

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
June 4, 2025, 5:30 p.m.

Vice President Tran called to order the June 4, 2025 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 as follows. Public access was also provided via Zoom webinar.

Directors

Valerie Amezcua
Denis Bilodeau (absent)
Cathy Green
Fred Jung
Dina Nguyen
Natalie Meeks (absent)
Stephen Sheldon
Van Tran
Erik Weigand
Roger Yoh

Staff

John Kennedy, General Manager
Jeremy Jungreis, General Counsel
Christina Fuller, District Secretary

VISITOR PARTICIPATION

There were no visitors wishing to address the Board this evening.

1. Public Hearing - Approval of Increase in Director’s Compensation

Vice President Tran opened the Public Hearing to consider adoption of an Ordinance increasing the Directors’ compensation from \$330.75 to \$347.29 per day of service, up to a maximum of ten days per month. Director Green stated that the proposed increase would move the Directors to the top of the compensation scale compared to other like entities in the area and noted that she thinks the middle of the pay scale is more appropriate. There being no other person wishing to address the Board, Vice President Tran declared the hearing closed and Director Green made a motion to not move forward with the recommended action to increase the Directors’ compensation. The motion was seconded by Director Yoh and was carried with 6 yes votes, one no vote, one abstention, with two Directors absent.

MOTION NO. 25-55
NO INCREASE TO DIRECTORS COMPENSATION

Ayes: Green, Jung, Nguyen, Tran, Weigand, Yoh
Noes: Sheldon
Abstain: Amezcua
Absent: Bilodeau, Meeks

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Green, seconded by Director Weigand and carried [8-0] as follows:

Ayes: Amezcua, Green, Jung, Nguyen, Sheldon, Tran, Weigand, Yoh
Absent: Bilodeau, Meeks

2. Approval of Cash Disbursements

MOTION NO. 25-56
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of May 15, 2025 through May 28, 2025 in the total amount of \$9,460,023.56 is ratified and approved.

3. Agreement with Trussel Technologies for GWRS Decarbonation System Optimization & Feasibility Study

RESOLUTION NO. 25-6-88
AUTHORIZING AGREEMENT TO TRUSSELL TECHNOLOGIES, INC. TO PROVIDE CONSULTING SERVICES TO CONDUCT A GWRS DECARBONATION SYSTEM OPTIMIZATION & FEASIBILITY STUDY

RESOLVED, that a Professional Services Agreement to Trussell Technologies, Inc. is authorized for an amount not to exceed \$88,735 to provide consulting services to conduct a GWRS Decarbonation System Optimization & Feasibility Study.

ITEM RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING HELD MAY 27

4. 457(B) Deferred Compensation Intermediate Bond Review with Options to Replace JPMorgan Total Return Fund Class Shares Closure

MOTION NO. 25-57
REPLACING JPMORGAN TOTAL RETURN FUND CLASS R5 (JMTRX) SHARES WITH DODGE AND COX INCOME X (DOXIX)

Replacing JPMorgan Total Return Fund Class R5 (JMTRX) shares with Dodge and Cox Income X (DOXIX) is hereby approved.

MATTER FOR CONSIDERATION

5. Certifying the Program Environmental Impact Report, Approving the Interim Remedial Action Plan, Authorizing General Manager to Sign the Record of Decision, Establishing an Initial Capital Budget, and Authorizing a Request for Proposals to Prepare a Preliminary Design Investigation Work Plan for the South Basin Groundwater Protection Project

Principal Hydrogeologist Bill Leever reported that the District prepared and circulated for public review an Interim Remedial Action Plan (IRAP, Proposed Plan) for the South Basin Groundwater Protection Project (SBGPP) that identifies a preferred interim remedial action to address groundwater contamination in the SBGPP area. He stated that the preferred interim remedial action is a groundwater extraction and treatment system. He reported that the District prepared and circulated for public review a Draft Program Environmental Impact Report (PEIR) that analyzed the environmental impacts of implementing the IRAP. Mr. Leever reported that staff prepared a Record of Decision (ROD) that presents the selected interim remedy. He stated that staff recommends approving the IRAP, certifying the PEIR, authorizing the General Manager to sign the ROD, establishing an initial capital budget of \$19,400,000, and authorizing the

issuance of a request for proposals (RFP) to prepare a preliminary design investigation work plan for the SBGPP.

Upon motion by Director Green, seconded by Director Jung, the following resolution was adopted [8-0].

