



San Gabriel Valley Council of Governments

AGENDA AND NOTICE OF THE JOINT MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Tuesday, June 9, 2020, 10:00 AM

Teleconference Meeting: Livestream available via sgvcog.org

Water Policy Chair

Diana Mahmud
City of South Pasadena

Vice-Chair

Gloria Crudgington
City of Monrovia

MEMBERS

Claremont
Glendora
Monrovia
Rosemead
Sierra Madre
South Pasadena
LA County District 1

Water TAC Chair

Tom Love
Upper San Gabriel Valley
Municipal Water District

Vice Chair

Alex Tachiki
City of Monrovia

MEMBERS

Alhambra
Arcadia
Bradbury
Covina
Duarte
Glendora
Monrovia
Pomona
Sierra Madre
LA County DPW
Upper San Gabriel Valley
MWD

EX-OFFICIO

LA County Sanitation
Districts
SG Basin Watermaster

Thank you for participating in today's meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvcog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all Water Committee and Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee and Water TAC may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



***MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:** On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of committee members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Regular Water Committee/TAC meeting scheduled for June 9, 2020 at 10:00am will be not be allowed. Members of the public may view the meeting live on the SGVCOG's website. To access the meeting video, log onto www.sgvkog.org, click on the Water Committee Agenda text on the right-hand side of the homepage, then follow prompts to watch the meeting live during the scheduled meeting time.

Public comments can be submitted electronically by emailing smatthews@sgvcog.org at least 1 hour prior to the scheduled meeting time. Emailed public comments will be read into the record. If you wish to comment on a specific agenda item, please identify the item in your email. General public comments will be addressed during the general public comment item on the agenda.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Samantha Matthews at least 48 hours prior to the meeting at (626) 457-1800 or at smatthews@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*).
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

CONSENT CALENDAR (*It is anticipated that the Water Committee/TAC may act on the following matters*)

5. Water Committee/TAC Meeting Minutes – Page 1
Recommended Action: Approve May 12, 2020 Water Committee/TAC meeting minutes.

PRESENTATIONS

6. PFAS Contamination and How it Affects the San Gabriel Valley – Kenneth R. Manning, Executive Director, Water Quality Association and Tony Zampello, Executive Officer, Main San Gabriel Basin Watermaster – Page 4
Recommended Action: For information only.

ACTION ITEMS

7. HR 535 (Dingell) – PFAS Action Act of 2019 – Page 14
Recommended Action: Recommend Governing Board support HR 535 - the PFAS Action Act of 2019.

DISCUSSION ITEMS

8. Safe Clean Water Program Updates – Page 58
 - a. Program and WASC Updates
 - b. Call with LA County District Staff
 - c. Round 2 Applications
 - d. Watershed Coordinators*Recommended Action: For discussion.*
9. SB 205 (Hertzberg) Implementation – Page 64
Recommended Action: For discussion.

UPDATE ITEMS (*It is anticipated that the Water Committee/TAC may act on the following matters*)

10. Water Infrastructure Stimulus Funding Update
Recommended Action: For information only.
11. Legislative Updates
Recommended Action: For information only.
12. Litigation Update
Recommended Action: For information only.
13. E/WMP Updates
Recommended Action: For information only.
14. Water TAC Chair Report
Recommended Action: For information only.
15. Water Supply Update
Recommended Action: For information only.
16. Water Boards Update
Recommended Action: For information only.

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN



**SGVCOG Joint Water Policy Committee/TAC Meeting
Unapproved Minutes**

Date: May 12, 2020
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:05 A.M.
2. Roll Call

Water Policy Committee Members Present

J. Stark; Claremont
G. Boyer, J. Nelson; Glendora
G. Crudgington; Monrovia
M. Clark; Rosemead
J. Cappocia; Sierra Madre
D. Mahmud; South Pasadena

Water TAC Members Present

D. Dolphin; Alhambra
S. Costandi, S. Gallant; Covina
Y. Paez; Duarte
L. Chung; LA County Public Works
A. Tachiki; Monrovia
J. Carlson; Sierra Madre
T. Love, P. Cortez; USGVMWD

Ex Officio Members Present

K. Gardner; SG Basin Watermaster
S. Green; LA County Sanitation Districts

Guests

A. Sweet; Glendora
M. Barcelo; Walnut
V. Murphy; Sen. Portantino's Office
J. Sheehy; Rep. Napolitano's Office

SGVCOG Staff

C. Sims
S. Matthews

Water Policy Committee Members Absent

LA County District #1

Water TAC Members Absent

Arcadia
Bradbury
Pomona

Ex Officio Members Absent

LACSD

3. Public Comment
S. Matthews read one public comment submitted via email. R. Tahir commented on the motion by Gardena and Duarte to recover legal costs associated with their litigation.
4. Changes to Agenda Order.
No changes to agenda order.

CONSENT CALENDAR

5. Water Committee/TAC March Meeting Minutes
There was a motion to approve the consent calendar.
(M/S: G./Boyer/G. Crudgington)

[MOTION PASSED]

AYES:	Claremont; Glendora; Monrovia; South Pasadena; Alhambra; Bradbury; Covina; Monrovia; Pomona; Sierra Madre; LA County Public Works; USGVMWD
NOES:	
ABSTAIN:	
ABSENT:	LA County District 1; Arcadia; Bradbury; Pomona

DISCUSSION ITEMS

6. Safe Clean Water Program
- Program and WASC Updates
 - Round 2 Applications
 - Watershed Coordinators
 - Scoring Committee and Scoring Criteria

Committee Chair, Vice Chair, and SGVCOG staff announced a meeting with LA County District staff to discuss Safe Clean Water program implementation issues and requested feedback from the Committee on topics to discuss. There was discussion on various issues including the need for conservative program funding early in the program, qualifications for Watershed Coordinators, and scoring criteria that creates bias against the San Gabriel Valley. T. Love noted that scoring as its currently stands can advance projects that do not allow for MS4 compliance. D. Mahmud noted that scoring needs to prioritize WMP/EWMP projects. There was a discussion on how cities need to have a more coordinated effort to improve the program.

There were updates on the Safe Clean Water Program WASCs. The Rio Hondo WASC allocated 25% of its first-year funding to its first-year SIP, leaving room for other projects in future years. The ULAR WASC planned to finalize its SIP on May 28 and aimed for an approximately 75% funding allocation target.

7. COVID-19 Stimulus Funding

T. Love requested the Committee compile a list of regional water infrastructure projects to advocate for the need for infrastructure stimulus funding. There was a discussion on the need to include language in the stimulus package that expands eligibility to those infrastructure projects that are not necessarily shovel ready. A. Tachiki will provide a list of projects from the Rio Hondo watershed, D. Dolphin will provide list for the Upper LA River watershed, A. Sweet will provide a list for the Upper San Gabriel River watershed, and J. Carver will provide a list from East San Gabriel Valley.

J. Sheehy provided information on the HEROES Bill, which would direct \$500 billion to states and \$375 billion to local governments. \$1.5 billion in funding would be directed to low-income households for water bills. After the House vote, the bill would need Senate

approval and Presidential sign-off. J. Sheehy announced that Rep. Napolitano and House representatives aim to include water infrastructure funding in future stimulus packages.

UPDATE ITEMS

8. Safe Clean Water Program Transfer Agreement Templates

S. Matthews provided an update on the letter that SGVCOG submitted to LA County District staff on the Transfer Agreement templates. D. Mahmud thanked Committee members for their work on the letter.

9. Legislative Updates

There was an update from the League of California Cities meeting that discussed how due to COVID-19 impacts, it is unlikely that non-COVID-19 legislation will move forward.

10. Litigation Update

G. Crudginton expressed the need to track the Gardena MS4 litigation and announced that litigation on the 2001 LA County MS4 permit is back before the Court of Appeals.

11. E/WMP Updates

No updates.

12. Water TAC Chair Report

No updates.

13. Water Supply Update

T. Love announced that State Water Project allocation remains at 15%. January and February precipitation was close to a record low, while March and April precipitation was near a record high. Given the rainfall we have received, the State Water Project may be able to increase allocation to 20%.

14. Water Boards Update

No updates.

CHAIR'S REPORT

D. Mahmud announced that the Committee will meet in June via Zoom.

ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 11:52 a.m.

REPORT

DATE: June 9, 2020

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **PFAS CONTAMINATION AND HOW IT AFFECTS THE SAN GABRIEL VALLEY**

RECOMMENDED ACTION

For information only.

BACKGROUND

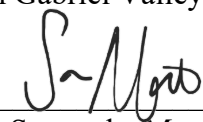
Perfluoroalkyl substances (PFAS) contamination of water is widespread across the United States. PFAS are a group of man-made chemicals that include perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and other chemicals. PFAS have been manufactured and utilized in a variety of industries since the 1940s and these chemicals are today found in a wide range of consumer products, such as Teflon cookware, food packaging, and clothing. Referred to as “forever chemicals,” PFAS chemicals are persistent in the environment and do not break down in the human body. The U.S. Environmental Protection Agency (EPA) has concluded that exposure to PFAS can lead to adverse human health effects, such as low infant birth weights, cancer (caused by PFOA), and negative effects on the immune system.

Since 2013, PFAS contamination has prompted governmental and legislative action. The first testing for PFOA and PFOS occurred in the San Gabriel Valley in 2013 when no detection was found. In 2016, the EPA issued a health advisory to water purveyors to notify customers if PFOA and PFOS are at 70 parts per trillion (ppt) combined. In 2018, the State Division of Drinking Water (DDW) established Notification Levels (NLs) for PFOA and PFOS at 14 ppt and 13 ppt respectively.

In 2019, AB 756 (Garcia) passed requiring drinking water systems with PFAS levels at 70 ppt combined to be taken out of service. Also in 2019, DDW lowered NLs for PFOA and PFOS to 5.1 ppt and 6.5 ppt respectively and the California Office of Environmental Health Hazard Assessment (OEHHA) set NLs for PFOA and PFOS to lowest levels reliably detected in drinking water using current technologies.

Ken Manning, Executive Director, Water Quality Association and Tony Zampielo, Executive Officer, Main San Gabriel Basin Watermaster will present on PFAS contamination and how it affects the San Gabriel Valley.

Prepared by:



Samantha Matthews
Management Analyst

REPORT

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Presentation

San Gabriel Basin Water Quality Authority/Watermaster PFAS Overview

Ken Manning – Exec. Dir., SGBWQA
Tony Zampello – Exec. Officer., MSGBWM

June 9, 2020



Water Quality Authority



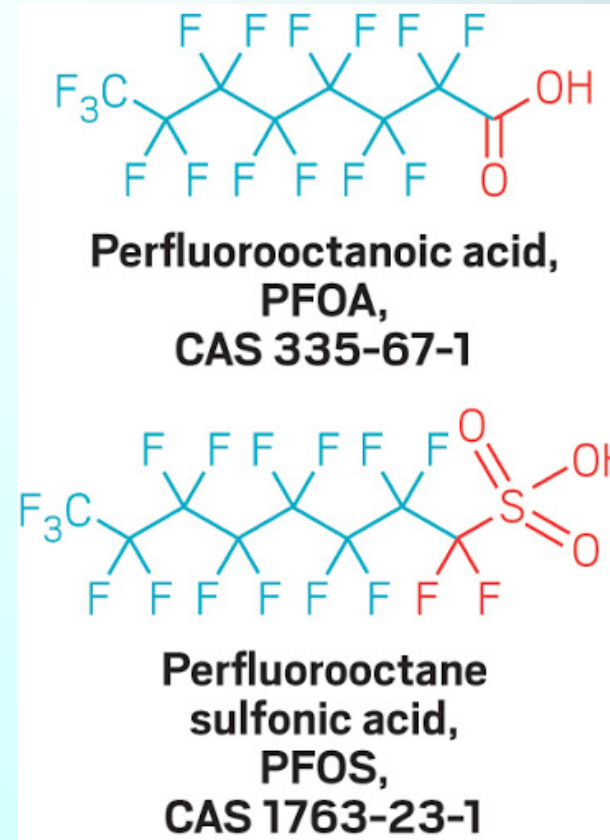
Who are we?

- San Gabriel Basin Water Quality Authority
 - Established in 1993 by the state to oversee groundwater cleanup in the SGV
 - Communicate with SGV residents about the status of groundwater cleanup
 - Help prevent future contamination
 - Help fund groundwater cleanup using money from RP's, State & Federal dollars
- Main San Gabriel Basin Watermaster
 - Established in 1973 by the Superior Court to administer the basin water rights and manage basin water resources
 - Establish a physical solution for managing the basin
 - Communicate to the court on progress and recommend changes to the judgment



What are PFAS?

