

MINUTES OF MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
December 6, 2023, 5:30 p.m.

President Green called to order the December 6, 2023 regular meeting of the Orange County Water District Board of Directors at 5:30 p.m. Following the Pledge of Allegiance to the Flag, the District Secretary called the roll and reported a quorum as follows. Public access was also provided via Zoom webinar.

Directors

Valerie Amezcua  
Denis Bilodeau  
Cathy Green  
Dina Nguyen  
Natalie Meeks (absent)  
Vacant  
Stephen Sheldon (participated under AB2449)  
Van Tran  
Bruce Whitaker (arrived at 5:40 p.m.)  
Roger Yoh

Staff

Mike Markus, General Manager  
Jeremy Jungreis, General Counsel  
John Kennedy, Executive Director  
Christina Fuller, District Secretary

General Manager Mike Markus stated that staff recommends that tonight's Closed Session item, *Conference with Real Property Negotiator [Government Code Section 54956.8], Real property located at: land adjacent to the Santa Ana River, Anaheim, CA 92806*, be moved to the next Board meeting. Upon motion by Director Sheldon, seconded by Director Amezcua and carried [6-0], the Board agreed to move the aforementioned Closed Session item to the December 20, 2023 Board of Directors meeting.

Ayes: Amezcua, Bilodeau, Green, Nguyen, Sheldon, Yoh

Absent: Meeks, Tran, Whitaker

VISITOR PARTICIPATION

OC LAFCO representative Jim Fisler provided an update on OC LAFCO outreach.

CONSENT CALENDAR

The Consent Calendar was then approved upon motion by Director Bilodeau, seconded by Director Amezcua and carried [6-0] as follows.

Ayes: Amezcua, Bilodeau, Green, Nguyen, Sheldon, Yoh

Absent: Meeks, Tran, Whitaker

1. Approval of Cash Disbursements

MOTION NO. 23-118  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of November 9, 2023 through November 29, 2023 in the total amount of \$14,884,390.56 is ratified and approved.

2. Visitor Site Safety and Confidentiality Rules Agreement to Access OCWD Monitoring Well Site GGM-2 in Garden Grove

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RESOLUTION NO. 23-12-155

AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE NO-COST VISITOR SAFETY AND CONFIDENTIALITY RULES AGREEMENT WITH HARBINGER MOTORS INC.

WHEREAS, in 1992, the city of Garden Grove (City) granted the District a revocable easement to construct, operate and maintain a monitoring well (GGM-2) for a period of twenty years which automatically renews annually unless terminated by either party; and,

WHEREAS, in 2021, the land on which GGM-2 is located was acquired by Rexford Industrial Realty LLP and subsequently leased to Harbinger Motors Inc. (Harbinger); and,

WHEREAS, Harbinger has requested that the District enter into a Visitor Site Safety and Confidentiality Rules Agreement prior to entering the well site; and,

WHEREAS, staff recommends entering into the Agreement for continued access to the Well Site.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize the General Manager to execute the no-cost Visitor Safety and Confidentiality Rules Agreement with Harbinger Motors Inc. for continued access to monitoring Well No. GGM-2 located in the city of Garden Grove.

3. Contract No. GSWC-2022-1: Authorize Notice of Completion

RESOLUTION NO. 23-12-156

ACCEPTING COMPLETION OF CONTRACT NO. GSWC-2022-1: GSWC WELLS BRADFORD 4 AND FAIRHAVEN 1 & 3 PFAS WATER TREATMENT PLANTS

WHEREAS, the District staff has reported that Pacific Hydrotech Corp has completed work under Contract No. GSWC-2022-1: GSWC Wells Bradford 4 and Fairhaven 1 & 3 PFAS Water Treatment Plants; and

WHEREAS, staff has recommended that the District accept completion of said work and that a Notice of Completion be filed for recordation and the balance of payment be made, pursuant to the terms and conditions of such contract.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby resolve as follows:

Section 1: Work under such Contract is accepted as complete, and the District staff is authorized and directed to execute a Notice of Completion and record said Notice in the Office of the County Recorder.

Section 2: General Manager is authorized to transfer to GSWC Wells Bradford 4 and Fairhaven 1 & 3 PFAS Water Treatment Plants effective the date of filing the Notice of Completion and quitclaim any property rights obtained for the project.

Director Nguyen left at this point in the meeting.

## MATTERS FOR CONSIDERATION

4. Division Seven Board Vacancy

Director Kelly Rowe passed away unexpectedly on November 22, 2023. The Board discussed options for replacing his seat on the Board and General Counsel reviewed the legal requirements for proceeding with appointment. It was agreed to proceed with appointment to fill the vacancy. The following action was then taken.

