

A SPECIAL MEETING WAS HELD BY THE VIRTUAL MEETING ZOOM PLATFORM AND IN PERSON ON WEDNESDAY JULY 31, 2024, IN THE CONFERENCE ROOM AT 711 BIRKBECK STREET, FREELAND, PA. PRESENT WERE MR. KAVITSKI, MR. FISHER, MR. THOMAS, MR. TIERNEY II (via ZOOM), MR. CLYMER, THE ENGINEER, ATTORNEY FAGAN, ATTORNEY MALASKA (via ZOOM), THE TECHNICAL MANAGER, THE REGULATORY COMPLIANCE SPECIALIST, AND THE SECRETARY.

SALUTE TO THE FLAG

CITIZENS PARTICIPATION

No citizens were present at the meeting.

Mr. Kavitski turned the meeting over to Ryan Smith, Technical Manager, who informed the Board of Directors his concerns on the Lead Service Inventory Program.

INTRODUCTION TO THE RULE

Ryan Smith informed the Board of the new Lead and Copper Regulations. (Reference 2514-A).

The plan focuses on reducing lead exposure to increase public health. Improvements and changes are still occurring with the rule, but the deadline remains the same for the Lead Service Inventory Project which is October 16, 2024.

The end goal is full replacement of all lead service lines. The first step is to have a complete and accurate inventory of all service lines finished. The inventory must have a complete inventory of all service lines on the Authority side and the privately owned side. The inventory must show all materials used on both sides of the service lines; categorize each service line, identify and track each service line material, must be kept up-to-date and be made publicly accessible with a unique identifier for each service line; out of the rule 40 CFR § 141.84

Systems with unknown material service lines will be treated as though lead service lines until determined they are not. Updates will be required annually over the deadline and to continue identifying all materials until all service lines are known and classified.

The three point field verification diagram was given to the Board. (Reference 2514-B).

On the diagram, the water main to the system owned side of the service line is Authority owned. FMA has documents and added the information to the inventory.

The customer owned service line in this section is the issue. The access to the customer owned side of the service line is why we are gathered here today. Access to the outside and inside of the home to gather the material service line information. There are questions regarding the service line, as if a lead service line is found on the customer side, who will replace it. How does the Authority identify the customer owned section of the service line? Does the Authority excavate, pot hole and camera inside for the service line or do water samples? Potholing the area would be digging up customer yards and streets which would incur a lot of issues with customers being upset with the Authority.

In the Water Rules and Regulations, it gives the Authority access to inspect the service lines in the homes along with the water meters. The Authority has had some success with this method. The percentage of service lines completed is 7% for both the Authority and the customer owned side.

Mr. Fisher inquired about the number of customer homes which the Authority has completed, and Ms. Caskey replied approximately 800 homes are completed. Ms. Caskey explained the Authority cannot use just the on-site inspection of the service line where it enters the customer's home. The Authority also needs to identify the material between the home and the curb stop on the customer side. The identification of the service line inside the home will still be shown as unknown because the Authority has not potholed outside of the home. Ryan Smith stated this will show in the report as an unknown until proven.

Mr. Fisher inquired about a camera to complete the job. Ryan Smith explained the governing bodies want to have the service lines potholed not completed through a camera. Mr. Fisher explained his concerns about potholing all the streets through the town, which would be a great expense to the Authority.

Mr. Kavitski also expressed his concerns regarding potholing.

Ms. Caskey explained to the Board she needs to write a plan regarding the project while submitting the service line inventory spreadsheet.

Mr. Fisher inquired if the Authority had taken the camera to any curb stops. Ryan Smith explained the Authority does not have a camera to complete this project. Mr. Kavitski has his concerns about using a

camera to complete this task. Curb stops are all filled with debris. Mr. Kavitski totally disagrees with EPA or DEP telling the Authority to dig on private property, which is unacceptable. This program is changing constantly and is not being thought through. Ms. Caskey explained to the Board changes are ongoing all the time and the Authority now can use older records providing the Authority has confidence in the records.

Attorney Fagan inquired about the proved confidence theory. Ms. Caskey explained to Attorney Fagan the Authority has older staff which were here when things were completed but the older employee would need to sign a statement.

The Office Manager explained to Mr. Fisher the Authority should speak to Mr. Ondish or Mr. Yefchak. They were here at the Authority when service lines and water mains were replaced.

Mr. Thomas inquired about large cities; are the utility companies there potholing too.

Mr. Kavitski is concerned about a lawsuit do to the Authority not restoring someone's property correctly.

Mr. Kavitski recommends finishing the inventory with the in-house inspections and compiling all the information for the spreadsheet.