- Fluorinated Organic Chemicals
 - Per- and polyfluoroalkyl substances (PFOS & PFOA) are the most common
 - Man-made, synthetic chemicals
 - First manufactured by DuPont (1938)
 - Strongest chemical bond in nature: Carbon-Fluorine
 - Referred to as “forever chemicals”
 - Thousands of variations



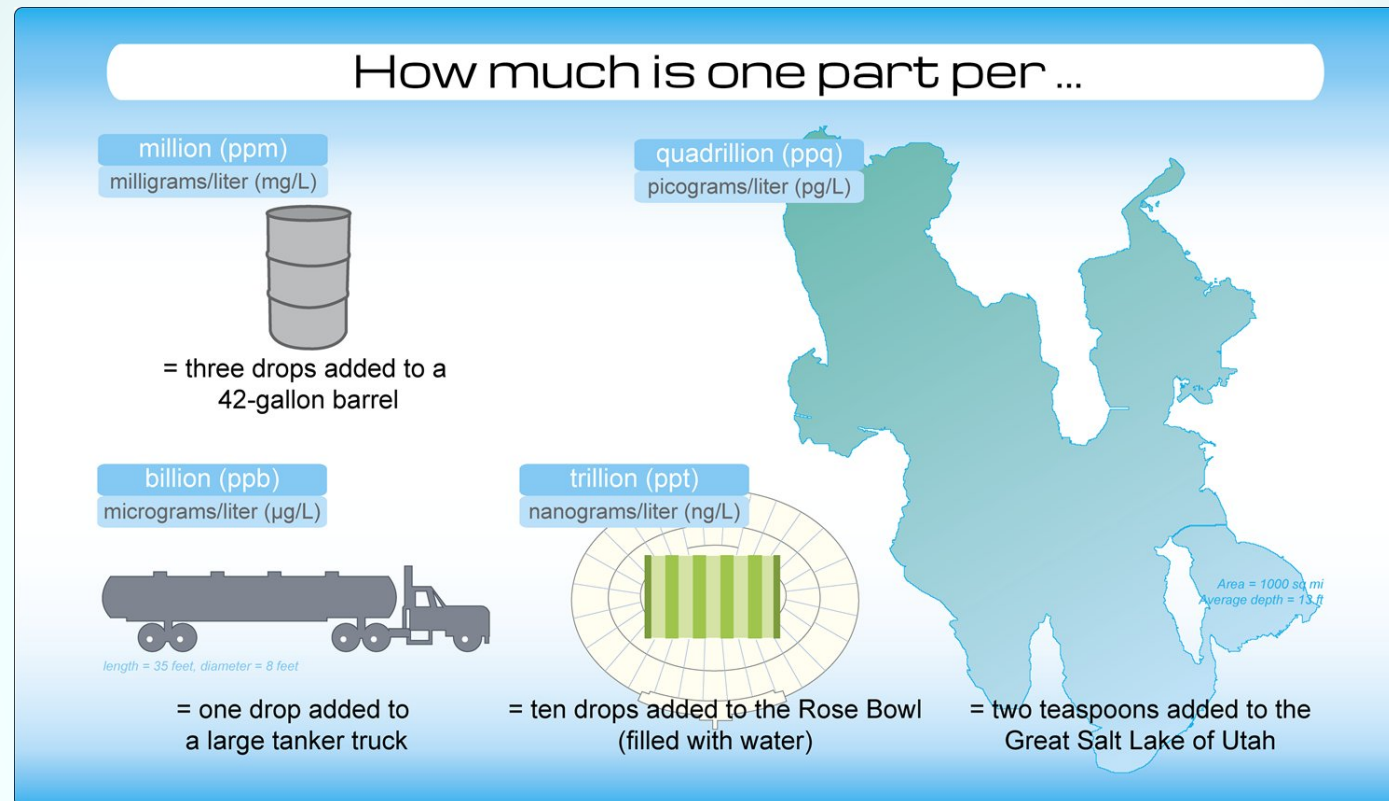
Where do we find PFAS?

- Fire Fighting
- Food Packaging
- Floor Polish
- Teflon Frying Pans
- Hair Care Products
- Film Coatings
- Building products
- Clothing



Why are we just hearing about it?

- Ability to test in Parts-Per-Trillion
 - What is a Part-Per-Trillion



PFAS in the San Gabriel Valley

- 2013 & 2015 First Testing to occur in SGV for PFOA & PFOS
 - No Detection at sites tested (20 ppt & 40 ppt respectively)
- 2016 EPA issued Health Advisory to Water Purveyors to Notify Customers if PFOA & PFOS are at 70 ppt combined.
- 2018 State Division of Drinking Water (DDW) established interim Notification Levels (NL's) for PFOA & PFOS at 14 ppt & 13 ppt respectively. Note NL's are non regulatory, precautionary health-based measure for concentrations in drinking water and warrant notification and further monitoring and assessment.

PFAS in the San Gabriel Valley

- 2019, DDW issued Monitoring Orders to Certain Water Systems due to Proximity to a Landfill Known to receive PFAS products.
 - 26 wells over 6 Water Systems
 - **Watermaster began Quarterly PFAS Monitoring**
- July, 2019 AB 756 (Garcia) passed requiring Drinking Water Systems with PFAS Levels at 70 ppt combined to be taken out of service
- August, 2019 California Office of Environmental Health Hazard Assessment (OEHHA) set NL's for PFOA & PFOS at Lowest Levels Reliably Detected in Drinking Water using Current Technologies
- August, 2019 DDW Lowers NL's for PFOA & PFOS to 5.1 ppt & 6.5 ppt respectively and asked OEHHA to Develop Public Health Goals (PHG's) in an efforts to Eventually Establish an MCL at some later date.

How do we Remove PFAS?

Granulated Activated Carbon



Ion Exchange



DATE: June 9, 2020
TO: Water Policy Committee/Water TAC
FROM: Marisa Creter, Executive Director
RE: **H.R. 535 (DINGELL) – PFAS ACTION ACT OF 2019**

RECOMMENDED ACTION

Recommend Governing Board support HR 535 - the PFAS Action Act of 2019.


BACKGROUND

On January 14, 2019, Congresswoman Debbie Dingell (D-Michigan-12) introduced H.R. 535, known as the PFAS Action Act of 2019, to address perfluoroalkyl substances (PFAS) contamination across the United States. H.R. 535 would require the EPA to publish a maximum contaminant level goal for PFAS and establish national drinking water safeguards for PFAS chemicals. The bill would also require the EPA to stem the flow of PFAS contamination into the environment by requiring cleanup of sites that are contaminated with PFOA and PFOS, setting air emission limits, prohibiting unsafe incineration of PFAS, and limiting the introduction of new PFAS chemicals into commerce.


Additionally, the EPA would identify health risks by requiring comprehensive health testing for all PFAS, reporting of PFAS releases, and monitoring for PFAS in drinking water. The legislation also creates a voluntary level for cookware that is PFAS-free, issues guidance for first responders to limit their exposures, and provides grants to impacted water systems.

H.R. 535 was passed by the House of Representatives by 247-159-24 on January 10, 2020 and it has now been referred to the Senate Committee on Environment and Public Works.

The SGVCOG Energy, Environment, and Natural Resources (EENR) Committee also considered the bill and recommended that the SGVCOG Governing Board support.

Prepared by: 

Alexander P. Fung
Management Analyst

Approved by: 

Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – H.R. 535 Bill Language

Attachment B – H.R. 535 Bill Summary

IIB

116TH CONGRESS
2^D SESSION

H. R. 535

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2020

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “PFAS Action Act of 2019”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Designation as hazardous substances.
- Sec. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 5. National primary drinking water regulations for PFAS.
- Sec. 6. Enforcement.
- Sec. 7. Establishment of PFAS infrastructure grant program.
- Sec. 8. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
- Sec. 9. Prohibition on unsafe waste incineration of PFAS.
- Sec. 10. Label for PFAS-free products.
- Sec. 11. Guidance on minimizing the use of firefighting foam and other related equipment containing any PFAS.
- Sec. 12. Investigation of prevention of contamination by GenX.
- Sec. 13. Disclosure of introductions of PFAS.
- Sec. 14. Household well water testing website.
- Sec. 15. Risk-communication strategy.
- Sec. 16. Assistance to Territories for addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 17. Clean Water Act effluent standards, pretreatment standards, and water quality criteria for PFAS.

6 **SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.**

7 (a) DESIGNATION.—Not later than 1 year after the
8 date of enactment of this Act, the Administrator of the
9 Environmental Protection Agency shall designate
10 perfluorooctanoic acid and its salts, and
11 perfluoroactanesulfonic acid and its salts, as hazardous
12 substances under section 102(a) of the Comprehensive En-
13 vironmental Response, Compensation, and Liability Act of
14 1980 (42 U.S.C. 9602(a)).

1 (b) DEADLINE FOR ADDITIONAL DETERMINA-
2 TIONS.—Not later than 5 years after the date of enact-
3 ment of this Act, the Administrator of the Environmental
4 Protection Agency shall determine whether to designate
5 all perfluoroalkyl and polyfluoroalkyl substances, other
6 than those perfluoroalkyl and polyfluoroalkyl substances
7 designated pursuant to subsection (a), as hazardous sub-
8 stances under section 102(a) of the Comprehensive Envi-
9 ronmental Response, Compensation, and Liability Act of
10 1980 (42 U.S.C. 9602(a)) individually or in groups.

11 (c) AIRPORT SPONSORS.—

12 (1) IN GENERAL.—No sponsor, including a
13 sponsor of the civilian portion of a joint-use airport
14 or a shared-use airport (as such terms are defined
15 in section 139.5 of title 14, Code of Federal Regula-
16 tions (or a successor regulation)), shall be liable
17 under the Comprehensive Environmental Response,
18 Compensation, and Liability Act of 1980 (42 U.S.C.
19 9601 et seq.) for the costs of responding to, or dam-
20 ages resulting from, a release to the environment of
21 a perfluoroalkyl or polyfluoroalkyl substance des-
22 ignated as a hazardous substance under section
23 102(a) of such Act that resulted from the use of
24 aqueous film forming foam agent, if such use was—

1 (A) required by the Federal Aviation Ad-
2 ministration for compliance with part 139 of
3 title 14, Code of Federal Regulations; and

4 (B) carried out in accordance with Federal
5 Aviation Administration standards and guid-
6 ance on the use of such substance.

7 (2) SPONSOR DEFINED.—In this subsection, the
8 term “sponsor” has the meaning given such term in
9 section 47102 of title 49, United States Code.

10 (d) PUBLIC AVAILABILITY.—Not later than 60 days
11 after making a determination under subsection (b), the
12 Administrator of the Environmental Protection Agency
13 shall make the results of such determination publicly avail-
14 able on the website of the Environmental Protection Agen-
15 cy.

16 (e) REVIEW.—

17 (1) IN GENERAL.—Not later than 5 years after
18 the date of the enactment of this Act, the Adminis-
19 trator of the Environmental Protection Agency shall
20 submit to the appropriate congressional committees
21 a report containing a review of actions by the Envi-
22 ronmental Protection Agency to clean up contamina-
23 tion of the substances designated pursuant to sub-
24 section (a).

1 (2) MATTERS INCLUDED.—The report under
2 paragraph (1) shall include an assessment of clean-
3 up progress and effectiveness, including the fol-
4 lowing:

5 (A) The number of sites where the Envi-
6 ronmental Protection Agency has acted to re-
7 mediate contamination of the substances des-
8 ignated pursuant to subsection (a).

9 (B) Which types of chemicals relating to
10 such substances were present at each site and
11 the extent to which each site was contaminated.

12 (C) An analysis of discrepancies in cleanup
13 between Federal and non-Federal contamina-
14 tion sites.

15 (D) Any other elements the Administrator
16 may determine necessary.

17 (3) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES DEFINED.—In this subsection, the term “ap-
19 propriate congressional committees” means the fol-
20 lowing:

21 (A) The Committee on Energy and Com-
22 merce of the House of Representatives.

23 (B) The Committee on the Environment
24 and Public Works of the Senate.

