

Water & Sanitary Board Agenda
Thursday, February 29, 2024
1:00 p.m.
Town Hall
104 N. King St.
Shepherdstown, WV 25443
Masks - Optional

1. Call to Order
2. Review and approval of Draft Water and Sanitary Board Minutes of January 25, 2024
3. Visitors
4. Finances
 - a. Financial Statements-Enclosure
5. Flow and Quality Reports
 - a. (1) Water – Reports – Information item
 - b. (2) Sewer – Reports - information item
6. Unfinished Business
 - a. Water Plant Improvement Project
 - b. Update on Water Distribution Project – To start approximately April 1, 2024
 - c. Update on SCADA System ordered for WWTP
 - d. 120 Water – Customer Surveys – Explanation – e-mail
 - e. Water Board members and terms
 - f. 3M PFAS Settlement
7. New Business
 - a. Future sewer service line connection – Crossroads Church – Rt. 45
8. Old Business
 - a. Hydrant Report – enclosure in packet – same as last month
9. Mayor's Report
10. Next meeting date – March 22, 2024 – 1PM
11. Summarize Action Items from this meeting
12. Draft Agenda for next meeting
13. Adjournment

January, 26, 2024

Attendees: **Water Board** – J. Auxer (Mayor), S. Kemnitzer (Chair), M. Godfrey, S. Knuppel (phone)
Sanitary Board – J. Auxer (Chair), H. Heyser
Town Staff – C. Coe, K. Shipley, F. Welch, S. Grove, B. Bennett
Engineer – J. Ekstrom
Town Council- C. Stroeck (Water Board)

The Water and Sanitary Boards meeting was called to order by J. Auxer at 1:02 pm.

The proposed minutes of the October 27, 2022 were cited; H. Heyser motioned to approve, seconded by M. Godfrey and unanimously approved.

The Mecklenburg system replacement project will start soon. J.Ekstrom reported a positive meeting (Phone) with the Army Corps. Contracts have been signed with the technical companies to execute the work. rey and unanimously approved.

There were no questions regarding the Sewer 2023-24 budgets during the meeting.

5. FLOW AND QUALITY REPORTS.

5.a WATER

There were no questions regarding water F&Q reports. All systems performing nominally.

5.b. SANITARY

There were no questions regarding water F&Q reports. All systems performing nominally.

6. UNFINISHED BUSINESS.

6.a FIRE HYDRANTS

K.Shipley walked the Boards through the current state of hydrant upgrade and replacement. Everything is on track.

6.b SCADA (control board system for the wastewater plant) has been ordered from Aqua Aerobica.

6.c The 120 Water Survey as proposed had several options (all to be paid by the Water budget). C.Coe went through all the options. Staff recommended the return self-mailer option. M.Godfrey motioned to approve the return self-mailer option. S.Kemnitzer seconded, the motion was approved.

6.d The bids for the purchase of a new truck to add to the utilities were reviewed. S.Kemnitzer motioned for the Water Board, H.Heyser motioned for the Sewer Board, to opt for the truck whose purchase charges would be assigned as follows: 25% (\$45K) from the water budget, 25% (\$45K) from the sewer budget, and 50% (\$90K) from the Corporation of Shepherdstown budget. The motions passed.

6.e The newly revised Mainline Extension process for contractors requests and the revised documents were approved as follows: S.Kemnitzer makes a motion to accept for the Water Board, C. Stroeck, seconded; H.Heyser motion the same for the Sewer Board, J.Auxer seconded. The motion passed unanimously.

6.f The recurring conversation about how the Boards should address coming vacancies, was postponed for an additional 30 days for research and further reflection.

6.g On the matter of mitigation efforts to reduce stormwater quantity of effluent as well as improve water quality (especially regarding Town Run), K.Schulz has approached utility staff to use our utility billing mailings to educate our users. Conversation was generally positive, encouraging follow-up meetings. It was held however, that the Boards should have final approval of content.

6.h Previous Action Items:

Previous action items were cleared and completed. There were no action items noted at this meeting.

7 MAYOR'S REPORT.

Mayor Auxer had nothing new.

8. NEXT MEETING DATE.

February 29, 2024, at 1:00PM. (at Town Hall)

9 ADJOURNMENT. J. Auxer adjourned the meeting at 2:00 PM.

Respectfully Submitted: M.Godfrey (Feb 9, 2024)

Shepherdstown Waterworks: Budget to Actual November 2023

	Month of November			Year to Date				
	Actual	Monthly Budget	% of Budget	Actual	YTD Budget	% of Budget	FY 24 Budget	% FY 24 Budget
Operating Income (from Quickbooks)								
419 Water Interest Income	16,334.39	7,083.33	230.60%	57,409.62	35,416.65	162.10%	85,000.00	68%
461 Water Metered Revenue	142,461.69	150,000.00	94.97%	763,646.69	750,000.00	101.82%	1,800,000.00	42%
474 Other Water Revenues		7,000.00	0.00%	385.00	35,000.00	1.10%	84,000.00	0%
Total Income	\$ 158,796.08	\$ 164,083.33	96.78%	\$ 821,441.31	\$ 820,416.65	100.12%	\$ 1,969,000.00	42%

Operating Expenses (from Quickbooks)								
401.1 Water Billing Expenses	829.36	1,291.67	64.21%	9,481.16	6,458.35	146.80%	15,500.00	61%
401.2 Water Administration	3,873.85	4,500.00	86.09%	21,758.87	22,500.00	96.71%	54,000.00	40%
401.3 Water Utility Billing	19,220.72	19,166.67	100.28%	143,670.06	95,833.35	149.92%	230,000.00	62%
401.4 Water Plant Expenses	15,026.03	30,833.33	48.73%	83,223.41	154,166.65	53.98%	370,000.00	22%
408 Taxes-Other than Income	3,926.26	5,666.67	69.29%	21,624.06	28,333.35	76.32%	68,000.00	32%
427 Interest Expense	2,244.38	10,000.00	22.44%	63,729.04	50,000.00	127.46%	120,000.00	53%
521 Employee Screening	0.00	25.00	0.00%	0.00	125.00	0.00%	300.00	0%
601 Water Salaries & Wages	37,964.00	45,000.00	84.36%	218,121.81	225,000.00	96.94%	540,000.00	40%
604 Employee Pensions & Benefits	10,953.13	11,666.67	93.88%	57,366.52	58,333.35	98.34%	140,000.00	41%
615 Purchased Power	45.98	6,250.00	0.74%	22,136.17	31,250.00	70.84%	75,000.00	30%
618 Chemicals	4,470.60	6,250.00	71.53%	33,829.75	31,250.00	108.26%	75,000.00	45%
631 Contractual Svc-Engineering	13,828.22	5,833.33	237.06%	70,666.52	29,166.65	242.29%	70,000.00	101%
632 Contractual Svc-Accounting	7,494.34	2,083.33	359.73%	25,604.76	10,416.65	245.81%	25,000.00	102%
633 Contractual Svc-Legal	535.00	416.67	128.40%	3,927.51	2,083.35	188.52%	5,000.00	79%
635 Contractual Svc-Testing	9,622.63	3,750.00	256.60%	13,962.90	18,750.00	74.47%	45,000.00	31%
636 Contractual Svc-Other	1,139.51	2,916.67	39.07%	5,740.45	14,583.35	39.36%	35,000.00	16%
660 Transportation Expenses	293.96	3,750.00	7.84%	1,328.35	18,750.00	7.08%	45,000.00	3%
657 Insurance-General Liability	5,395.21	3,666.67	147.14%	26,976.05	18,333.35	147.14%	44,000.00	61%
659 Insurance-Other	0.00	750.00	0.00%	0.00	3,750.00	0.00%	9,000.00	0%
660 Advertising Expense	0.00	83.33	0.00%	277.15	416.65	66.52%	1,000.00	28%
675 Administrative Lending Fees	0.00	166.67	0.00%	2,723.93	833.35	326.87%	2,000.00	136%
676 Bond Issuance Expense	0.00	16.67	0.00%	0.00	83.35	0.00%	200.00	0%
Total Expenses (QB)	\$ 136,863.18	\$ 164,083.35	83.41%	\$ 826,148.47	\$ 820,416.75	100.70%	\$ 1,969,000.00	42%
Net Operating Income (QB)	\$ 21,932.90			\$ (4,707.16)				

Bond Expenses Made by Journal Entry								
03-A Water Revenue	2,241.34	2,241.34	100.00%	11,206.70	11,206.70	100.00%	26,896.08	41.67%
03-B Water Revenue	7,187.19	7,187.19	100.00%	35,935.95	35,935.95	100.00%	86,246.28	41.67%
12 Water Revenue	10,462.92	10,462.92	100.00%	52,314.60	52,314.60	100.00%	125,555.04	41.67%
17 Water Revenue	12,819.55	12,819.55	100.00%	64,097.75	64,097.75	100.00%	153,834.60	41.67%
21 Water Revenue	8,292.02	8,292.02	100.00%	41,460.10	41,460.10	100.00%	99,504.24	41.67%
Total Bond Expenses	\$ 41,003.02	\$ 41,003.02	100.00%	\$ 205,015.10	\$ 205,015.10	100.00%	\$ 492,036.24	41.67%

Total Net After Bond Expense	\$ (19,070.12)			\$ (45,710.18)				
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Restricted Income Not Part of Operating								
419.5 Capacity Accounts Interest	36.54			13,309.09				
474. Other Water Revenue	0.00			40,800.00				
Total Restricted Income	\$ 36.54			\$ 54,109.09				

Shepherdstown Waterworks: Budget to Actual December 2023

	Month of December			Year to Date				
	Actual	Monthly Budget	% of Budget	Actual	YTD Budget	% of Budget	FY 24 Budget	% FY 24 Budget
Operating Income (from Quickbooks)								
419 Water Interest Income	16,595.92	7,083.33	234.30%	74,005.54	42,499.98	174.13%	85,000.00	87%
461 Water Metered Revenue	131,189.00	150,000.00	87.46%	894,835.69	900,000.00	99.43%	1,800,000.00	50%
474 Other Water Revenues		7,000.00	0.00%	385.00	42,000.00	0.92%	84,000.00	0%
Total Income	\$ 147,784.92	\$ 164,083.33	90.07%	\$ 969,226.23	\$ 984,499.98	98.45%	\$ 1,969,000.00	49%

Operating Expenses (from Quickbooks)								
401.1 Water Billing Expenses	1,922.53	1,291.67	148.84%	11,403.69	7,750.02	147.14%	15,500.00	74%
401.2 Water Administration	2,481.12	4,500.00	55.14%	24,239.99	27,000.00	89.78%	54,000.00	45%
401.3 Water Utility Billing	19,220.72	19,166.67	100.28%	162,890.78	115,000.02	141.64%	230,000.00	71%
401.4 Water Plant Expenses	6,829.93	30,833.33	22.15%	90,053.34	184,999.98	48.68%	370,000.00	24%
408 Taxes-Other than Income	4,305.26	5,666.67	75.98%	25,929.32	34,000.02	76.26%	68,000.00	38%
427 Interest Expense	10,272.53	10,000.00	102.73%	74,001.57	60,000.00	123.34%	120,000.00	62%
521 Employee Screening	0.00	25.00	0.00%	0.00	150.00	0.00%	300.00	0%
601 Water Salaries & Wages	42,946.00	45,000.00	95.44%	261,067.81	270,000.00	96.69%	540,000.00	48%
604 Employee Pensions & Benefits	11,506.00	11,666.67	98.62%	68,872.52	70,000.02	98.39%	140,000.00	49%
615 Purchased Power	9,545.94	6,250.00	152.74%	31,682.11	37,500.00	84.49%	75,000.00	42%
618 Chemicals	8,259.81	6,250.00	132.16%	42,089.56	37,500.00	112.24%	75,000.00	56%
631 Contractual Svc-Engineering	0.00	5,833.33	0.00%	70,666.52	34,999.98	201.90%	70,000.00	101%
632 Contractual Svc-Accounting	3,500.01	2,083.33	168.00%	29,104.77	12,499.98	232.84%	25,000.00	116%
633 Contractual Svc-Legal	0.00	416.67	0.00%	3,927.51	2,500.02	157.10%	5,000.00	79%
635 Contractual Svc-Testing	3,326.29	3,750.00	88.70%	17,289.19	22,500.00	76.84%	45,000.00	38%
636 Contractual Svc-Other	1,689.81	2,916.67	57.94%	7,430.26	17,500.02	42.46%	35,000.00	21%
650 Transportation Expenses	112.10	3,750.00	2.99%	1,440.45	22,500.00	6.40%	45,000.00	3%
657 Insurance-General Liability	5,395.21	3,666.67	147.14%	32,371.26	22,000.02	147.14%	44,000.00	74%
659 Insurance-Other	0.00	750.00	0.00%	0.00	4,500.00	0.00%	9,000.00	0%
660 Advertising Expense	86.39	83.33	103.67%	363.54	499.98	72.71%	1,000.00	36%
675 Administrative Lending Fees	2,635.40	166.67	1581.21%	5,359.33	1,000.02	535.92%	2,000.00	268%
676 Bond Issuance Expense	0.00	16.67	0.00%	0.00	100.02	0.00%	200.00	0%
Total Expenses (QB)	\$ 134,035.05	\$ 164,083.35	81.69%	\$ 960,183.52	\$ 984,500.10	97.53%	\$ 1,969,000.00	49%
Net Operating Income (QB)	\$ 13,749.87			\$ 9,042.71				

Bond Expenses Made by Journal Entry								
03-A Water Revenue	2,241.34	2,241.34	100.00%	13,448.04	13,448.04	100.00%	26,896.08	50.00%
03-B Water Revenue	7,187.19	7,187.19	100.00%	43,123.14	43,123.14	100.00%	86,246.28	50.00%
12 Water Revenue	10,462.92	10,462.92	100.00%	62,777.52	62,777.52	100.00%	125,555.04	50.00%
17 Water Revenue	12,819.55	12,819.55	100.00%	76,917.30	76,917.30	100.00%	153,834.60	50.00%
21 Water Revenue	8,292.02	8,292.02	100.00%	49,752.12	49,752.12	100.00%	99,504.24	50.00%
Total Bond Expenses	\$ 41,003.02	\$ 41,003.02	100.00%	\$ 246,018.12	\$ 246,018.12	100.00%	\$ 492,036.24	50.00%

Total Net After Bond Expense	\$ (27,253.15)			\$ (31,980.31)				
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Restricted Income Not Part of Operating								
419.5 Capacity Accounts Interest	36.10			13,309.09				
474. Other Water Revenue	12,000.00			52,800.00				
Total Restricted Income	\$ 12,036.10			\$ 66,109.09				

Shepherdstown Sewer
Budget to Actual November 2023

	Month of November			Year to Date			FY 2024	
	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Budget	% of Budget
Operating Income (from QuickBooks)								
419 Sewer Interest Income	10,391.66	3,583.33	290.00%	36,777.90	17,916.65	205.27%	43,000.00	85.53%
522 Metered Sewer Revenue	127,481.15	124,206.42	102.64%	617,896.82	621,032.10	99.50%	1,490,477.00	41.46%
536 Other Wastewater Revenues	0.00	309.83	0.00%	600.00	1,549.15	38.73%	3,718.00	16.14%
Total Operating Income	\$ 137,872.81	\$ 128,099.58	107.63%	\$ 655,274.72	\$ 640,497.90	102.31%	\$ 1,537,195.00	42.63%

