

JULY 21, 2022

A REGULARLY SCHEDULED MEETING OF THE BOARD OF DIRECTORS OF THE UPPER OCCOQUAN SERVICE AUTHORITY WAS HELD JULY 21, 2022 IN THE CHARLES P. BOEPPLE BUILDING LOCATED AT 14631 COMPTON ROAD, CENTREVILLE, VIRGINIA 20121.

A. Calling of the Meeting to Order

1. The Board of Directors of the Upper Occoquan Service Authority convened its Regularly Scheduled Meeting at 4:00 P.M.

**Directors Present:**

Calvin D. Farr, Jr.	Shahram Mohsenin
Gary L. Fields	Jeanette M. Rishell
Michael McGrath	Glenn Simpson
	Nancy Vehrs

Tony Dawood (via electronic video conferencing)

**Directors Absent:**

None

**Others Present:**

UOSA Staff:	Robert W. Angelotti
	Brian L. Owsenek
	Kevin D. Wolfe
	Mishelle R. Noble-Blair
	John W. Airhart
	June A. Mahoney

Legal Counsel:	Sally Ann Hostetler, Odin, Feldman, & Pittleman, P.C.
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Engineer:	Don Forgacs, Jacobs
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B. Approval of Board Member Electronic Participation

1. Chairman Mohsenin advised that Director Dawood wished to participate electronically. Pursuant to UOSA's Electronic Meeting Policy, Director Dawood was asked to identify the reason for this request and his current location.
2. Director Dawood (who was attending via video conference) stated that he was feeling ill and did not want to expose those at the meeting and therefore was attending remotely at his personal residence in the City of Manassas.

MOTION: Director Vehrs moved to allow Director Dawood to participate in the Board meeting electronically.

SECOND: Director Simpson

VOTE: Unanimous by those physically present in the room (vote excludes Director Dawood)

C. Approval of Minutes

1. Chairman Mohsenin referenced the Board Minutes dated June 16, 2022 and asked the Board for their approval.

MOTION: Director Vehrs moved to approve the minutes of the June 16, 2022 Board meeting.

SECOND: Director Rishell

VOTE: Unanimous

D. Public Comment Time

1. Chairman Mohsenin asked if there was any known interest or request received by the Public to speak at the meeting.
2. Ms. Mahoney stated that none were received ahead of the meeting.

E. Financial Reports

1. Chairman Mohsenin referenced staff memorandum, *June 2022 Financial Summary* (filed as Exhibit A).

- a. Mr. Wolfe reported that the June Financial Summary reflected higher O&M expenses than planned primarily due to a combination of budget timing differences for Contract Services and Process Chemicals, and higher requirements for Facilities Maintenance partially offset by lower requirements for Personnel expenses. Flows were 12.3 percent lower than planned for the month. Year-to-date FY-22 expenses through June were lower than budget by approximately \$1.7 million primarily due to a combination of lower Personnel, Electric Power, Contract Services, Miscellaneous, Process Chemicals, and Facilities Operations expenses partially offset by higher requirements for Maintenance Materials and Outside Services. Year-to-date flows were 7.8 percent lower than planned.

MOTION: Director Simpson moved to receive and file the June 2022 Financial Summary.

SECOND: Director Vehrs

VOTE: Unanimous

2. Chairman Mohsenin referenced staff memorandum, *UOSA Bond Issuance* (filed as Exhibit B).

- a. Mr. Wolfe said the Board may recall that from the UOSA Updated Plan of Finance that was presented and adopted in February 2022, the next bond issuance was expected to be in the fourth quarter of 2022. He reported that some construction projects have moved further into the future and funds on hand should now last into mid-2023 at the current pace. Considering the rising rates in the current market, UOSA needs to consider obtaining a smaller bond issuance this fall or waiting until early to mid-2023 for the next issuance. He stated that one other funding alternative may be to use traditional bank loans.

MOTION: Director McGrath moved to endorse having Davenport & Company LLC

attend our September 2022 Board meeting to discuss borrowing options and timing for our next bond issuance. In addition, staff recommendation was moved that any jurisdiction who intends to cash fund their portion of the next bond issuance to send the UOSA Executive Director a memo indicating their desire to cash fund.