1 **SEC. 3. TESTING OF PERFLUOROALKYL AND**
 2 **POLYFLUOROALKYL SUBSTANCES.**

3 (a) TESTING REQUIREMENTS.—Section 4(a) of the
 4 Toxic Substances Control Act (15 U.S.C. 2603(a)) is
 5 amended by adding at the end the following:

6 “(5) PERFLUOROALKYL AND
 7 POLYFLUOROALKYL SUBSTANCES RULE.—

8 “(A) RULE.—Notwithstanding paragraphs
 9 (1) through (3), the Administrator shall, by
 10 rule, require that comprehensive toxicity testing
 11 be conducted on all chemical substances that
 12 are perfluoroalkyl or polyfluoroalkyl substances.

13 “(B) REQUIREMENTS.—In issuing a rule
 14 under subparagraph (A), the Administrator—

15 “(i) may establish categories of
 16 perfluoroalkyl and polyfluoroalkyl sub-
 17 stances based on hazard characteristics or
 18 chemical properties;

19 “(ii) shall require the development of
 20 information relating to perfluoroalkyl and
 21 polyfluoroalkyl substances that the Admin-
 22 istrator determines is likely to be useful in
 23 evaluating the hazard and risk posed by
 24 such substances in land, air, and water (in-
 25 cluding drinking water), as well as in prod-
 26 ucts; and

1 “(iii) may allow for varied or tiered
2 testing requirements based on hazard char-
3 acteristics or chemical properties of
4 perfluoroalkyl and polyfluoroalkyl sub-
5 stances or categories of perfluoroalkyl and
6 polyfluoroalkyl substances.

7 “(C) DEADLINES.—The Administrator
8 shall issue—

9 “(i) a proposed rule under subpara-
10 graph (A) not later than 6 months after
11 the date of enactment of this paragraph;
12 and

13 “(ii) a final rule under subparagraph
14 (A) not later than 2 years after the date
15 of enactment of this paragraph.”.

16 (b) PERSONS SUBJECT TO RULE.—Section 4(b)(3) of
17 the Toxic Substances Control Act (15 U.S.C. 2603(b)(3))
18 is amended—

19 (1) in subparagraph (A), by striking “subpara-
20 graph (B) or (C)” and inserting “subparagraph (B),
21 (C), or (D)”; and

22 (2) by adding at the end the following:

23 “(D) A rule under subsection (a)(5) shall require the
24 development of information by any person who manufac-
25 tures or processes, or intends to manufacture or process,

1 a chemical substance that is a perfluoroalkyl or
2 polyfluoroalkyl substance.”.

3 (c) PERFLUOROALKYL AND POLYFLUOROALKYL SUB-
4 STANCES.—Section 4 of the Toxic Substances Control Act
5 (15 U.S.C. 2603) is amended by adding at the end the
6 following:

7 “(i) PERFLUOROALKYL AND POLYFLUOROALKYL
8 SUBSTANCES.—

9 “(1) TESTING REQUIREMENT RULE.—

10 “(A) PROTOCOLS AND METHODOLOGIES.—

11 In determining the protocols and methodologies
12 to be included pursuant to subsection (b)(1) in
13 a rule under subsection (a)(5), the Adminis-
14 trator shall allow for protocols and methodolo-
15 gies that test chemical substances that are
16 perfluoroalkyl and polyfluoroalkyl substances as
17 a class.

18 “(B) PERIOD.—In determining the period
19 to be included pursuant to subsection (b)(1) in
20 a rule under subsection (a)(5), the Adminis-
21 trator shall ensure that the period is as short
22 as possible while allowing for completion of the
23 required testing.

24 “(2) EXEMPTIONS.—In carrying out subsection
25 (c) with respect to a chemical substance that is a

1 perfluoroalkyl or polyfluoroalkyl substance, the Ad-
2 ministrator—

3 “(A) may only determine under subsection
4 (c)(2) that information would be duplicative if
5 the chemical substance with respect to which
6 the application for exemption is submitted is in
7 the same category, as established under sub-
8 section (a)(5)(B)(i), as a chemical substance for
9 which information has been submitted to the
10 Administrator in accordance with a rule, order,
11 or consent agreement under subsection (a) or
12 for which information is being developed pursu-
13 ant to such a rule, order, or consent agreement;
14 and

15 “(B) shall publish a list of all such chem-
16 ical substances for which an exemption under
17 subsection (c) is granted.”.

18 **SEC. 4. MANUFACTURING AND PROCESSING NOTICES FOR**
19 **PERFLUOROALKYL AND POLYFLUOROALKYL**
20 **SUBSTANCES.**

21 Section 5 of the Toxic Substances Control Act (15
22 U.S.C. 2604) is amended—

23 (1) in subsection (h), by adding at the end the
24 following:

1 “(7) This subsection does not apply to any chemical
2 substance that is a perfluoroalkyl or polyfluoroalkyl sub-
3 stance.”; and

4 (2) by adding at the end the following:

5 “(j) PERFLUOROALKYL AND POLYFLUOROALKYL
6 SUBSTANCES.—

7 “(1) DETERMINATION.—For a period of 5
8 years beginning on the date of enactment of this
9 subsection, any chemical substance that is a
10 perfluoroalkyl or polyfluoroalkyl substance for which
11 a notice is submitted under subsection (a) shall be
12 deemed to have been determined by the Adminis-
13 trator to present an unreasonable risk of injury to
14 health or the environment under paragraph (3)(A)
15 of such subsection.

16 “(2) ORDER.—Notwithstanding subsection
17 (a)(3)(A), for a chemical substance described in
18 paragraph (1) of this subsection, the Administrator
19 shall issue an order under subsection (f)(3) to pro-
20 hibit the manufacture, processing, and distribution
21 in commerce of such chemical substance.”.

1 **SEC. 5. NATIONAL PRIMARY DRINKING WATER REGULA-**
2 **TIONS FOR PFAS.**

3 Section 1412(b) of the Safe Drinking Water Act (42
4 U.S.C. 300g–1(b)) is amended by adding at the end the
5 following:

6 “(16) PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this paragraph,
10 the Administrator shall, after notice and oppor-
11 tunity for public comment, promulgate a na-
12 tional primary drinking water regulation for
13 perfluoroalkyl and polyfluoroalkyl substances,
14 which shall, at a minimum, include standards
15 for—

16 “(i) perfluorooctanoic acid (commonly
17 referred to as ‘PFOA’); and

18 “(ii) perfluorooctane sulfonic acid
19 (commonly referred to as ‘PFOS’).

20 “(B) ALTERNATIVE PROCEDURES.—

21 “(i) IN GENERAL.—Not later than 1
22 year after the validation by the Adminis-
23 trator of an equally effective quality con-
24 trol and testing procedure to ensure com-
25 pliance with the national primary drinking
26 water regulation promulgated under sub-

1 paragraph (A) to measure the levels de-
2 scribed in clause (ii) or other methods to
3 detect and monitor perfluoroalkyl and
4 polyfluoroalkyl substances in drinking
5 water, the Administrator shall add the pro-
6 cedure or method as an alternative to the
7 quality control and testing procedure de-
8 scribed in such national primary drinking
9 water regulation by publishing the proce-
10 dure or method in the Federal Register in
11 accordance with section 1401(1)(D).

12 “(ii) LEVELS DESCRIBED.—The levels
13 referred to in clause (i) are—

14 “(I) the level of a perfluoroalkyl
15 or polyfluoroalkyl substance;

16 “(II) the total levels of
17 perfluoroalkyl and polyfluoroalkyl sub-
18 stances; and

19 “(III) the total levels of organic
20 fluorine.

21 “(C) INCLUSIONS.—The Administrator
22 may include a perfluoroalkyl or polyfluoroalkyl
23 substance or class of perfluoroalkyl or
24 polyfluoroalkyl substances on—

1 “(i) the list of contaminants for con-
2 sideration of regulation under paragraph
3 (1)(B)(i), in accordance with such para-
4 graph; and

5 “(ii) the list of unregulated contami-
6 nants to be monitored under section
7 1445(a)(2)(B)(i), in accordance with such
8 section.

9 “(D) MONITORING.—When establishing
10 monitoring requirements for public water sys-
11 tems as part of a national primary drinking
12 water regulation under subparagraph (A) or
13 subparagraph (G)(ii), the Administrator shall
14 tailor the monitoring requirements for public
15 water systems that do not detect or are reliably
16 and consistently below the maximum contami-
17 nant level (as defined in section 1418(b)(2)(B))
18 for the perfluoroalkyl or polyfluoroalkyl sub-
19 stance or class of perfluoroalkyl or
20 polyfluoroalkyl substances subject to the na-
21 tional primary drinking water regulation.

22 “(E) HEALTH PROTECTION.—The national
23 primary drinking water regulation promulgated
24 under subparagraph (A) shall be protective of

1 the health of subpopulations at greater risk, as
2 described in section 1458.

3 “(F) HEALTH RISK REDUCTION AND COST
4 ANALYSIS.—In meeting the requirements of
5 paragraph (3)(C), the Administrator may rely
6 on information available to the Administrator
7 with respect to one or more specific
8 perfluoroalkyl or polyfluoroalkyl substances to
9 extrapolate reasoned conclusions regarding the
10 health risks and effects of a class of
11 perfluoroalkyl or polyfluoroalkyl substances of
12 which the specific perfluoroalkyl or
13 polyfluoroalkyl substances are a part.

14 “(G) REGULATION OF ADDITIONAL SUB-
15 STANCES.—

16 “(i) DETERMINATION.—The Adminis-
17 trator shall make a determination under
18 paragraph (1)(A), using the criteria de-
19 scribed in clauses (i) through (iii) of that
20 paragraph, whether to include a
21 perfluoroalkyl or polyfluoroalkyl substance
22 or class of perfluoroalkyl or polyfluoroalkyl
23 substances in the national primary drink-
24 ing water regulation under subparagraph

1 (A) not later than 18 months after the
2 later of—

3 “(I) the date on which the
4 perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances is listed on
7 the list of contaminants for consider-
8 ation of regulation under paragraph
9 (1)(B)(i); and

10 “(II) the date on which—

11 “(aa) the Administrator has
12 received the results of monitoring
13 under section 1445(a)(2)(B) for
14 the perfluoroalkyl or
15 polyfluoroalkyl substance or class
16 of perfluoroalkyl or
17 polyfluoroalkyl substances; or

18 “(bb) the Administrator has
19 received reliable water data or
20 water monitoring surveys for the
21 perfluoroalkyl or polyfluoroalkyl
22 substance or class of
23 perfluoroalkyl or polyfluoroalkyl
24 substances from a Federal or
25 State agency that the Adminis-

1 trator determines to be of a qual-
2 ity sufficient to make a deter-
3 mination under paragraph
4 (1)(A).

5 “(ii) PRIMARY DRINKING WATER REG-
6 ULATIONS.—

7 “(I) IN GENERAL.—For each
8 perfluoroalkyl or polyfluoroalkyl sub-
9 stance or class of perfluoroalkyl or
10 polyfluoroalkyl substances that the
11 Administrator determines to regulate
12 under clause (i), the Administrator—

13 “(aa) not later than 18
14 months after the date on which
15 the Administrator makes the de-
16 termination, shall propose a na-
17 tional primary drinking water
18 regulation for the perfluoroalkyl
19 or polyfluoroalkyl substance or
20 class of perfluoroalkyl or
21 polyfluoroalkyl substances; and

22 “(bb) may publish the pro-
23 posed national primary drinking
24 water regulation described in
25 item (aa) concurrently with the

1 publication of the determination
2 to regulate the perfluoroalkyl or
3 polyfluoroalkyl substance or class
4 of perfluoroalkyl or
5 polyfluoroalkyl substances.

6 “(II) DEADLINE.—

7 “(aa) IN GENERAL.—Not
8 later than 1 year after the date
9 on which the Administrator pub-
10 lishes a proposed national pri-
11 mary drinking water regulation
12 under clause (i)(I) and subject to
13 item (bb), the Administrator
14 shall take final action on the pro-
15 posed national primary drinking
16 water regulation.

17 “(bb) EXTENSION.—The
18 Administrator, on publication of
19 notice in the Federal Register,
20 may extend the deadline under
21 item (aa) by not more than 6
22 months.

