

RESOLUTION NO. 11364

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE EXPRESSING SUPPORT FOR FEDERAL PFAS LEGISLATION PROTECTING RATEPAYERS AND WATER AND WASTEWATER AGENCIES

WHEREAS, PFAS are a group of man-made chemicals created by chemical manufacturers and, despite playing no role in releasing PFAS into the environment, cities and water and wastewater agencies are now obliged to find ways to remove them from local water supplies; and

WHEREAS, PFAS have been detected in the Orange County Groundwater Basin, managed by Orange County Water District (“OCWD”) and from which the City of Orange draws water, and are estimated to cost Orange County more than \$1 billion, over 30 years—a cost that will likely increase; and

WHEREAS, City ratepayers are at risk from pending PFAS legislation and associated PFAS costs and it is essential that water and wastewater agencies and stakeholders, including the City of Orange, take action to inform members of Congress of these devastating impacts; and

WHEREAS, it is also essential that any PFAS-related legislation exempt water agencies such as the City of Orange from any liability for PFAS cleanup costs; and

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

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

WHEREAS, under existing law, the U. S. Environmental Protection Agency ensures that public health benefits of new drinking water standards are reasonably balanced with the compliance costs that water system ratepayers will ultimately incur and eliminating this analysis would burden ratepayers of all income levels with astronomical costs to comply with drinking water standards; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orange hereby:

SECTION 1. Supports these PFAS policy principles to protect water and wastewater agencies and their ratepayers.

SECTION 2. Supports federal PFAS legislation effecting such policy principles to protect water and wastewater agencies and their ratepayers.

SECTION 3. Calls upon the Orange County Congressional delegation and California Senators to cast votes for legislation implementing these PFAS policy principles.

ADOPTED this ____ day of _____, 2021

Mark A. Murphy, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, Pamela Coleman, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the ____ day of _____, 2021, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange