

THE REGULAR MONTHLY MEETING WAS HELD BY THE VIRTUAL MEETING ZOOM PLATFORM AND IN PERSON ON WEDNESDAY, SEPTEMBER 17, 2025, IN THE CONFERENCE ROOM AT 711 BIRKBECK STREET, FREELAND, PA. PRESENT WERE MR. KAVITSKI, MR. FISHER, MR. THOMAS, MR. TIERNEY (via Zoom), ATTORNEY MALASKA, THE ENGINEER, THE TECHNICAL MANAGER AND THE SECRETARY.

SALUTE TO THE FLAG – MOMENT OF SILENCE

CITIZENS PARTICIPATION

Mr. Nathan Eachus & Mr. Todd Eachus of Pure Green BioAg Inc., exclusive agent for the PFAS Settlement with a national legal team. Nathan Eachus stated to maximize the settlement money you need to apply four different times, which could be complicated with the administrative process. Freeland is on the UCMR 5 list. If the Authority has used one of the approved labs than the results can be submitted. Ryan Smith inquired about who approved the labs. Mr. Eachus stated the court approved the labs. Mr. Kavitski inquired if it would have been the EPA who contacted the Authority about the first initial testing. Mr. Kavitski informed Mr. Eachus that PA DEP would not accept the EPA's lab who did the first round of testing.

Ryan Smith stated the Authority sampled for the UCMR 5 twice and the first set of testing was sent to a lab in California and PA DEP would not accept the results. On the second round the Authority requested the samples be sent to an accredited lab, to which PA DEP would accept the results.

Mr. Eachus would like to set up a conference call with Grossman & Kelly, who are the national legal team regarding this matter. Attorney David Grossman would be able to answer all specific questions the Authority has on this matter. If the lab the Authority is using, if on the list, than it would be moved just to submitting the results of the testing and no additional time for staff.

Mr. Kavitski stated a big concern for the Authority is only obtaining 60% of the funds.

Mr. Eachus stated counsel gets 30%, the agent gets 10%, and the community gets 60% of the settlement. The Engineering costs will be covered.

Mr. Kavitski inquired about the actual cost of the construction.

Mr. Eachus stated the Engineering Company has the actual equipment to set up and future filtration.

I would like Atty. Grossman to explain the ins and outs of the whole process to the Authority. We just want to be sure you have all your questions answered with your Engineer and Solicitor. There is no obligation, and you can halt at any point. Once the testing starts, it gets logged into the Federal Database, and it's important for the community and to move this process forward. Grossman would handle all the administration for the settlement fund.

Mr. Kavitski stated he is concerned about it costing the Authority money which we do not have.

Mr. Eachus stated they can drop off a contract for the Authority Solicitor to review. He spoke about the Sandy Run Water System and how he came to Freeland to ask for them to take over the system there. He spoke about obtaining money for the Sandy Run System.

Mr. Kavitski stated unfortunately, the system is costing a great deal of money now, but it was a good thing to do but seventeen homes cannot pay for their share.

Mr. Eachus stated if the communities go through the settlement they will not be stuck paying for the remediation later.

Atty. Malaska inquired about the discussion with Hazleton City Authority, have you signed them up or any other water system around the area.

Mr. Eachus stated we have spoken to a lot of local Water Systems. We are national agents, not just local.

Mr. Kavitski inquired if Hazleton City Authority signed with them.

Mr. Eachus states they are thinking about it.

Mr. Fisher inquired about the contract for the water testing and asked about the obligation to the Authority.

Mr. Eachus stated there is no financial obligation to the Authority. You just sign up for water testing and a second phase contract if the water is over the limits for testing. The next step would be a document from Grossman & Kelly, which is signing up for the national team. The project design is figured in with the 60% of the settlement. Your obligation is zero, the contract just allows us to be the agent in all of this and allows the firm to represent the community. This all comes from the settlement money not taxpayer money.

Mr. Kavitski stated the 60% is considered 100% of the project correct.

Mr. Eachus stated yes, that is correct. The communities are placing this on their Agendas to officially vote on it. We just came today because we do not want the Authority to miss the deadline window.

Mr. Fisher stated he is skeptical because all water utilities should be signing up.