23 “(H) HEALTH ADVISORY.—

24 “(i) IN GENERAL.—Subject to clause
25 (ii), the Administrator shall publish a

1 health advisory under paragraph (1)(F) for
2 a perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances not subject to a
5 national primary drinking water regulation
6 not later than 1 year after the later of—

7 “(I) the date on which the Ad-
8 ministrator finalizes a toxicity value
9 for the perfluoroalkyl or
10 polyfluoroalkyl substance or class of
11 perfluoroalkyl or polyfluoroalkyl sub-
12 stances; and

13 “(II) the date on which the Ad-
14 ministrator validates an effective qual-
15 ity control and testing procedure for
16 the perfluoroalkyl or polyfluoroalkyl
17 substance or class of perfluoroalkyl or
18 polyfluoroalkyl substances.

19 “(ii) WAIVER.—The Administrator
20 may waive the requirements of clause (i)
21 with respect to a perfluoroalkyl or
22 polyfluoroalkyl substance or class of
23 perfluoroalkyl and polyfluoroalkyl sub-
24 stances if the Administrator determines
25 that there is a substantial likelihood that

1 the perfluoroalkyl or polyfluoroalkyl sub-
2 stance or class of perfluoroalkyl or
3 polyfluoroalkyl substances will not occur in
4 drinking water with sufficient frequency to
5 justify the publication of a health advisory,
6 and publishes such determination, includ-
7 ing the information and analysis used, and
8 basis for, such determination, in the Fed-
9 eral Register.”.

10 **SEC. 6. ENFORCEMENT.**

11 Notwithstanding any other provision of law, the Ad-
12 ministrator of the Environmental Protection Agency may
13 not impose financial penalties for the violation of a na-
14 tional primary drinking water regulation (as defined in
15 section 1401 of the Safe Drinking Water Act (42 U.S.C.
16 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl
17 substance or class of perfluoroalkyl or polyfluoroalkyl sub-
18 stances for which a national primary drinking water regu-
19 lation has been promulgated under section 1412(b)(16) of
20 the Safe Drinking Water Act earlier than the date that
21 is 5 years after the date on which the Administrator pro-
22 mulgates the national primary drinking water regulation.

1 **SEC. 7. ESTABLISHMENT OF PFAS INFRASTRUCTURE**
2 **GRANT PROGRAM.**

3 Part E of the Safe Drinking Water Act (42 U.S.C.
4 300j et seq.) is amended by adding at the end the fol-
5 lowing new section:

6 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
7 **TEMS AFFECTED BY PFAS.**

8 “(a) ESTABLISHMENT.—Not later than 180 days
9 after the date of enactment of this section, the Adminis-
10 trator shall establish a program to award grants to af-
11 fected community water systems to pay for capital costs
12 associated with the implementation of eligible treatment
13 technologies.

14 “(b) APPLICATIONS.—

15 “(1) GUIDANCE.—Not later than 12 months
16 after the date of enactment of this section, the Ad-
17 ministrator shall publish guidance describing the
18 form and timing for community water systems to
19 apply for grants under this section.

20 “(2) REQUIRED INFORMATION.—The Adminis-
21 trator shall require a community water system ap-
22 plying for a grant under this section to submit—

23 “(A) information showing the presence of
24 PFAS in water of the community water system;
25 and

1 “(B) a certification that the treatment
2 technology in use by the community water sys-
3 tem at the time of application is not sufficient
4 to remove all detectable amounts of PFAS.

5 “(c) LIST OF ELIGIBLE TREATMENT TECH-
6 NOLOGIES.—Not later than 150 days after the date of en-
7 actment of this section, and every 2 years thereafter, the
8 Administrator shall publish a list of treatment tech-
9 nologies that the Administrator, after providing an oppor-
10 tunity for public comment, determines are effective at re-
11 moving all detectable amounts of PFAS from drinking
12 water.

13 “(d) PRIORITY FOR FUNDING.—In awarding grants
14 under this section, the Administrator shall prioritize af-
15 fected community water systems that—

16 “(1) serve a disadvantaged community or a dis-
17 proportionately exposed community;

18 “(2) will provide at least a 10-percent cost
19 share for the cost of implementing an eligible treat-
20 ment technology; or

21 “(3) demonstrate the capacity to maintain the
22 eligible treatment technology to be implemented
23 using the grant.

24 “(e) NO INCREASED BONDING AUTHORITY.—
25 Amounts awarded to affected community water systems

1 under this section may not be used as a source of payment
2 of, or security for (directly or indirectly), in whole or in
3 part, any obligation the interest on which is exempt from
4 the tax imposed under chapter 1 of the Internal Revenue
5 Code of 1986.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—There is authorized to be
8 appropriated to carry out this section not more
9 than—

10 “(A) \$125,000,000 for each of fiscal years
11 2020 and 2021; and

12 “(B) \$100,000,000 for each of fiscal years
13 2022 through 2024.

14 “(2) SPECIAL RULE.—Of the amounts author-
15 ized to be appropriated by paragraph (1),
16 \$25,000,000 are authorized to be appropriated for
17 each of fiscal years 2020 and 2021 for grants under
18 subsection (a) to pay for capital costs associated
19 with the implementation of eligible treatment tech-
20 nologies during the period beginning on October 1,
21 2014, and ending on the date of enactment of this
22 section.

23 “(g) DEFINITIONS.—In this section:

24 “(1) AFFECTED COMMUNITY WATER SYSTEM.—

25 The term ‘affected community water system’ means

1 a community water system that is affected by the
2 presence of PFAS in the water in the community
3 water system.

4 “(2) DISADVANTAGED COMMUNITY.—The term
5 ‘disadvantaged community’ has the meaning given
6 that term in section 1452.

7 “(3) DISPROPORTIONATELY EXPOSED COMMU-
8 NITY.—The term ‘disproportionately exposed com-
9 munity’ means a community in which climate
10 change, pollution, or environmental destruction have
11 exacerbated systemic racial, regional, social, environ-
12 mental, and economic injustices by disproportion-
13 ately affecting indigenous peoples, communities of
14 color, migrant communities, deindustrialized commu-
15 nities, depopulated rural communities, the poor, low-
16 income workers, women, the elderly, the unhoused,
17 people with disabilities, or youth.

18 “(4) ELIGIBLE TREATMENT TECHNOLOGY.—
19 The term ‘eligible treatment technology’ means a
20 treatment technology included on the list published
21 under subsection (c).

22 “(5) PFAS.—The term ‘PFAS’ means a
23 perfluoroalkyl or polyfluoroalkyl substance with at
24 least one fully fluorinated carbon atom, including the
25 chemical GenX.”.

1 **SEC. 8. LISTING OF PERFLUOROALKYL AND**
2 **POLYFLUOROALKYL SUBSTANCES AS HAZ-**
3 **ARDOUS AIR POLLUTANTS.**

4 (a) LISTING.—

5 (1) INITIAL LISTING.—Not later than 180 days
6 after the date of enactment of this Act, the Adminis-
7 trator of the Environmental Protection Agency shall
8 issue a final rule adding perfluorooctanoic acid and
9 its salts, and perfluoroactanesulfonic acid and its
10 salts, to the list of hazardous air pollutants under
11 section 112(b) of the Clean Air Act (42 U.S.C.
12 7412(b)).

13 (2) ADDITIONAL LISTINGS.—Not later than 5
14 years after the date of enactment of this Act, the
15 Administrator of the Environmental Protection
16 Agency shall determine whether to issue, in accord-
17 ance with section 112 of the Clean Air Act (42
18 U.S.C. 7412), any final rules adding perfluoroalkyl
19 and polyfluoroalkyl substances, other than those
20 perfluoroalkyl and polyfluoroalkyl substances listed
21 pursuant to paragraph (1), to the list of hazardous
22 air pollutants under section 112(b) of such Act.

23 (b) SOURCES CATEGORIES.—Not later than 365 days
24 after any final rule is issued pursuant to subsection (a),
25 the Administrator of the Environmental Protection Agen-
26 cy shall revise the list under section 112(c)(1) of the Clean

1 Air Act (42 U.S.C. 7412(c)(1)) to include categories and
2 subcategories of major sources and area sources of
3 perfluoroalkyl and polyfluoroalkyl substances listed pursu-
4 ant to such final rule.

5 **SEC. 9. PROHIBITION ON UNSAFE WASTE INCINERATION OF**
6 **PFAS.**

7 Section 3004 of the Solid Waste Disposal Act (42
8 U.S.C. 6924) is amended by adding at the end the fol-
9 lowing new subsection:

10 “(z) PFAS WASTES.—

11 “(1) FIREFIGHTING FOAM.—Not later than 6
12 months after the date of enactment of this sub-
13 section, the Administrator shall promulgate regula-
14 tions requiring that when materials containing
15 perfluoroalkyl and polyfluoroalkyl substances or
16 aqueous film forming foam are disposed—

17 “(A) all incineration is conducted in a
18 manner that eliminates perfluoroalkyl and
19 polyfluoroalkyl substances while also minimizing
20 perfluoroalkyl and polyfluoroalkyl substances
21 emitted into the air to the extent feasible;

22 “(B) all incineration is conducted in ac-
23 cordance with the requirements of the Clean Air
24 Act, including controlling hydrogen fluoride;

1 “(C) any materials containing
2 perfluoroalkyl and polyfluoroalkyl substances
3 that are designated for disposal are stored in
4 accordance with the requirement under part
5 264 of title 40, Code of Federal Regulations;
6 and

7 “(D) all incineration is conducted at a fa-
8 cility that has been permitted to receive waste
9 regulated under this subtitle.

10 “(2) PENALTIES.—For purposes of section
11 3008(d), a waste subject to a prohibition under this
12 subsection shall be considered a hazardous waste
13 identified or listed under this subtitle.”.

14 **SEC. 10. LABEL FOR PFAS-FREE PRODUCTS.**

15 (a) LABEL FOR PFAS-FREE PRODUCTS.—Not later
16 than 1 year after the date of enactment of this Act, the
17 Administrator of the Environmental Protection Agency
18 shall—

19 (1) revise the Safer Choice Standard of the
20 Safer Choice Program to identify the requirements
21 for a pot, pan, cooking utensil, carpet, or rug, cloth-
22 ing, or upholstered furniture, or a stain resistant,
23 water resistant, or grease resistant coating not sub-
24 ject to requirements under section 409 of the Fed-
25 eral Food, Drug, and Cosmetic Act to meet in order

1 to be labeled with a Safer Choice label, including a
2 requirement that any such pot, pan, cooking utensil,
3 carpet, rug, clothing, or upholstered furniture, or
4 stain resistant, water resistant, or grease resistant
5 coating does not contain any PFAS; or

6 (2) establish a voluntary label that is available
7 to be used by any manufacturer of any pot, pan,
8 cooking utensil, carpet, rug, clothing, or upholstered
9 furniture, or stain resistant, water resistant, or
10 grease resistant coating not subject to requirements
11 under section 409 of the Federal Food, Drug, and
12 Cosmetic Act that the Administrator has reviewed
13 and found does not contain any PFAS.

14 (b) DEFINITION.—In this section, the term “PFAS”
15 means a perfluoroalkyl or polyfluoroalkyl substance with
16 at least one fully fluorinated carbon atom.

17 **SEC. 11. GUIDANCE ON MINIMIZING THE USE OF FIRE-**
18 **FIGHTING FOAM AND OTHER RELATED**
19 **EQUIPMENT CONTAINING ANY PFAS.**

20 (a) GUIDANCE.—Not later than 1 year after the date
21 of enactment of this Act, the Administrator of the Envi-
22 ronmental Protection Agency, in consultation with the
23 head of the U.S. Fire Administration, Federal Aviation
24 Administration, and other relevant Federal departments
25 or agencies and representatives of State and local building

1 and fire code enforcement jurisdictions, shall issue guid-
2 ance on minimizing the use of, or contact with, firefighting
3 foam and other related equipment containing any PFAS
4 by firefighters, police officers, paramedics, emergency
5 medical technicians, and other first responders, in order
6 to minimize the risk to such firefighters, police officers,
7 paramedics, emergency medical technicians, and other
8 first responders, and the environment, without jeopard-
9 izing firefighting efforts.

10 (b) ANNUAL REPORT.—Not later than 2 years after
11 the date of the enactment of this Act, and annually there-
12 after, the Administrator, in consultation with the head of
13 the U.S. Fire Administration, shall submit to Congress a
14 report on the effectiveness of the guidance issued under
15 subsection (a). Such report shall include recommendations
16 for congressional actions that the Administrator deter-
17 mines appropriate to assist efforts to reduce exposure to
18 PFAS by firefighters and the other persons described in
19 subsection (a).

