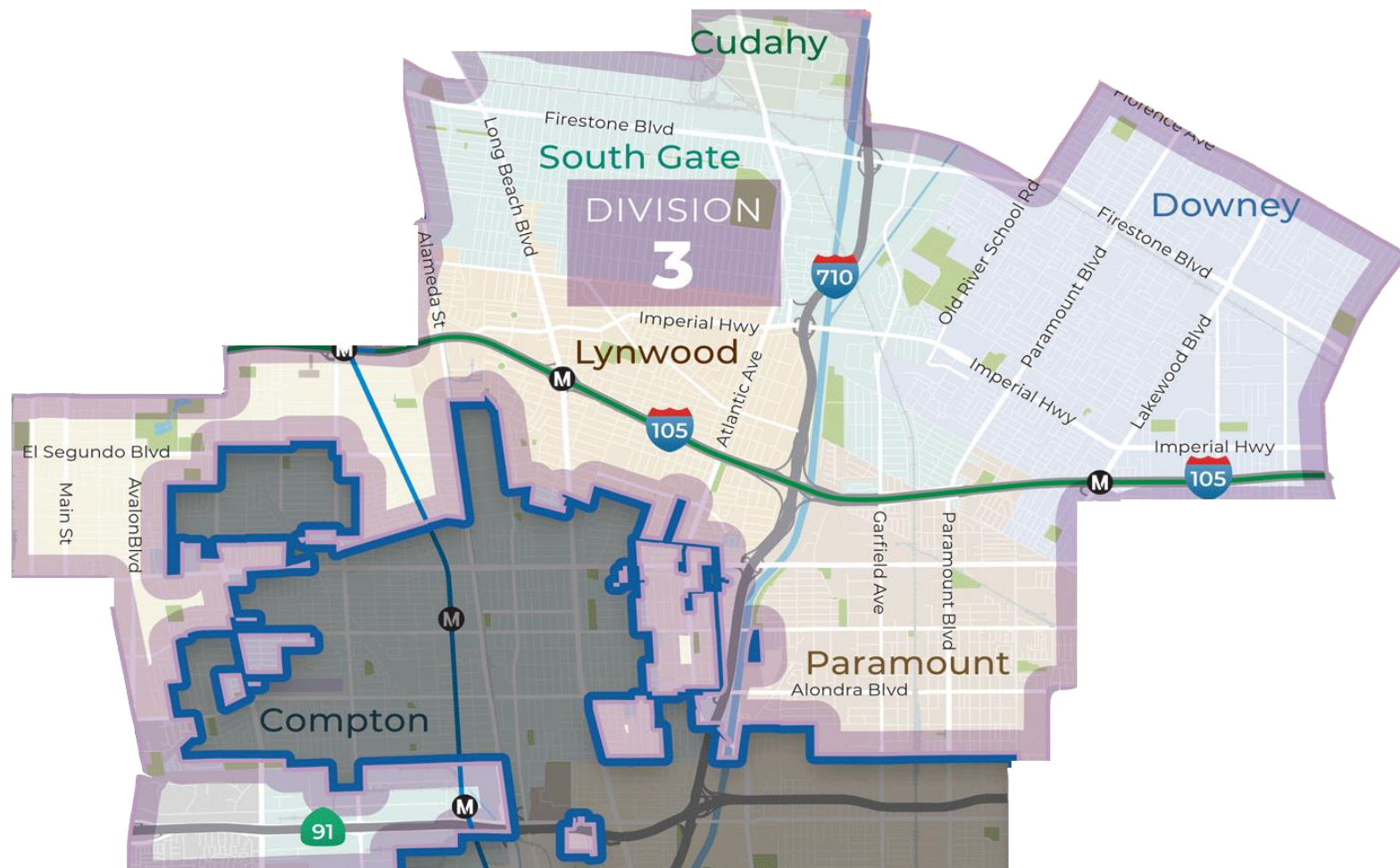
Proposed Division 1



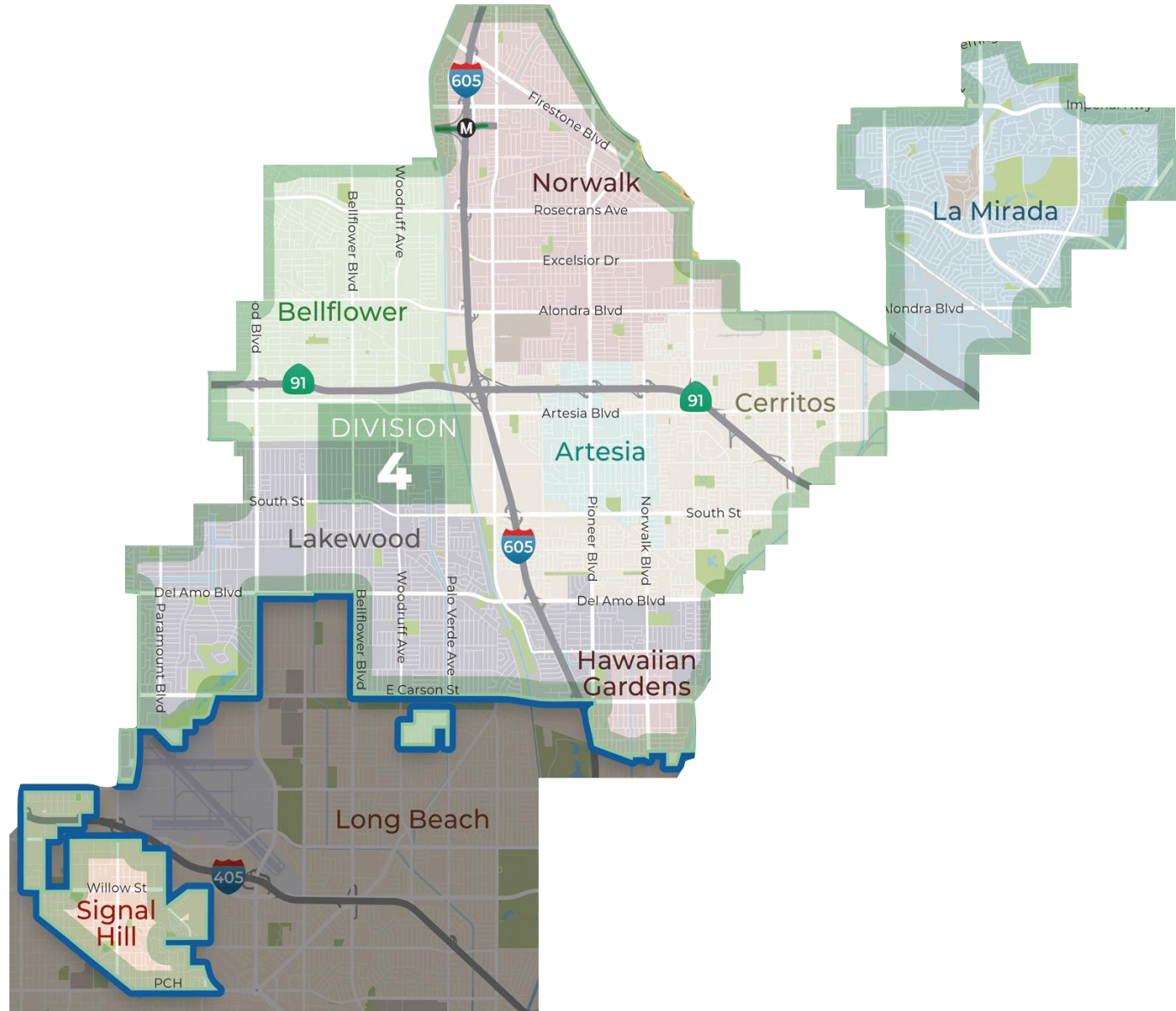
Proposed Division 2



Proposed Division 3



Proposed Division 4



**Draft Map:
Demographics
& Deviations**

1	385,606	0.65%
2	363,644	-5.08%
3	398,945	4.13%
4	384,267	0.30%

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An act to add Chapter 8 (commencing with Section 117200) to Part 12 of Division 104 of the Health and Safety Code, relating to drinking water.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) It is necessary for the state to do all of the following:

(A) Secure and safeguard the integrity of the state's water supply from climate change, catastrophic damage, or failure from terrorist acts or other deliberate acts of destruction.