Ayes: Amezcua, Green, Jung, Nguyen, Sheldon, Tran, Weigand, Yoh

Absent: Bilodeau, Meeks

RESOLUTION NO. 25-6-89

CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2023100188), APPROVING THE INTERIM REMEDIAL ACTION PLAN, AUTHORIZING THE GENERAL MANAGER TO SIGN THE RECORD OF DECISION, ESTABLISHING AN INITIAL CAPITAL BUDGET, AND AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS TO PREPARE A PRELIMINARY DESIGN INVESTIGATION WORK PLAN FOR THE SOUTH BASIN GROUNDWATER PROTECTION PROJECT

WHEREAS, pursuant to the Orange County Water District Act, Chapter 924 of the Statutes of 1933 as amended (California Water Code Appendix section 40-2), Orange County Water District (“District”), acting by and through its Board of Directors (“Board”), is authorized to manage, replenish, regulate and protect the groundwater supplies of the Orange County Groundwater Basin (“Basin”), and to construct, operate and maintain facilities useful or necessary to augment and protect the quality of the common water supplies of the District; and

WHEREAS, the District has previously identified the existence of groundwater contamination consisting of volatile organic compounds (“VOC”) and perchlorate at concentrations in excess of Maximum Contaminant Levels (“MCL”) and Notification Levels (“NL”) in the southeastern part of the Basin underlying the cities of Santa Ana, Irvine, and Tustin, generally west of Von Karman Avenue, north of I-405, east of Main Street, and south of Edinger Avenue (“Project Area”); and

WHEREAS, on May 21, 2008, by Resolution No. 08-11-135, OCWD duly instituted the South Basin Groundwater Protection Project (SBGPP) to investigate the extent of such groundwater contamination and remediate if necessary; and

WHEREAS, staff has advised that, if unabated, this contamination will continue spreading in the Shallow aquifer, moving toward pathways which include abandoned production wells into deeper aquifers, and potentially impact drinking water supplies; and

WHEREAS, Section 40-8(b) of the District Act authorizes OCWD to take action with regard to investigation and remediation; and

WHEREAS, the District’s Board authorized filing of a Notice of Exemption for drilling three CPT borings and constructing six monitoring wells; received and filed *Geologist’s Report – South Basin Groundwater Protection Project Hydrogeologic Investigation*; authorized the installation of three CPT borings and six monitoring wells to investigate the extent of groundwater contamination in the vicinity of well IRWD-3; and established a project budget of \$625,000, and found that construction of such borings and wells is feasible, necessary to answer critical basin management questions, and of general benefit to the lands of the District; and

WHEREAS, after such approvals, the District installed the three CPT borings and six monitoring wells; conducted water quality tests; prepared a VOC plume map; and prepared geologic cross sections in the vicinity of the monitoring wells; and

WHEREAS, District staff advised the Board that substantial VOC and perchlorate groundwater contamination exists in the shallow groundwater in the Project Area and that this contamination has been detected in a deep Irvine Ranch Water District production well; and

WHEREAS, on June 18, 2008, the District's Board found that it is necessary to expend available funds to investigate, clean up, abate and perform remedial work to address VOC and perchlorate contamination in the Project Area and that such expenditures are required by the magnitude of the endeavor and the urgency of prompt action needed to prevent, abate, or contain the threatened and existing VOC and perchlorate contamination in the Project Area; initiate litigation against potentially responsible parties for cost recovery measures for the SBGPP; and authorize General Manager, with concurrence from General Counsel, to execute Amendment No. 1 to legal services agreement between OCWD and Miller, Axline & Sawyer; and

WHEREAS, on August 6, 2014, by Resolution No. 14-8-108, the District's Board deemed it is in the best interests of the District to adopt an updated Groundwater Protection Policy that is consistent with the District's mission to protect and enhance the quality of the Basin; and

WHEREAS, the Groundwater Protection Policy incorporated and integrated key provisions contained in previous related policies adopted in 1984, 1987, and 2013 into a single policy and included a provision regarding consistency with the National Contingency Plan (NCP) in situations where the District is seeking cost recovery from responsible parties; and

WHEREAS, on August 6, 2014, by Resolution No. 14-8-109, the District's Board approved developing remedial strategies for the Project Area groundwater contamination in a manner that is consistent with the NCP, and authorized issuance of a request for proposals (RFP) to retain NCP consulting services for remedial investigation and evaluation of remedial alternatives in the Project Area consistent with NCP protocol; and