SECOND: Director Simpson  
VOTE: Unanimous

F. FY-22 Fourth Quarter Plant Performance Report

1. Chairman Mohsenin referenced staff memorandum, *FY-22 Fourth Quarter Plant Performance Report* (filed as Exhibit C).
  - a. Mr. Owsenek reported that staff achieved excellent plant performance during the fourth quarter of FY-22.
  - b. Director McGrath commended the staff and thanked everyone for their dedication to the organization.
  - c. In response to Director McGrath, Mr. Owsenek advised the Board that the annual flow and loading reports for the organization and the individual jurisdictions was historically presented at the September meeting, and that staff has begun generating data to prepare for the September mailing.

MOTION: Director Farr moved to receive and file the FY-22 Fourth Quarter Plant Performance Report.

SECOND: Director Simpson  
VOTE: Unanimous

G. Major Project Reports

1. Chairman Mohsenin referenced staff memorandum, *July 2022 Project Summary* (filed as Exhibit D).
  - a. Mr. Airhart reported on Plant Projects. He said for the NOVEC transformer replacement project, the first transformer coming from a fabrication facility in North Carolina, rather than Pennsylvania as previously reported. It is undergoing testing and could ship and arrive the second week of August. Once the first transformer arrives, it will be installed, energized, and tested, and brought online. The contractor has installed all the high end 15kV circuit breakers to code. The second transformers tentative final completion date is likely to slip past the previously reported date of September 6, 2022.
  - b. Mr. Airhart stated that the Contract AWT (Advanced Wastewater Treatment) contractor completed buried valves at the ballast pond pump station, removed a 30-inch diameter butterfly valve on a 50-year-old manifold so that a blind flange could be installed on one half of the manifold in order for the station to remain available for use in the event of high flows. The project is currently one day ahead of schedule; the Substantial Completion Date is unchanged at May 10, 2023.
  - c. The Ozone Biofiltration engineer submitted the bonds and agreements

package to Fairfax County and the construction plans were assigned to a specific reviewer for the building permit.

- d. The Building U Centrifuge Upgrade (Project U2) 90 percent design documents continue to be reviewed by staff and a workshop to go over comments with the engineer will be held in August 2022.
- e. The P2NR Plus (Phase 2 Nutrient Reduction Plus) design task order was developed and was included as a separate agenda item for action during this meeting.
- f. The MFF (Methanol Feeding Facility) site plan review was completed and once the site plan permit is issued, the engineer will be able to formally address comments pertaining to the building permit with the application for the Certificate to Construct (CTC) to follow.
- g. Mr. Airhart reported on the single active Delivery System Project. He said for the YPIU (Yorkshire Park Interceptor Upgrade), the engineer submitted the application to NOVA Parks for plan approval and license agreement acquisition.
- h. In response to Chairman Mohsenin, Mr. Angelotti assured the Board that if UOSA's P2NR Plus project qualifies for State WQIF grant funding that staff would be sure to apply. Mr. Airhart stated that the PER is needed to apply and the P2NR Plus PER was just received last week. Mr. Angelotti also advised that UOSA responded to the annual survey performed by the State on planned nutrient related projects to alert them about which utility projects might qualify for a grant under the State's funding program.

MOTION: Director Simpson moved to receive and file the July 2022 Project Summary reports.

SECOND: Director Farr

VOTE: Unanimous

2. Chairman Mohsenin referenced staff memorandum, *Summary of UOSA's Use of the CMAR Alternate Project Delivery Method for Contract R2D2* (filed as Exhibit E).

- a. Mr. Angelotti said the Board may recall that staff committed to providing a summary report on how UOSA's first Construction Manager At Risk or CMAR project turned out and therefore reported on some highlights listed while more details are provided in the memo.
  - staff found that the Haskell company, the CMAR contractor, to be capable and professional. We had similar experience with Haskell on a prior job here at UOSA. It was a design build project and really wouldn't have any problems working with them again.
  - Staff feels that UOSA received a quality job at a fair and reasonable price, so that's a good thing to note.
  - We also believe the project was very successful and are pleased with the constructed outcome delivered. In fact, the project has been nominated for a Regional Excellence in Construction Award through the Association of Builders and Contractors and

the team feels confident about its application and chances to get the award.