Mr. Eachus stated each individual water system is run differently, and they are used to being sold to. We are trying to inform the water utilities. The compliance will come when the federal mandate is acted upon.

Atty. Malaska inquired if the Authority has levels above the limits for the PFAS. The one issue does the Authority qualify.

Ryan Smith stated there are some locations yes.

Atty. Malaska stated there will be a contract to answer Mr. Fisher question because the Authority would engage the Law firm to represent the Authority in pursuit of a settlement and in exchange they would be compensated. The Authority is engaging their services on a contingency basis. My concern is we do not know what we need to move things along and we would be paying attorneys and engineers to look at things without knowing exactly what is needed. If we do the work and get the funding great but what if we do not obtain the funding. There is no guarantee in anything. Another concern would be if the Authority needs to pay out of pocket, it would be something not budgeted.

Mr. Eachus stated the Authority needs to schedule a call with Grossman & Kelly to answer your questions.

Atty. Malaska stated I am not opposed to this conference call with the Authority.

Mr. Eachus stated again I need to stress you are under no obligation, and we will schedule a call.

Ryan Smith informed Mr. Eachus the Authority used Eurofins for some testing.

Mr. Eachus stated this lab is one of the approved labs and maybe the Authority would not need to test again. Maybe just possibly send the results to Grossman & Kelly.

Mr. Kavitski inquired which areas had a result of the chemical and Ryan Smith stated EP101, EP103, and EP105. The Authority is currently using Suburban Labs.

Mr. Eachus said he will check to see if they are on their list.

Nathan Eachus and Todd Eachus thanked the Board and left the meeting.

Atty. Malaska informed the Board if everything works, it is a windfall for the Authority.

Mr. Kavitski stated if it does not work it does not cost the Authority any money either. I would like Grossman & Kelly to answer my questions regarding the expense to the Authority being covered by the settlement.

Brenden Miller stated HRG was looking into the PFAS treatment, and the estimated cost was 3.5 million.

Atty. Malaska stated if the Authority needs to borrow more money right now with the projects going on now, not sure if it can be done.

Mr. Kavitski stated we are trying to narrow this down, so the Authority does not have out-of-pocket costs.

APPROVE MINUTES

Mr. Fisher made the motion to approve the Special Meeting Minutes dated August 8, 2025, and

Mr. Kavitski second. Vote 4-0.

Mr. Thomas made the motion to approve the Regular Meeting Minutes dated August 20, 2025, and

Mr. Fisher second. Vote 4-0.

APPROVE AUGUST PAID INVOICES

Mr. Thomas made a motion to approve August paid invoices for the Water Division totaling \$635,659.29, and the Sewer Division invoices totaling \$243,839.01, and Mr. Fisher second. Vote 4-0. (Ref. 2671-A).

CURRENT INVOICES

Mr. Thomas made a motion to approve payment of the current Water Division invoices totaling \$577,885.24, the Sewer Division invoices totaling \$161,504.38, and the Sandy Run invoices totaling \$829.85, and Mr. Kavitski second. Vote 4-0. (Reference 2671-B).

FINANCIAL STATUS

The Secretary reviewed the Financial Status as outlined in Reference 2671-C.

Mr. Kavitski made a motion for the Acceptance of the 2024 Audit and Mr. Fisher second. Vote 4-0.

Mr. Thomas made the motion to approve the 2026 Minimum Municipal Obligation, which is zero and

Mr. Kavitski second. Vote 4-0. (Reference 2671-D).

ENGINEERING REPORT

Mr. Brenden Miller of HRG, Inc., presented the Engineering Report. (Reference 2671-E).

Sewer Area

-SIUA and IPP Items – Chris Ferdik of HRG discussed this area of the report. Citterio did supply the Authority with their Monthly Progress Report a few hours ago. The Annual Inspection will be scheduled for the week of October 6th for Citterio. HRG did reach out to EPA regarding the compliance of the TDS issue with Citterio and HRG will inquire if the EPA would like to join in for the annual inspection. Citterio did have a slug event this week. The foot valve came unanchored, and dosage was not completed, and an NOV was issued. The Citterio meeting at the Authority on August 29, 2025, Citterio has brought in Rettew

as their wastewater consultant. Working on the Consent Agreement regarding the civil penalties. Rettew is trying to find regulatory relief from the TDS. Rettew has requested a copy of the Headworks Analysis and the fact sheets from the NPDES permit which were provided to them. Rettew is investigating the mass loading and testing for TDS and different areas of Citterio production.