(B) Provide a safe, clean, affordable, and sufficient water supply to meet the needs of California residents, farms, and businesses, particularly in disadvantaged communities.

(C) Establish and facilitate integrated regional water management systems and procedures to meet increasing water demands due to significant population growth that is straining local infrastructure and water supplies.

(D) Improve practices within watersheds to improve water quality, reduce pollution, capture additional stormwater runoff, protect and manage groundwater better, and increase water use efficiency.

(E) Protect urban communities from drought, increase supplies of clean drinking water, reduce dependence on imported water, fix aging infrastructure, develop local stormwater projects, expand recycled water access, and ensure water supply reliability by connecting urban communities to imported water infrastructure.

(F) Invest in projects that further the ability of Californians to live within California's basic apportionment of 4,400,000 acre-feet per year of Colorado River water pursuant to the Colorado River Water Use Plan.

(2) Section 106.3 of the Water Code declares that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

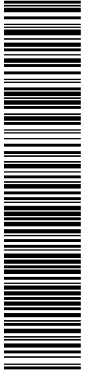
(3) According to the State Water Resources Control Board, as of November 2017, there are approximately 300 public water systems in the state that are chronically serving contaminated water to their customers and are operationally deficient in violation of public health regulations.

(4) In addition, other public water systems suffer from contamination that is emerging or expanding, putting their communities' safe drinking water supply at growing risk.

(5) To ensure that the right of Californians to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes is protected, it is in the interest of the state to identify where Californians are at high risk of lacking reliable access to safe drinking water or are known to lack reliable access to safe drinking water, and whether they rely on a public water system, state small water system, or domestic well for their potable water supply.

(6) Long-term sustainability of drinking water infrastructure and service provision is necessary to secure safe drinking water for Californians. Therefore, it is in the interest of the state to discourage the proliferation of new, unsustainable public water systems and state small water systems, to prevent waste, and to encourage consolidation and service extension when feasible.

(7) Particular circumstances exist in the Central Basin creating a unique need to restore safe drinking water to disadvantaged communities in that region.



(b) It is the intent of the Legislature in enacting this act that it be administered and executed in the most expeditious manner possible, and that all state, regional, and local officials implement this act to the fullest extent of their authority.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) Current state law seeks to ensure that homes in new residential developments have access to adequate, safe, and clean water supplies by linking local agency decisions on land use to water supply and water quality.

(2) In recent years, changes in water law and the emergence of California communities without sustainable, safe drinking water supplies have emphasized the need to review this land and water nexus to better ensure that Californians will have sustainable, safe drinking water for decades to come.

(3) To protect the public health and welfare and to protect existing residential, agricultural, and commercial water users, it is vital that cities and counties consider the adequacy of water supplies in terms of both quantity and quality as part of their review of additional new residential developments.

(b) It is the intent of the Legislature to review existing laws designed to ensure the long-term adequacy of water supplies as part of the process of approving new development projects and to further integrate water quality and quantity considerations into land use decisions.

SEC. 3. Chapter 8 (commencing with Section 117200) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 8. CENTRAL BASIN COMMUNITIES WATER RELIABILITY, SAFE DRINKING WATER, AND RECYCLED WATER EXPANSION ACT OF 2022

Article 1. General Provisions

117200. This chapter shall be known, and may be cited, as the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022.

117201. For purposes of this chapter, the following definitions apply:

(a) "Administrator" has the same meaning as defined in Section 116686.

(b) "Apprenticeable occupation" has the same meaning as defined in Section 2601 of the Public Contract Code.

(c) "Assessment of funding need" means the drinking water needs assessment specified in subdivision (b) of Section 116769.

(d) "At-risk water system" means a water system that consistently fails to provide an adequate supply of safe drinking water, is at substantial risk of failing to provide an adequate supply of safe drinking water, or suffers from unhealthy levels of copper or lead in its water.

(e) "Board" means the State Water Resources Control Board.

(f) "Community water system" has the same meaning as defined in Section 116275.

(g) "Disadvantaged community" has the same meaning as defined in Section 116275.

(h) "Division of Drinking Water" means the Division of Drinking Water of the board.



(i) “Domestic well” means a groundwater well used to supply water for the domestic needs of an individual residence or water system that is not a public water system and that has no more than four service connections.

(j) “Eligible applicant” means a public water system, including, but not limited to, a mutual water company or a community water system, a state small water system, a domestic well, a public utility, a public agency, including, but not limited to, a local educational agency that owns or operates a public water system, a nonprofit organization, a federally recognized Native American tribe, a California Native American tribe listed on the Native American Heritage Commission’s California Tribal Consultation List, an administrator, or a groundwater sustainability agency.

(k) “Fund” means the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Fund established pursuant to Section 117205.

(l) “Nonprofit organization” means a nonprofit corporation formed pursuant to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code) and qualified under Section 501(c)(3) of the United States Internal Revenue Code.

(m) “PFAS” means perfluoroalkyl and polyfluoroalkyl substances.

(n) “Project labor agreement” has the same meaning as defined in Section 2500 of the Public Contract Code.

(o) “Public agency” means a state entity, county, city, special district, or other political subdivision of the state.

(p) “Public water system” has the same meaning as defined in Section 116275.

(q) “Retail water system” means a public water system that supplies water directly to the end user.

(r) “Safe drinking water” means drinking water that meets primary and secondary drinking water standards and applicable regulations and does not contain unhealthy levels of copper or lead.

(s) “Skilled and trained workforce” has the same meaning as defined in Section 2601 of the Public Contract Code.

(t) “State small water system” has the same meaning as defined in Section 116275.

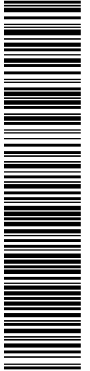
117202. The Legislature may enact legislation necessary to implement this chapter.

Article 2. Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Fund

117205. (a) The Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Fund is hereby established in the State Treasury. Moneys in the fund shall be available upon appropriation by the Legislature to the board for the sole purpose of implementing this chapter within the Central Basin.

(b) It is the intent of the Legislature that the fund be composed of moneys transferred from the General Fund.

(c) Upon a finding by the entity authorized to administer or expend money appropriated from the fund that a particular project or program for which money has been allocated or granted cannot be completed, or that the amount that was appropriated,



allocated, or granted is in excess of the total amount needed, the Legislature may reappropriate the money for other high-priority needs consistent with this chapter.

117206. An activity receiving moneys from the fund shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

117207. (a) A project receiving moneys from the fund shall comply with prevailing wage requirements, as established in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

(b) Contractors and subcontractors for a project receiving moneys from the fund shall use a skilled and trained workforce to perform all work within an apprenticeable occupation in the building and construction trades.

(c) Subdivision (b) does not apply if all contractors and subcontractors for the project are required to become bound to a multicraft project labor agreement that expressly requires each contractor and subcontractor performing the work to use a skilled and trained workforce.

117208. (a) The sum of _____ dollars (\$_____) shall be available upon appropriation by the Legislature from the fund to the board for the purpose of protecting state, local, and regional drinking water systems located in the Central Basin from climate change, catastrophic seismic damage, or failure from terrorist acts or other deliberate acts of destruction.

(b) The board may expend or award money to eligible applicants pursuant to subdivision (a) for the following projects:

- (1) Connecting public water systems to imported water infrastructure.
- (2) Installation of monitoring and early warning systems.
- (3) Fencing.
- (4) Protective structures.
- (5) Contamination treatment facilities.
- (6) Emergency interconnections.
- (7) Communications systems.
- (8) Any other project designed to do any of the following:
 - (A) Prevent damage to water treatment, distribution, and supply facilities.
 - (B) Prevent disruption of drinking water deliveries.
 - (C) Protect drinking water supplies from intentional contamination.

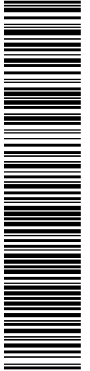
117209. (a) The sum of _____ dollars (\$_____) shall be available upon appropriation by the Legislature from the fund to the board for competitive grants to eligible applicants for the following purposes in the Central Basin:

(1) Offsetting the treatment costs for PFAS contamination of public water systems serving disadvantaged communities.

(2) Addressing emergency or urgent funding needs, where other emergency funds are not available and a critical water shortage or outage could occur without support from the fund.