- Regarding some lessons learned, we found that the process took quite a bit of staff and legal resources to negotiate the construction work amendment and the guaranteed maximum price with the constructor. So, there's quite a bit of upfront work that has to be done if you go this route.
- Staff found that the pay requisition process for the time and materials part of the reimbursable payments, imposed a significant amount of administrative overhead and burden to sort through voluminous time and materials submittals on the pay applications. Staff did find that the lump sum reimbursement pay pieces of the GMP were far easier to administer. It took quite a bit more staff and engineering service contract resources to administer construction progress payments compared to the level of resources needed to process payments on a lump sum, low bid type of project. If a lump sum, low bid project goes well and you don't have a lot of claims and you can avoid litigation, then there'd be less resources involved than for a CMAR delivery method. However, with the lump sum low bid method, there's more risks of having messy disputes and having to spend legal resources and staff time getting that settled. So, it is hard for us to say one way or another which is a better project delivery method. We did find that the CMAR method seemed to reduce the amount of disputes, and provided us with more flexibility to get those resolved with the use of available project contingency that was already built into the project price.
- We did conclude that the CMAR project delivery method is a viable one for UOSA's future for construction projects at UOSA that might be very complex jobs like the R2D2, jobs that have good potential to save costs by getting the constructor involved during design and to manage any unusual risks.

MOTION: Director Vehrs moved to receive and file staff's report.  
SECOND: Director Fields  
VOTE: Unanimous

3. Chairman Mohsenin referenced staff memorandum, *Engineering Services for Plant Capacity Re-Rating Study - Recommendation to Award Contract No. 22-07 to Black and Veatch and Approval of Task Order No. 012* (filed as Exhibit F).
  - a. Mr. Angelotti said during the November 2020 Master Plan briefing that Jacobs recommended several actions for UOSA to take in the future years and those projects were: moving forward with P2NR improvements, the Methanol Feed facility, some related R&R work, the Plant Expansion Service Agreement Amendments, and all of those early term action items are now currently in progress. Jacob's also recommended to investigate increased unit process ratings with DEQ and to consider how offline storage and equalization might enhance the possibility for unit process capacity reratings.
  - b. He reported one of the outcomes of a study would be to identify capacity bottlenecks in the plant, to better understand the plant

expansion scope and thereby clarify the future funding needs for that effort. To move forward with these last two recommendations, staff prepared and issued a request for proposals for engineering services to perform the recommended study. A wide net was cast in the marketplace and twenty-five firms attended a pre-proposal conference. UOSA received four proposals, shortlisted those four proposals to three for interviews, and Black & Veatch (B&V) was found to be the top ranked offeror. Staff negotiated an agreeable contract with B&V and requested them to provide a proposed task order for the first phase of the study for Board approval.

- c. In response to Director Farr, Mr. Wolfe stated that the negotiation process was not lengthy and resulted in acceptable pricing. Mr. Angelotti introduced Ms. Chris deBarbadillo, with B&V and she advised that the firm has local offices in Hagerstown, Maryland and Arlington, Virginia.
- d. In response to Director McGrath, Mr. Angelotti said that the re-rating study is needed to model and predict how the recently planned projects, such as MFF, P2NR, and OBF, might relieve some plant capacity bottlenecks. For example, the OBF pilot study proved that the plant could significantly cut the empty bed contact time through that treatment process. This means a lot more water can flow through the same infrastructure and still meet our quality performance specifications. UOSA has quite a bit of offline storage currently available. The previous Master plan effort did not focus the evaluation on whether or not making better use of that extensive amount of offline storage could be a cost-effective option to reduce the scope of a future expansion. Those kinds of things are going to be incorporated into what B&V will do with respect to previously designed projects but they're not going to be reworking concepts that are already designed and ready for construction. For example, there is no intent to redesign the MFF or OBF facilities which are going through the permitting process now.
- e. Staff endorses Jacob's recommendation to perform the rerating study proposed and requests it be funded with the reserve maintenance portion of UOSA's CIP in the same manner that was used for the Master Plan.

MOTION: Director Farr moved to authorize staff to execute the Engineering Service Contract and Task Order No. 1 with B&V for professional services to begin the plant capacity re-rating study and associated analyses.

