



# Santa Clara Valley Water District

File No.: 25-0033

Agenda Date: 4/22/2025

Item No.: 4.7.

## BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒  
(If "YES" Complete Attachment A - Gov. Code § 84308)

### SUBJECT:

Adopt Recommended Positions on State Legislation: SB 454 (McNerney) PFAS Mitigation Fund, SB 599 (Caballero) Atmospheric Rivers Forecast Improvement Program, SB 682 (Allen) Product Bans Intentionally Added PFAS, SB 753 (Cortese) Regulation of Abandoned Shopping Carts, and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

### RECOMMENDATION:

- A. Adopt a position of "Support" on: SB 454 (McNerney) PFAS Mitigation Fund.
- B. Adopt a position of "Support" on: SB 599 (Caballero) Atmospheric Rivers Forecast Improvement Program.
- C. Adopt a position of "Support" on: SB 682 (Allen) Product Bans Intentionally Added PFAS.
- D. Adopt a position of "Support" on: SB 753 (Cortese) Regulation of Abandoned Shopping Carts.

### SUMMARY:

**SB 454 (McNerney) State Water Resources Control Board PFAS Mitigation Fund - (Amended - 03/24/2025)**

**Position Recommendation: Support**

**Priority Recommendation: 3**

SB 454 (McNerney) would create the PFAS Mitigation Fund and PFAS Reduction Account to provide financial assistance to water suppliers and sewer service providers for the treatment and removal of perfluoroalkyl and polyfluoroalkyl substances (PFAS) from drinking water, recycled water, and wastewater.

The State Water Resources Control Board (SWRCB) would be authorized to administer grants, loans, and contracts for the planning, construction, upgrade, and operation of PFAS treatment infrastructure. Eligible costs would include planning, design, and construction of treatment facilities, as well as monitoring and pilot testing of treatment alternatives. The bill requires the development of implementation guidelines by July 1, 2027.

*Importance to Valley Water*

PFAS contamination is an emerging regulatory and operational challenge for water systems across the state. As regulatory standards are developed, Valley Water anticipates the possibility of the need to invest in PFAS monitoring, treatment, and disposal infrastructure. SB 454 would provide a potential source of financial assistance to offset these future costs, reducing the burden on ratepayers and enhancing Valley Water's ability to meet drinking water standards. The program could also support PFAS treatment for recycled water and assist in efforts to ensure groundwater remains safe for human consumption.

Staff recommends the Board adopt a position of support on SB 454.

**Pros**

- Establishes funding mechanism to help offset the high cost of PFAS treatment.
- Allows for a wide range of eligible costs, including planning, pilot testing, monitoring, construction, and disposal.

**Cons**

- There is no source of funding for the program.

**SB 599 (Caballero) Atmospheric Rivers Forecast Improvement Program - (Amended - 03/24/2025)**

**Position Recommendation: Support**

**Priority Recommendation: 3**

SB 599 would amend the Water Code to expand the Atmospheric Rivers Research and Forecast Improvement Program to include the use of experimental tools that produce subseasonal and seasonal atmospheric river forecasts. The bill also defines "seasonal forecast" as a period of one to six months into the future and "subseasonal forecast" as a period of two to six weeks into the future.

Current law requires the Department of Water Resources to research, develop, and implement observations, prediction models, novel forecasting methods, and tailored decision support systems to improve atmospheric river predictions and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

*Importance to Valley Water*

Atmospheric rivers are a major driver of both water supply and flood risk in Santa Clara County. SB 599 would support the continued development of extended-range forecasting tools that could improve operational decision-making related to reservoir management, flood protection, and drought preparedness. Improved forecast tools support ongoing work related to integrated water resources management and strengthen planning efforts.

Staff recommends the Board adopt a position of support on SB 599.

**Pros**

- Improves long-range forecasting of atmospheric rivers to support flood protection and water supply reliability.

**Cons**

- None.

**SB 682 (Allen) Product Bans Intentionally Added PFAS - (Introduced - 02/21/2025)****Position Recommendation: Support****Priority Recommendation: 3**

SB 682 would prohibit, beginning January 1, 2027, the distribution, sale, or offering for sale in California of certain consumer products, defined as “covered products,” that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Covered products include cleaning products, cookware, dental floss, juvenile products, food packaging, and ski wax.

Beginning January 1, 2033, the bill would extend the prohibition to all products that contain intentionally added PFAS, unless the Department of Toxic Substances Control (DTSC) determines that the use of PFAS in the product is a “currently unavoidable use.” Beginning January 1, 2040, the bill would additionally prohibit the sale of specified technical and industrial products with intentionally added PFAS unless exempted through the same determination process.

Requires DTSC to establish a petition process to make determinations of currently unavoidable use through regulations adopted by January 1, 2027, and collect application fees to administer the program through the newly established PFAS Oversight Fund.

*Importance to Santa Clara Valley Water District (Valley Water)*

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a class of synthetic chemicals used for their water, stain, and heat-resistant properties in a wide range of consumer and industrial products. PFAS are often referred to as “forever chemicals” because they do not break down easily in the environment. These chemicals are known to accumulate in soil, water, and living organisms, including humans. Exposure to certain PFAS compounds has been linked to serious health effects such as liver and kidney damage, immune system suppression, developmental and reproductive harm, hormone disruption, and increased risk of certain cancers.

PFAS poses a significant and growing threat to drinking water quality and public health. After being released from products containing PFAS, these substances can enter drinking water sources through runoff, landfill leachate, wastewater discharges, and stormwater flows. Once in the environment, PFAS are difficult and expensive to remove through existing treatment processes.

SB 682 aims to reduce PFAS pollution at the source by limiting the distribution and sale of PFAS-containing products. This supports Valley Water’s mission to provide safe, clean drinking water for Santa Clara County. The phased bans in SB 682 reduce the new

introduction of PFAS into the environment and may reduce its presence over time.

**Pros**

- Reduces PFAS at the source, which reduces potential contamination of drinking water.
- Establishes a statewide framework for phasing out nonessential uses of PFAS.
- Creates a regulatory pathway to restrict product-based PFAS pollution over time.

**Cons**

- The exemption process for “currently unavoidable use” could allow the use of PFAS to continue if not implemented strictly.

**SB 753 (Cortese) Special Business Regulations: Shopping Carts - (Amended - 03/24/2025)**  
**Position Recommendation: Support**  
**Priority Recommendation: 3**

SB 753 would amend Section 22435.7 of the Business and Professions Code to authorize local governments to retrieve and return abandoned shopping carts to the premises or parking area of the retailer identified on the cart’s affixed signage. It would also allow a city, county, or city and county to recover its actual costs for retrieval and return.

The bill removes the current \$50 cap on fines and instead authorizes local jurisdictions to establish fine amounts for retailers that fail to retrieve carts after receiving notice. It clarifies that cities may immediately retrieve carts obstructing emergency services and authorizes impoundment without advance notice if the retailer is notified within 24 hours. If the cart is reclaimed within three business days of notice, the retailer is not subject to any fines or fees.

The bill also requires that “actual notice” include proof of delivery (e.g., mail, phone, or electronic communication with delivery confirmation) and be documented by the local agency.

*Importance to Valley Water*

SB 753 supports Valley Water’s mission to protect water quality and flood protection infrastructure by giving local agencies improved tools to address abandoned shopping carts—an often-overlooked environmental and public safety hazard.

In Santa Clara County, cities report recovering thousands of shopping carts annually. These carts, when abandoned in creeks, storm drains, or flood control channels, can obstruct water flow, increase localized flooding risk during storm events, and degrade aquatic ecosystems. Additionally, they contribute to pollution by accumulating debris and releasing rust or chemical residue into waterways.

By authorizing immediate retrieval and cost recovery, SB 753 enables more efficient and proactive management of these hazards before they become threats to infrastructure and water quality. The bill complements Valley Water’s ongoing efforts to prevent pollution and maintain effective stormwater and flood protection systems across the region.

Staff recommends the Board adopt a position of support on SB 753.

Pros

- Reduces environmental pollution and litter in waterways and public spaces.
- Helps prevent blockages in flood control channels and stormwater infrastructure.
- Enables local agencies to recover actual costs for retrieving and returning shopping carts.
- Strengthens enforcement by allowing cities to set appropriate fine amounts.

Cons

- May result in increased compliance costs for retailers, which could be passed on to consumers.

**ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:**

There are no Environmental Justice impacts associated with this item. The Board's position does not enact the legislation discussed above. If the enactment of state legislation necessitates an action by the Board, any associated Environmental Justice impacts will be assessed when the Board considers the action.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

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