(3) Addressing retail water systems, community water systems, and public water systems owned or operated by a local educational agency that are out of compliance with primary drinking water standards, prioritizing water systems in disadvantaged communities located in the Central Basin.

(4) Providing matching funds for the purpose of accelerating consolidations for public water systems out of compliance with primary drinking water standards, at-risk



water systems, state small water systems, and domestic wells, focusing on disadvantaged communities.

(5) Providing interim solutions and initiating planning efforts for long-term solutions for state small water systems and domestic wells with source water above a primary maximum contaminant level.

(6) Water quality improvement.

(7) Drinking water source protection projects.

(b) Priority under subdivision (a) shall be given to projects that assist in meeting water quality standards established by the board.

117210. (a) The sum of _____ dollars (\$_____) shall be available upon appropriation by the Legislature from the fund to the board for projects in the Central Basin to protect state, local, and regional drinking water systems from drought, protect and improve local drinking water reliability, and improve local water security by reducing the use of potable water for nonpotable purposes.

(b) The board may expend or award money to eligible applicants pursuant to subdivision (a) for the following projects:

- (1) Installation of new recycled water infrastructure.
- (2) Expansion of existing recycled water connections.
- (3) Improvement of existing recycled water distribution systems.

Article 3. Assessment and Planning

117215. (a) The board, upon updating the assessment of funding need pursuant to subdivision (c), shall submit to the Division of Drinking Water a list of at-risk water systems in the Central Basin and additional information regarding at-risk water systems and communities reliant on domestic wells that do not provide an adequate or reliable supply of safe drinking water.

(b) The Division of Drinking Water shall review additional information generated from analyses of drinking water deficiencies and wastewater deficiencies, including, but not limited to, analyses conducted pursuant to Sections 56425, 56430, and 65302.10 of the Government Code.

(c) On or before December 31 of each year, the board shall review and update the assessment of funding need and shall prioritize for funding under this chapter the Central Basin public water systems, community water systems, state small water systems, and domestic wells with the most urgent need for state financial assistance, in light of the following factors:

- (1) Severity of the public health threat.
- (2) The extent to which the community served by the water system is a disadvantaged community.
- (3) The number of people served by the water system.
- (4) Technical, managerial, and financial capacity of the entity that operates the water system.

(d) The assessment of funding need and priorities shall consider all information submitted to the board in furtherance of the board's duty to complete the assessment of funding need.

117216. (a) (1) By January 1, 2023, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a



map of aquifers in the Central Basin that are at high risk of containing contaminants and that exceed primary federal and state drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map at least annually based on any newly available data. The board shall make available the map of high-risk areas to the Division of Drinking Water.

(2) The board shall make the map of high-risk areas, as well as the data used to make the map, publicly accessible on its internet website in a manner that does not identify exact addresses or other personal information and that complies with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board shall notify local health officers and county planning agencies of high-risk areas within their jurisdictional boundaries.

(b) (1) By January 1, 2023, a local health officer or other relevant local agency in the Central Basin shall provide to the board all results of, and data associated with, water quality testing performed by certified laboratories for a state small water system or domestic well that was collected after January 1, 2015, and that is in the possession of the local health officer or other relevant local agency.

(2) By January 1, 2024, and by January 1 of each year thereafter, all results of, and data associated with, water quality testing performed by a certified laboratory for a state small water system or domestic well that is submitted to a local health officer or other relevant local agency in the Central Basin shall also be submitted directly to the board in electronic format.

(c) A map of high-risk areas developed pursuant to this section is not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

117217. (a) The Division of Drinking Water shall arrange for a comprehensive analysis of each at-risk water system in the Central Basin to be completed within two years of the board identifying the at-risk water system in the assessment of funding need. The Division of Drinking Water may combine more than one failed water system in the Central Basin for purposes of a comprehensive analysis.

(b) The Division of Drinking Water shall post each comprehensive analysis on the board's internet website. A comprehensive analysis shall review an at-risk water system's water supply and infrastructure and the entity that operates the at-risk water system. A comprehensive assessment shall include all of the following:

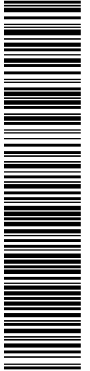
(1) The sources and quality of the at-risk water system's water supply, including the primary and secondary contaminants in each of the at-risk water system's water sources.

(2) The condition of the at-risk water system's physical infrastructure.

(3) The technical, managerial, and financial qualifications of the entity that operates the at-risk water system.

(4) Alternative water supplies that comply with drinking water standards and a method to connect the failed system to the alternative water supplies.

(5) One or more options for resolving the problems that cause or caused the water system to be at-risk and making the water system sustainable over the long term. The options shall address, to the extent necessary, problems with physical infrastructure, water supply quality, and governance of the at-risk water system. The options shall address opportunities to consolidate public water systems, community water systems,



state small water systems, and domestic wells that may benefit from the proposed solution.

(6) Engagement of members of the community served by the at-risk water system to improve understanding of the at-risk water system's problems, the options for addressing the problems, and the challenges in overcoming the problems.

(7) Consideration of the unique nature of the community served by the at-risk water system, including, but not limited to, all of the following:

(A) The community's economic conditions.

(B) Community member reliance on languages other than English and their immigration status.

(C) Physical proximity to other water systems and communities.

(D) The community's willingness and capacity to afford and support the operation and maintenance of new water infrastructure.

(8) Local agency actions that would be required to support each proposed solution, including consolidations, service extensions, and other organizations or sphere of influence updates pursuant to Division 3 (commencing with Section 56000) of Title 5 of the Government Code.

(9) Consultation with the Office of Sustainable Water Solutions within the board, any local primacy agency with authority over the at-risk water system, and representatives of and community members served by the at-risk water system.

(c) A comprehensive analysis shall include a proposed plan that includes a set of options to address several problems either concurrently or sequentially that ensure the long-term sustainability of the at-risk water system.

(d) The Division of Drinking Water may do any of the following:

(1) Contract or otherwise provide funding, upon appropriation by the Legislature from the fund to the board, to one or more of the following entities to complete the comprehensive assessment analysis:

(A) Central Basin Municipal Water District.

(B) Los Angeles County Department of Public Works.

(C) Metropolitan Water District of Southern California.

(D) Water Replenishment District of Southern California.

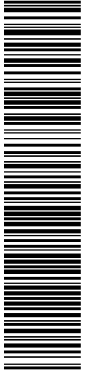
(E) A for-profit business, such as an engineering consulting firm.

(2) Organize a local advisory committee that may include local residents of the at-risk water system, elected officials of local public agencies, local water systems, business owners, or farmers.

(3) Organize an advisory team that combines the entities identified in subparagraphs (A) to (E), inclusive, of paragraph (1) to provide diverse expertise, experience, and perspective relating to topics that may include engineering, government, administration, water management, public outreach, and education.

(e) Notwithstanding any other law, a public water system, including, but not limited to, a special district, may act pursuant to a contract entered into under paragraph (1) of subdivision (d) outside of the jurisdictional boundary of the public water system.

117218. The Division of Drinking Water shall, for each comprehensive analysis it posts pursuant to Section 117217, develop and submit a recommendation to the board as to the preferred options or plan presented by the comprehensive analysis within 60 days of posting the comprehensive analysis to the board's internet website. The Division of Drinking Water may adjust the options or plan it recommends to the board as



necessary. The board shall post the recommendations of the Division of Drinking Water on the board's internet website.

117219. (a) Within 90 days of receiving the recommendation of the Division of Drinking Water pursuant to Section 117218, the board shall consider the comprehensive analysis and the recommendation at a public hearing. The board shall request recommendations from all divisions of the board to ensure coordination with other related water quality and water resource programs. The Public Utilities Commission may provide input to the board for purposes of this section if the recommendation of the Division of Drinking Water involves an at-risk water system subject to the Public Utilities Commission's jurisdiction. The board shall review a recommendation in light of the recommendation's likelihood of success in creating a stable and sustainable supply of safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

(b) Based on the recommendations described in subdivision (a), the board shall adopt and provide for a sustainable plan for restoring safe drinking water in the Central Basin. The board may contract with one or more of the following entities to implement the sustainable plan for restoring safe drinking water in the Central Basin:

- (1) Central Basin Municipal Water District.
- (2) Los Angeles County Department of Public Works.
- (3) Metropolitan Water District of Southern California.
- (4) Water Replenishment District of Southern California.
- (5) A for-profit business, such as an engineering consulting firm.