SECOND: Director McGrath

VOTE: Unanimous

- 4. Chairman Mohsenin referenced staff memorandum, *Task Order No. E-02-23 for Design of Phase 2 Nitrogen Removal Plus Other Interim Process Improvements (Contract P2NR+)* (filed as Exhibit G).
  - a. Mr. Angelotti said, as mentioned earlier in the meeting staff is progressing the P2NR concepts along with associated renewal and replacement work initiatives that were recommended in the 2020 Master Plan, which staff is identifying as Contract P2NR Plus (e.g. P2NR+). He reported Jacobs wrapped up the preliminary engineering report (PER) and staff are currently strategizing with Jacobs about the submission of the PER to DEQ and an application for a WQIF grant.

Now that the PER is complete, the next step is to start the design phase. Staff requested Jacobs to prepare a task order for engineering services to design, permit and develop the construction bidding documents for Contract P2NR+. Staff requests Board approval of the proposed task order for the engineering services in the amount of \$2,463,419. The task order represents the estimated effort needed to progress the contract P2NR+ to the point where it could be advertised for bid.

MOTION: Director McGrath moved to authorize the Executive Director to execute Task Order No. E-02-23 with Jacobs for the design of the necessary capital improvements and develop the associated construction documents for Contract P2NR+.

SECOND: Director Fields

VOTE: Unanimous

## H. Staff Reports

### 1. Safety Briefing

- a. Ms. Noble-Blair provided a quick safety update and said the outside counter that you see when you enter the plant was at 479 days without a lost time accident.
- b. Ms. Noble-Blair reported that UOSA has seen seven COVID-19 cases since last month with a total of 66 cases since the start of the pandemic, over two years ago. She said this increase is similar to trends observed within the county and country. Southern Virginia elevated their risk level to high as defined by the CDC as new sub variants spring up. Fairfax County remains at a medium transmission level with many restrictions being lifted or relaxed. She said UOSA will initiate additional measures should it become necessary to protect the UOSA workforce and comply with laws and regulations, as well as the internal COVID-19 Policy.
- c. Ms. Noble-Blair was happy to bring attention to the return of the monthly Safety Newsletter that was left at the Board's places. She acknowledged Mr. James Robertson, UOSA's Safety Officer as the author. She said the primary topic this month was heat stress and that it was a fitting topic considering this was the hottest week reported for 2022. She announced that the Safety Office is hosting a new safety initiative called "water, rest, shade and Gatorade" to promote the importance of hydration, rest and shade during extreme hot weather. She also displayed a new bucket hat and called it the new summertime PPE item, primarily for staff that work outside, and said this item was suggested by staff to help prevent exposure to direct sun on the face and neck while keeping their head cool. Chairman Mohsenin reflected on the originality of a bucket hat as PPE, and thanked staff for their recommendations.

### 2. Executive Director's Report

- a. Mr. Angelotti stated that a few board members were unable to attend the UOSA 2022 Service Awards event held in June, so he took time at this meeting to acknowledge them for their service to UOSA's Board

with a recognition pin; due to COVID constraints there was no formal service awards presentations for the past two years. He acknowledged Director Rishell with a 10-year pin that she reached in 2020. He then acknowledged Director Fields with a 5-years pin that he reached in 2021.