Chris Ferdik explained to the Board the \$267,000 is only the civil penalties, it does not include Attorney Fees, Engineering Fees, or Authority Staff Labor or Costs.

Mr. Kavitski inquired about gathering all the costs, so we have the figure for the COA.

Atty. Malaska stated he is comfortable with all costs associated with drafting, issuing and follow-up of the NOV's. All additional costs not too sure. On October 31st the permit expires, and the Board Meeting is October 15th, the Authority may need a Special Meeting at the end of October to grant the administrative extension of Citterio's Permit.

Chris Ferdik inquired about the Engineering invoices just focusing on the NOV's per the statement from Atty. Malaska. He will refine the invoices and give an updated cost to Atty. Malaska.

Atty. Malaska stated he would like EPA to back the Authority on the TDS limit of 1000.

Mr. Kavitski stated EPA approved that limit on the local limits. Citterio received the same TDS limit that the Authority has, and we have limits and rules which we need to abide by at the treatment plant.

Atty. Malaska stated the permit extension will need to be discussed and would like to see EPA at the next meeting with Citterio and the Authority.

Mr. Kavitski stated the Citterio Monthly Progress Report should be sent to the Authority a week or at least a few days prior to the monthly meeting.

Chris Ferdik stated EPA Compliance Division is separate from the Pretreatment Team, and they will be reaching out to him.

Mr. Kavitski stated on the phone call with the EPA, they did inform the Authority they will support the Authority regarding the Local Limits. Chris Ferdik agreed with Mr. Kavitski on that conversation.

A term letter was discussed, and the word version of the COA was sent to Atty. Malaska.

Mr. Kavitski discussed having the total figures compiled for the Citterio Meeting.

FOG Packages are being returned from our customers.

-Sludge Dewatering Project – The performance testing was completed week of August 26, 2025. The performance testing package was received from Schwin-Bioset on September 15, 2025. The report showed that the percent solids concentration could be met. Schwing recommended a higher rate of polymer addition than pilot testing and presented thoughts on why that could be the case, including poor sludge characteristics that could be caused from a variety of reasons. One of the main reasons being TDS from Citterios. HRG recommends Schwing-Bioset be granted acceptance and final payment but note in a letter to Schwing-Bioset that the additional polymer usage did not match their design proposal and pilot testing. That way the discrepancy is documented.

HRG attached the final AFPs for PSI and Hayden for the project and a CO #2 for PSI for Board approval tonight.

Multiple change orders have been submitted to PENNVEST and DEP but have not yet been reviewed or approved. Until such Change Orders have been approved, additional Applications for Payment cannot be submitted to the PENNVEST system. Therefore, a Payment Request has not been prepared for the September meeting.

-NPDES Permit Renewal – HRG provided a Headwork Analysis Proposal which is on the agenda for tonight. The first draft was published in the PA Bulletin on Saturday July 26, 2025. On behalf of FMA, HRG submitted a formal response/comment letter directly to DEP via electronic mail on July 29, 2025. On September 5, 2025, DEP issued a Second Draft NPDES Permit which included detailed written responses to FMA's 7/29/2025 comments via the amended fact sheet. HRG has reviewed the Second Draft NPDES Permit and provided findings to the Authority Chairman and staff. HRG ruling recommendations is for the Authority to collect 10 additional 24-hour composite samples (collected 1 week apart) at the FMA effluent location for both Free & Total Cyanide. HRG will continue to monitor the PA Bulletin for publication and start of the next 30-day public comment period. There are three key deliverables/deadlines which will result from the Final NPDES Permit, and are as follows:

1. **CSO Post Construction Monitoring Plan** – completion/submission required within three months from Permit Effective Date
2. **IPP Headworks Analysis/Sampling Plan (for Local Limits Re-Evaluation)** – completion/submission required within three months from Permit Issuance Date
3. **IPP Headworks Analysis/Local Limits Re-Evaluation (Technical Report)** – completion/submission required within one year from Permit Issuance Date

Mr. Kavitski inquired if the cyanide is coming from the Industrial User.