(c) The board shall coordinate implementation of the sustainable plan for restoring safe drinking water by engaging the affected community, local governments, water agencies, and local agency formation commissions.

(d) The board may delegate implementation of the sustainable plan for restoring safe drinking water to the Division of Drinking Water or another division of the board.

(e) Notwithstanding any other law, a public water system, including, but not limited to, a special district, may act pursuant to a contract entered into under subdivision (b) outside of the jurisdictional boundary of the public water system.

Article 4. Oversight

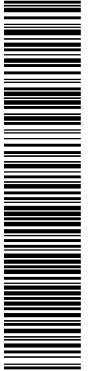
117220. (a) (1) By July 1, 2025, the board shall report to the Legislature on its progress restoring safe drinking water to Central Basin communities, particularly in disadvantaged communities, in accordance with this chapter. The board shall develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for the Central Basin and shall use those metrics in its report to the Legislature.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on July 1, 2029, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(b) At least once every five years, the Legislative Analyst's Office shall provide to the Legislature in compliance with Section 9795 of the Government Code an assessment of the effectiveness of expenditures from the fund.

117221. The board shall create an internet website that provides data transparency for all of its activities pursuant to this chapter, in conjunction with



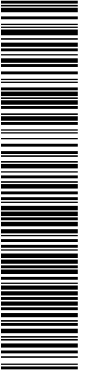
implementation of the Open and Transparent Water Data Act (Part 4.9 (commencing with Section 12400) of Division 6 of the Water Code).

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 5. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the particular circumstances in the Central Basin creating a unique need to restore safe drinking water to disadvantaged communities in that region.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____,
as introduced, _____.
General Subject: Central Basin Communities Water Reliability, Safe Drinking Water,
and Recycled Water Expansion Act of 2022.

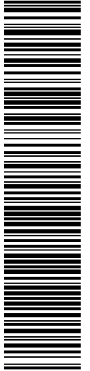
The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties relating to the regulation of drinking water to protect public health.

Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law authorizes the board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the board for grants, loans, contracts, or services to assist eligible recipients. Existing law requires, by January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, to make publicly available, as specified, a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants that exceed safe drinking water standards.

This bill would enact the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022. The bill would establish the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Fund in the State Treasury and would provide that unspecified sums of money are available upon appropriation by the Legislature from the fund to the board for specified purposes related to drinking water, including, but not limited to, protecting state, local, and regional drinking water systems located in the Central Basin from climate change, drought, catastrophic seismic damage, or failure from terrorist acts or other deliberate acts of destruction, competitive grants to eligible applicants, and improving local water security by reducing the use of potable water for nonpotable purposes.

The bill would impose requirements on recipients of fund moneys, including requiring a project receiving moneys from the fund to comply with prevailing wage requirements established in specified existing law, a violation of which is punishable by misdemeanor penalties. Because the willful violation of prevailing wage requirements when engaged in these projects would be punishable by misdemeanor penalties, the bill would impose a state-mandated local program by expanding the application of a crime.

The bill would require the board to annually review and update a specified drinking water assessment and, upon updating the assessment, to submit to the board's Division of Drinking Water, among other things, a list of at-risk water systems in the Central Basin. The bill would require the board, by January 1, 2023, to use available data to make available a map of aquifers in the Central Basin that are, among other



things, at high risk of containing contaminants. The bill would require, by January 1, 2023, a local health officer or other relevant local agency in the Central Basin to provide to the board all results of, and data associated with, certain water quality testing. By imposing additional requirements on local health officers and local agencies, the bill would impose a state-mandated local program. The bill would impose various requirements on the Division of Drinking Water relating to assessment of and planning for the provision of safe drinking water in the Central Basin. The bill would require the board to adopt and provide for a sustainable plan for restoring safe drinking water in the Central Basin, as prescribed.

The bill would require the board, by July 1, 2025, to report to the Legislature on its progress restoring safe drinking water to Central Basin communities. The bill would require, at least once every 5 years, the Legislative Analyst's Office to provide to the Legislature an assessment of the effectiveness of expenditures from the fund. The bill would require the board to create an internet website that provides data transparency for all of its activities pursuant to the bill.

The bill would provide that its provisions are severable.

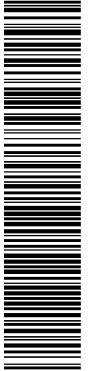
This bill would make legislative findings and declarations as to the necessity of a special statute for the Central Basin.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



Problem (Background/Context):

On September 25, 2012, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 685, making California the first state in the nation to legislatively recognize the human right to water.

Now in the Water Code as Section 106.3, the state statutorily recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas.

On February 16, 2016, the State Water Resources Control Board (State Water Board) adopted a resolution identifying the human right to water as a top priority and core value of the State Water Board and Regional Water Quality Control Boards (collectively the Water Boards). The resolution stated the Water Boards will work “to preserve, enhance, and restore the quality of California’s water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.”

The resolution cements the Water Boards’ commitment to considering how its activities impact and advance the human right to safe, clean, affordable, and accessible water to support basic human needs. The human right to water will be considered in actions taken by the Water Boards that pertain to sources of drinking water. These actions may include: revising or establishing water quality control plans, policies, and grant criteria; permitting; site remediation and monitoring; and water right administration.

Under the resolution, Water Board staff will work with relevant stakeholders, as resources allow, to develop new systems or enhance existing systems to collect data and identify and track communities that do not have, or are at risk of not having, safe, clean, affordable, and accessible water for drinking, cooking, and sanitary purposes. Water Board staff will also work with relevant groups to develop performance measures to evaluate the Water Boards' progress toward making the human right to water a reality, and such information will be made available to the public.

The Central Groundwater Basin is adjudicated and managed by the Water Replenishment District as the Administrative Entity. It is also served by the Central Basin Municipal Water District, a Metropolitan Water District of Southern California member agency, providing imported drinking water and recycled water to the communities of the Central Groundwater Basin.

For years the communities of the Central Groundwater Basin have contributed, via property taxes, to the drinking water infrastructure that delivers water to Southern California; however, they have not been the beneficiaries of re-investment in their local water infrastructure, reliability, quality and conservation.

Recently, the UCLA Water Resources Group authored a study entitled "The Human Right To Water In Poor Communities Of Color" where this study highlighted that the greatest concentration of community water systems (more than 29 community water systems) serving disadvantaged communities are concentrated in Southern Los Angeles County, primarily serving communities of color.

70% of the South Los Angeles County central water basin are disadvantaged communities.

The UCLA study identified that PFAS and Manganese are two contaminants of concern in the region's groundwater and that the region's water infrastructure costs cannot be absorbed through water rate increases to customers because many of these poorer communities already pay some of the highest water rates in the region.

The Water Replenishment District has estimated that addressing PFAS alone carries a price tag of approximately \$80 million.

The study also highlights that multiple Central Groundwater Basin communities do not have access to clean, safe water provided by the Metropolitan Water District (MWD) through Central Basin Municipal Water District (CBMWD) and, as a result, are reliant solely on groundwater.

Solution:

This bill is designed to address the immediate and critical water quality and reliability needs within the South Los Angeles County water basin by:

- Creating a regulatory framework that requires the Division of Drinking Water Standards at the State Water Resources Control Board to:
 - Provide a comprehensive analysis of drinking water systems within the region,
 - Identify aquifers within the water basin that are at high risk of containing contaminants and that exceed primary federal and state drinking water standards; and
 - Submit recommendations to the State Water Resources Control Board.
- This bill also creates a special fund within the State Treasury that the State Water Resources Control Board will use to administer

grant dollars to improve infrastructure in our region in the following areas:

- Water quality infrastructure;
- Water reliability and security infrastructure; and
- Recycled water Infrastructure

Closing

- This bill addresses the funding needs of the Central Groundwater Basin Communities in general and underserved (disadvantaged) communities in particular. This bill takes advantage of a record state budget surplus to fill the long-standing water infrastructure funding gap that exists throughout the region to improve ground water quality, to build interconnections to high quality drinking water providing increased reliability to water from MWD.
- This bill will increase the use of recycled water for non-potable and industrial uses to preserve more drinking water as we experience prolonged drought conditions.
- The Central Groundwater Basin communities have paid and continue to pay their fair share of tax dollars and have not received the re-investment in their local water systems. This bill sets up a framework for the region to draw down infrastructure dollars in a way that is transparent, accountable, and responsible.