Operating Expenses (from QuickBooks)								
401.1 Sewer Billing Expenses	829.36	869.08	95.43%	4,774.04	4,345.40	109.86%	10,429.00	45.78%
401.2 Sewer Administration	3,515.47	5,158.25	68.15%	22,954.51	25,791.25	89.00%	61,899.00	37.08%
401.3 Sewer Utility Billing	7,513.53	3,075.00	244.34%	30,847.93	15,375.00	200.64%	36,900.00	83.60%
401.4 Sewer Plant Maintenance	12,314.87	24,060.66	51.18%	66,337.24	120,303.30	55.14%	288,728.00	22.98%
403 Depreciation Expense	29,576.05	31,666.67	93.40%	147,880.25	158,333.35	93.40%	380,000.00	38.92%
408 Taxes Other than Income	2,326.00	3,054.17	76.16%	11,311.15	15,270.85	74.07%	36,650.00	30.86%
701 Salaries & Wages	30,509.00	31,469.42	96.95%	148,231.11	157,347.10	94.21%	377,633.00	39.25%
704 Employee Benefits	7,305.73	5,717.17	127.79%	36,982.87	28,585.85	129.37%	68,606.00	53.91%
711 Sludge Removal	0.00	3,333.33	0.00%	885.00	16,666.65	5.31%	40,000.00	2.21%
715 Purchased Power	12,288.35	12,666.67	97.01%	58,618.76	63,333.35	92.56%	152,000.00	38.56%
718 Chemicals	13,285.76	11,666.67	113.88%	73,956.97	58,333.35	126.78%	140,000.00	52.83%
731 Contractual Svc-Engineering	3,284.40	416.67	788.25%	14,534.87	2,083.35	697.67%	5,000.00	290.70%
732 Contractual Svc-Accounting	6,594.33	1,512.50	435.99%	23,311.21	7,562.50	308.25%	18,150.00	128.44%
733 Contractual Svc-legal	0.00	416.67	0.00%	2,689.01	2,083.35	129.07%	5,000.00	53.78%
735 Contractual Svc-testing	568.50	416.67	136.44%	3,617.75	2,083.35	173.65%	5,000.00	72.36%
736 Contracted Services-Other	3,290.53	416.67	789.72%	6,380.87	2,083.35	306.28%	5,000.00	127.62%
750 Transportation Expenses	308.66	500.00	61.73%	679.23	2,500.00	27.17%	6,000.00	11.32%
757 Insurance-General Liability	4,785.34	2,916.67	164.07%	21,081.34	14,583.35	144.56%	35,000.00	60.23%
760 Advertising	0.00	166.67	0.00%	0.00	833.35	0.00%	2,000.00	0.00%
775 Sewer Admin Lending Fees	0.00	0.00	0.00%	3,592.58	0.00		0.00	
Total Expenses (from QB)	\$ 138,295.88	\$ 139,499.61	99.14%	\$ 678,666.69	\$ 697,498.05	97.30%	\$ 1,673,995.00	40.54%
Net Operating Income (QB)	\$ (423.07)			\$ (23,391.97)				

Additional Reserve Expenses made by Journal Entry								
Membrane Transfer Reserve	\$13,100.00	\$13,100.00		\$65,500.00	\$65,500.00		\$157,200.00	41.67%
10-A Sewer Bond Reserve	\$18,496.08	\$18,496.08		\$92,480.40	\$92,480.40		\$221,952.96	41.67%
Total Reserve Expenses	\$ 31,596.08			\$ 157,980.40				
Net after Reserve Expenses	\$ (32,019.15)			\$ (181,372.37)				

Restricted Income not part of operating funds								
419.5 Capacity Accounts Interest	34.93			6,535.39				
536. Capacity Fees	0.00			47,736.00				
Total Restricted Income	\$ 34.93			\$ 54,271.39				

Shepherdstown Sewer
Budget to Actual December 2023

	Month of December			Year to Date			FY 2024	
	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Budget	% of Budget
Operating Income (from QuickBooks)								
419 Sewer Interest Income	10,773.93	3,583.33	300.67%	47,551.83	17,916.65	265.41%	43,000.00	110.59%
522 Metered Sewer Revenue	115,797.00	124,206.42	93.23%	733,693.82	621,032.10	118.14%	1,490,477.00	49.23%
536 Other Wastewater Revenues	0.00	309.83	0.00%	600.00	1,549.15	38.73%	3,718.00	16.14%
Total Operating Income	\$ 126,570.93	\$ 128,099.58	98.81%	\$ 781,845.65	\$ 640,497.90	122.07%	\$ 1,537,195.00	50.86%

Operating Expenses (from QuickBooks)								
401.1 Sewer Billing Expenses	1,426.21	869.08	164.11%	6,200.25	5,214.48	118.90%	10,429.00	59.45%
401.2 Sewer Administration	3,698.76	5,158.25	71.71%	26,653.27	30,949.50	86.12%	61,899.00	43.06%
401.3 Sewer Utility Billing	7,513.53	3,075.00	244.34%	38,361.46	18,450.00	207.92%	36,900.00	103.96%
401.4 Sewer Plant Maintenance	6,160.50	24,060.66	25.60%	72,497.74	144,363.96	50.22%	288,728.00	25.11%
403 Depreciation Expense	29,576.05	31,666.67	93.40%	177,456.30	190,000.02	93.40%	380,000.00	46.70%
408 Taxes Other than Income	2,179.00	3,054.17	71.35%	13,490.15	18,325.02	73.62%	36,650.00	36.81%
701 Salaries & Wages	28,554.00	31,469.42	90.74%	176,785.11	188,816.52	93.63%	377,633.00	46.81%
704 Employee Benefits	7,442.00	5,717.17	130.17%	44,424.87	34,303.02	129.51%	68,606.00	64.75%
711 Sludge Removal	244.96	3,333.33	7.35%	1,129.96	19,999.98	5.65%	40,000.00	2.82%
715 Purchased Power	13,998.80	12,666.67	110.52%	72,617.56	76,000.02	95.55%	152,000.00	47.77%
718 Chemicals	11,922.84	11,666.67	102.20%	85,879.81	70,000.02	122.69%	140,000.00	61.34%
731 Contractual Svc-Engineering		416.67	0.00%	14,534.87	2,500.02	581.39%	5,000.00	290.70%
732 Contractual Svc-Accounting	4,400.00	1,512.50	290.91%	27,711.21	9,075.00	305.36%	18,150.00	152.68%
733 Contractual Svc-legal		416.67	0.00%	2,689.01	2,500.02	107.56%	5,000.00	53.78%
735 Contractual Svc-testing	544.50	416.67	130.68%	4,162.25	2,500.02	166.49%	5,000.00	83.25%
736 Contracted Services-Other	0.00	416.67	0.00%	6,380.87	2,500.02	255.23%	5,000.00	127.62%
750 Transportation Expenses	522.04	500.00	104.41%	1,201.27	3,000.00	40.04%	6,000.00	20.02%
757 Insurance-General Liability	4,074.00	2,916.67	139.68%	25,155.34	17,500.02	143.74%	35,000.00	71.87%
760 Advertising		166.67	0.00%	0.00	1,000.02	0.00%	2,000.00	0.00%
775 Sewer Admin Lending Fees	3,592.58	0.00	0.00%	7,185.16			0.00	
Total Expenses (from QB)	\$ 125,849.77	\$ 139,499.61	90.22%	\$ 804,516.46	\$ 836,997.66	96.12%	\$ 1,673,995.00	48.06%
Net Operating Income (QB)	\$ 721.16			\$ (22,670.81)				

Additional Reserve Expenses made by Journal Entry								
Membrane Transfer Reserve	\$13,100.00	\$13,100.00		\$78,600.00	\$78,600.00		\$157,200.00	50.00%
10-A Sewer Bond Reserve	\$18,496.08	\$18,496.08		\$110,976.48	\$110,976.48		\$221,952.96	50.00%
Total Reserve Expenses	\$ 31,596.08			\$ 189,576.48				
Net after Reserve Expenses	\$ (30,874.92)			\$ (212,247.29)				

Restricted Income not part of operating funds								
419.5 Capacity Accounts Interest	36.10			6,606.42				
536. Capacity Fees	14,040.00			61,776.00				
Total Restricted Income	\$ 14,076.10			\$ 68,382.42				

SHEPHERDSTOWN WATER DEPT.