Chris Ferdik stated normally it does come from Industry, but the levels are not very high at all. The samples can start as soon as possible. DEP will be notified FMA will test for cyanide.

Mr. Kavitski inquired how can the Final Permit be issued before the 10 weeks of cyanide testing is complete.

Mr. Kavitski requested to have Kirby itemize the sampling for all tests.

-ACT 537 Special Study – HRG is waiting for the PAWC Agreement to be finalized.

-Chestnut Street Sewer Project – Bids were received on September 9th. The low bidder was J Leiphart Construction LLC in the amount of \$76,620.00. A Recommendation to Award package was provided by HRG. HRG will schedule a pre-construction meeting as soon as given direction by the Authority.

Water Area

-Oak Street Water Storage Tank – HRG conducted on-site Job Conference on September 4, 2025, which PADEP conducted the PENNVEST Inspection. An updated schedule received from both Contractors. Tank erected August 16th and began painting on September 4th. Electrical Contractor was on-site the week of September 8th laying conduit.

Moyer Instruments Quote for Rosemount Transmitters is on the agenda for approval tonight.

Both Linde and Noto are on track to finish the project May 2026. Currently, neither contractor is anticipating issues with material lead times.

Linde has AFP #7 in the amount of \$142,378.20 for the Board's consideration for approval. PENNVEST Payment Request #9 in the amount of \$147,466.70 is also on the agenda for consideration.

-SRBC Water Conservation Grant – Keystone, HRG, and Garland are continuing with correspondence with one another. WaterSight has been downloaded on the Authority computer and is accessible. Keystone is finalizing their work, at that point HRG can finalize integration of the existing GIS and WaterGems model into WaterSight and the software could be considered operational.

HRG working with Authority Staff regarding the transfer of the monthly billing data from the INHANCE billing software to the WaterSight System. HRG has met with Sensus/Core & Main to determine if monthly data could be pulled from the Sensus software to WaterSight, but this could not be accomplished. If in the future, the Authority switches to a "base" meter reading station there is more compatibility. The quote from INHANCE will be discussed later in the meeting.

-Sandy Run Corrosion Control Study – No comments/updates from PA DEP.

-Iron and Manganese Treatment – A proposal for an LSA Grant Application is submitted with the Engineer's Report for the Board's consideration.

-ARPA Grant Administration – No update.

-CFA Small Water & Sewer Grant – The Grant for the Upper Lehigh Water Main Relocation and Tank Demolition will be awarded in Fall 2025, either by a special CFA meeting or at their November meeting. The Grant was submitted in April 2025 for the Water Main Pigging with the anticipated award date of March 2026.

SEWER DIVISION

Mr. Thomas made the motion to approve the Dewatering Upgrade Project, Contract #24-01 General Construction, PSI CO #2 for \$907.13 and Mr. Fisher second. Vote 4-0. (Reference 2673-A).

Mr. Thomas made the motion to approve the Dewatering Upgrade Project, Contract #24-01 General Construction, Final Pay App #6 – PSI Pumping in the amount of for \$18,730.11 and Mr. Kavitski second. Vote 4-0. (Reference 2673-B).

Mr. Kavitski asked Ryan Smith if he was happy with PSI Pumping's work and Ryan Smith responded yes.

Mr. Kavitski made the motion to approve the Dewatering Upgrade Project, Contract #24-02 Electrical Construction, Final Pay App #5-Hayden for \$21,486.36 and Mr. Fisher second. Vote 4-0.(Ref. 2673-C.) Mr. Kavitski asked Ryan Smith if he was happy with Hayden's work and Ryan Smith responded yes.

Mr. Thomas made the motion to rescind the PENNVEST Payment Request #11 in the amount of \$30,239.42 – Sludge Dewatering Project approved August 20, 2025, and Mr. Kavitski second. Vote 4-0.

Mr. Kavitski made the motion to approve the HRG Proposal – POTW Pretreatment Program Headworks Analysis Phase 1 Hourly Basis Estimated Fee of \$14,000 and Phase 2 Hourly Basis Estimated Fee of \$21,500 and Mr. Thomas second. Vote 4-0. (Reference 2673-D).

Brenden Miller stated Phase 1 is the Sampling Plan and Phase 2 is Local Limits Re-Evaluation.

