



## LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive  
Bellingham, WA 98229

### REGULAR SESSION OF THE BOARD OF COMMISSIONERS Minutes

*November 8, 2023*

Board President Todd Citron called the Regular Session to order at 6:30 p.m.

<b>Attendees:</b> Commissioner Todd Citron	General Manager Justin Clary
Commissioner John Carter (v)	Engineering Manager Greg Nicoll
Commissioner Bruce Ford	Finance Manager Jenny Signs
Commissioner Jeff Knakal	District Legal Counsel Bob Carmichael
Commissioner David Holland	Recording Secretary Rachael Hope

No public were in attendance. Attendees noted with (v) attended the meeting virtually.

#### Changes to Agenda

Staff requested the addition of item 6.B. Discussion of Per- and Polyfluoroalkyl Substances (PFAS) Class Action Settlements with Dupont and 3M. The board agreed.

#### Consent Agenda

##### **Action Taken**

**Ford moved, Knakal seconded, approval of:**

- **Minutes for the 10.11.2023 Regular Board Meeting**
- **Minutes for the 10.25.2023 Regular Board Meeting**
- **Payroll for Pay Period #22 (10.14.2023 through 10.27.2023) totaling \$46,701.69**
- **Benefits for Pay Period #22 totaling \$52,789.95**
- **Accounts Payable Vouchers totaling \$98,111.25**

**Motion passed.**

#### **Hazard Mitigation Grant Agreement for FEMA Funding Supporting the Division 7 Reservoir Replacement Project**

Clary explained that in February of 2022, the District entered into a FEMA Hazard Mitigation Grant Agreement (D22-018) for Phase I work on the Division 7 Reservoir Replacement Project. The grant application was developed in conjunction with Washington State Emergency Management Division (WA-EMD) of the Washington State Military Department and the Federal Emergency Management Agency (FEMA) as a hazard mitigation project. The cost sharing is as follows: FEMA 75% (\$1,710,750), WA-EMD 12.5% (\$285,125), and Lake Whatcom Water and Sewer District 12.5% (\$285,125).

WA-EMD has recently revised its standard grant agreement necessitating replacement of the existing agreement with a new agreement, which was presented for Board approval. Discussion followed.

#### Action Taken

Ford moved, Knakal seconded, to authorize the general manager to execute the Hazard Mitigation Grant Agreement No. D24-016 with the Washington State Military Department to enable receipt of federal funds supporting the Division 7 Reservoir Replacement Project as presented. Motion passed.

#### Per- and Polyfluoroalkyl Substances (PFAS) Class Action Settlements with Dupont and 3M

Clary recalled that at the June 28, 2023 regularly scheduled board meeting, he provided an overview presentation about per- and polyfluoroalkyl substances (PFAS). Since then, two of the primary manufacturers of PFAS, E.I. DuPont de Nemours and Company (Dupont) and 3M Company (3M), have reached class action settlement agreements. As the operator of a public water system required to monitor for PFAS under EPA's Unregulated Contaminants Monitoring Rule (UCMR) 5, the District has been identified as a potential Settlement Class Member, subject to the terms of the settlement. However, the settlement does allow the District to opt out, thus preserving its rights for future litigation against Dupont and 3M, should the District identify PFAS in its treated water at some point in the future. The District has not identified PFAS in its water systems sources to date. Eligibility for relief under the settlement is dependent upon the detection and concentration of specific PFAS compounds, and the production rate of the water treatment plant. District counsel Bob Carmichael provided the board with information about each settlement agreement, as well as general information. Discussion followed.

#### Manager's Report

Clary updated the Board on several topics, including an October 31, 2023 sewer overflow in Sudden Valley due to a blockage caused by a sand based cementitious material, challenges with chlorine residual concentrations in the Eagleridge Water System, and an October 28 visit to the District by Congressman Rick Larsen. Discussion followed.

#### Executive Session Per RCW 42.30.110(1)(g): To review the performance of a public employee

Citron recessed the Regular Session to Executive Session at 7:50 p.m. It was estimated that the Executive Session would take about 30 minutes and end at 8:20 p.m. The purpose of the Executive Session was to review the performance of a public employee (General Manager performance evaluation). No action was taken, and Citron recessed the Executive Session and reconvened the Regular Meeting at 8:20 p.m.

With no further business, Citron adjourned the Regular Session at 8:21 p.m.

  
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Board President, Todd Citron

Attest:   
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Recording Secretary, Rachael Hope

Minutes approved by motion at ☒ Regular ☐ Special Board Meeting on Nov. 29, 2023  
Date Minutes Approved