20 (c) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Administrator of the Envi-
22 ronmental Protection Agency, in consultation with the
23 head of the U.S. Fire Administration and other relevant
24 Federal departments or agencies, shall report to Congress
25 on the efforts of the Environmental Protection Agency and

1 other relevant Federal departments and agencies to iden-
2 tify viable alternatives to firefighting foam and other re-
3 lated equipment containing any PFAS.

4 (d) DEFINITION.—In this section, the term “PFAS”
5 means perfluorooctanoic acid, perfluorooctanesulfonic
6 acid, and any other perfluoroalkyl or polyfluoroalkyl sub-
7 stance with at least one fully fluorinated carbon atom that
8 the Administrator of the Environmental Protection Agen-
9 cy determines is used in firefighting foam and other re-
10 lated equipment.

11 **SEC. 12. INVESTIGATION OF PREVENTION OF CONTAMINA-**
12 **TION BY GENX.**

13 The Administrator of the Environmental Protection
14 Agency shall investigate methods and means to prevent
15 contamination by GenX of surface waters, including
16 source waters used for drinking water purposes.

17 **SEC. 13. DISCLOSURE OF INTRODUCTIONS OF PFAS.**

18 (a) IN GENERAL.—The introduction of any
19 perfluoroalkyl or polyfluoroalkyl substance by the owner
20 or operator of an industrial source shall be unlawful unless
21 such owner or operator first notifies the owner or operator
22 of the applicable treatment works of—

- 23 (1) the identity and quantity of such substance;
24 (2) whether such substance is susceptible to
25 treatment by such treatment works; and

1 (3) whether such substance would interfere with
2 the operation of the treatment works.

3 (b) VIOLATIONS.—A violation of this section shall be
4 treated in the same manner as a violation of a regulation
5 promulgated under subsection 307(b) of the Federal
6 Water Pollution Control Act (33 U.S.C. 1317(b)).

7 (c) DEFINITIONS.—In this section:

8 (1) INTRODUCTION.—The term “introduction”
9 means the introduction of pollutants into treatment
10 works, as described in section 307(b) of the Federal
11 Water Pollution Control Act (33 U.S.C. 1317).

12 (2) TREATMENT WORKS.—The term “treatment
13 works” has the meaning given that term in section
14 212 of the Federal Water Pollution Control Act (33
15 U.S.C. 1292).

16 **SEC. 14. HOUSEHOLD WELL WATER TESTING WEBSITE.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator of the
19 Environmental Protection Agency shall establish a website
20 containing information relating to the testing of household
21 well water.

22 (b) CONTENTS.—The Administrator shall include on
23 the website established under subsection (a) the following:

24 (1) Information on how to get groundwater that
25 is the source for a household water well tested by a

1 well inspector who is certified by a qualified third
2 party.

3 (2) A list of laboratories that analyze water
4 samples and are certified by a State or the Adminis-
5 trator.

6 (3) State-specific information, developed in co-
7 ordination with each State, on naturally occurring
8 and human-induced contaminants.

9 (4) Information that, using accepted risk com-
10 munication techniques, clearly communicates wheth-
11 er a test result value exceeds a level determined by
12 the Administrator or the State to pose a health risk.

13 (5) Information on treatment options, including
14 information relating to water treatment systems cer-
15 tified by the National Science Foundation or the
16 American National Standards Institute, and people
17 who are qualified to install such systems.

18 (6) A directory of whom to contact to report a
19 test result value that exceeds a level determined by
20 the Administrator or the State to pose a health risk.

21 (7) Information on financial assistance that is
22 available for homeowners to support water treat-
23 ment, including grants under section 306E of the
24 Consolidated Farm and Rural Development Act (7
25 U.S.C. 1926e) and State resources.

1 (8) Any other information the Administrator
2 considers appropriate.

3 (c) COORDINATION.—The Administrator shall coordi-
4 nate with the Secretary of Health and Human Services,
5 the Secretary of Agriculture, and appropriate State agen-
6 cies in carrying out this section.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$1,000,000 for fiscal year 2021.

10 **SEC. 15. RISK-COMMUNICATION STRATEGY.**

11 The Administrator of the Environmental Protection
12 Agency shall develop a risk-communication strategy to in-
13 form the public about the hazards or potential hazards
14 of perfluoroalkyl and polyfluoroalkyl substances, or cat-
15 egories of perfluoroalkyl and polyfluoroalkyl substances,
16 by—

17 (1) disseminating information about the risks
18 or potential risks posed by such substances or cat-
19 egories in land, air, water (including drinking
20 water), and products;

21 (2) notifying the public about exposure path-
22 ways and mitigation measures through outreach and
23 educational resources; and

24 (3) consulting with States that have dem-
25 onstrated effective risk-communication strategies for

1 best practices in developing a national risk-commu-
 2 nication strategy.

3 **SEC. 16. ASSISTANCE TO TERRITORIES FOR ADDRESSING**
 4 **EMERGING CONTAMINANTS, WITH A FOCUS**
 5 **ON PERFLUOROALKYL AND**
 6 **POLYFLUOROALKYL SUBSTANCES.**

7 Section 1452(t) of the Safe Drinking Water Act (42
 8 U.S.C. 300j–12) is amended—

9 (1) by redesignating paragraph (2) as para-
 10 graph (3); and

11 (2) by inserting after paragraph (1) the fol-
 12 lowing new paragraph:

13 “(2) ASSISTANCE TO TERRITORIES.—Of the
 14 amounts made available under this subsection, the
 15 Administrator may use funds to provide grants to
 16 the Virgin Islands, the Commonwealth of the North-
 17 ern Mariana Islands, American Samoa, and Guam
 18 for the purpose of addressing emerging contami-
 19 nants, with a focus on perfluoroalkyl and
 20 polyfluoroalkyl substances.”.

21 **SEC. 17. CLEAN WATER ACT EFFLUENT STANDARDS,**
 22 **PRETREATMENT STANDARDS, AND WATER**
 23 **QUALITY CRITERIA FOR PFAS.**

24 (a) REVIEW AND REGULATION OF SUBSTANCES AND
 25 SOURCES.—

1 (1) REVIEW.—

2 (A) IN GENERAL.—As soon as practicable,
3 but not later than September 30, 2021, and bi-
4 ennially thereafter, the Administrator shall pub-
5 lish in the Federal Register a plan under sub-
6 section (m) of section 304 of the Federal Water
7 Pollution Control Act (33 U.S.C. 1314) that
8 contains the results of a review, conducted in
9 accordance with such section, of the introduc-
10 tion or discharge of perfluoroalkyl and
11 polyfluoroalkyl substances from classes and cat-
12 egories of point sources (other than publicly
13 owned treatment works).

14 (B) INCLUSIONS.—The Administrator shall
15 include in each plan published pursuant to sub-
16 paragraph (A)—

17 (i) information on potential introduc-
18 tion or discharges of perfluoroalkyl and
19 polyfluoroalkyl substances;

20 (ii) any information gaps on such in-
21 troduction or discharges and the process
22 by which the Administrator will address
23 such gaps;

24 (iii) for each measurable
25 perfluoroalkyl and polyfluoroalkyl sub-

1 stance that is not on the list of toxic pol-
2 lutants described in section 307(a) of the
3 Federal Water Pollution Control Act, a de-
4 termination, in accordance with the re-
5 quirements of such section, whether or not
6 to add the substance to such list; and

7 (iv) a determination, in accordance
8 with the requirements of the Federal
9 Water Pollution Control Act, whether or
10 not to establish effluent limitations and
11 pretreatment standards for the introduc-
12 tion or discharge of each substance de-
13 scribed in clause (iii) that the Adminis-
14 trator determines under such clause not to
15 add to such list and for which the Admin-
16 istrator has not developed such limitations
17 or standards.

18 (2) REGULATION.—Based on the results of
19 each review conducted under paragraph (1) and in
20 accordance with the requirements of the Federal
21 Water Pollution Control Act, the Administrator
22 shall—

23 (A) in accordance with the plan published
24 under paragraph (1), as soon as practicable—

1 (i) for each measurable perfluoroalkyl
2 and polyfluoroalkyl substance that the Ad-
3 ministrator determines under paragraph
4 (1)(B)(iii) to add to the list of toxic pollut-
5 ants described in section 307(a) of such
6 Act, initiate the process for adding the
7 substance to such list; and

8 (ii) for each measurable perfluoroalkyl
9 and polyfluoroalkyl substance that the Ad-
10 ministrator determines under paragraph
11 (1)(B)(iv) to establish effluent limitations
12 and pretreatment standards, establish such
13 effluent limitations and pretreatment
14 standards (which limitations and standards
15 may be established by substance or by
16 class or category of substances); and

17 (B) not later than 2 years after the date
18 on which each plan is published under para-
19 graph (1), publish human health water quality
20 criteria for measurable perfluoroalkyl and
21 polyfluoroalkyl substances and classes and cat-
22 egories of perfluoroalkyl and polyfluoroalkyl
23 substances for which the Administrator has not
24 published such criteria.

1 (b) DEADLINES FOR COVERED PERFLUOROALKYL
2 SUBSTANCES.—

3 (1) WATER QUALITY CRITERIA.—Not later than
4 2 years after the date of enactment of this section,
5 the Administrator shall publish in the Federal Reg-
6 ister human health water quality criteria for each
7 covered perfluoroalkyl substance.

8 (2) EFFLUENT LIMITATIONS AND
9 PRETREATMENT STANDARDS FOR PRIORITY INDUS-
10 TRY CATEGORIES.—As soon as practicable, but not
11 later than 4 years after the date of enactment of
12 this section, the Administrator shall publish in the
13 Federal Register a final rule establishing, for each
14 priority industry category, effluent limitations and
15 pretreatment standards for the introduction or dis-
16 charge of each covered perfluoroalkyl substance.

17 (c) NOTIFICATION.—The Administrator shall notify
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on Envi-
20 ronment and Public Works of the Senate of each publica-
21 tion made under this section.

22 (d) IMPLEMENTATION ASSISTANCE FOR PUBLICLY
23 OWNED TREATMENT WORKS.—

24 (1) IN GENERAL.—The Administrator shall
25 award grants, in amounts not to exceed \$100,000,

1 to owners and operators of publicly owned treatment
2 works, to be used for the implementation of a
3 pretreatment standard developed by the Adminis-
4 trator for a perfluoroalkyl or polyfluoroalkyl sub-
5 stance.

6 (2) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated to the Ad-
8 ministrator to carry out this subsection
9 \$100,000,000 for each of fiscal years 2021 through
10 2025, to remain available until expended.

11 (e) DEFINITIONS.—In this section:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Environ-
14 mental Protection Agency.

15 (2) COVERED PERFLUOROALKYL SUBSTANCE.—
16 The term “covered perfluoroalkyl substance” means
17 perfluorooctanoic acid, perfluorooctane sulfonic acid,
18 or a salt associated with perfluorooctanoic acid or
19 perfluorooctane sulfonic acid.

20 (3) EFFLUENT LIMITATION.—The term “efflu-
21 ent limitation” means an effluent limitation under
22 section 301(b) of the Federal Water Pollution Con-
23 trol Act (33 U.S.C. 1311).

24 (4) INTRODUCTION.—The term “introduction”
25 means the introduction of pollutants into treatment

1 works, as described in section 307(b) of the Federal
2 Water Pollution Control Act (33 U.S.C. 1317).

3 (5) MEASURABLE.—The term “measurable”
4 means, with respect to a chemical substance or class
5 or category of chemical substances, capable of being
6 measured using—

7 (A) test procedures established under sec-
8 tion 304(h) of the Federal Water Pollution
9 Control Act (33 U.S.C. 1314);

10 (B) applicable protocols and methodologies
11 required pursuant to section 4(a) of the Toxic
12 Substances Control Act (15 U.S.C. 2603); or

13 (C) any other analytical method developed
14 by the Administrator for detecting pollutants,
15 as such term is defined in section 502 of the
16 Federal Water Pollution Control Act (33 U.S.C.
17 1362).

18 (6) PRETREATMENT STANDARD.—The term
19 “pretreatment standard” means a pretreatment
20 standard under section 307(b) of the Federal Water
21 Pollution Control Act (33 U.S.C. 1317).

22 (7) PRIORITY INDUSTRY CATEGORY.—The term
23 “priority industry category” means the following
24 point source categories:



January 2020

Section by Section Summary

H.R. 535, the PFAS Action Act of 2019

COMMITTEE ON ENERGY & COMMERCE

SEC. 1. Short Title; Table of Contents.