Certified Bid Tabulations for the Chestnut Street Sewer Project – Low Bidder is J Leiphart Construction LLC for \$76,620.00, HRG called all references and recommends for the contract to be awarded to Leiphart.

Mr. Thomas made the motion for Recommendation to Award the Chestnut Street Sewer Project Contract #25-01 to J. Leiphart Construction for \$76,620.00 and Mr. Fisher second. Vote 4-0. (Ref. 2674-A).

PA American – Capacity Range

Atty. Malaska stated we are still working on the renewal of the PA American Water Agreement. The old agreement has a capacity of 390,000 gpd. After researching, the amount they are currently using the Authority reduced the capacity to 250,000 gpd. The Authority compared the numbers on ACT 537, which are lower. Atty. Malaska and Authority staff had a virtual meeting with PAWC and DEP, and a question was posed to DEP regarding the capacity number. DEP stated if the Authority gave PAWC 390,000 gpd, it would not put the Authority in violation with ACT 537. The Authority would like to see a smoke test done by PAWC to show where the issues with I & I are.

Mr. Kavitski stated PAWC wants 390,000 instead of 250,000, which is because during storms they have so much I & I that it goes to the 390,000 gpd range, and they do not want to pay the penalty.

Mr. Thomas inquired if DEP agreed.

Mr. Kavitski stated DEP makes the Authority responsible for the decision. The Authority needs to figure what amount of capacity to allot. PAWC is afraid to pass the penalty amounts to their customers and they will need to go to the PUC.

Mr. Tierney stated PAWC is making this a threat that it is all the fault of the Authority, that is my opinion listening to the Teams Meeting.

Mr. Kavitski agreed with Mr. Tierney.

Atty. Malaska stated the Authority should have a commitment of the smoke test before assigning a number. Make the burden of proof on PAWC and a copy of the smoke test must be provided to the Authority.

The Board agreed to provide 250,000 gpd until a smoke test is done.

Mr. Tierney stated PAWC should provide their calculations to the Authority with how they figured the penalty amounts.

Mr. Thomas stated PAWC does not want to go before PUC regarding the penalty.

Mr. Kavitski stated PAWC is a for-profit company, so they need to go before the PUC before raising rates on the customers. A smoke test if it is roof leaders that would be the flow for I & I. PAWC should pay for I & I, it cost more at the treatment plant during high flows.

Atty. Malaska stated he can ask PAWC for camera or smoke test results.

Mr. Kavitski recommends no flow increase; it stays at 250,000 gpd until we see some results. The Board agreed.

The PAWC agreement has expired. All studies of the camera results and smoke tests should be given to the Authority.

Mr. Tierney stated it has been years and everything the Authority has asked for has not been completed. If PAWC had fixed the I & I from the start this would not be an issue.

Atty. Malaska will create a draft letter for approval from Authority before sending it to PAWC.

Mr. Fisher wants to see a plan regarding their I & I.

Mr. Kavitski stated 390,000 gpd should be given to PAWC only if it is actual sewage flow not I & I.

The resolution for the excessive flows was reviewed by all.

Mr. Kavitski inquired if PAWC was billed for overage of flows. Ms. Troell said no because we just started receiving flow meter data and which flow data am I to use.

Mr. Kavitski stated the Authority needs to start billing for the overage of flows. The Board agreed.

Mr. Kavitski stated the total flows need to be used. Ryan Smith stated PAWC provides the flow data.

WATER DIVISION

Mr. Thomas made the motion to approve Oak St Water Storage Tank Contract #24-03 General Construction Pay App #7 – Linde Corporation in the amount of \$142,378.20 and Mr. Kavitski second. Vote 4-0. (Reference 2674-B).

Mr. Fisher made the motion to approve the PENNVEST Payment Request #9 in the amount of \$147,466.70 for the Oak Street Tank Project and Mr. Thomas second. Vote 4-0. (Reference 2674-C).

Mr. Kavitski made the motion to approve the Moyer Instruments Quote for (2) Rosemount Tank Level Transmitters at the cost of \$10,090.70 and Mr. Thomas second. Vote 4-0. (Reference 2674-D).

Brenden Miller stated one is a spare.