**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: February 3, 2022
To: Southeast Water Coalition Board of Directors
From: Gina Nila, AE Chair, City of Commerce

Subject: SEWC PROGRAM MANAGEMENT CONTRACT EXTENSION

Recommendation: That the Policy Board take the following action:

Approve a term extension for SEWC Administrative Services with KJServices Environmental Consulting, retroactive to July 1, 2021, through June 30, 2023. The annual compensation amount will remain unchanged at \$20,000 per year.

Background

At their June 6, 2019 meeting, the Board approved a two-year contract with KJServices Environmental Consulting for Administrative Support Services. The contract, which expired on June 30, 2021 allowed for, with the Administrative Entity's recommendation, a contract extension of up to three years.

The AE is requesting that the Policy Board extend the existing contract, retroactively from July 1, 2021 through June 30, 2023.

Attachments:

1. SEWC Professional Services Agreement with KJServices Environmental Consulting

**SOUTHEAST WATER COALITION
PROFESSIONAL SERVICES AGREEMENT
WITH MEANS CONSULTING, LLC
FOR STRATEGIC PLANNING SERVICES**

THIS AGREEMENT is made and entered into as of the ___ day of _____ by and between the **Southeast Water Coalition**, a California joint powers entity, (hereinafter referred to as “SEWC”) and **KJServices Environmental Consulting, LLC**, (“Consultant”). SEWC and Consultant are sometimes individually referred to as “Party” and collectively as “Parties.”

RECITALS

A. Consultant desires to assist SEWC in providing administrative support for the SEWC’s Administrative Entity and Policy Board on the terms and conditions set forth in this Agreement; and

B. Consultant represents that it has demonstrated competence and experience in providing professional consulting services for the specific services described in Exhibit “B” (Consultant’s Proposal); and

C. SEWC desires to retain Consultant to render such services subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of performance by the parties of the mutual promises, covenants, and conditions herein contained, the Parties hereto agree as follows:

1. Consultant’s Services.

1.1 Scope of Services. Consultant shall provide the professional services described in the Consultant’s Proposal (“Proposal”), attached hereto as Exhibit “B” and incorporated herein by this reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

1.2 Personnel. Consultant represents that it has, or will secure at its own expense, all personnel required to perform the Services. All of the Services will be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such work.

1.3 Party Representatives. For the purposes of this Agreement, SEWC Representative shall be the Chair of the Administrative Entity or such other person designated by the SEWC Policy Board (the “SEWC Representative”). For the purposes

of this Agreement, the Consultant Representative shall be Mr. Ed Means (the "Consultant Representative").

1.4 Time of Performance. Consultant shall commence the Services upon receipt of a Notice to Proceed and shall perform and complete the Services within the time required in Exhibit B.

2. Term of Agreement. This Agreement shall commence on the Effective Date and continue for a period of twenty-four (24) months, ending on June 30, 2021, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties. At the discretion of the Administrative Entity, the term of this Agreement may be extended up to three (3) years.

3. Compensation. Subject to the maximum sum hereafter provided, SEWC shall pay Consultant at the rate of _____ (\$_____.00) per hour. The maximum amount of compensation which Consultant shall be entitled to receive pursuant to this Agreement is \$_____ for the term set forth in Section 2. SEWC shall not withhold applicable federal or state payroll and other required taxes, or other deductions from payments made to the Consultant. No claims for additional services performed by Consultant will be allowed unless such additional work is authorized by the SEWC Policy Board in writing prior to the performance of such services or the incurrence of such expenses. Any additional services authorized by the SEWC Policy Board shall be compensated at a rate mutually agreed to by the parties.

4. Method of Payment.

4.1 Invoices. Not later than the fifteenth (15th) day, Consultant shall submit to SEWC an invoice for all services performed. The invoices shall describe in detail the services rendered during the period and shall show the hours worked and services provided each day, SEWC Administrative Entity and Policy Board meetings attended, and expenses incurred since the last bill. SEWC shall review each invoice and notify Consultant in writing within ten (10) business days of any disputed amounts.

4.2 Payment. SEWC shall pay all undisputed portions of each invoice within thirty (30) calendar days after receipt of the invoice up to the maximum amount set forth in Exhibit B.

4.3 Audit of Records. Upon SEWC providing 24-hour prior notice, Consultant shall make all records, invoices, time cards, cost control sheets and other records created or maintained by Consultant in connection with this Agreement available to SEWC for review and audit by SEWC. SEWC shall conduct any such review and audit at any time during Consultant's regular working hours.

5. Standard of Performance. Consultant shall perform all Services under this Agreement in accordance with the standard of care generally exercised by like professionals under similar circumstances and in a manner reasonably satisfactory to SEWC.

6. Ownership of Work Product. All reports, documents or other written material developed by Consultant in the performance of this Agreement shall be and remain the property of SEWC without restriction or limitation upon its use or dissemination by SEWC. Such material shall not be the subject of a copyright application by Consultant. Any alteration or reuse by SEWC of any such materials on any project other than the project for which they were prepared shall be at the sole risk of SEWC unless SEWC compensates Consultant for such reuse.

7. Status as Independent Contractor. Consultant is, and shall at all times remain as to SEWC, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of SEWC. Neither SEWC nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its officers, agents or employees are in any manner employees of SEWC, provided, however, that nothing contained in this provision shall be construed or interpreted so as to deprive Consultant of any and all defenses or immunities available to public officials acting in their official capacities. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold SEWC harmless from any and all taxes, assessments, penalties, and interest asserted against SEWC by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant further agrees to indemnify and hold SEWC harmless from any failure of Consultant to comply with applicable workers' compensation laws. SEWC shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to SEWC from Consultant as a result of Consultant's failure to promptly pay to SEWC any reimbursement or indemnification arising under this Section 7.

8. Confidentiality. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant to any person or entity without prior written authorization by SEWC. SEWC shall grant such authorization if disclosure is required by law. All SEWC data shall be returned to SEWC upon the termination of this Agreement. Consultant's covenant under this section shall survive the termination of this Agreement.

9. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act (Government Code Sections 81000, *et seq.*) and Government Code Section 1090. During the term of this Agreement, Consultant shall retain the right to perform similar services for other clients, but Consultant and its officers, employees, associates and subconsultants shall not, without the prior written approval of the SEWC Administrative Entity Chair, perform work for another person or entity for whom Consultant is not currently performing work that would require

Consultant or one of its officers, employees, associates or subconsultants to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

10. Indemnification. Consultant agrees to indemnify, defend and hold harmless SEWC, and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors and assigns in accordance with the Indemnification and Hold Harmless Agreement and Waiver of Subrogation and Contribution attached hereto as Exhibit A and incorporated herein by this reference. Consultant's covenant under this Section 10 shall survive the termination of this Agreement.

11. Insurance. Consultant shall at all times during the term of this Agreement carry, maintain, and keep in full force and effect, with an insurance company admitted to do business in California, rated "A" or better in the most recent Best's Key Insurance Rating Guide, and approved by SEWC, workers' compensation insurance with a minimum limit of \$1,000,000 or the amount required by law, whichever is greater.

12. Cooperation. In the event any claim or action is brought against SEWC relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation, which SEWC might require.

13. Termination. Either party may terminate this Agreement for any reason without penalty or obligation on thirty (30) calendar days' written notice to the other party. Consultant shall be paid for services satisfactorily rendered to the last working day the Agreement is in effect, and Consultant shall deliver all materials, reports, documents, notes, or other written materials compiled through the last working day the Agreement is in effect. Neither party shall have any other claim against the other party by reason of such termination.