January 2024

Pump time average 15 hour

Gallons pumped average 631,348.

Chemical usage elevated due to weather

All daily samples in acceptable ranges

All Bacteriological samples were ABSENT.

No violations

New Raw water pump installed

Concerns:

- Lead and Copper inventory

December 2023 Monthly Reports

	Avg.		Max		Avg. Allowed	Max Allowed		Avg. Lbs.	Max Lbs.	Avg. Lbs. Allowed	Max Lbs. Allowed	Yearly Lbs.	Yearly Lbs. Allowed
Flow	0.2304	Mgd	0.3650		0.6670	Rpt Only		N/A	N/A	N/A	N/A		
BOD	<2.0	Mg/l	<2.0		30	60		4.39	4.39	167	334		
TSS	3.5	Mg/l	3.5		30	60		7.69	7.69	167	334		
TKN	0.61	Mg/l	0.81		3	6		1.23	1.35	17	33		
		Cnts/100											
Fecal	<10	MI	<10		200	400		N/A	N/A	N/A	N/A		
Total N	2.48	Mg/l	5.23		Rpt Only	Rpt Only		N/A	147.78	N/A	507	1248.44	6091
Total P	0.178	Mg/l	0.670		Rpt Only	Rpt Only		N/A	10.61	N/A	50.7	45.04	609
Copper		Mg/l			Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Zinc		Mg/l			Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Lead		Mg/l			Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Aluminum		Mg/l			Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Chloride	81.8	Mg/l	81.8		196	340		N/A	N/A	N/A	N/A		
Total Hardness		Mg/l			Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
					Min Allowed	Max Allowed							
PH	7.0	S.U.	7.0		6.5	8.5		N/A	N/A	N/A	N/A		

Field Name	Applied This Month		Year to Date Applied	Loads	Percent Solids	2 Hr PH	24 Hr PH
Landfill		Tons		Tons			
Olcott Field 2		Tons		Tons			
Olcott Field 3	4.956	Tons	17.604	4	20.7	12.60-12.77	11.90-12.28
Olcott Field 4	1.44	Tons	1.44	1	24.0	12.59	11.87
Olcott Field 6	1.47	Tons	10.932	1	24.5	12.59	11.78
Blair-Carter Field 1		Tons	2.496	Tons			
Blair-Carter Field 3		Tons		Tons			
Blair-Carter Field 4		Tons		Tons			
Willard Field 1	4.176	Tons	7.18	3	23.2	12.38	11.92
Willard Field 3		Tons		Tons			
Willard Field 4		Tons		Tons			
Colbert Field 3		Tons		Tons			
Colbert Field 4		Tons		Tons			
Oakley Field 2		Tons		Tons			
Putz Field 2		Tons		Tons			

SUMMARY OF WASTE WATER TREATMENT PLANT OPERATIONS

Month December Year 2023 Plant Shepherdstown W.W.T.P. City Shepherdstown Operator Kenny Shipley

		INFLUENT WASTEWATER										DIGESTERS		ACTIVATED SLUDGE	EFFLUENT TEMP.	PLANT EFFLUENT						
	Rainfall (inches)	TSS (mg/l)	BOD ₅ (mg/l)	Flow (mgd)	Temp (F°)	pH	Grit and Screening (cf)	Sludge Added (gal)	Removed (gal)	M.L.S.S.	Degrees Celsius	TSS (mg/l)	BOD ₅ (mg/l)	Fecal Coll (per 100 ml)	DO (mg/l)	pH	TKN (mg/l)	Total N (mg/l)	Total P (mg/l)			
Date	1	0.06		0.2643				20000														
	2			0.2348				20000	8370													
	3	0.26		0.2365				20000														
	4	0.02		0.2238				20000														
	5	0.04	71.4	52.2	0.2634			20000	16946	6668			3.5	<2.0	<10		7.0	0.53	0.86	0.67		
	6	0.03		0.2562			7	20000	15320													
	7			0.2455				16000	13608													
	8			0.2308				14000	10176													
	9			0.2063				14000	10265													
	10	0.97		0.2344				14000														
	11	0.15		0.2866			8	14000		7223								0.46	1.00	0.018		
	12			0.2350				32000														
	13			0.2399				28000	66578													
	14			0.2192				28000	39946													
	15			0.2277				28000	38246													
	16			0.2047				28000	41332													
	17	1.29		0.2256				28000														
	18	0.26		0.3650				28000	40524													
	19			0.2575				28000	42116									0.63	5.23	<0.01		
	20			0.2368			9	20000	10538													
	21			0.2190				20000	3728													
	22			0.2213				12000														
	23			0.2261				12000	55974													
	24	0.03		0.1951				12000														
	25			0.1423				20000														
	26	0.3		0.1995				20000	14954	5435								0.81	2.81	0.014		
	27	0.23		0.1938			6	20000	11814													
	28			0.2071				20000														
	29			0.2180				12000														
	30			0.2229				12000														
	31			0.1947				12000														
Total	3.64	71.4	52.2	7.1438			30	612000	440433	19326			3.5	<2.0	<10		7.0	2.43	9.90	0.712		
Average	0.30	71.4	52.2	0.2304			7.5	19742	25908	6442			3.5	<2.0	<10		7.0	0.61	2.48	0.178		
Minimum	0.02	71.4	52.2	0.1423			6	12000	3728	5435			3.5	<2.0	<10		7.0	0.46	0.86	<0.01		
Maximum	1.29	71.4	52.2	0.3650			9	32000	66576	7223			3.5	<2.0	<10		7.0	0.81	5.23	0.67		

MAIL ONE COPY EACH TO:

Office of Environmental Health Services
Certification & Training Program
350 Capitol Street, Room 313
Charleston WV 25301-1798

Division of Environmental Protection
ATTN: Municipal Branch
601- 57th Street
Charleston, WV 25304

January 2024 Monthly Reports

	Avg.		Max		Avg. Allowed	Max Allowed		Avg. Lbs.	Max Lbs.	Avg. Lbs. Allowed	Max Lbs. Allowed	Yearly Lbs.	Yearly Lbs. Allowed
Flow	0.2648	Mgd	0.4220	Mgd	0.6670	Rpt Only		N/A	N/A	N/A	N/A		
BOD	<2.0	Mg/l	<2.0	Mg/l	30	60		5.44	5.44	167	334		
TSS	4.0	Mg/l	4.0	Mg/l	30	60		10.88	10.88	167	334		
TKN	0.58	Mg/l	0.77	Mg/l	3	6		1.36	2.09	17	33		
		Cnts/100		Cnts/100									
Fecal	<10	Ml	<10	Ml	200	400		N/A	N/A	N/A	N/A		
Total N	4.44	Mg/l	11.77	Mg/l	Rpt Only	Rpt Only		N/A	303.94	N/A	507	1552.38	6091
Total P	0.016	Mg/l	0.029	Mg/l	Rpt Only	Rpt Only		N/A	1.10	N/A	50.7	46.14	609
Copper		Mg/l		Mg/l	Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Zinc		Mg/l		Mg/l	Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Lead		Mg/l		Mg/l	Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Aluminum		Mg/l		Mg/l	Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
Chloride	86.6	Mg/l	86.6	Mg/l	196	340		N/A	N/A	N/A	N/A		
Total Hardness	198.0	Mg/l	198.0	Mg/l	Rpt Only	Rpt Only		N/A	N/A	N/A	N/A		
					Min Allowed	Max Allowed							
PH	7.1	S.U.	7.1	S.U.	6.5	8.5		N/A	N/A	N/A	N/A		