WHEREAS, the District has prepared a Preliminary Remedial Investigation (PRI) Report for the SBGPP dated October 2015, to characterize the hydrogeology and the extent of groundwater contamination in the Project Area, and to support the development of a remedial action for the protection of drinking water supplies; and

WHEREAS, the District, in consultation with the Santa Ana Regional Water Quality Control Board and Department of Toxic Substances Control (State Agencies), has prepared a Supplemental Remedial Investigation (SRI) Report for the SBGPP dated July 2020, to further characterize the hydrogeology and the extent of groundwater contamination in the Project Area, and to support the development of a remedial action for the protection of drinking water supplies; and

WHEREAS, the District, in consultation with State Agencies, has prepared a Feasibility Study (FS) Report for the SBGPP dated January 2023, to evaluate a range of remedial alternatives for the groundwater contamination in the Project Area that will protect groundwater resources from further degradation by controlling the lateral and vertical migration of contamination in the Shallow Aquifer, reduce the concentrations of groundwater contamination, prevent the discharge of groundwater contamination to surface water systems, and prevent human and ecological exposure to groundwater contamination; and

WHEREAS, District staff presented the results of the FS Report to the Board on February 15, 2023, and the Board tentatively identified Alternative 3 from the FS Report as the preferred remedial alternative to be developed into the proposed Interim Remedial Action Plan (IRAP), subject to completion of environmental documentation, and authorized issuance of a RFP to the District's on-call environmental consultants to prepare programmatic California Environmental Quality Act (CEQA) compliance documentation of Alternative 3 described in the FS Report.

WHEREAS, a Notice of Preparation (NOP) was circulated to the public, responsible agencies and other interested persons for review and comments prior to the preparation of a Draft Program Environmental Impact Report (PEIR) in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines to evaluate program level short-term construction impacts, long term operational impacts, cumulative impacts, and indirect impacts that could result from the implementation of the SBGPP, between October 5, 2023, and November 6, 2023; and

WHEREAS, the District prepared a Draft PEIR, provided a 45-day public review period from December 13, 2024 to January 27, 2025, and held a public meeting on January 16, 2025, to explain the Draft PEIR and receive public comments; and

WHEREAS, District staff have reviewed comments received on the Draft PEIR, have prepared responses to those comments and have forwarded responses to comments to all responding agencies and parties, and find that no changes to the Draft PEIR are required that would result in the need to recirculate the Draft PEIR for public review; and

WHEREAS, District staff have prepared a Final PEIR that includes the District's response to comments on the Draft PEIR, revisions, clarifications and corrections to the Draft PEIR, Mitigation Monitoring and Reporting Plan (MMRP), and Statement of Findings and Facts in Support of Findings; and

WHEREAS, District staff prepared a Draft IRAP (also referred to as the Proposed Plan), provided a 45-day public review period from December 13, 2024 to January 27, 2025, and held a public meeting on January 16, 2025, to explain the Draft IRAP and receive public comments; and

WHEREAS, District staff have reviewed comments received on the Draft IRAP, have prepared responses to those comments, and find that the Preferred Alternative identified in the Draft IRAP does not require minor or significant changes; and

WHEREAS, District staff prepared a Record of Decision (ROD) that documents the selection and future implementation of the Preferred Alternative from the IRAP as an interim remedial measure for the Project Area, and submitted the ROD to the State Agencies with a review period from May 16, 2025 to June 4, 2025; and

WHEREAS, the District Board held a noticed, regularly scheduled public meeting on June 4, 2025, to receive public comments on, discuss, and consider action on: (1) certification of the Final Program Environmental Impact Report, Findings and Facts in Support of Findings, and the Mitigation Monitoring and Reporting Program in connection with the Program Environmental Impact Report, (2) approval of the Interim Remedial Action Plan (Proposed Plan), (3) Authorizing the General Manager to sign the Record of Decision, and (4) Authorizing a Request For Proposals to prepare a Preliminary Design Investigation work plan for the South Basin Groundwater Protection Project; and

WHEREAS, the District Board has reviewed and considered the staff presentation and the testimony and documentation presented by the interested public and government agencies at the noticed, regularly scheduled public meeting held on June 4, 2025, and has discussed and deliberated on the Final PEIR, Interim Remedial Action Plan (Proposed Plan), and Record of Decision.