14. Notices. Any notices, bills, invoices, or reports required by this Agreement shall be given by first class U.S. mail or by personal service. Notices shall be deemed received on (a) the day of delivery if delivered by hand or overnight courier service during Consultant's and SEWC's regular business hours or by facsimile before or during Consultant's regular business hours; or (b) on the third business day following deposit in the United States mail, postage prepaid, to the addresses heretofore set forth in the Agreement, or to such other addresses as the parties may, from time to time, designate in writing pursuant to the provisions of this section. All notices shall be delivered to the parties at the following addresses:

If to SEWC: City of Whittier (SEWC Lead Agency)
 13230 Penn St
 Whittier, CA 90602
 Phone: (562) 904-9500
 Attn: Kyle Cason, P.E., Assistant Director of Public Works

If to Consultant: KJ Services Environmental Consulting
12025 Florence Ave., Suite 201
Santa Fe Springs, CA 90670
Phone: (562) 944-4766
Attn: Kevin Sales

15. Non-Discrimination and Equal Employment Opportunity. In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition, or sexual orientation. Consultant will take affirmative action to ensure that subcontractors and applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition, or sexual orientation.

16. Non-Assignability; Subcontracting. Consultant shall not assign or subcontract all or any portion of this Agreement. Any attempted or purported assignment or sub-contracting by Consultant shall be null, void and of no effect.

17. Compliance with Laws. Consultant shall comply with all applicable federal, state and local laws, ordinances, codes and regulations in the performance of this Agreement.

18. Non-Waiver of Terms, Rights and Remedies. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by SEWC of any payment to Consultant constitute or be construed as a waiver by SEWC of any breach of covenant, or any default which may then exist on the part of Consultant, and the making of any such payment by SEWC shall in no way impair or prejudice any right or remedy available to SEWC with regard to such breach or default.

19. Attorney's Fees. In the event that either party to this Agreement shall commence any legal action or proceeding to enforce or interpret the provisions of this Agreement, the prevailing party in such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorney's fees.

20. Exhibits; Precedence. All documents referenced as exhibits in this Agreement are hereby incorporated in this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail.

21. Entire Agreement. This Agreement, and any other documents incorporated herein by specific reference, represents the entire and integrated agreement between Consultant and SEWC. This Agreement supersedes all prior oral or written negotiations, representations or agreements. This Agreement may not be

amended, nor any provision or breach hereof waived, except if approved by the SEWC Policy Board in a writing signed by the parties which expressly refers to this Agreement.

IN WITNESS WHEREOF, the parties, through their respective authorized representatives, have executed this Agreement as of the date first written above.

Southeast Water Coalition

By: _____
Fernando Dutra, Chair
SEWC Policy Board

ATTEST:

By: _____
Kyle Cason, Administrative Entity Chair

APPROVED AS TO FORM:

By: _____
Steve Dorsey
SEWC Attorney

_____ (Consultant)

By: _____
Name:
Title:

By: _____
Name:
Title:

(Please note, two signatures required for corporations pursuant to California Corporations Code Section 313.)

**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT
AND WAIVER OF SUBROGATION AND CONTRIBUTION**

**Contract/Agreement/License/Permit No. or description: SOUTHEAST WATER
COALITION PROFESSIONAL SERVICES AGREEMENT WITH MEANS
CONSULTING, LLC. FOR STRATEGIC PLANNING SERVICES**

Indemnitor(s) *(list all names)*:

To the fullest extent permitted by law, Indemnitor hereby agrees, at its sole cost and expense, to protect, defend, indemnify, and hold harmless the Southeast Water Coalition and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, and assigns (collectively "Indemnitees") from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith (collectively "Liabilities"), resulting from any negligent act, failure to act, error, or omission of Indemnitor or any of its officers, agents, servants, employees, subcontractors, materialmen, suppliers or their officers, agents, servants or employees, arising or claimed to arise, directly or indirectly, out of, in connection with, resulting from, or related to the above-referenced contract, agreement, license, or permit (the "Agreement") or the performance or failure to perform any term, provision, covenant, or condition of the Agreement, including this indemnity provision. This indemnity provision is effective regardless of any prior, concurrent, or subsequent passive negligence by Indemnitees and shall operate to fully indemnify Indemnitees against any such negligence. This indemnity provision shall survive the termination of the Agreement and is in addition to any other rights or remedies which Indemnitees may have under the law. Payment is not required as a condition precedent to an Indemnitee's right to recover under this indemnity provision, and an entry of judgment against the Indemnitor shall be conclusive in favor of the Indemnitee's right to recover under this indemnity provision. Indemnitor shall pay Indemnitees for any attorneys fees and costs incurred in enforcing this indemnification provision. Notwithstanding the foregoing, nothing in this instrument shall be construed to encompass (a) Indemnitees' active negligence or willful misconduct to the limited extent that the underlying Agreement is subject to Civil Code § 2782(a), or (b) the contracting public agency's active negligence to the limited extent that the underlying Agreement is subject to Civil Code § 2782(b). This indemnity is effective without reference to the existence or applicability of any insurance coverages which may have been required under the Agreement or any additional insured endorsements which may extend to Indemnitees.

SEWC agrees to promptly inform Indemnitor in writing of any claim that SEWC believes to be subject to this Indemnification Agreement.

EXHIBIT A

Indemnitor, on behalf of itself and all parties claiming under or through it, hereby waives all rights of subrogation and contribution against the Indemnitees, while acting within the

scope of their duties, from all claims, losses and liabilities arising out of or incident to activities or operations performed by or on behalf of the Indemnitor regardless of any prior, concurrent, or subsequent non-active negligence by the Indemnitees.

In the event there is more than one person or entity named in the Agreement as an Indemnitor, then all obligations, liabilities, covenants and conditions under this instrument shall be joint and several.

“Indemnitor”

Name _____

Name _____

By: _____
Its

By: _____
Its

**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: February 3, 2022
To: Southeast Water Coalition Board of Directors
From: Gina Nila, AE Chair, City of Commerce

**Subject: APPROVE AN INCREASE IN BUDGET WITH RICHARDS, WATSON,
AND GERSHON FOR MONITORING AND REVIEW OF CENTRAL BASIN
MWD MEETINGS**

Recommendation: That the Policy Board take the following action:

Increase the current lump sum budget allocation for Richards, Watson, and Gershon for the monitoring and review of Central Basin MWD meetings by \$2,000, increasing from \$10,000 to \$12,000.

Background

At their December 10, 2020 meeting the Policy Board discussed the benefit of asking its legal counsel to begin to monitor and review the Central Basin Municipal Water District because of a number of on-going legal issues. After some discussion the Board members proposed approving a not-to-exceed budget for their legal counsel, Richards, Watson, and Gershon to begin to monitor and report to the AE and Policy Board on a regular basis the activities of CBMWD. At the meeting a not-to-exceed budget of \$10,000 was approved.

Since February 2021 through December 7, 2021, \$6597.50 of the approved budget has been spent. In order to have sufficient funding to last through the FY 21/22 year, the Administrative Entity is requesting the budget for this service be increased by \$2,000, raising the not-to-exceed amount to \$12,000.

Attachments:

1. December 10, 2020 Agenda Item Staff Report
2. December 10, 2020 Board Meeting minutes
3. RWG Central Basin MWD Oversight Expenses report

RWG Central Basin MWD Oversight Expenses

			Balance
Date of Invoice	Invoice No.	Invoice Amount	\$10,000.00
2/10/2021	230488	\$ 97.50	\$9,902.50
4/8/2021	231286	\$ 1,950.00	\$7,952.50
5/18/2021	231825	\$ 1,040.00	\$6,912.50
6/15/2021	232175	\$ 877.50	\$6,035.00
7/20/2021	232875	\$ 942.50	\$5,092.50
8/11/2021	233078	\$ 942.50	\$4,150.00
9/9/2021	233463	\$ 32.50	\$4,117.50
10/14/2021	233991	\$ 552.50	\$3,565.00
11/9/2021	234340	\$ 130.00	\$3,435.00
12/7/2021	234761	\$ 32.50	\$3,402.50
		\$ 6,597.50	

Budget	Expended	Balance
\$10,000.00	\$ 6,597.50	\$3,402.50

**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: December 10, 2020
To: Southeast Water Coalition Board of Directors
From: Gina Nila, AE Chair, City of Commerce
Subject: **Central Basin Update: Discussion of Additional Advocacy and Legal Services**

Recommendation: That the Board of Directors take the following action:

Receive and file an update on the status of business at the Central Basin Municipal Water District, and discuss the hiring of additional advocacy and legal services.