Field Name	Applied This Month		Year to Date Applied		Loads	Percent Solids	2 Hr PH	24 Hr PH
Landfill	3.6826	Tons	3.6826	Tons	4	20.8		
Olcott Field 2		Tons		Tons				
Olcott Field 3		Tons	17.604	Tons	4			
Olcott Field 4		Tons	1.44	Tons	1			
Olcott Field 6		Tons	10.932	Tons	1			
Blair-Carter Field 1		Tons	2.496	Tons				
Blair-Carter Field 3		Tons		Tons				
Blair-Carter Field 4		Tons		Tons				
Willard Field 1		Tons	7.18	Tons	3			
Willard Field 3		Tons		Tons				
Willard Field 4		Tons		Tons				
Colbert Field 3		Tons		Tons				
Colbert Field 4		Tons		Tons				
Oakley Field 2		Tons		Tons				
Putz Field 2		Tons		Tons				

SUMMARY OF WASTE WATER TREATMENT PLANT OPERATIONS

Month January Year 2024 Plant Shepherdstown W.W.T.P. City Shepherdstown Operator Kerry Shiple

		INFLUENT WASTEWATER						DIGESTERS			ACTIVATED SLUDGE	EFFLUENT TEMP.	PLANT EFFLUENT							
		Rainfall (inches)	TSS (mg/l)	BOD ₅ (mg/l)	Flow (mgd)	Temp (F°)	pH	Grit and Screening (cf)	Sludge Added (gal)	Removed (gal)	M.L.S.S.	Degrees Celsius	TSS (mg/l)	BOD ₅ (mg/l)	Fecal Coll (per 100 ml)	DO (mg/l)	pH	TKN (mg/l)	Total N (mg/l)	Total P (mg/L)
Date																				
1				0.1752				12000												
2	0.04			0.1955				16000	64679											
3				0.2089			9	20000	11634	6227										
4				0.2071				20000	13887											
5				0.2260			5	22000	45055	5962										
6	0.29			0.2115				22000	15256											
7				0.2270				22000												
8				0.2339				22000	14954											
9	1.9	191	124	0.3262				22000	14443			4	<2	<10		7.1	0.77	11.77	0.029	
10				0.3225				16000	12285											
11				0.3074				16000	14601											
12	0.49			0.2931			6	16000	13984											
13				0.3084				18000												
14				0.2520				16000												
15				0.2424				12000	43321											
16	0.05			0.2540				12000	14887											
17				0.2476				22000	11966								0.58	4.79	<0.01	
18				0.2365				22000	14667											
19	0.2			0.2424			6	12000	14846	6311										
20	0.59			0.2377				12000	34302											
21	0.25			0.2397				12000												
22	0.18			0.2418				12000	14694											
23				0.2796				16000	12358									0.34	3.14	0.01
24				0.2660				16000	12371											
25	0.04			0.2762				16000	14084											
26	0.01			0.2886			6	16000	13539	5621										
27	0.14			0.2620				16000	36999											
28	1.35			0.4220				16000												
29				0.3117				16000	14795											
30				0.3638				16000	14617								0.69	1.24	0.02	
31								16000	37397											
Total	5.53	191	124	6.2080			32	518000	525601	24121		4	<2	<10		7.1	2.88	22.21	0.078	
Average	0.43	191	124	0.2648			6.4	16710	21024	6030		4	<2	<10		7.1	0.58	4.44	0.016	
Minimum	0.01	191	124	0.1752			5	12000	11634	5621		4	<2	<10		7.1	0.34	1.24	<0.01	
Maximum	1.90	191	124	0.4220			9	22000	64679	6311		4	<2	<10		7.1	0.77	11.77	0.029	

MAIL ONE COPY EACH TO: Office of Environmental Health Services
 Certification & Training Program
 350 Capitol Street, Room 313
 Charleston WV 25301-1798

Division of Environmental Protection
 ATTN: Municipal Branch
 601-57th Street
 Charleston, WV 25304



Applicant: SHEPHERDSTOWN, CORPORATION OF Type: Electronic DMR
 Reference ID: WV002477 January 2023 (02/21/2024) Permit ID: New/Pending
 eDMR Worksheet – WV0024775 - S01
 Status: New Printed: Feb. 21, 2024 1:48 PM

Lab Performing Analysis

Permit: WV0024775 Outlet No: S01 Type: NORMAL
 Report for the Month of: January Year: 2024

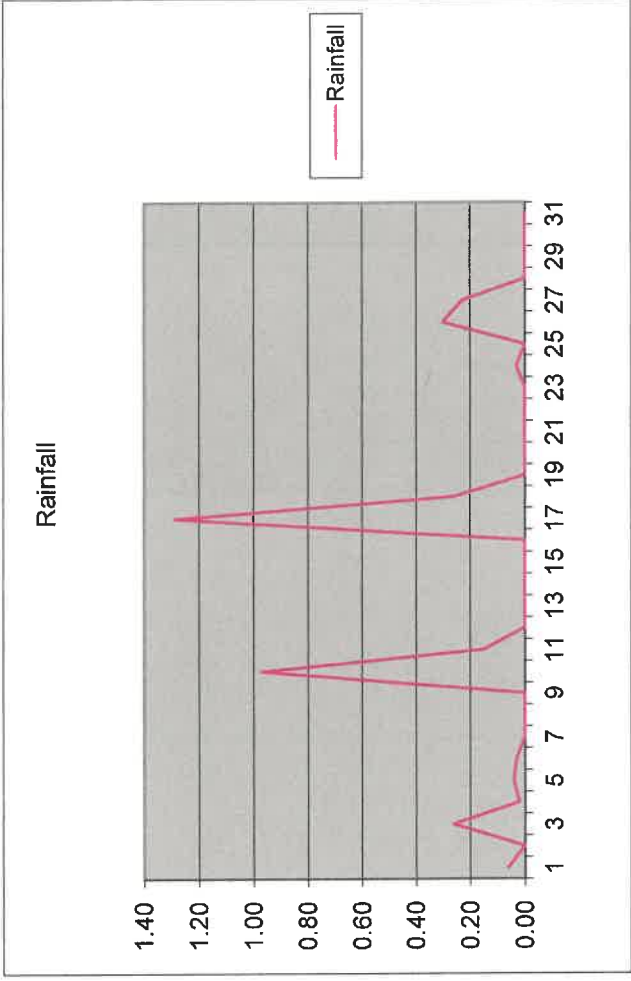
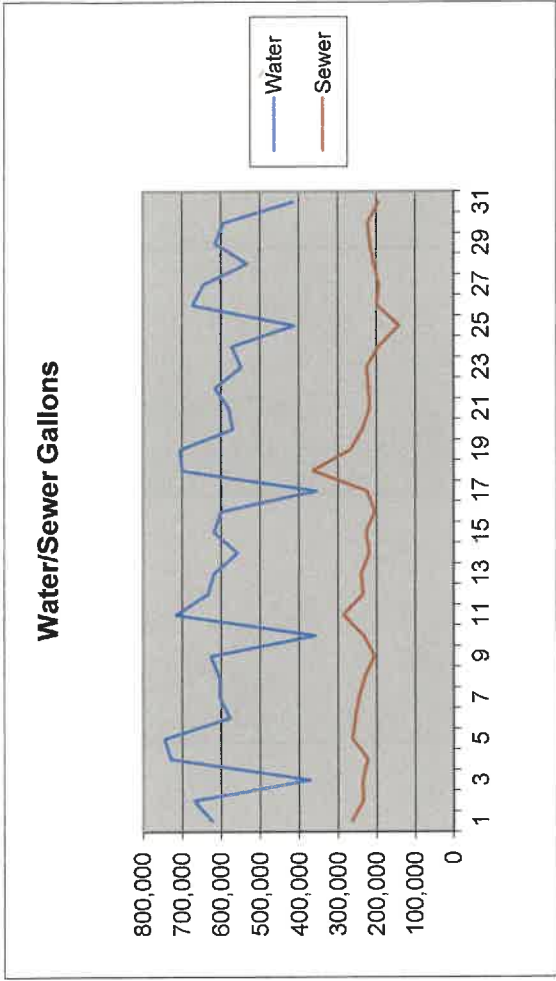
060 - PADE ANALYTICAL SERVICES-BEAMER, WV

