

DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY
100 EAST FIFTH STREET
CHESTER, PENNSYLVANIA 19013

MINUTES

APRIL 19, 2022 (VIRTUAL / ON-SITE)

The Regular Meeting of the Delaware County Regional Water Quality Control Authority was held on Tuesday, April 19, 2022, at 3:30 P.M. The meeting was held virtually via Zoom.com and in the Board Room of the Administration Building at 100 East Fifth Street, Chester, Pennsylvania.

REGULAR
MEETING

Messrs. Kern, Knapp, Monaghan, Moss, Mullen, Nagle, and Madames Billings, Nichols, and Sage, Board Members, constituting a quorum were present.

ROLL CALL

Messrs. Cherico, DiSantis, Garner, Hurst, Lehman, Lenton, Rice, Willert, and Mesdames Amadio, Bonnett, Byrd, and Caulk were also present.

PUBLIC ATTENDANCE: The following were present: Marc Lucca of Aqua PA; Michael Clarke and Samantha Newell of Rudolph Clarke, LLC; and Mike Ewall of Energy Justice Network. No other members of the public were present.

PUBLIC

Mr. Nagle, Vice Chairman, called the meeting to Order.

ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all parties present.

PLEDGE OF
ALLEGIANCE

COMMENTS FROM THE PUBLIC: Mr. Marc Lucca, President of Aqua PA, addressed the Board. He summarized Aqua's partnership with DELCORA during the past three years. He reinforced Aqua's commitment to keeping rate increases as low as possible and doing what is best for DELCORA in regard to its financial obligations imposed by the Consent Decree (Long Term Control Plan) and to the costs associated with paying its portion of the Philadelphia Water Department's Long Term Control Plan. He stated that Aqua is committed to reducing greenhouse emissions, buying renewable electricity, and increasing employee diversity. He also reaffirmed Aqua's promise to offer employment to current employees of the Authority, if they wish to remain, with no change in compensation and benefit packages. In conclusion, Mr. Lucca stated that Aqua would like to work together with the Board and the County to finish this transaction, to complete the necessary construction, and to hold customer bills steady for the years ahead. He thanked the Board for their time.

PUBLIC
COMMENTS

Mr. Nagle noted that an Executive Session was held on April 12th to discuss legal matters.

APPROVAL OF MINUTES: It was moved by Ms. Sage, seconded by Ms. Billings, and unanimously carried that the minutes of the Regular Meeting of March 15, 2022, be approved as submitted.

APPROVAL
OF MINUTES

REPORTS:

REPORTS

1. COMMITTEES:

COMMITTEES

a. Human Resources and Administration. Ms. Nichols stated that the Committee met on April 11, 2022. There were no additions to the meeting minutes.

Human Resources
and Administration

b. Strategic Planning and Goals. Mr. Nagle stated that the Committee met on April 11, 2022. There were no additions to the meeting minutes.

Strategic, Planning
& Goals

c. Operations and Engineering. Mr. Mullen stated that the Committee met on April 12, 2022. He noted items requiring Board action would be considered later in the agenda. There were no additions to the meeting minutes.

Operations and
Engineering

d. Finance. Mr. Knapp stated that the Committee met on April 13, 2022. There were no additions to the meeting minutes.

Finance

e. Pension. Mr. Monaghan stated that there was no formal meeting of the Pension Committee and had nothing to report at this time.

Pension

2. CHAIRMAN: Mr. Kern reported that he had lunch with the managers at the WRTP on March 23rd. Also, he has had several phone calls recently with Tom Wyatt, Mike Clarke and Samantha Newell concerning the Asset Purchase Agreement, and that he had just attended a presentation with Delaware County Council regarding DELCORA's capital program. He stated that an Executive Session would be held after today's meeting to discuss legal matters.

CHAIRMAN

3. EXECUTIVE DIRECTOR: Mr. Willert stated that there were no additions to the written report.

EXECUTIVE
DIRECTOR

4. DIRECTOR OF ENGINEERING: Mr. Hurst stated that there were no additions to the written report.

DIRECTOR OF
ENGINEERING

5. DIRECTOR OF OPERATIONS & MAINTENANCE: Mr. DiSantis stated that there were no additions to the written report.

DIRECTOR OF
OPERATIONS &
MAINTENANCE

6. SOLICITOR: Mr. John Rice of Grim, Biehn & Thatcher stated that during the last month, he and Peter Nelson met with the Engineering and Operations staff at the WRTP, which was very helpful, and they also met with the Administrative staff to review standard practices

SOLICITOR

and procedures. Otherwise, there were no major legal issues at this time.

OPERATING FUND PAYMENTS:

OPERATING
FUND PAYMENTS

1. MONTHLY FINANCIAL REPORT: Mr. Cherico stated that there were no additions to the written report.

CHIEF FINANCIAL
OFFICER

2. PAYMENT OF BILLS:

PAYMENT OF
BILLS

Approval of Operating Statement, Statement of Fund Balances and List of Bills for the month of March 2022.

It was moved by Mr. Knapp, seconded by Mr. Mullen, and unanimously carried that the statement and the list of bills in the amount of \$5,370,384.25 for the month of March 2022 contained in the Chief Financial Officer report be approved.

CONSTRUCTION FUND PAYMENTS:

CONSTRUCTION
FUND PAYMENTS

1. ENGINEERING ADVISOR'S REPORT: Mr. Lehman stated that there were no additions to the written report.

ENGINEERING
ADVISOR

2. CHANGE ORDERS:

CHANGE ORDERS

- Contract No. TC-2006-C – WRTP Plant Upgrades Project 2020 – Contract A – General – Change Order No. 3 – Increase In Contract Amount Due To Concrete Repair Of The Center Hatch Area And Additional Concrete Rehabilitation Of Sludge Holding Tank, ET-4, To Include Materials And Labor, Outside Of Contract Scope – Increase In Contract Amount Of \$233,065.00 (Allan Myers).

Contract No.
TC-2006-C
Contract A-General
CO #3

Mr. Nagle stated that the above contract change order was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Mr. Knapp, and unanimously carried to approve the above contract change order.

Ms. Nichols asked if the original contract price could be added in the description for change orders. Mr. Hurst responded that he would provide that in the future.

Later in the agenda, as information, Mr. Hurst stated that the total current value of Contract A is \$8.4 million.

3. CONTRACT CLOSEOUT AND FINAL PAYMENT APPROVAL: Mr. Nagle stated that there were no Contract Closeouts at this time.

CONTRACT
CLOSEOUT

4. PAYMENT OF BILLS:

PAYMENT OF
BILLS

It was moved by Mr. Knapp, seconded by Mr. Kern, and unanimously carried as follows: (a) that the bills of contractors, engineers and others for construction costs, engineering services and related costs under the Renewal & Replacement Fund in the amount of \$3,835,799.90 are hereby approved; and (b) the requisitions on the Renewal & Replacement Fund under the Trust Indenture with TD Bank, in payment of said bills, are hereby approved pending approval by the Treasurer, and the proper officers be and are hereby authorized and directed to execute same.

AUTHORIZATION TO ADVERTISE CONTRACTS:

AUTHORIZATION
TO ADVERTISE
CONTRACTS

- Contract No. P2022-02 – Sodium Bisulfite 38%

Contract No.
P2022-02

Mr. Nagle stated that the above contract advertisement was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Ms. Nichols, and unanimously carried to advertise the above contract.

AWARD OF CONTRACTS: Mr. Nagle stated that there were no Contract Awards at this time.

AWARD OF
CONTRACTS

OLD BUSINESS: Mr. Nagle stated that there was no Old Business at this time.

OLD BUSINESS

NEW BUSINESS:

NEW BUSINESS

1. Authorization for Professional Services: (Capital Funds)

Authorization for
Professional
Services

A. HDR, Inc. – Proposal Dated April 7, 2022 – For Professional Engineering Services For Additional Electrical, Instrumentation, Controls, And Structural Design Modifications Required For Tunnel Interconnection At Darby Creek Pump Station, Muckinipates Pump Station, And Central Delaware Pump Station, ESA Program-Wide Permitting And Permit Oversight, Tunnel Shaft Physical Modeling, Facility Resiliency FEMA Study And Subsequent Tasks, And Design Coordination (D19-03 ESA Conveyance Pump Station Upgrades Contract) Relative To The Eastern Service Area Tunnel Program – Total Additional Amount Not To Exceed \$775,000.00 (Capital Funds)

HDR, Inc.
Addtnl. Design Svcs.
– ESA

Mr. Nagle stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Ms. Billings, and unanimously carried to approve the Professional Services proposal listed above.

B. D'Huy Engineering, Inc. – Proposal Dated April 6, 2022 – For Professional Engineering Services For Assistance With Additional Work Under The Existing On-Call Services Contract – Work Includes Odor Control Master Planning And Other On-Call Services As Requested By DELCORA (Amendment #2) – Total Additional Amount Not To Exceed \$185,000.00 (Capital Funds)

D'Huy Eng.
Addtnl. On-Call Svcs.
– Amendment No. 2

Mr. Nagle stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Mr. Knapp, and unanimously carried to approve the Professional Services proposal listed above.

2. Authorization for Professional Services: (Operating Funds)

Authorization for
Professional
Services

A. AquaLaw PLC Of Richmond Virginia – Proposal Dated April 5, 2022 – For Professional Services For Continued Assistance With The LTCP Update, The Consent Decree, And Permitting – Total Additional Amount Not To Exceed \$25,000.00 (Operating Funds) (AquaLaw Is Not Affiliated With Aqua PA).

AquaLaw
Addtnl. Svcs.
Consent Decree &
LTCP

Mr. Nagle stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Mr. Knapp, and unanimously carried to approve the Professional Services proposal listed above.

Ms. Nichols requested an update on the work that AquaLaw has performed thus far. Mr. DiSantis responded that he will provide that information to the Board.

3. Authorization To Purchase:

Authorization to
Purchase

• Eight LDO Probes For The Aeration Tanks Through The PA-COSTARS Contract #020-002 (Hach) For A Total Amount Not To Exceed \$21,823.60 (Capital Funds)

Eight LDO Probes For
Aeration Tanks

Mr. Nagle stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Mr. Knapp, and unanimously carried to approve the above purchase.

- Rebuild Eight Actuators And Purchase One MAXPRO RA Valve Closure System For Chlorine Cylinders Through A Sole Source Vendor (Environmental Service & Equipment Company) For A Total Amount Not To Exceed \$23,800.00 (Capital Funds)

Rebuild Eight Actuators & Purchase of One MAXPRO RA Valve Closure System

Mr. Nagle stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Mr. Knapp, and unanimously carried to approve the above purchase.

- Atmospheric Vapor Phase Odor Control At DELCORA's Western Regional Treatment Plant Through A Sole Source Vendor (BioTriad, Inc. – Quote Dated April 8, 2022) For A Total Amount Not To Exceed \$150,000.00 (Operating Funds)

Atmospheric Vapor Phase Odor Control

Mr. Nagle stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Ms. Nichols, seconded by Mr. Knapp, and unanimously carried to approve the above purchase.

Ms. Billings asked which companies are working on odor control. Mr. Hurst responded that these BioTriad neutralizer sprays are for short term and immediate needs. The D'Huy Engineering proposal mentioned above for additional On-Call services includes their expert subcontractor, Webster Environmental, doing the facility design under D'Huy's guidance.

Ms. Nichols asked if Mr. Willert could update any community members online on what is being done to abate the odor issue since the last public meeting. Mr. Willert responded that this, along with other information, will be discussed later with the Board.

4. Authorization To Pay:

- Stormwater Authority Of Chester For Reimbursement Of Completed Work Required Under DELCORA's Long Term Control Plan's Nine Minimum Controls In The Amount Of \$1,506,140.00 (Capital Funds)

Authorization to Pay Stormwater Authority of Chester

Mr. Nagle stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Mullen, seconded by Mr. Knapp, and carried by a vote of 8-1, with a 'Nay' vote cast by Ms. Nichols, to approve the above payment to the Stormwater Authority of Chester.

5. Authorization For Special Council Rudolph Clarke To Enter Their Appearance On All Ongoing Litigation And Hearings Before The PUC Relating To The Sale Of DELCORA to AQUA:

Authorization For
Rudolph Clarke To
Enter Legal
Appearance
Re: Aqua Sale

Mr. Nagle stated that this item was added to the Board agenda and not previously discussed at committee level.

Mr. Knapp requested further explanation of this item. Ms. Billings responded that this firm was recently appointed as special counsel and this authorization allows them to enter their appearance on behalf of DELCORA in the PUC hearings and in the County suit against DELCORA. This firm, in addition to our current litigation counsel, would then be notified of all dockets, briefings, and upcoming events.

Following discussion, it was the consensus of the Board to recommend approval.

It was moved by Ms. Billings, seconded by Ms. Nichols, and unanimously carried to approve the above item.

6. Authorization to Advertise For A Public Relations Administrator:

Authorization to
Advertise For A Public
Relations
Administrator

Mr. Nagle stated that this item was added to the Board agenda. Mr. Willert stated that this was informally discussed at committee level. This position would replace the current PR firm engaged by DELCORA.

Following discussion, it was the consensus of the Board to table this item at this time. Mr. Willert will meet with Ms. Nichols and the Human Resources Committee to further define the role of this proposed PR position and to create a job description.

It was moved by Ms. Nichols, seconded by Mr. Moss, and unanimously carried to table this item at this time.

EXECUTIVE SESSION. Mr. Nagle stated that an Executive Session would be held to discuss legal matters.

EXECUTIVE
SESSION

Prior to adjournment, Ms. Billings stated that she attended the recent staff meeting at the WRTP to discuss the odor issues and other general issues, i.e., communications with Chester residents. She

noted that the staff is moving quickly and decisively on the odor issues and requested that the Board members be updated at the next committee meeting. Mr. Willert stated that an update would be ready for the next O&E Committee meeting. By then, more information from Webster Environmental will be available.

She also noted that a copy of two letters from Nether Providence Township were distributed to the Board members. One letter indicated that the Township approved DELCORA's Act 537 Plan Update regarding the tunnel project and the second letter indicated that the Township disapproves of the sale of DELCORA to Aqua.

ADJOURNMENT: It was moved by Mr. Mullen, seconded by Mr. Knapp, and unanimously carried to adjourn the meeting at 4:05 P.M. ADJOURNMENT

ATTEST
Secretary