Section 1(a) designates this Act may be cited as the “PFAS Action Act of 2019”. Section 1(b) provides the table of contents.

SEC. 2. Designation as hazardous substances.

Section 2 would require the listing of certain perfluoroalkyl and polyfluoroalkyl substances as hazardous substances under CERCLA within one year. It would also set a deadline for EPA to decide within five years whether or not to list the remaining PFAS under CERCLA, individually or in groups.

SEC. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.

This section incorporates H.R. 2608, sponsored by Rep. Sean Patrick Maloney (D-NY), to require EPA to promulgate a test rule requiring health effects testing for all PFAS. The section allows the Administrator to divide PFAS into subclasses through the rulemaking process.

SEC. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.

This section incorporates H.R. 2596, sponsored by Rep. Ann McLane Kuster (D-NH), with amendment. Under the amended text, there will be a moratorium under the Toxic Substances Control Act (TSCA) on the approval of new PFAS for five years, as well as a permanent bar on the introduction of new PFAS into commerce under low volume exemptions.

SEC. 5. National primary drinking water regulation for PFAS.

The section incorporates H.R. 2377, sponsored by Representatives Brendan Boyle (D-PA) and Brian Fitzpatrick (R-PA), with amendment, to ensure the adoption of a drinking water standard under the Safe Drinking Water Act (SDWA) for certain PFAS that protects the health of vulnerable subpopulations, including pregnant women, infants, and children.

SEC. 6. Monitoring and detection.

Struck by the manager’s amendment because of prior enactment.

SEC. 7. Enforcement.

This section provides a five-year delay in enforcement for the drinking water standard for PFAS, to allow drinking water utilities to implement improvements in their treatment techniques.

SEC. 8. Drinking water state revolving funds.

Struck by the manager’s amendment because of prior enactment.

SEC. 9. Additions to Toxics Release Inventory.

Struck by the manager’s amendment because of prior enactment.

SEC. 10. PFAS Data Call.

Struck by the manager’s amendment because of prior enactment.

SEC. 11. Significant New Use Rule for long chain PFAS.

Struck by the manager's amendment because of prior enactment.

SEC. 12. Destruction and disposal guidance.

Struck by the manager's amendment because of prior enactment.

SEC. 13. Establishment of PFAS infrastructure grant program.

This section of the AINS incorporates H.R. 2533, sponsored by Rep. Pallone, with amendment, to provide financial assistance under SDWA to water utilities that must install new treatment technology to remove PFAS from the water they provide.

SEC. 14. Cooperative agreements with States for removal and remedial actions to address drinking, surface, and groundwater and soil contamination from PFAS.

Struck by the manager's amendment because of prior enactment.

SEC. 15. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.

This section incorporates H.R. 2605, sponsored by Rep. Haley Stevens (D-MI), without change, to require the listing of PFAS chemicals as hazardous air pollutants under the Clean Air Act.

SEC. 16. Prohibition on waste incineration of PFAS.

This section incorporates H.R. 2591, sponsored by Rep. Ro Khanna (D-CA), with amendment. As currently structured, the section amends the Solid Waste Disposal Act (SWDA) to allow for incineration of PFAS containing wastes so long as that incineration is done at an approved hazardous waste incinerator and meets emissions standards (including those for Hydrogen Fluoride), while minimizing PFAS air emissions to the extent feasible.

SEC. 17. Label for pots, pans, and cooking utensils.

This section incorporates H.R. 2566, sponsored by Rep. Darren Soto (D-FL), to require the EPA Administrator to establish a voluntary label to be available to the manufacturers of pots, pans, and cooking utensils that do not contain PFAS.

SEC. 18. Guidance on minimizing the use of firefighting foam and other related equipment containing PFAS.

This section incorporates H.R. 2638, sponsored by Rep. Lizzie Fletcher (D-TX), to direct the Administrator of the Environmental Protection Agency to issue guidance for firefighters and other first responders to minimize the use of foam and other firefighting materials containing PFAS and to minimize their health risk from PFAS exposure. As amended, this section requires EPA to consult with the head of the U.S. Fire Administration and other relevant Federal Agencies in developing the guidance.

REPORT

DATE: June 9, 2020
TO: Water Policy Committee/Water TAC
FROM: Marisa Creter, Executive Director
RE: **SAFE CLEAN WATER PROGRAM**

RECOMMENDED ACTION

For discussion.

PROGRAM AND WASC UPDATES

The Safe Clean Water Program's Regional Oversight Committee (ROC), Scoring Committee, and Watershed Area Steering Committees (WASCs) are continuing to meet via Cisco Webex video conference. Upcoming meetings are listed below. The full schedule and Webex details can be found on the Program's website here: safecleanwaterla.org.

On May 28, the Upper Los Angeles River WASC approved its Stormwater Investment Plan (SIP). The table below provide an overview of the SIP and percent allocations. The full SIP with project funding amounts is included as Attachment A.

Program	FY 20-21	FY 21-22	FY 22-23	FY 24-45	FY 25-26	Future Funding	Total
Infrastructure	\$24,135,094	\$31,634,429	\$14,497,404	\$11,881,569	\$9,499,900	\$375,000	\$92,023,398
Scientific Studies	\$980,707	\$1,226,133	\$831,491	-	-	-	\$3,038,331
Technical Resources	\$2,200,000	\$600,000	\$600,000	\$600,000	\$600,000	-	\$4,600,000
Total	\$27,315,801	\$33,460,562	\$15,928,895	\$12,481,569	\$10,099,900	\$375,000	\$99,661,729
% Allocated	71%	67%	29%	16%	10%	-	51%

On May 20, the Rio Hondo WASC approved its SIP. The table below provides an overview of the SIP and percent allocations. The full SIP with project funding amounts is included as Attachment B.

Program	FY 20-21	FY 21-22	FY 22-23	FY 24-45	FY 25-26	Future Funding	Total
Infrastructure	\$7,440,000	\$270,000	\$4,730,000	\$3,060,000	-	-	\$15,500,00
Scientific Studies	\$267,500	\$325,000	\$212,000	-	-	-	\$804,500
Technical Resources	\$1,100,000	\$200,000	\$200,000	\$200,000	\$200,000	-	\$1,900,000
Total	\$8,807,500	\$795,000	\$5,142,000	\$3,260,000	\$200,000	-	\$18,204,500
% Allocated	76%	6%	21%	10%	1%	-	32%

REPORT

On June 1, the Upper San Gabriel River WASC approved its SIP. The table below provides an overview of the SIP and percent allocations. The full SIP with project funding amounts is included as Attachment C.

Program	FY 20-21	FY 21-22	FY 22-23	FY 24-45	FY 25-26	Future Funding	Total
Infrastructure	\$12,073,620	\$6,824,140	-	-	-	\$85,523,753	\$104,421,513
Scientific Studies	\$385,000	-	-	-	-	-	\$385,000
Technical Resources	\$1,400,000	\$200,000	\$200,000	\$200,000	\$200,000	-	\$2,200,000
Total	\$13,858,620	\$7,024,140	\$200,000	\$200,000	\$200,000	\$85,523,753	\$107,006,513
% Allocated	73%	29%	1%	0.37%	0.27%	-	23%

On May 18, the Regional Oversight Committee approved SIPs for North Santa Monica Bay, Santa Clara River and Lower San Gabriel River. The ROC will review the Upper Los Angeles River, Rio Hondo, and Upper San Gabriel River SIPs at its meeting on June 18.

SGVCOG CALL WITH LA COUNTY DISTRICT STAFF

On May 13, SGVCOG staff and Water Committee Chair and Vice Chair met with leadership from LA County Public Works – including Director Mark Pestrella – to discuss concerns with the implementation of the Safe Clean Water Program. Those concerns included:

- The scoring criteria for water supply and the created bias against the San Gabriel Valley
- The Scoring Committee makeup and vacancy
- The need for independent Watershed Coordinators
- The need for an extension of the FY 2021-22 application deadline

District staff largely recognized these concerns and pledged to investigate and remedy the issues. Committee Chair and Vice Chair will report back on the meeting.

ROUND 2 APPLICATIONS

The deadline to submit Fiscal Year 2021-22 Regional Program project applications was extended to October 15, 2020.


WATERSHED COORDINATORS

The Program will be onboarding Watershed Coordinators to assist each WASC. The Request for Statement of Qualifications (RFSQ) was released on May 26, 2020 and proposals are due by July 20, 2020 at 5:30 p.m. The RFSQ may be obtained by accessing the link at <http://pw.lacounty.gov/brcd/servicecontracts> or by emailing Samantha Matthews at smatthews@sgvcog.org. Each contract has been designed to have a potential maximum contract term of 4 years, consisting of an initial 1-year term and potential 1-year option renewals. The WASCs will review potential candidates in August with Board approval in September.

UPCOMING MEETINGS

REPORT

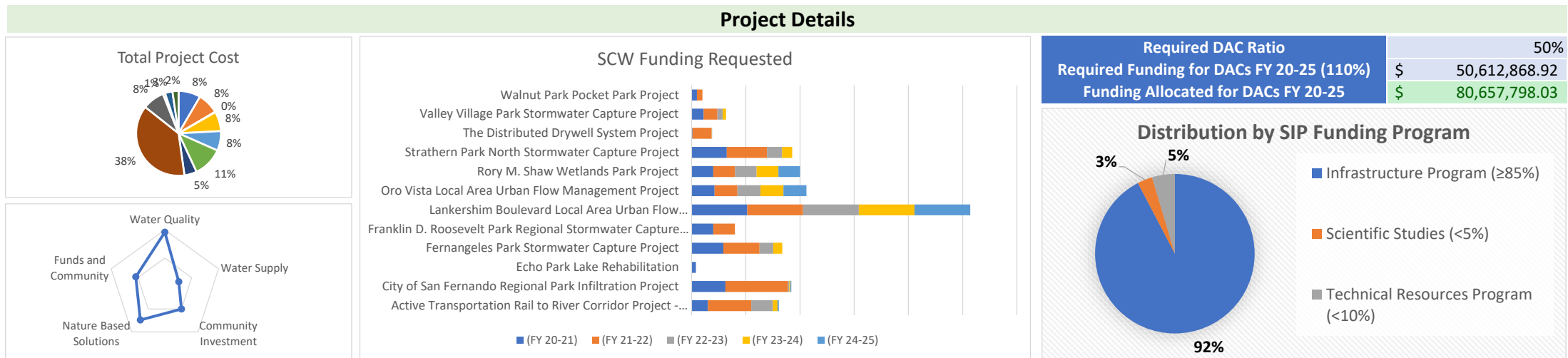
- Regional Oversight Committee – Thursday, June 18, 2020, 12:00 – 2:00 p.m.
- Scoring Committee – Monday, June 22, 2020, 1:00 – 4:00 p.m.
- Upper Los Angeles River WASC – TBD
- Upper San Gabriel River WASC – TBD
- Rio Hondo WASC – TBD

Prepared by: 

Samantha Matthews
Management Analyst

Approved by: 