- b. Mr. Angelotti announced that there was no need at this time to hold a August Board meeting. He assured the Board members that they would be notified if there was a change.
- c. Mr. Angelotti reminded the Board of the sodium issue developments, and he wanted to update the Board on some recent activity in the Occoquan watershed. He said UOSA and others in the region were recently approached by a reporter from the Washington Post to answer some questions related to a story on salinity in the waterways of the Washington DC Metropolitan area. As discussed last month, there was some acknowledgement that this issue was not going away, and this article is more evidence of that. The reporter's questions were focused only in two areas. One focus was on the corrosion of piping infrastructure from high levels of salinity and whether UOSA spent a lot of money to combat that to prevent corrosion from eating away at copper or other metal pipes so that these metals don't end up in the urban water cycle in some way. The other area of focus was on the historical context about how UOSA came up with the sodium permit limits that it supported prior to the last Micron pretreatment permit renewal. Staff did their best to respond to those questions and asked that the reporter let UOSA know when the article is published so that staff can all take a look at it.
- i. Director Dawood wanted to add that the City of Manassas also received an inquiry from the Washington Post reporter. They were more interested in how some of the pretreatment limits, specifically sodium for Micron, were established. He said the Board may recall, a technical review committee (the TRC) was established during the announcement of the Micron's expansion several years ago to basically focus on several parameters: bromide, fluoride and sodium. The City of Manassas responded accordingly. He said they also referenced the findings of the TRC because it was almost a yearlong committee and basically at the end of the findings, with modeling, in depth discussions, etc., it was determined that during low flow conditions, when there was a drought per say, that 100 milligrams would be adequate, but during normal conditions and wet weather conditions; 140 mg should suffice. However, in the 11th hour Micron elected to go with the more conservative 100 mg/L limit. That is what was articulated to the reporter, as well as, emphasize the fact that one of the biggest culprits is the road salt and de-icers that occur during the winter months.
- d. Mr. Angelotti reminded the Board of the PFAS discussion at last month's meeting and the need to coordinate messaging among the Occoquan stakeholders. In response staff reached out to regional utilities to coordinate messaging so it is aligned, if and when public inquiries come. Staff found that UOSA's message was consistent when compared to the message from Fairfax Water, Prince William Service Authority, and the City of Manassas Utilities, and it appears everyone is well aligned on this topic. Mr. Angelotti advised the Board that he participated in a virtual workshop, the title was "*PFAS in the Occoquan*", and it was held to pull together the Virginia Department



of Health and DEQ, with regional stakeholders such as OWML, Fairfax Water and Prince William Service Authority. He said the takeaway was a “wait and see approach” for now on how to respond to the publication of recent PFAS health advisory limits until the EPA provides an actual draft regulation for drinking water limits. He stated that there was interest by the group for UOSA to share PFAS data it has been collecting since 2013. Staff intends to make a presentation of PFAS data to the whole group at its next meeting. The levels of the four compounds, as he mentioned last month, that are found in UOSA water and the Occoquan are not really all that unusual, and should be expected. UOSA will continue to convey a positive message on this issue. Staff will claim near-term successes with the group and will express that the issue is important to track, obviously, to help fill in any gaps of understanding and help identify areas where more clarity is needed for the future. He said that staff is aligned with the group’s perspective that regulation should best be addressed by EPA with respect to determining what kind of levels might be needed to protect waterways and the safety of drinking water.

### 3. Legal Counsel’s Report

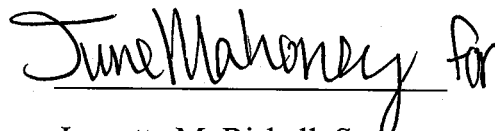
- a. Ms. Hostetler advised the Board that she was aware of a recent lawsuit PFAS filed in the state of Minnesota, where the attorney general is suing manufacturers such as 3-M and DuPont. She said this may garner media attention again like it did in West Virginia a few years ago. Mr. Angelotti said he recently saw a potential lawsuit arising from DuPont suing EPA on the grounds of the recent Supreme Court decision, on whether the EPA has the authority to regulate PFAS or if it would require congressional action.
- b. Ms. Hostetler provided the Board with an updated Virginia Freedom of Information Act and reminded the Board that as public officers, they are charged with knowing and abiding by rules of the Act. She reported that there were three changes she wanted to highlight for the Board:
  - i. UOSA is required to post its approved minutes on its website within seven days after they have been approved; staff is already doing this.
  - ii. Some changes to how cost estimations for public records requests are figured.
- c. A major area addresses the issue of when electronic meetings are permissible. One is where the governor has declared an emergency and we have certain procedures for that. And the second is when we still meet in-person and a board member needs to participate by remote access (e.g. Director Dawood’s participation in this meeting today). The act clarified a few of those issues, and added two additional options for remote participation. One is if there is a family member that has a medical issue. And the second one would be if you live more than 60 miles away from where the public meeting is being held. She advised that these latest changes take effect September 2022 but the General Assembly specifically requested the Virginia Freedom of Information Advisory panel to establish some best practices for electronic meetings by August 1, 2022. Ms. Hostetler recommended waiting until the best practices are published before making any changes to UOSA’s policy on electronic meeting participation.

I. Adjournment

MOTION: Chairman Mohsenin moved to adjourn at 4:55 P.M.

SECOND: Director Simpson

VOTE: Unanimous



Jeanette M. Rishell, Secretary  
UOSA Board of Directors

Date: September 15, 2022

*These minutes are unofficial until signed.*