Retrieve Parameters eDMR Schedule

Parameter	Permit Limits	Quantity			Number Exceed.	Other Units			Units	Number Exceed.	Measurement Frequency	Sample Type	Lab
		Avg	Max	Units		Min	Avg	Max					
00408 (ML+) RF-C Pis	Reported					7.5		7.5			1/6 months		060
Year Round	Permit Limits	N/A	N/A			Rpt Only Minimum	N/A	Rpt Only Maximum		0	1/6 months	Grab	060
61521 (ML+) RF-C Arsenic, Sludge Tot Dry Wt (As As)	Reported							<4.7			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78478 (ML+) RF-C Cadmium, Sludge, Tot Dry Weight (As Cd)	Reported							1.1			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78473 (ML+) RF-C Chromium, Dry Weight	Reported							10			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78475 (ML+) RF-C Copper, Sludge, Tot Dry Weight (As Cu)	Reported							176			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78468 (ML+) RF-C Lead, Dry Weight	Reported							<13.1			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78471 (ML+) RF-C Mercury, Dry Weight	Reported							0.00			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78465 (ML+) RF-C Molybdenum, Dry Weight	Reported							3.9			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78469 (ML+) RF-C Nickel, Dry Weight	Reported							<24.3			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
49031 (ML+) RF-C Selenium, Sludge, Total Dry Weight	Reported							5.8			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78467 (ML+) RF-C Zinc, Dry Weight	Reported							464			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
00916 (ML+) RF-C Calcium, Total (As Ca)	Reported							12200			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Rpt Only Maximum	mg/kg	0	1/6 months	1 Week Comp	060
61553 (ML+) RF-C Solids, Total, Sludge, Percent	Reported					21.5	21.9	22.3			1/6 months		060
Year Round	Permit Limits	N/A	N/A			Rpt Only Minimum	Rpt Only Avg	Rpt Only Maximum	Percent	0	1/6 months	1 Week Comp	060
78472 (ML+) RF-C Polysulfon, Sludge, Tot Dry Wt (As P)	Reported							4610			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78478 (ML+) RF-C Phosphorus, Sludge, Tot Dry Wt (As P)	Reported							26306			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
82284 (ML+) RF-C Fluoride, Ammonia, Sludge, Tot Dry Wt	Reported							671			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
78470 (ML+) RF-C Nitrogen, Sludge, Tot Dry Wt (As N)	Reported							50000			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Rpt Only Maximum	mg/kg	0	1/6 months	1 Week Comp	060
51020 (ML+) RF-C Organic Nitrogen, Sludge Tot Dry Weight	Reported							46709			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	mg/kg	0	1/6 months	1 Week Comp	060
00927 (ML+) RF-C Magnesium, Total (As Mg)	Reported							2660			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Rpt Only Maximum	mg/kg	0	1/6 months	1 Week Comp	060
51641 (ML+) RF-C Fecal Coliform	Reported							22679			1/6 months		060
Year Round	Permit Limits	N/A	N/A					Maximum	col/100	0	1/6 months	Grab	060