## MOTION NO. 23-119

## DECLARING VACANCY IN DIVISION 7 AND AUTHORIZING ACTIONS IN CONNECTION THEREWITH

Upon motion by Director Bilodeau, seconded by Director Whitaker and carried [6-0], a vacancy in Division 7 is declared effective as of November 22, 2023 and the Board hereby determines to fill such vacancy by appointment and directs the District Secretary to notify the Registrar of Voters of such Vacancy and to post a Notice of Vacancy in three conspicuous places within the District as required by state law that calls for Letters of interest and resumes to be received by the District by 5:00 p.m. on January 10, 2024 with the appointment to be agendized for consideration at the January 17, 2024 Board of Directors meeting.

Ayes: Amezcua, Bilodeau, Green, Sheldon, Whitaker, Yoh

Absent: Meeks, Nguyen, Tran

5. Request for Quotes for On-Call Engineering Services for Design and Construction of Additional PFAS Treatment Systems

Director of Engineering Chris Olsen reported that District staff have been preparing for a second round of PFAS treatment system design, construction, and operation due to the anticipated adoption of federal maximum contaminant levels (MCLs) by USEPA. He advised that in early 2024, it is anticipated that USEPA will formally establish MCLs set at 4 parts per trillion (ppt) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as part of a PFAS National Primary Drinking Water Regulation. He stated that based on testing to date, staff estimates that 40-45 additional Producer wells will exceed the new USEPA PFAS MCLs. Mr. Olsen stated that staff recommends being ready to begin treatment system engineering design such that these wells can have required treatment installed during the standard three-year compliance period that is expected to accompany the new USEPA PFAS regulations. He stated that staff recommends issuing a Request for Quotes (RFQ) to develop an on-call consultant team for design of treatment systems and construction management services for additional Producer wells that will be affected by the upcoming MCL.

Upon motion by Director Sheldon, seconded by Director Yoh, the following resolution was unanimously carried [6-0].

Ayes: Amezcua, Bilodeau, Green, Sheldon, Whitaker, Yoh

Absent: Meeks, Nguyen, Tran

## RESOLUTION NO. 23-12-157

AUTHORIZING REQUEST FOR QUOTES FOR ON-CALL ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF ADDITIONAL PFAS TREATMENT SYSTEMS; AUTHORIZING STAFF TO ENTER INTO A PFAS TREATMENT SYSTEM PROFESSIONAL SERVICES AGREEMENTS; AND ESTABLISHING DESIGN BUDGET

WHEREAS, in early 2024, the United States Environmental Protection Agency (USEPA) is anticipated to formally establish maximum contaminant levels (MCLs) set at 4 parts per trillion (ppt) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as part of a National Primary Drinking Water Regulation for per- and polyfluoroalkyl substances (PFAS); and

WHEREAS, in order to be prepared to quickly address an additional 40-45 Producer wells impacted by the federal MCLs under the District's PFAS Treatment Policy, staff has requested approval to issue a request for quotes (RFQ) to develop an on-call consultant team for design of treatment systems and construction management services.

WHEREAS, staff has recommended the following actions in order to begin treatment system engineering design such that these wells can have required treatment installed during the standard three-year compliance period that is expected to accompany the new USEPA PFAS regulations:

- 1) Authorize issuance of a Request for Quotes for on-call consultants to prepare PFAS Treatment System designs and provide construction management services;
- 2) Authorize staff to enter into PFAS treatment system professional services agreements; and,
- 3) Establish project design budget of \$20M.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the aforementioned actions in connection with on-call engineering services for design and construction of additional PFAS treatment systems; and, upon approval as to form by district general counsel, execution of the necessary agreements accordingly by the district officers is authorized.

#### INFORMATIONAL ITEMS

##### 6. PFAS Update

Director of Engineering Chris Olsen provided an update on PFAS treatment plant construction activities.

##### 7. SAWPA Update

Director Whitaker provided an update on recent SAWPA activities.

##### 8. Committee/Conference/Meeting Reports

The following Directors reported on their attendance at the ACWA Fall Conference in November:  
Green, Bilodeau, Whitaker, Yoh

##### 9. Verbal Reports

President Green reported that OCWD received the National Groundwater Association Groundwater supply project award. Director Green stated that tonight's meeting would be adjourned in honor of Director Kelly Rowe.

# ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:12 p.m.

DocuSigned by:

*Cathy Green*

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Cathy Green, President

DocuSigned by:

*Christina Fuller*

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Christina Fuller, District Secretary