Background

Due to ongoing issues, the SEWC Administrative Entity has resolved that “Central Basin Update” shall be a standing item on all meeting agendas.

In an effort to remain informed and up-to-date on critical water issues affecting the Central Basin, individual Administrative Entity members and the Southeast Water Coalition’s Program Management Services Consultant, KJServices, have been attending regular and special meetings of the Central Basin Municipal Water District Board of Directors and Committee meetings.

The motions made at these Central Basin meetings are sometimes confusing or unclear, and there have been meetings in the past few months where legal questions have been raised about the efficacy of CB Board’s actions. In addition, during the same period, Central Basin did not have a General Counsel in employ, and/or their General Counsel was not available during meetings to resolve legal questions.

At their November 19, 2020 Administrative Entity meeting, the AE members discussed the need for the group to increase oversight of Central Basin meetings and Board actions. The AE members agreed that in order to act as a “watchdog” for the group, additional consulting staff may need to be hired. While SEWC employs legal counsel currently, due to the frequency and length of Central Basin meetings, providing oversight work would necessitate additional consulting hours.

The AE members agreed that someone with legal expertise, especially in the Brown Act, would need to serve as the point person on Central Basin meetings. The goal of

hiring a watchdog would be to ensure the Central Basin Board of Directors is adhering to their Admin Code, the Water Code, the Brown Act, and all legal decisions and decrees resulting in pending litigation. Any advocacy or legal services consultant would report to the Administrative Entity for regular updates.

Fiscal Impact:

The FY 20-21 SEWC Budget was approved by the Board of Directors at their June 4, 2020 meeting. The approved expenditure for Legal Services was \$10,000.

To date, SEWC has spent approximately \$2,500 on legal services in FY 20-21. This leaves approximately \$7,500 in legal services that can be spent between now and June 30, 2021.

Even if the hiring of additional advocacy or legal services were to amount in legal services costs above \$10,000, the Board of Directors also has a discretionary 'Consultant Services' line item of \$60,000, which has not yet been spent. Traditionally, the Consultant Services budget has been used on an as-needed basis to engage consultants in project management, strategic planning, etc. for SEWC.

Additionally, since COVID-19 has shut down in-person meetings, SEWC has under-utilized its budget for Policy Board Meetings, Administrative Entity Meetings, and Office Supplies.

Richards, Watson & Gershon (RW&G) Quote for Oversight Services

Currently, SEWC employs Nick Ghirelli of RW&G as Legal Counsel. Mr. Ghirelli has provided a quote for RW&G performing additional oversight work, and any potential litigation arising from that work. The quote is \$325 per hour. Assuming three, 90-minute Central Basin meetings per month, plus 2 hours of documentation and reporting, this averages out to approximately \$2,100 per month for full time oversight services of the Central Basin Board. This quote does not include any costs incurred from litigation services, although SEWC could recover some of the fees if the group is successful in any litigation to prosecute Brown Act violations.

Discussion:

It is the recommendation of the Administrative Entity that the SEWC Board of Directors discuss the item and provide direction on possible further action.

Attachments:

1. SEWC Approved FY 20-21 Budget

**MINUTES OF THE
SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY**

SPECIAL MEETING OF THE POLICY BOARD

**THURSDAY, DECEMBER 10, 2020
6:30 P.M.**

The regular meeting of the Southeast Water Coalition Joint Powers Authority Policy Board, conducted electronically over Zoom, was called to order at 6:30 p.m. by Policy Board Chair Oralia Rebollo.

1. ROLL CALL

Kristen Sales (KJServices Environmental Consulting) called roll and all members were present on the Zoom call.

Frank Yokoyama	City of Cerritos (left meeting at 7:00pm)
Oralia Rebollo	City of Commerce, Board Chair
Todd Rogers	City of Lakewood
Margarita Rios	City of Norwalk
Isabel Aguayo	City of Paramount
Gustavo Camacho	City of Pico Rivera
Maria Davila	City of South Gate
Melissa Ybarra	City of Vernon, Board Vice-Chair
Fernando Dutra	City of Whittier

Also Present:

Michelle Keshishian	City of Commerce
Kanna Vancheswaran	City of Cerritos
Dan Mueller	City of Downey
Jason Wen	City of Lakewood
Glen Kau	City of Norwalk
Adriana Figueroa	City of Paramount
Chris Castillo	City of South Gate
Joanna Moreno	City of Vernon, AE Vice-Chair
Ray Cordero	City of Whittier

Daniel Hernandez	City of Commerce
Cesar Rangel	City of Whittier
Nick Ghirelli	RWG
June Alilin	Aleshire & Wynder
Kristen Sales	KJServices Environmental Consulting

2. PUBLIC COMMENTS

No Public Comments were received.

3. CONSENT CALENDAR

SEWC Board Chair Oralia Rebollo (Commerce) asked for a motion to approve the Consent Calendar. The motion was made by Board Member Rogers (Lakewood) and seconded by Board Member Dutra (Whittier). The motion passed with a unanimous roll call vote by all SEWC Board Members present.

4. UPDATE ON CENTRAL BASIN LITIGATION

AE Chair Gina Nila (Commerce) welcomed the Board Members to the meeting and asked Mr. Nick Ghirelli (RW&G) to introduce the item. Mr. Ghirelli introduced June Ailin from the legal firm of Aleshire & Wynder to provide a summary of the current litigation involving the Central Basin Municipal Water District.

Ms. Ailin stated that she is the lead attorney for the Petitioners (purveyors) in the Fixed Meter Charge case, adding that the case was heard in Court today. Ms. Ailin stated that the Court's tentative ruling sided with the purveyors, finding that the rate study conducted by CBMWD did not justify the allocation of a \$2/meter charge. Ms. Ailin stated that she believes the purveyors are entitled to refunds for any Meter Charges they may have paid to Central Basin, but that Central Basin hopes to apply a credit to future charges instead of providing a reimbursement. Ms. Ailin concluded by stating that the Court's judgment will be finalized in early February, 2021.

Board Chair Rebollo (Commerce) asked if there were any questions for Ms. Ailin from the Board Members. Hearing none, Mr. Ghirelli added that SEWC has been monitoring the two Central Basin cases to ensure good governance, as this is a priority for SEWC. Mr. Ghirelli said that the Administrative Entity (AE) will continue to monitor the issue and provide any further updates to the Board.

The item was received and filed by the SEWC Board of Directors.

5. AUTHORIZE SEWC BOARD OF DIRECTORS TO SEND A LETTER IN OPPOSITION OF WRD'S GENERAL MANAGER APPOINTMENT OR OTHER ACTIONS IN RESPONSE TO APPOINTMENT

AE Member Adriana Figueroa (Paramount) introduced this item and provided an overview of the staff report.

Ms. Figueroa stated that the issue of WRD's General Manager position was a recent issue that had just come up within the month. Historically, there had been little issue with the governance of the WRD Board of Directors for ten to fifteen years, however, Ms. Figueroa said, there is now a question of the appointment of a new General Manager. Currently, Robb Whittaker is the GM and is contracted through December, 2021. Mr. Whittaker informed the Board of his intention to retire in March, 2021. Thereafter, the Board authorized retaining a professional recruitment firm to conduct the hiring process. Then, Ms. Figueroa continued, WRD Board Director Vera Robles-DeWitt suggested during a Board Meeting that Board appoint Albert Robles as the new General Manager, and not utilize the recruitment firm to conduct a thorough hiring process.

Ms. Figueroa stated that Albert Robles is a former WRD Board of Directors Member, and previously Mayor of the City of Carson. Mr. Robles was investigated for conflict of interest while holding these two positions at the same time, which resulting in Mr. Robles resigning his position on the WRD Board. Mr. Robles recommended Ms. Robles-DeWitt to take his place on the WRD Board, which she did.

Ms. Figueroa stated that at the WRD Board's November 19, 2020 Meeting, WRD legal counsel objected to Director Robles-DeWitt's suggestion to appoint Albert Robles on the basis of it not being properly agendized. At their December 3, 2020 Board Meeting, the same item to hire Robles was brought back, but by then, the current GM Mr. Whittaker had rescinded his resignation notice, which raised questions of the legality, logistics and financial prudence of hiring a new General Manager while the current GM is still on payroll. Ms. Figueroa stated that the December 3rd meeting ended without the issue of GM being resolved, but added that the WRD Board will meet again on December 17, 2020, during which this issue of General Manager will come up again.