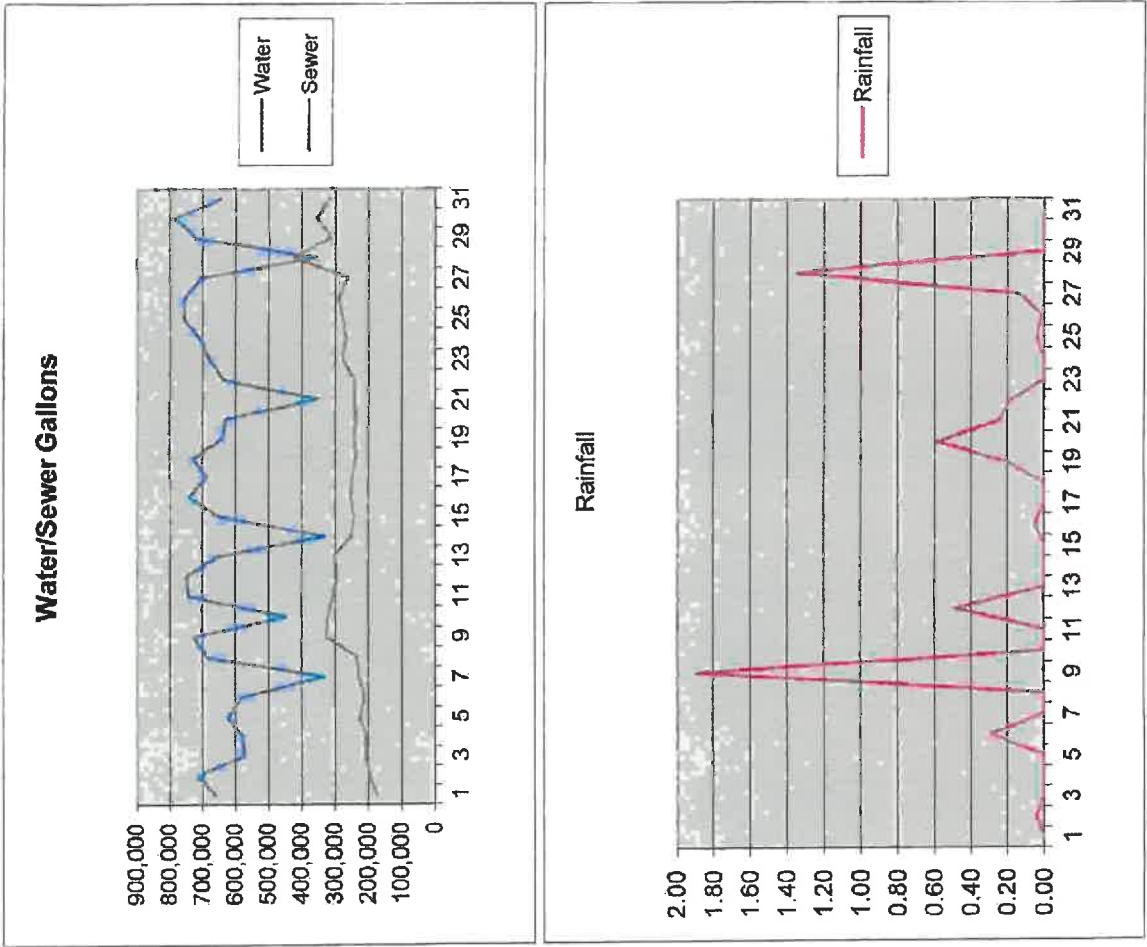
Water/Sewer Flows December 2023

Date	Water	Sewer	RainFall
1	624,300	264,300	0.06
2	669,300	234,800	0.00
3	372,600	236,500	0.26
4	728,900	223,800	0.02
5	746,400	263,400	0.04
6	577,600	256,200	0.03
7	603,900	245,500	0.00
8	604,400	230,800	0.00
9	627,600	206,300	0.00
10	358,600	234,400	0.97
11	716,500	286,600	0.15
12	634,200	235,000	0.00
13	618,700	239,900	0.00
14	558,500	219,200	0.00
15	618,500	227,700	0.00
16	600,100	204,700	0.00
17	355,400	225,600	1.29
18	700,500	365,000	0.26
19	705,700	267,500	0.00
20	570,400	236,800	0.00
21	580,800	219,000	0.00
22	615,800	221,300	0.00
23	548,500	226,100	0.00
24	572,900	195,100	0.03
25	412,600	142,300	0.00
26	673,000	199,500	0.30
27	644,600	193,800	0.23
28	533,400	207,100	0.00
29	616,000	218,000	0.00
30	593,400	222,900	0.00
31	415,600	194,700	0.00
Avg.	587,055	230,445	0.12



Water/Sewer Flows January 2024

Date	Water	Sewer	RainFall
1	659,400	175,200	0.00
2	714,800	195,600	0.04
3	572,700	208,900	0.00
4	577,300	207,100	0.00
5	621,800	226,000	0.00
6	579,600	211,500	0.29
7	332,400	227,000	0.00
8	685,400	233,800	0.00
9	727,400	326,200	1.90
10	446,500	322,500	0.00
11	745,100	307,400	0.00
12	750,000	293,100	0.49
13	652,800	303,400	0.00
14	333,300	252,000	0.00
15	650,500	242,400	0.00
16	741,000	254,000	0.05
17	687,500	247,600	0.00
18	729,300	236,500	0.00
19	639,800	242,400	0.20
20	629,300	237,700	0.59
21	351,000	239,700	0.25
22	634,900	241,800	0.18
23	677,600	279,600	0.00
24	706,400	266,000	0.00
25	757,900	276,200	0.04
26	757,200	288,600	0.01
27	705,900	262,000	0.14
28	356,000	422,000	1.35
29	722,700	311,700	0.00
30	783,500	353,800	0.00
31	642,800	316,300	0.00
Avg.	631,348	264,774	0.18





120Water

EBR - Customer - Shepherdstown - WV - 2024 Renewal

Customer - Shepherdstown - WV

PO Box 248, PO BOX 248

Shepherdstown, WV 25443

United States

Reference: 20240118-093055308

Quote created: January 18, 2024

Quote expires: March 18, 2024

Quote created by: Jon Garrison

jon@120water.com

Comments from Jon Garrison

Products & Services

Item Name & Description	Unit Price	Quantity	Term (months)
Pro - Public Water System Annual subscription PWS Pro package to manage programs and data. Unlimited users	\$5,960.00 / year	1	12
Professional Services (Assist) Discrete tappable specifics under each scope area (block of 20 hours)	\$2,500.00 / year	2	12
Annual subtotal			\$10,960.00
Total			\$10,960.00

Purchase terms

Fees will be billed on the Contract Start Date (3/10/24) and will be due net 30 days from the Invoice Date.

Invoice Terms:

Billing Street Address:

Billing City:

Billing State:

Billing Zip Code:

Billing Country:

Billing Notes (if applicable):

This Order Form, together with the Master Services Agreement available at <https://120water.com/master-services-agreement/> (the "MSA"), shall become a legally binding contract upon the earlier of (a) the date both parties execute the Order Form or (b) the date Customer initially began using the Services. Any capitalized word not otherwise defined in this Order Form shall have the same meaning as set forth in the MSA.

120Water may reject this Order Form if: (1) the signatory below does not have the authority to bind Customer to this Order Form, (2) changes have been made to this Order Form (other than completion of the purchase order information and signature block), or (3) the requested purchase order information or signature is incomplete or does not match our records or the rest of this Order Form. Subscriptions are non-cancelable before their end of the Term.

Signature

Signature

Date

Printed name

Countersignature

Countersignature

Date

Printed name

Questions? Contact me



Jon Garrison
jon@120water.com

120Water
250 S Elm St
Zionsville, IN 46077
US

Water Board Members

	Orig. Appt.	Expiration	Reappointed	Phone	Email
Sue Kemnitzer, Chair	1996	Feb-24	Feb-21	571-331-4832	skemnitzer@att.net
Jim Ford	Jul-20	Jul-23		304-283-5450	jim@muirford.com
John Bresland	Apr-17	Apr-24	Apr-21	202-577-8448/304-876-9	johnsbresland@msn.com
Mike Godfrey	Jun-17	Feb-24	Feb-21	(home) 304-870-4939 (cell) 301-4	m.godfrey.d@gmail.com
Sylke Knuppel	May-22	Feb-23		240-401-7360	sylke16@aol.com
Chris Stroech, Council Rep.	Jul-20	Jul-24	Jul-22	304-725-2002	cstroech@arnoldandbailey.com
Jim Auxer, Mayor	Jul-20	Jul-24	Jul-22	717-319-2519	jimauxer@yahoo.com

Sanitary Board Members

Jim Auxer, Chair - Mayor	Jul-08	Jul-24	Jul-22	717-319-2519	jimauxer@yahoo.com
Bob Keller	Jun-05	Feb-24	Feb-21	304-876-2020	rockymarsh@gmail.com
Harvey Heyser	1991	Feb-24	Feb-21	304-876-6637	h.heyser3@hotmail.com

The Court in the AFFF MDL requested that we, Class Counsel for the Settlement Class of Public Water Systems which have settled their PFAS-related claims against 3M Company, contact those Public Water Systems (PWS) that filed "Requests for Exclusion," or opt-outs, from the 3M settlement. You are receiving this email as a result of the Court's direction.

Last week, the Court extended the deadline for a PWS that previously opted out to revoke their Requests for Exclusion and thus come back into the Settlement Class until **Friday, March 1, 2024**.

The Court also conducted the Final Fairness Hearing for the class settlement. The Court's comments focused heavily on the potential benefits for a PWS that elect to opt back into the settlement and stated that failure to perform due diligence before a decision to opt out "borders on reckless." A copy of the transcript can be found at www.PFASwatersettlement.com. A summary of the hearing as reported by Bloomberg Law is also reflected below.

Requests for Exclusion may be withdrawn by following the Parties' Joint Interpretive Guidance (ECF No. 4383-1), which states that:

"At any time on or before March 1, 2024, an Eligible Claimant may submit a **signed letter by email** from a representative legally authorized to act on behalf of the Eligible Claimant stating that:

- 1) They are a representative legally authorized to act on behalf of the Eligible Claimant regarding the Settlement; and
- 2) The Eligible Claimant formally withdraws its Request for Exclusion and elects to remain a class member.

The signed letter must be emailed to the following representatives:

Settlement Administrator

info@pfaswatersettlement.com

Representatives for 3M Counsel

Thomas J. Perrelli

TPerrelli@jenner.com

Richard Bulger

RBulger@mayerbrown.com

Representative for Class Counsel

Michael London mlondon@douglasandlondon.com

Any Eligible Claimant that has previously submitted a Request for Exclusion and fulfills the above criteria for withdrawal shall be considered a Settlement Class Member subject to the full terms and benefits of the Settlement."

If you have questions about either of these developments, or about the process for revoking a Request for Exclusion from the class settlement, please do not hesitate to contact Class Counsel
(the signatories below).