Mr. Kavitski inquired with Attorney Malaska and Attorney Fagan regarding if the Authority has the right to go onto people's property and dig them up down four feet? Attorney Malaska referred to an easement for the right to dig. Mr. Kavitski explained to Attorney Malaska the Water Rules and Regulations, the customer is responsible for the water service line from the curb stop back to the home. There is no easement for the Authority and no right to the service line. The service line is completely the home owner's responsibility. If the Authority was made to dig this could be sidewalks, lawns, flower beds, and driveways which would be very costly.

Attorney Fagan stated in the thirty-six years he has been here the Authority did not go onto people's property for any reason for the liability issues, which the Authority certainly does not want now. Occasionally, the Authority has done a service for people who could not complete something, but agreements were made for this purpose. This was and is the rule.

Mr. Kavitski said if Flint Michigan, where all the lead lines were discovered, received monies to replace all the lines, then where are the Authority monies to complete this task? This should be funded, and the Authority will not dig into private property.

Attorney Malaska would like to continue this conversation in Executive Session with the Authority but not right now. Attorney Malaska inquired if DEP has all the guidelines written down regarding the 3-point field inspection and he asked for the mandate to be sent to him.

Mr. Kavitski explained the Authority must identify the customer service line inside the home, eighteen inches after the curb stop on the customer side, which is a private line and then eighteen inches after the curb stop on the Authority side of the service line, which is in the street. A hole two to four feet deep, if lead or galvanized line, it must be replaced.

Attorney Malaska said no Authority can afford something like this.

Brenden Miller of HRG joined the meeting at this time and Mr. Kavitski explained to Brenden he is speaking for himself not the entire Board when he states the Authority should not be digging up the service lines. Mr. Miller of HRG is helping some clients with the service line inventory but he has not seen any of their clients digging up service lines yet. Some clients are submitting only information from service records or in home inspections and are waiting for the next round, but it may unfortunately be what will need to be done.

Ryan Smith inquired if there was a right-of-way in the street around the town that would grant access.

Attorney Fagan said most right-of-way is from the middle of the street a certain distance to the curb.

Mr. Kavitski stated the manpower and hours it would take to dig, and what about the other work that needs finishing. Mr. Thomas said the cost just to repair the sidewalks is too high.

Ryan Smith stated the other means to determine the service lines is Sword Fish equipment, which is a \$70,000 unit. Mr. Kavitski stated a camera into a used pipe will dislodge a lot of tuberculation, which will go into the house, and it may weaken the pipe too. Ms. Caskey informed the Board that any galvanized pipes will need to be replaced too.

Mr. Tierney inquired with the Board, since this is a public safety issue, would eminent domain work for this inventory. Attorney Malaska stated easements would have to be done on all customers along with restoration services. Attorney Malaska inquired about a camera from inside the home, but Mr. Kavitski explained you would not be able to determine what type of pipe it would be anyway.

Ryan Smith stated another way would be to complete testing of the water on the first draw of the day to send to the laboratory. The home owner would need to complete the sample and provide it to the Authority. Mr. Thomas stated the biggest factor in this would be the amount of money and who would pay for it. Mr. Thomas said no matter how you look at this whole thing it will be very costly.

Mr. Tierney stated the feasibility for the Authority on this project would leave a large gap in the budget. Ms. Caskey needs to develop a plan with the approval of the Board. Ms. Caskey wants to concentrate on the Authority side to achieve 100% and the customer side wait. Ryan Smith stated there are monies out there for this project, but it is to replace the service line only. Mr. Kavitski said there is no money to help with the cost of the identification of the service lines.

Ryan Smith and Ms. Caskey's approach to the project will be to identify the Authority side strictly and identify any lead there and seek funding if needed. Mr. Kavitski inquired if any lead service lines had been found yet. Ms. Caskey said total right now is nine lines inside customer's homes. Mr. Kavitski asked if the customers had replaced those lines and Ms. Caskey said no.

Mr. Thomas said what happens if the customers cannot afford to replace the service lines. Mr. Fisher said the Authority should notify each customer with a letter in writing regarding the lead line. Mr. Kavitski stated maybe the Authority should replace them with a payment plan for the customer. Mr. Kavitski inquired if the regulation states the Authority must remove any of the service lines. Ms. Caskey said at this time there is nothing written. Mr. Kavitski said to notify the customers in writing regarding the lead service lines and list the reasons why it should be replaced. If the customer does not replace the line, the Authority cannot force the customer to complete it.

Ms. Caskey wants to complete the Lead Service Line Inventory 100% on the Authority side first. The Board has instructed Ms. Caskey to put a plan in place once the legal ramifications have been put into place regarding accessing private property and the cost of it.

Attorney Fagan recommends gathering all the information on the Authority side. Ms. Caskey stated record reviews have helped in gathering this information. Old records can now be used if the Authority has high confidence in them. Ms. Caskey will contact Mr. Ondish or Mr. Yanoski to inquire if they will sign a letter confirming the records with confidence. Mr. Kavitski inquired if the address with the lead service lines is on the DEP Lead & Copper Sampling List. Ryan Smith stated no because the addresses were just identified. Mr. Kavitski asked if the Authority can obtain a sample of the tap water and obtain results from the laboratory.

Mr. Tierney inquired about the age of the homes that have the lead service lines. Attorney Malaska suggested plotting the addresses on a map to see if there are clusters of areas with the lead service lines.

Ryan Smith said the Authority has not plotted on a map, but it certainly can be done.

Mr. Kavitski suggested trying to sample all the homes with the lead service lines to see the concentration amounts. Mr. Fisher wants to see all the lead service lines replaced but Mr. Kavitski pointed out the Authority cannot force a customer to do so, the Authority does not own the service line into the home.

Ms. Caskey informed the customers when the Authority found lead service lines and a lot of the customers were surprised at the finding. Ms. Caskey inquired if the Authority should test the galvanized service lines too. Mr. Kavitski asked for the number of galvanized service lines. Ms. Caskey said total number is four.

Mr. Kavitski said to test their water with sampling too. The Board all agreed for the nine lead service lines and the four galvanized service lines to have water sampling completed. Mr. Kavitski said if a federal regulation comes into effect saying the Authority has the right on private property to replace a service line this would be a different story.

Ryan Smith inquired about temporary access granted from the customer to determine if the service line is lead or not. Attorney Malaska said any homeowner can sign a release granting the Authority access to their property, but the homeowner probably would not sign anything. Mr. Thomas stated even with a waiver from homeowners where would the Authority get the manpower to complete.

Mr. Tierney inquired if ground penetrating radar shows lead service lines. Mr. Kavitski said a very good question, but I do not think it can. Brenden Miller of HRG agreed with Mr. Kavitski, as a no. Mr. Kavitski said ground penetrating radar shows size and shapes of the pipes, not material.

Mr. Fisher was suggesting conductivity, if measured, would that help.

Mr. Thomas suggested verifying all the Authority owned areas and sit back to see if things change for the customer side.

Ryan Smith said there will be no reason to discuss the express easement, restoration of the compromised lines, the restoration of property, language addition to the rules and regulations which were all listed on the agenda.

Mr. Kavitski asked Ms. Caskey to explain in the plan the Authority is only responsible for the service line up to the curb box and from the curb stop onto private property is the homeowner's responsibility.

Mr. Kavitski stated about the pex piping and how some homeowners switched to this material and pex has a known carcinogen, nothing is being done to correct this issue. The Lead Service Line Inventory should be done but the way it is to be completed is out of control.

Brenden Miller of HRG said the Authority is way ahead of other municipalities and in a good spot for the first submission for the Board's reference.

Mr. Kavitski said the second round they will come back and dictate what the Authority will need to do. If a customer states, they will not replace their lead service line who is the government to force the person to comply.

Ms. Caskey will draft the plan and send it to Casey at Horsley Witten Group for guidance and then present it to the Board for approval. She also inquired about having a follow-up meeting and possibly having Casey or another staff member from Horsley Witten Group attend the meeting.

Mr. Thomas stated to give them the information on the Authority side and say the Authority resources are limited, and this is what has been completed.

Mr. Kavitski stated questions will be addressed in letter form and if they are not addressed the Authority will not proceed. This is the entire state with all water systems and even nationwide.

Brenden Miller of HRG thinks the Authority should finish the inventory on their side, submit it and sit back to see what comes from the information.


An additional meeting will be held after the submission of the Lead Service Line Inventory, if one is needed prior to the submission, it will be scheduled. Mr. Fisher wanted to continue this meeting but there is no date for a response after the inventory is submitted. Attorney Fagan recommended the meeting be adjourned and if another one needs to be scheduled later just to advertise a special meeting again.

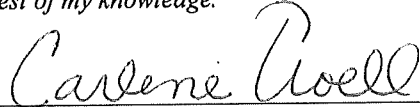
Mr. Thomas suggested bringing additional information at one of the regular monthly meetings.

ADJOURN

Mr. Thomas made the motion to adjourn the meeting and Mr. Clymer second. Vote 5-0.

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


Paul Thomas, Secretary


Carlene Troell, Non-Member Secretary