Ms. Figueroa stated that the Administrative Entity formed an ad-hoc committee at their November 19, 2020 meeting to discuss actions in response to WRD. The ad-hoc recommends that SEWC send a letter to the WRD Board vouching opposition to these actions and advocating for a fair and transparent recruitment process to hire a new General Manager. Ms. Figueroa added that the ad-hoc's draft letter was informed by similar letters sent from Congresswoman Nanette Diaz-Barragan and other California State Senators. Ms. Figueroa stated that the draft letter and sample letters from local politicians were included in the Board Members' agenda package. Ms. Figueroa stated that issue before the Board is to authorize sending the attached draft letter to the WRD Board.

Chair Rebollo (Commerce) thanked Adriana for her report and asked if the Board Members had any questions.

Board Member Dutra (Whittier) asked if the current GM Mr. Whittaker would have a potential lawsuit against WRD based on these actions? Ms. Figueroa answered that she did not know for sure, but it could be a possibility in the future. Ms. Figueroa stated that if Robles is hired, as of January 1, 2021, WRD would have two General Managers. If Whittaker is "bumped," Ms. Figueroa continued, it is possible he would have a case for severance pay. Board Member Dutra asked what the timeframe on the issue was, and Ms. Figueroa answered that the Board next meets on December 17, 2020, when this issue will be discussed again, with possible Board action taken.

Board Member Rogers (Lakewood) added that the WRD Board had previously scheduled a Closed Session meeting for December 8, 2020, but this was cancelled. Board Member Rogers asked about next steps, and added that since the WRD Board is divided 3-2 on the decision, he supports adding SEWC's voice to the opposition. Ms. Figueroa confirmed that the Closed Session was scheduled, but then cancelled.

Board Member Yokoyama (Cerritos) stated that Cerritos had received a letter of

opposition from five Assemblymembers and two Senators; Ms. Figueroa added that that letter was included in the agenda package as well.

Chair Rebollo (Commerce) called for a motion to authorize SEWC send the attached draft letter in opposition of WRD's General Manager appointment, or other actions in response to the appointment. The motion was made by Fernando Dutra (Whittier) and seconded by Todd Rogers (Lakewood). The motion was approved by a unanimous roll call vote of the Board Members.

6. UPDATE ON WRD FUNDING FOR PFAS REMEDIATION PROGRAM

Ms. Kristen Sales (KJServices) addressed the Board Members, and stated that since AE Chair Gina Nila (Commerce) was not able to attend the meeting, she would be providing the summary of this item.

Ms. Sales stated that the AE had reviewed the results of WRD'S BAC/TAC Committee, and that 13 purveyors' applications for PFAS remediation support had been approved, including applications from the SEWC member cities of Pico Rivera, South Gate, Commerce, and Downey. Ms. Sales stated that WRD hopes to have signed agreements with these pumpers by the end of January, 2021, and that the AE will continue to monitor the progress of PFAS remediation programs and update the Board as new information becomes available.

Board Chair Rebollo (Commerce) then asked the Board for comments or questions on the item. Hearing none, the item was received and filed by the SEWC Board of Directors.

7. UPDATE ON STATE WATER BOARD COVID-19 FISCAL IMPACT SURVEY

Ms. Kristen Sales (KJServices) provided a summary of the agenda item. Ms. Sales stated that the State Water Resources Control Board (Water Board) had contact small and large drinking water systems to participate in a voluntary survey on the financial impacts that COVID-19 has had on 1) household water debt for ratepayers, and 2) on the reserves and operations of the community water systems themselves. Ms. Sales summarized the results of this survey, as delineated by the Water Board in their press release. Ms. Sales added that the goal of this survey is to provide data on COVID-19 related debt to state legislators, to inform future policy decisions.

AE Member Adriana Figueroa (Paramount) added that Paramount had been contacted, and spoke to their Division of Drinking Water (DDW) representative regarding the survey. Ms. Figueroa stated that they were asking about financial information and the impacts that they had faced with invoicing and payment, due to COVID-19.

Board Chair Rebollo (Commerce) then asked the Board for comments or questions on the item. Hearing none, the item was received and filed by the SEWC Board of Directors.

8. CENTRAL BASIN UPDATE: DISCUSSION OF ADDITIONAL ADVOCACY AND LEGAL SERVICES

Ms. Kristen Sales (KJServices) provided a summary of the agenda item, stating that the Administrative Entity had discussed the idea of hiring additional legal services to attend Central Basin MWD meetings and take note on any potential legal conflicts during the meetings. Ms. Sales added that she had been attending the meetings and taking notes on items that affect and impact SEWC; however, the AE had discussed, and Ms. Sales agreed that someone with legal expertise would be better suited to observe these meetings for potential legal liability.

Board Member Fernando Dutra (Whittier) asked how long the AE anticipated needing to provide Central Basin oversight services, adding that SEWC had taken a leadership role in this regard, but wondered how long this kind of work would be necessary. Board Member Dutra also asked if SEWC could reach out to the private water agencies to contribute their time and/funds to watchdog issues.

Ms. Figueroa (Paramount) answered that if private water companies contributed funds, any costs incurred would be passed on to their ratepayers. Ms. Figueroa concluded that if privates were asked to contribute money to a fund, they would probably decline participation on this basis. Regarding the timeline of such activities, Ms. Figueroa stated that the issue is a moving target.

Board Member Dutra (Whittier) asked if SEWC would need to put out an RFP for these services. Mr. Nick Ghirelli (RW&G) stated that in his legal opinion, professional services, which includes legal services, do not require an RFP process. However, Mr. Ghirelli added, SEWC can definitely put out an RFP for these services if they want to.

Board Member Dutra asked if Richard, Watson & Gershon was willing and able to provide these additional services to SEWC. Mr. Ghirelli responded that RW&G is happy to represent SEWC, and they would provide a quote for additional advocacy/legal watchdog services, if requested.

Board Member Todd Rogers (Lakewood) stated that while SEWC does have the budget to allocate more money to legal services, he reminded the Board Members of their fiduciary responsibility to the current fiscal year budget. Board Member Rogers suggested that the Board authorize a not-to-exceed amount of \$10,000 for on-call oversight services.

Board Member Gustavo Camacho (Pico Rivera) added that staff has done a good job with oversight so far, and Board Member Dutra (Whittier) agreed that he would support a not-to-exceed \$10,000 for Central Basin oversight services. Board Chair Rebollo (Commerce) also agreed she would be comfortable with this amount. Board Member Rogers asked Mr. Ghirelli if this proposal would be workable for RW&G, and Mr. Ghirelli stated that RW&G would be able to execute an agreement based on these terms.

Board Member Rogers (Lakewood) then made a motion to authorize a not-to-exceed amount of \$10,000 for additional advocacy services to utilize on an as-needed basis, and for the Board Chair to execute the agreement with RW&G. The

motion was seconded by Board Member Dutra (Whittier). Board Chair Rebollo called for the roll call vote. Noting that Board Member Yokoyama (Cerritos) had exited the meeting at 7:00pm and was therefore not present to vote on Item 8, the motion was approved by a unanimous roll call vote of the Board of Directors.

9. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF SECTION 54956.9: 1 CASE

Board Chair Oralía Rebollo asked Mr. Ghirelli if the Board needed to adjourn to Closed Session to discuss any legal matters. Mr. Ghirelli answered that the Board had already discussed the issue in open session, and therefore did not need to adjourn to Closed Session and take action on Item 9.

10. BOARD OF DIRECTORS COMMENTS

Board Member Maria Davila (South Gate) wished everyone a safe and happy holiday, and stated her hope that in the New Year, things will change for the better.

11. ADMINISTRATIVE ENTITY CHAIR / LEAD AGENCY COMMENTS

Ms. Kristen Sales (KJServices) wished AE Chair Gina Nila and her family best wishes. Ms. Sales also thanked the outgoing Board Members, and reminded everyone that any new Councilpeople will need to send their assigning documents and Assuming Office Forms 700 to Lead City Commerce for filing with the Secretary of State and L.A. County.

12. ADJOURNMENT

Policy Board Chair Rebollo (Commerce) adjourned the meeting at 7:23 p.m.

CHAIR

ATTEST:
