

FAIRFAX WATER
Minutes of Board Meeting
July 6, 2023

At 6:01 p.m. on Thursday, July 6, 2023, a Meeting of the Fairfax Water Board was held in the Bill G. Evans Boardroom at 8570 Executive Park Avenue, Fairfax, Virginia, with the following in attendance:

Members: Allin, Begovich (arrived at 6:21 p.m.), Cammarata, Colleton, Day, Dotson, Ginyard-Jones, Griffin, Roberson (absent), Rubin

Wholesale Customer Representatives: Danziger, Jaatinen (absent)

Staff: Atapoor, Dooley, Goldberg, Grimes, Hedges, Hoke, Kingsbury, S. Miller, B. Nguyen, Oates

Counsel: John McGranahan, Hunton Andrews Kurth LLP

Upon separate motions duly made, seconded, and unanimously carried, unless otherwise noted, the following actions were taken:

Approval of Minutes

The Board approved the Minutes of the June 15, 2023, Meeting.

Matters by Members

Mr. Rubin spoke on PFAS regulations and compliance and the heavy burden it will place on Fairfax Water and its ratepayers. He proposed that Fairfax Water let it be known, in the class action litigation community, of its interest in joining litigation if an appropriate case arises. Mr. Cammarata inquired about any known class action lawsuits brought by water utility organizations. Mr. Rubin stated he was aware of one successful settlement.

Mr. McGranahan said that PFAS-related litigation and the potential recovery of PFAS-related costs are on the agenda for the closed session tonight. Additionally, he stated he had prepared for open session information regarding three litigation types.

1. A South Carolina multi-district class-action litigation is pending settlement. The litigation is comprised of over five hundred cases involving fire-fighting foam.
2. A United States District of New Mexico class-action lawsuit against 3M, DuPont, other major manufacturing companies, and a nearby military installation. This litigation includes a broader scope than just fire-retardant foam.
3. Eight state Attorneys General, including Maryland, have filed lawsuits. The cases involve fire-fighting foam and general contamination of natural resources. Virginia has not filed a suit.

Upon Motion by Mr. Griffin, seconded by Mr. Cammarata, the Board moved to delay tonight's closed session discussion relating to PFAS-related litigation and potential recovery of PFAS-related costs and directed counsel to further explore the class-action landscape nationally and any class-action means for which Fairfax Water could join forces with similar organizations. The motion was approved unanimously.

Chairman Allin inquired about the status of our potassium permanganate supply following the fire at the supplier's production plant earlier this year. Mr. Grimes reported that the first bulk delivery of potassium permanganate has been shipped, which will put Fairfax Water back to normal operations. He further noted that there is still some potassium permanganate stored at each plant.

Matters by Staff

Ms. Hedges addressed the following:

- Thanked Mr. Kingsbury for taking extended duty as acting General Manager while Ms. Hedges was on annual and sick leave.
- Handouts provided to Members this evening:
 - Proposed invitees and potential dates for a ribbon cutting ceremony and employee/retiree open house for the Charles M. Murray Maintenance Facility. The Board selected the following dates:
 - Ribbon-cutting ceremony: Thursday, October 5, 2023, at 10:00 a.m.
 - Board Meeting: Thursday, October 5, 2023, at 1:00 p.m.
 - Employee/Retiree event: Saturday, October 14, 2023
 - Electrical Vehicle Pilot Program - first quarterly report of costs. Minimal costs have been incurred as the design of the charging stations has not started.
 - *The Connections Special Edition, June 2023* - EPA's Lead and Copper Rule Revisions.
 - *Water Supply Outlook for July*, Interstate Commission on the Potomac River Basin. Fairfax Water demand was consistently high during the first part of June but tapered with rain events in the latter half of the month. Staff will provide an update on revenue, production, and billing activity later this month.
- Technology staff has completed the development of the written standard operating procedures (SOPs) to address items identified in the Information Systems Audit Report from PB Mares.
- Fairfax Water has scheduled a public information meeting to discuss project details and address questions from the community for the Poplar Heights Storage Tank Replacement on July 13, 2023, at 6:30 p.m. The Deputy Chief from the Fire Marshal's office sent a letter of support and will be in attendance.
- Staff provided two presentations:
 - Mr. Nguyen presented on the EPA's directive to include a review of cybersecurity for operations technology systems as part of the sanitary surveys conducted by primacy agencies.
 - Ms. Goldberg provided an update on discussions with Fairfax County staff related to the Cross Connection Control Program.

Cross Connection Control Program

Following the staff presentation, the Board discussed the program and agreement with Fairfax County for certain program administration services. The Board directed staff to pause any evaluation of County staff's proposed alternatives and decline any further meetings with County staff until further policy discussions occur at the Board level. Vice-Chairman Begovich and Mr. Griffin proposed that they would meet with Chairman McKay of the Fairfax County Board of Supervisors to further discuss policy issues related to the cross connection control program and the agreement with Fairfax County and report back to the Board.

Warrant in Debt Case – Damesghi

Mr. McGranahan reported the case was dismissed with prejudice by the General District Court judge.

Appropriations

The Board approved an increase in appropriations for two projects totaling \$164,500. A detailed description for each project appropriation is included in the papers of this Meeting.

Water Main Engineering Design Services

The Board awarded one-year Basic Ordering Agreements for Water Main Engineering Design Services to Michael Baker International, Inc. and Kimley-Horn and Associates, Inc., each in the annual estimated amount not-to-exceed \$5,000,000. Annual expenditure will be based on actual requirements. The Board approved to renew the contracts for up to three additional one-year periods, so long as prices remain fair and reasonable and consistent with contractual terms and conditions.

Amendment to Lease Agreement – 7405 Tower Street

The Board authorized the General Manager to execute an amendment to the lease agreement with Bradford and Heather McAdam for the property at 7405 Tower Street and to extend the lease period to July 30, 2024.

Amendment to Lease Agreement – 7328 Ronald Street

The Board authorized the General Manager to execute an amendment to the lease agreement with Jennifer Elliott for the property at 7328 Ronald Street and to extend the lease period to December 31, 2023.

Adjournment

There being no further business, the Meeting was adjourned at 7:42 p.m.



Richard Dotson, Secretary