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

Section 1: Based on the entire Record of Proceedings before the Board of Directors of the District, the Board finds that:

1) Pertaining to the Program Environmental Impact Report

(a) The Board of Directors of the District has reviewed and considered the information contained in the Final PEIR for the South Basin Groundwater Protection Project (State Clearinghouse No. 2023100188) and finds that the Final PEIR has been prepared and completed in compliance with state law, including CEQA and the CEQA Guidelines.

(b) The Board of Directors further finds that there was adequate opportunity provided for public review and comment on the Draft PEIR, and that the Board has considered all comments and responses to comments before certifying the Final PEIR.

(c) The Board of Directors further finds that the Final PEIR adequately analyzes and discusses all environmental issues in connection with the SBGPP, and that the Final PEIR reflects the independent judgment and analysis of the District as Lead Agency for the SBGPP.

(d) The Statement of Findings and Facts in Support of Findings attached to this Resolution as Exhibit 1 are incorporated by reference as if fully set forth herein.

2) Pertaining to the Interim Remedial Action Plan (Proposed Plan) and Record of Decision

(a) The Board of Directors of the District has reviewed and considered the information contained in the Interim Remedial Action Plan (Proposed Plan) and Record of Decision for the South Basin Groundwater Protection Project and finds that the IRAP (Proposed Plan) and ROD have been prepared and completed in compliance with state and federal law, including the NCP.

(b) The Board of Directors further finds that there was adequate opportunity provided for State Agency and public review and comment on the RI/FS and Draft IRAP (Proposed Plan), and that the Board has considered all comments and responses to comments before approving the Preferred Alternative.

(c) The Board of Directors further finds that there was adequate opportunity provided for State Agency review and comment on the Record of Decision.

Section 2: Based on the foregoing, the Board of Directors hereby:

(a) certifies as complete and adequate the Final PEIR for the SBGPP; and

(b) approves the Statement of Findings and Facts in Support of Findings (Exhibit 1); and

(c) approves the Mitigation Monitoring and Reporting Program (Final PEIR, Chapter 12); and

(d) approves the Interim Remedial Action Plan (Proposed Plan) for the SBGPP; and

(e) authorizes the District General Manager to sign the Record of Decision; and

(f) establishes an initial capital budget of \$19,400,000 for the SBGPP; and

(g) authorizes District staff to issue an RFP for the preparation of a Preliminary Design Investigation work plan for the SBGPP.

Section 3: The SBGPP, described in the Interim Remedial Action Plan (Proposed Plan), Record of Decision, and the Final PEIR, is determined to be feasible, necessary and beneficial to the lands of the District, and is

duly instituted because, among other things:

(a) The SBGPP is necessary to provide adequate capture and treatment of the contaminant plume, to protect the groundwater supplies of the Basin from the spread of VOCs within the Project Area, to protect the quality of the drinking water supplies within the District, and to prevent ecological and human receptors from exposure to groundwater contaminants.

Section 4: The Board of Directors hereby authorizes and directs District staff to (1) file a Notice of Determination with respect to the Board’s certification of the Final PEIR, and (2) publish a notice of availability of the Record of Decision for public inspection and copying in a major local newspaper.

INFORMATIONAL ITEMS

6. SAWPA Update

Director Jung stated the report is contained in the packet.

7. Committee/Conference/Meeting Reports

The Board reported on attendance at the following Committee meeting, noting the Action Agendas were included in tonight’s Board packet.

May 27 – Retirement Committee

8. Verbal Reports

General Manager John Kennedy reported that State Water Resources Control Board member Shaun Maguire will meet with District staff next week to discuss PFAS.

Executive Director Lisa Haney reported on a meeting held with the City of San Clemente to discuss available sand behind Prado Dam. Director Tran requested an update on this item at a future Board meeting.

Director Weigand reported on his attendance at the PFAS Dedication ceremony in Tustin.

General Counsel Jeremy Jungreis advised there would be no Closed session this evening, noting there was a subcontractor dispute with one of OCWD’s PFAS well sites; however, the case has been dismissed with prejudice so there is no longer a case to discuss in Closed Session.

~~CONFERENCE WITH LEGAL COUNSEL TO DISCUSS PENDING LITIGATION, Main Electric Supply Company LLC v. Herman & Charles, Inc. et al. (Government Code § 54956.9(d)(1))~~

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:22 p.m.

DocuSigned by:
Van Tran 6/25/2025
1393001341284A3...
Van Tran, Vice President

DocuSigned by:
Christina Fuller
F53642D9C4B843A
Christina Fuller, District Secretary