Marisa Creter
Executive Director

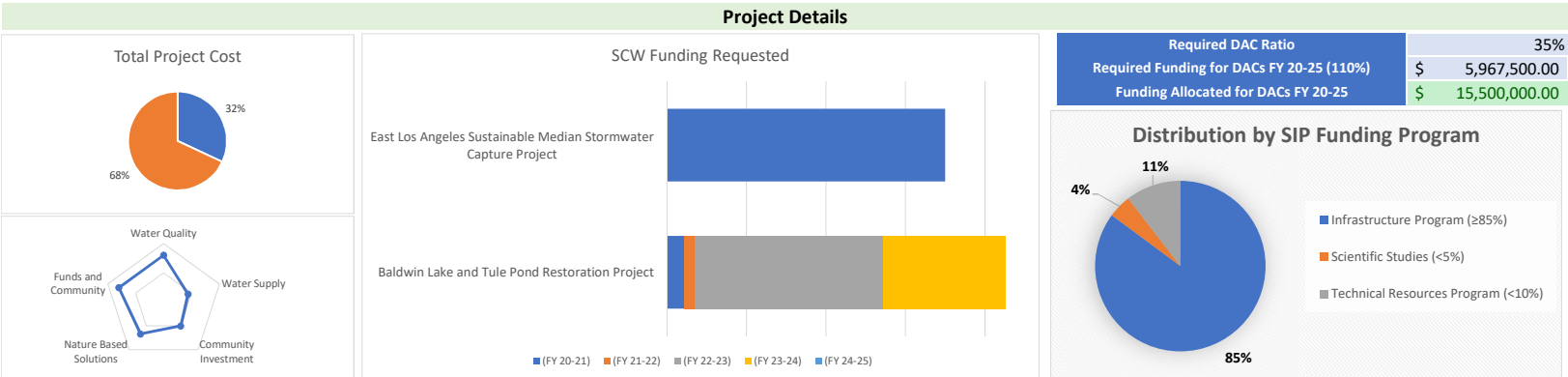


Stormwater Investment Plan Preview

	(FY 20-21)	(FY 21-22)	(FY 22-23)	(FY 23-24)	(FY 24-25)	Future Funding	TOTAL
A. Anticipated Annual Regional Program Funds Collected	\$38.63 M	\$38.63 M	\$38.63 M	\$38.63 M	\$38.63 M		\$193.13 M
B. Anticipated Annual Regional Program Funds Available (A+D)	\$38.63 M	\$49.94 M	\$55.10 M	\$77.80 M	\$103.94 M		
C. Total Allocated in the SIP	\$27.32 M	\$33.46 M	\$15.93 M	\$12.48 M	\$10.10 M	\$0.38 M	\$99.29 M
D. Remaining Balance/Rollover Funds (B-C)	\$11.31 M	\$16.48 M	\$39.17 M	\$65.32 M	\$93.84 M		
E. Percent Allocated (C/B)	71%	67%	29%	16%	10%		51%

Row Labels	DAC	(FY 20-21)	(FY 21-22)	(FY 22-23)	(FY 23-24)	(FY 24-25)	Future Funding	TOTAL
Infrastructure Program		\$ 24,135,094.32	\$ 31,634,429.21	\$ 14,497,404.70	\$ 11,881,569.80	\$ 9,499,900.00	\$ 375,000.00	\$ 92,023,398.03
Active Transportation Rail to River	Yes	\$ 1,500,000.00	\$ 4,000,000.00	\$ 2,000,000.00	\$ 425,000.00	\$ 125,000.00	\$ 375,000.00	\$ 8,425,000.00
City of San Fernando Regional Park	Yes	\$ 3,115,000.00	\$ 5,785,000.00	\$ 100,400.00	\$ 100,400.00	\$ 100,400.00	\$ -	\$ 9,201,200.00
Echo Park Lake Rehabilitation	No	\$ 400,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 400,000.00
Fernangeles Park Stormwater Capture	Yes	\$ 2,926,261.89	\$ 3,344,299.31	\$ 1,254,112.24	\$ 836,074.83	\$ -	\$ -	\$ 8,360,748.27
Franklin D. Roosevelt Park Regional Stormwater	Yes	\$ 2,000,000.00	\$ 2,000,000.00	\$ -	\$ -	\$ -	\$ -	\$ 4,000,000.00
Lankershim Boulevard Local Area Urban Flow	Yes	\$ 5,139,380.00	\$ 5,139,380.00	\$ 5,139,380.00	\$ 5,139,380.00	\$ 5,139,380.00	\$ -	\$ 25,696,900.00
Oro Vista Local Area Urban Flow Management	No	\$ 2,118,120.00	\$ 2,118,120.00	\$ 2,118,120.00	\$ 2,118,120.00	\$ 2,118,120.00	\$ -	\$ 10,590,600.00
Rory M. Shaw Wetlands Park Project	Yes	\$ 2,000,000.00	\$ 2,000,000.00	\$ 2,000,000.00	\$ 2,000,000.00	\$ 2,000,000.00	\$ -	\$ 10,000,000.00
Strathern Park North Stormwater Capture	Yes	\$ 3,247,511.94	\$ 3,711,442.21	\$ 1,391,790.83	\$ 927,860.55	\$ -	\$ -	\$ 9,278,605.53
The Distributed Drywell System Project	Yes	\$ 76,750.00	\$ 1,765,250.00	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00	\$ -	\$ 1,893,000.00
Valley Village Park Stormwater Capture	Yes	\$ 1,112,070.49	\$ 1,270,937.69	\$ 476,601.63	\$ 317,734.42	\$ -	\$ -	\$ 3,177,344.23
Walnut Park Pocket Park Project	Yes	\$ 500,000.00	\$ 500,000.00	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000.00
Scientific Studies		\$ 980,707.00	\$ 1,226,133.00	\$ 831,491.00			\$ -	\$ 3,038,331.00
LRS Adaptation to Address the LA	(blank)	\$ 192,500.00	\$ 385,000.00	\$ 308,000.00			\$ -	\$ 885,500.00
preSIP: A Platform for Watershed Science	(blank)	\$ 700,000.00	\$ 700,000.00	\$ 400,000.00			\$ -	\$ 1,800,000.00
Recalculation of Wet Weather Zoning	(blank)	\$ 88,207.00	\$ 141,133.00	\$ 123,491.00			\$ -	\$ 352,831.00
Technical Resources Program		\$ 2,200,000.00	\$ 600,000.00	\$ 600,000.00	\$ 600,000.00	\$ 600,000.00	\$ -	\$ 4,600,000.00
Green Street Demonstration Project	(blank)	\$ 300,000.00					\$ -	\$ 300,000.00
Hay Canyon Channel / FIS Sports Facility	(blank)	\$ 300,000.00					\$ -	\$ 300,000.00
Pasadena Unified School District	(blank)	\$ 300,000.00					\$ -	\$ 300,000.00
Watershed Coordinator #1	(blank)	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00		\$ 1,000,000.00
Watershed Coordinator #2	(blank)	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00		\$ 1,000,000.00
Watershed Coordinator #3	(blank)	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00		\$ 1,000,000.00
Winery Canyon Channel / Descanso	(blank)	\$ 300,000.00					\$ -	\$ 300,000.00
Arroyo Seco Projects: Construction	(blank)	\$ 400,000.00					\$ -	\$ 400,000.00
Grand Total		\$ 27,315,801.32	\$ 33,460,562.21	\$ 15,928,895.70	\$ 12,481,569.80	\$ 10,099,900.00	\$ 375,000.00	\$ 99,661,729.03

Rio Hondo Watershed Area SIP



Watershed Area

Central Santa Monica Bay
Lower Los Angeles River
Lower San Gabriel River
North Santa Monica Bay
Rio Hondo
Santa Clara River
South Santa Monica Bay
Upper Los Angeles River
Upper San Gabriel River

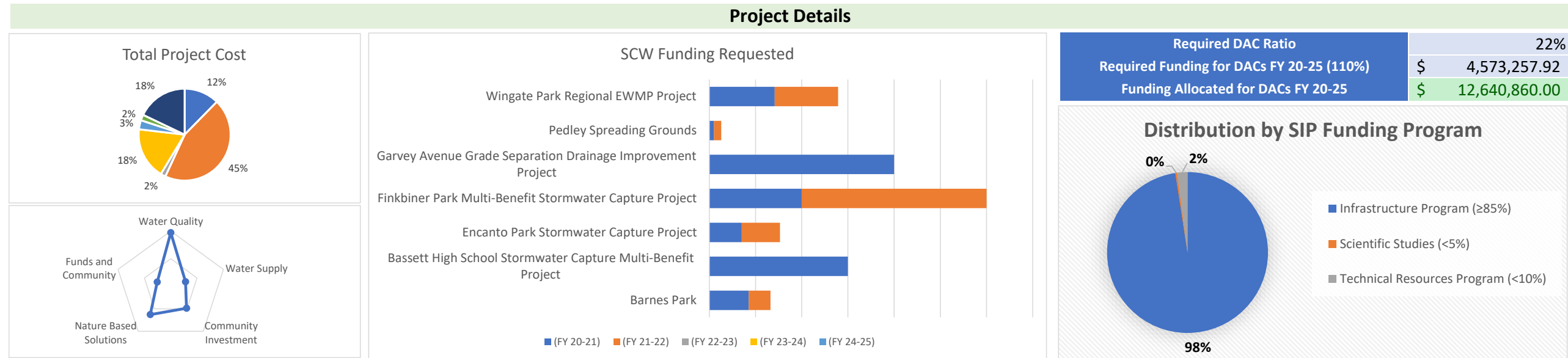
Projects

IP 1-East Los Angeles Sustainabl...
IP 3-Baldwin Lake and Tule Pon...
SS 4-LRS Adaptation to Address ...
SS 5-preSIP: A Platform for Wat...
SS -Regional Scientific Study to S...
TRP 2-Arcadia Wash Water Cons...
TRP 6-Ranchito Sierra Vista Infil...
TRP -Monrovia Unified School D...
TRP -Vincent Lugo Park Stomwa...
TRP -Watershed Coordinator #1

Stormwater Investment Plan Preview

	(FY 20-21)	(FY 21-22)	(FY 22-23)	(FY 23-24)	(FY 24-25)	Future Funding	TOTAL
A. Anticipated Annual Regional Program Funds Collected	\$11.54 M	\$11.54 M	\$11.54 M	\$11.54 M	\$11.54 M		\$57.71 M
B. Anticipated Annual Regional Program Funds Available (A+D)	\$11.54 M	\$14.28 M	\$25.02 M	\$31.42 M	\$39.70 M		
C. Total Allocated in the SIP	\$8.81 M	\$0.80 M	\$5.14 M	\$3.26 M	\$0.20 M	\$0.00 M	\$18.20 M
D. Remaining Balance/Rollover Funds (B-C)	\$2.73 M	\$13.48 M	\$19.88 M	\$28.16 M	\$39.50 M		
E. Percent Allocated (C/B)	76%	6%	21%	10%	1%		32%

Row Labels	DAC	(FY 20-21)	(FY 21-22)	(FY 22-23)	(FY 23-24)	(FY 24-25)	Future Funding	TOTAL
Infrastructure Program		\$ 7,440,000.00	\$ 270,000.00	\$ 4,730,000.00	\$ 3,060,000.00	\$ -	\$ -	\$ 15,500,000.00
Baldwin Lake and Tule Pond Restoratio	Yes	\$ 440,000.00	\$ 270,000.00	\$ 4,730,000.00	\$ 3,060,000.00	\$ -	\$ -	\$ 8,500,000.00
East Los Angeles Sustainable Median St	Yes	\$ 7,000,000.00		\$ -	\$ -	\$ -	\$ -	\$ 7,000,000.00
Scientific Studies		\$ 267,500.00	\$ 325,000.00	\$ 212,000.00			\$ -	\$ 804,500.00
LRS Adaptation to Address the LA River	(blank)	\$ 57,500.00	\$ 115,000.00	\$ 92,000.00			\$ -	\$ 264,500.00
preSIP: A Platform for Watershed Scien	(blank)	\$ 210,000.00	\$ 210,000.00	\$ 120,000.00			\$ -	\$ 540,000.00
Technical Resources Program		\$ 1,100,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ -	\$ 1,900,000.00
Arcadia Wash Water Conservation Dive	No	\$ 300,000.00					\$ -	\$ 300,000.00
Ranchito Sierra Vista Infiltration Projec	No	\$ 300,000.00					\$ -	\$ 300,000.00
Vincent Lugo Park Stomwater Capture	(blank)	\$ 300,000.00					\$ -	\$ 300,000.00
Watershed Coordinator #1	(blank)	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00		\$ 1,000,000.00
Grand Total		\$ 8,807,500.00	\$ 795,000.00	\$ 5,142,000.00	\$ 3,260,000.00	\$ 200,000.00	\$ -	\$ 18,204,500.00



Stormwater Investment Plan Preview

	(FY 20-21)	(FY 21-22)	(FY 22-23)	(FY 23-24)	(FY 24-25)	Future Funding	TOTAL (5 yr)
A. Anticipated Annual Regional Program Funds Collected	\$18.91 M	\$18.91 M	\$18.91 M	\$18.91 M	\$18.91 M		\$94.54 M
B. Anticipated Annual Regional Program Funds Available (A+D)	\$18.91 M	\$23.96 M	\$35.84 M	\$54.55 M	\$73.26 M		
C. Total Allocated in the SIP	\$13.86 M	\$7.02 M	\$0.20 M	\$0.20 M	\$0.20 M	\$85.52 M	\$21.48 M
D. Remaining Balance/Rollover Funds (B-C)	\$5.05 M	\$16.93 M	\$35.64 M	\$54.35 M	\$73.06 M		
E. Percent Allocated (C/B)	73%	29%	1%	0%	0%		23%