Mr. Fisher made the motion to table the quote for the Digital Twin Export through INHANCE Software for \$2,730.00 and Mr. Kavitski second. Vote 4-0.

Brenden Miller has been working with Keystone Engineering and getting the billing data from the meters in the WaterSight Software. HRG spoke with InHANCE, spoke to Sensus and Core & Main, they could supply the data but cannot be placed into a csv. format. Taylor from HRG is looking at the billing software more in-depth.

Mr. Kavitski stated all software programs should be capable of downloading a csv. file.

Brenden Miller stated InHANCE can do it, but Carlene would need to download it into WaterSight every month, which is not ideal.

Access Gate for Oak Street Tank

Mr. Kavitski spoke about placing the gate after Mr. Senape's property.

Brenden Miller stated this was talked about a while ago but never resolved.

Mr. Fisher inquired about Pagnotti needing a key and what about the Hunting Club that is leasing Pagnotti's land.

Mr. Kavitski stated the Hunting Club normally uses the access road by the treatment plant.

Brenden Miller stated he will scan the Foster Township Plans for review to see about placement of the access gate. Consider making the gate sixteen feet wide in case you need any type of heavy equipment in the area.

HRG Proposal to submit LSA Grant Application for the Iron/Manganese Project, Mr. Thomas made the motion to approve HRG to submit the grant and Mr. Fisher second. Vote 4-0. (Reference 2675-A).

MANAGER REPORT

Ryan Smith presented the Technical Manager report. (Reference 2675-B).

Two facility inspections by DEP, there were minor discrepancies noted on Freeland and Sandy Run may receive a violation still waiting for the report.

Mr. Kavitski inquired what the violation at Sandy Run is.

Ryan Smith stated she asked about the NSF stickers but the chlorine tank, the staff mixes to dilute the solution to run the pump faster at a higher rate injection, DEP inquired where the mix of water and what water is it mixed with. Ryan Smith stated he would need to ask the operators. The staff were asked, and they are filling from the raw tap instead of the finished water tap to mix and dilute the chlorine solution, which may be a violation. The raw tap is right next to the stored chlorine, so it was for convenience. Ryan Smith informed the staff they need to use the finished water from now on.

Freeland deficiencies were the chemical injections points were not labeled out in Wells. It is written on the pipes but have since worn off over time. Some of the plans need to be corrected and resubmitted.

The staff will only do a base coat at North Street.

Mr. Kavitski inquired about the polymer rate, if it was dialed back would it have met the Performance Standards.

Brenden Miller will send the reports to Mr. Kavitski for review.

Mr. Kavitski stated with normal dose of polymer and they met the Performance Standards I am fine with that.

Ryan Smith said twice the amount of dry solids going into the dumpster compared to last year at this time. He stated he needs to follow up with ammonia test. The staff need to analyze why the filament is developing.

Budgetary items for 2026 drain Primary Tank A – clean and replace components if needed.

ENGINEERING INVOICES

Mr. Thomas made the motion to approve HRG Invoice #198054 \$27,599.52; Invoice #198055 \$9,084.50; Invoice #198081 \$4,500.00; Invoice #198846 \$13,503.00; and Mr. Kavitski second. Vote 4-0. (Reference 2675-C).

ATTORNEY REPORT

Attorney Malaska stated all items were covered during the meeting.

OPEN/OTHER ACTIONS

Rainfall for the month was 1.91". Mr. Kavitski was informed by Ryan Smith that the drought is moving from West to East, hopefully we will receive some rain.

Mr. Thomas stated he thought he read it was predicted to be a wet winter.

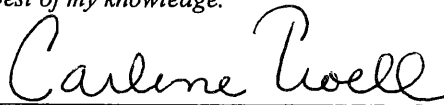
Mr. Kavitski said they mentioned wet or snowy weather on the East Coast but where it could be above or below Pennsylvania.

Mr. Kavitski stated he will speak to the party who is looking for the subdivision at Well 6 and see if he would be interested in a lease agreement. I think it is better to be a lease anyway.

Mr. Kavitski made a motion to adjourn the meeting and Mr. Thomas second. Vote 4-0.

These minutes are certified true and correct to the best of my knowledge.


Paul Thomas, Secretary


Carlene Troell, Non-Member Secretary