Row Labels	DAC	(FY 20-21)	(FY 21-22)	(FY 22-23)	(FY 23-24)	(FY 24-25)	Future Funding	TOTAL
Infrastructure Program		\$ 12,073,620.00	\$ 6,824,140.00	\$ -	\$ -	\$ -	\$ 85,523,753.00	\$ 104,421,513.00
Barnes Park	Yes	\$ 854,000.00	\$ 470,000.00			\$ -	\$ 13,411,690.00	\$ 14,735,690.00
Bassett High School Stormwater Captu	Yes	\$ 3,000,000.00					\$ 28,200,000.00	\$ 31,200,000.00
Encanto Park Stormwater Capture Proj	Yes	\$ 702,860.00	\$ 827,000.00		\$ -	\$ -	\$ 952,388.00	\$ 2,482,248.00
Finkbiner Park Multi-Benefit Stormwat	No	\$ 2,000,000.00	\$ 4,000,000.00				\$ 19,000,000.00	\$ 25,000,000.00
Garvey Avenue Grade Separation Drain	Yes	\$ 4,000,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,000,000.00
Pedley Spreading Grounds	No	\$ 102,760.00	\$ 154,140.00				\$ 2,569,000.00	\$ 2,825,900.00
Wingate Park Regional EWMP Project	Yes	\$ 1,414,000.00	\$ 1,373,000.00				\$ 21,390,675.00	\$ 24,177,675.00
Scientific Studies		\$ 385,000.00	\$ -	\$ -			\$ -	\$ 385,000.00
San Gabriel Valley Regional Confirmati		\$ 385,000.00	\$ -	\$ -			\$ -	\$ 385,000.00
Technical Resources Program		\$ 1,400,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ -	\$ 2,200,000.00
Brackett Field Stormwater Infiltration F		\$ 300,000.00					\$ -	\$ 300,000.00
Fairplex Regional Stormwater Project		\$ 300,000.00					\$ -	\$ 300,000.00
Glendora Avenue Green Street Feasibil		\$ 300,000.00					\$ -	\$ 300,000.00
MacLaren Hall Property Park and Sport		\$ 300,000.00					\$ -	\$ 300,000.00
Watershed Coordinator #1		\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00		\$ 1,000,000.00
Grand Total		\$ 13,858,620.00	\$ 7,024,140.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 85,523,753.00	\$ 107,006,513.00

DATE: June 9, 2020

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **SB 205 (HERTZBERG) IMPLEMENTATION**

RECOMMENDED ACTION

For discussion.


BACKGROUND

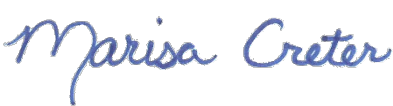
In October 2019, Governor Newsom signed SB 205 (Hertzberg). SB 205 requires that an applicant from a business operation in a regulated industry must demonstrate enrollment with the NPDES permit program when applying for a business license. The applicant must demonstrate enrollment with the NPDES permit program by providing specified information – for example the business’s Standard Industrial Classification (SIC) code – under penalty of perjury. This requirement would apply to all business license applications and renewals submitted on or after January 1, 2020. The Bill also permits cities and counties to develop a provisional procedure for business license renewals that provide businesses with 3 months to comply with these provisions.

In addition, SB 205 requires that the city or county determine the applicability of the SIC code and, if applicable, confirm that the information submitted by the business corresponds to the business that had requested the business license. This information would need to be transmitted to the State Water Resources Control Board (SWRCB) upon request. The SWRCB has posted a list of applicable SICs on its website.

The State Water Resources Control Board has completed a frequently asked questions (FAQs) document that provides clarity on implementation of the Bill (Attachment A).

Water Committee Chair and Vice Chair will provide an update on the implementation of the Bill.

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ATTACHMENTS

Attachment A – SB 205 FAQs



SENATE BILL NO. 205

BUSINESS LICENSES: STORMWATER DISCHARGE COMPLIANCE

Frequently Asked Questions - Cities & Counties

This *Frequently Asked Questions* document provides background information and guidance on California Legislative Senate Bill No. 205 and the new requirements adding sections 16000.3 and 16100.3 to the California Business and Professions Code and section 13383.10 to the California Water Code.

SECTION 1: SENATE BILL 205

1. What is Senate Bill 205 about?

Existing law requires the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Boards (Regional Water Boards) to prescribe waste discharge requirements for the discharge of storm water by municipalities and industries in accordance with the National Pollutant Discharge Elimination System (NPDES) permit program established by the Federal Clean Water Act and the California Water Code. The existing law requires regulated municipalities and industries to obtain a storm water permit.

Senate Bill 205 (2019) requires a person applying to a city or county for a new or renewed business license to demonstrate enrollment under the NPDES Industrial Storm Water General Permit for each business location conducting regulated industrial activities described below.

2. What is the purpose of Senate Bill 205?

The purpose of Senate Bill 205 is to ensure industrial businesses subject to regulation under the Industrial General Permit obtain coverage. Numerous applicable industrial businesses have not acquired coverage to discharge storm water. This Bill aims to minimize unauthorized storm water discharges and requires applicable industrial businesses to manage their storm water prior to receiving or renewing their business license.

3. When was Senate Bill 205 signed into law?

Senate Bill 205 was signed into law by Governor Newsom on October 2, 2019 and became effective on January 1, 2020.

4. Where can I find the full text and additional information about the law?

Visit the [California Legislative Information website](http://leginfo.legislature.ca.gov/) (<http://leginfo.legislature.ca.gov/>) and search for Bill Number "Senate Bill 205" in the 2019-2020 legislative session.

SECTION 2: SENATE BILL 205 AND NPDES PERMIT COVERAGE

1. What is an NPDES permit?

An NPDES permit is a federal permit that regulates point source discharges of pollutants into waters of the United States. The Clean Water Act prohibits discharge of pollutants from point sources into waters of the United States unless regulated by an NPDES permit. The NPDES permit sets discharge requirements, including monitoring and reporting requirements.

2. Which NPDES permit do industrial businesses have to obtain for their storm water discharges?

The State Water Board issues regulatory permits for different discharge types, including storm water discharge (rainfall flowing over surfaces into water ways) from industrial activities. The industrial business activities defined below must obtain coverage under the [Industrial General Permit](https://waterboards.ca.gov/IGP) (<https://waterboards.ca.gov/IGP>) to discharge storm water from industrial activities into waters of the United States.

Please contact stormwater@waterboards.ca.gov for additional information about NPDES storm water permitting.

SECTION 3: CITY AND COUNTY REQUIREMENTS

1. What does Senate Bill 205 require of a city or county?

Senate Bill 205 requires cities and counties to confirm that a licensed business has NPDES permit coverage for industrial storm water discharges. NPDES permit registration for an industrial business is a Notice of Intent, No Exposure Certification, or a certified Notice of Non-Applicability.

2. How does a city or county confirm that an industrial business has obtained storm water permit coverage?

A city or county must require the license applicant to provide the following information on the business license or renewal application:

- (1) The name(s) and location(s) of all businesses;
- (2) All corresponding *primary* Standard Industrial Classification (SIC) codes; and,
- (3) One of the following for *each industrial business (commonly referred to as a facility)*:
 - Storm water permit number, known as the Waste Discharger Identification number (WDID) and WDID application number issued by the State Water Board,
 - No Exposure Certification (NEC) identification number issued by the State Water Board, or
 - Notice of Non-Applicability (NONA) identification number issued by the State Water Board.

3. Does Senate Bill 205 impact all businesses?

No. The requirements of Senate Bill 205 impact industrial businesses with one or more of the following *primary* Standard Industrial Classification (SIC) codes:

- (1) Feedlots of a specific size (SIC codes 0211-0272): [Feedlot SIC codes](https://gov.ecfr.io/cgi-bin/text-idx?SID=42c184dd9f16ffe191c33735daf97807&mc) (<https://gov.ecfr.io/cgi-bin/text-idx?SID=42c184dd9f16ffe191c33735daf97807&mc>)

=true&tpl=/ecfrbrowse/Title40/40cfr412_main_02.tpl);

- (2) Manufacturing Facilities (SIC codes 20XX-39XX and 4221-4225);
- (3) Oil and Gas/Mining Facilities (SIC codes 10XX-14XX);
- (4) Hazardous Waste Treatment, Storage, or Disposal Facilities (often SIC code 4953);
- (5) Landfills, Land Application Sites, and Open Dumps (SIC code 4953);
- (6) Recycling Facilities (SIC codes 5015 and 5093);
- (7) Steam Electric Power Generating Facilities (specific activities under SIC code 4911);
- (8) Transportation Facilities (SIC codes 40XX through 45XX [except 4221-25] and 5171; and
- (9) Sewage or Wastewater Treatment Works (SIC code 4952).

4. Where are the regulated SIC codes available on the State Water Board website?

The regulated SIC code lists are available on the State Water Board website as follows:

- (1) Alphabetical: [Alphabetical list of SIC codes](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sic.shtml)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/sic.shtml)
- (2) Numeric: [Numeric list of SIC codes](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml)

5. Is NPDES Industrial General Permit coverage required if an industrial business is described by of the above SIC codes but is not conducting a regulated industrial activity under the Industrial General Permit?

Possibly not. The business owner should contact [Water Board storm water staff](https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html) (https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html) or email stormwater@waterboards.ca.gov to determine if the industrial business qualifies for a Notice of Non-Applicability.

6. Are cities and counties required to look up a business' SIC code?

No. Senate Bill 205 does not require cities and counties to determine or provide the business license applicant with applicable SIC code(s). The business is responsible for identifying the correct primary SIC code(s). Cities and counties are responsible for determining whether the primary SIC code(s) provided by the business are regulated by the Industrial General Permit. The city or county must ensure that the business provides the information outlined in Section 3, Question 2 above.

7. What if a business requests the city or county staff to assist in identifying the SIC code?

The city or county staff should direct the business representative to the following resources: [U.S. Department of Labor SIC code search](https://www.osha.gov/pls/imis/sicsearch.html) (<https://www.osha.gov/pls/imis/sicsearch.html>). The business representative may search by keyword(s) (for example, metal recycling) to identify the correct primary business SIC code(s).

Other resources include:

- (1) The electronic list of SIC codes regulated under the Industrial General Permit at the following links:

- [Alphabetical list of SIC codes](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sic.shtml)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/sic.shtml)
- [Numeric list of SIC codes](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml)

- (2) The North American Industry Classification System (NAICS) Association tool that converts NAICS codes to SIC codes, available at [NAICS to SIC crosswalk](https://www.naics.com/naics-to-sic-crosswalk-2/)
(https://www.naics.com/naics-to-sic-crosswalk-2/).
- (3) The list of regulated SIC codes and corresponding NAICS codes in the United States Environmental Protection Agency’s Industrial Storm Water [NPDES Multi-Sector General Permit](https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf) Appendix N (https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf).

8. Does Senate Bill 205 require the city or county to visit or inspect an industrial business?

No. Senate Bill 205 solely requires that the city or county ensure industrial businesses have Industrial General Permit coverage when approving a business license.

9. Does Senate Bill 205 require the city or county to determine a business’ compliance with NPDES permit requirements?

No.

10. Does Senate Bill 205 require the city or county to assist an industrial business in obtaining regulatory coverage under an NPDES permit?

No.

11. What information can a city or county provide a business requesting assistance with the NPDES storm water permit application process?

Cities and counties can provide the following information to businesses:

- (1) State Water Board storm water contacts for general permit and SMARTS inquires:
 - Email: stormwater@waterboards.ca.gov
 - Toll Free Phone Number: 1-(866)-563-3107
- (2) [Stormwater Multiple Application and Report Tracking System \(SMARTS\) Help Guides](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html).
- (3) [State Water Board or a local Regional Water Board storm water contacts](https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html).
- (4) [Water Board Office Locations](https://www.waterboards.ca.gov/waterboards_map.html) (https://www.waterboards.ca.gov/waterboards_map.html).
- (5) [State Water Resources Control Board Industrial Storm Water Toolbox](https://www.waterboards.ca.gov/water_issues/programs/stormwater/toolbox.html)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/toolbox.html).

12. What if a city or county does not issue business licenses?

If a city or county does not issue business licenses, then no action is required by the local municipality. Senate Bill 205 applies to cities and counties that issue business licenses.