Sincerely,

s/ Michael A. London

Michael A. London

Douglas and London PC

59 Maiden Lane, 6th Floor

New York, NY 10038

212-566-7500

212-566-7501 (fax)

mlondon@douglasandlondon.com

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Mt. Pleasant, SC 29464
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F: 843.216.9290
jrice@motleyrice.com

Class Counsel

BLOOMBERG LAW ARTICLE ON FINAL FAIRNESS HEARING:

Judge in 3M PFAS Settlement Urges Rigor by Utilities Opting Out

Bloomberg Law
by Pat Rizzuto
February 5, 2024

Generations of people said to benefit from proposed settlement
Utilities that opted out have until March 1 to reconsider

The federal judge overseeing a proposed multibillion-dollar PFAS contamination settlement urged water utilities on Friday to exercise due diligence before opting out, lest they lose their chance at securing funds to help comply with regulations and protect public health.

Judge Richard M. Gergel, of the US District Court for the District of South Carolina, held the final fairness hearing Feb. 2 for a settlement through which the 3M Co. would offer between \$10.5 billion to \$12.5 billion to resolve current and future claims by drinking water utilities that the company's per-and polyfluoroalkyl substances (PFAS) made their way into their systems.

The settlement would relieve 3M of uncertainty about its liability for the 12,000 public drinking water systems estimated to meet the class definition.

Only a small percentage of water utilities have raised objections or chosen to opt out, said plaintiffs' attorney Gary J. Douglas of Douglas & London PC.

Litigation risks ahead include that 3M and other defendants could win immunity as government contractors, because they made the chemicals and PFAS-enabled firefighting foams for the military, he said. The US Department of Defense, which used those foams for decades and has contaminated water systems, also could be deemed immune, Douglas said.

Gergel denied in 2022 defendants' motion for a summary judgment awarding them contractor immunity. It's possible defendants still would win on that issue, his opinion said. But factual disputes remain concerning the timing of some manufacturers' disclosures of health-related information and whether the Department of Defense had full knowledge of the products' risks, he ruled.

The court has yet to rule on whether the federal government is immune. The Federal Tort Claims Act often exempts the government from liability for actions or duties that involve discretionary functions.

The lack of regulations and other mandatory controls over DoD's use of aqueous film forming foam (AFFF), a type of specialized fire retardant that has contained PFAS for decades, and the military's limited knowledge of PFAS' harms make it immune, the federal government maintains.

'Borders on Reckless'

If utilities opt out of the settlement following due diligence, that's their right, Gergel said. Yet it's hard to understand why utilities that already know they're dealing with PFAS

contamination would choose to do so and risk getting nothing, he said. "That borders on reckless."

Gergel urged plaintiffs' attorneys to reach out and make sure those utilities have made an informed decision.

The settlement that would be divided among the class members could help them comply with national drinking water limits the Environmental Protection Agency plans to issue this year along with state regulations that may be stricter than the EPA's, Scott Summy, the plaintiffs' co-lead counsel, told the court.

Utilities also would receive money to help them test more parts of their water systems than the EPA's fifth Unregulated Contaminant Monitoring Rule ([UCMR 5](#)) requires, said Summy, who leads Baron & Budd PC's Environmental Litigation Group. The 2021 rule requires utilities serving more than 3,300 people to monitor for 29 PFAS between 2023 and 2025.

The additional tests the settlement would pay for could reveal contamination the water systems otherwise wouldn't have known about, he said.

A recent court order extended the deadline until March 1 for utilities to change their mind if they previously opted out, Summy said in an interview after the hearing.

The settlement's beneficiaries are people whose health will be impacted, Summy told the court. And that public health benefit "will go on for generations."

The case is [In Re Aqueous Film-Forming Foams Prod. Liab. Litig. MDL 2873](#), D.S.C., No. 18-mn-02873, Final Fairness Hearing, 2/2/24.

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X

Please consider these questions related to the terms of the Water Board members. Amy provided this information and also stated that "I reviewed last January's minutes and didn't see that the terms were discussed. It looks like Sylke and Jim Ford's terms expired in 2023 and several others will expire throughout 2024. Members can continue to serve until they are reappointed or replaced."

Members and Terms

Sue Kemnitzer, Chair Feb-21 Feb-24

Jim Ford Jul-20 Jul-23

John Bresland Apr-21 Apr-24

Mike Godfrey Feb-21 Feb-24

Sylke Knuppel May-22 Feb-23

Chris Stroeck, Council Rep. Jul-22 Jul-24

Jim Auxer, Mayor Jul-22- Jul-25

Questions:

1. The ordinance which established the Water Board does not state that terms continue until reappointment or removal. Has the ordinance changed from the one that is posted on the Town website? Is there a superseding ordinance?

2. Why does this show Sylke's term as only 17 months rather than three years? I thought we appointed her for the standard three-year term. Chris and Jim's terms should coincide with the terms of their elected positions, i.e., July 22-24.

3. Who should ask the current members if they want to continue for another term? I am willing to do this.

4. Shall we advertise that we are seeking new members (if #3 results in vacancies.) Jack Eggleston recently told me that he would like to join the board. He is an accomplished



Susan Kemnitzer

skemnitzer@att.net

+ Add to contacts

Frank Welch

From: susan kemnitzer <skemnitzer@att.net>
Sent: Thursday, February 8, 2024 2:30 PM
To: Charles Coe; Frank Welch; Jim Auxer
Subject: Fw: U.S. EPA Small Drinking Water Systems Webinar – Lead Service Line Inventory Guidance
Attachments: February 2024 Small Systems Webinar Series flyer.pdf; image003.png; image005.png; image007.png; image009.png

Hi, At the next W&S meeting, please give us a detailed briefing on how we will complete our report on lead service inventory. Thank you, Sue

----- Forwarded Message -----

From: Greg Welter <greg.welter@ramboll.com>
To: susan kemnitzer <skemnitzer@att.net>; John Bresland <johnsbresland@msn.com>; 'Jim Auxer, Mayor' <jimauxer@yahoo.com>
Sent: Thursday, February 8, 2024 at 02:24:21 PM EST
Subject: FW: U.S. EPA Small Drinking Water Systems Webinar – Lead Service Line Inventory Guidance

Hello Sue / John / Jim

I thought this would be helpful for you. Feel free to forward.

Greg Welter

301-275-3084

Classification: Confidential

From: EPA ORD Small Drinking Water Systems Webinars <EPA-Webinar-SDWS@icf.com>
Sent: Thursday, February 8, 2024 1:09 PM
To: EPA ORD Small Drinking Water Systems Webinars <EPA-Webinar-SDWS@icf.com>
Subject: U.S. EPA Small Drinking Water Systems Webinar – Lead Service Line Inventory Guidance

10/02/2025

You don't often get email from epa-webinar-sdws@icf.com. [Learn why this is important](#)

HYDRANT PROJECT WORK LIST						
LOCATION	VALVE Y/N?	ISSUE WITH HYDRANT	PROPOSED WORK PLAN	STATUS	REPORT	DATE
HYDRANTS OUT OF SERVICE/NEED REPAIRS						
388 Starkeys Landing	Yes	No	Hit by vehicle	Remove hydrant install blowoff		
HYDRANTS TO BE REMOVED AND RETIRED						
Corner King & New Streets		4" main, inadequate supply	Retire hydrant, covered by other hydrants	Retire hydrant, covered by other hydrants		
Corner Church & New Street		4" main, inadequate supply	Retire hydrant, covered by other hydrants	Retire hydrant, covered by other hydrants		
East High Street (Tommy's Pizza)		4" main, inadequate supply	Retire hydrant, covered by other hydrants	Retire hydrant, covered by other hydrants		
HYDRANTS IN SERVICE/NEED REPAIRS						
Willowdale/Martha	Yes	Yes	No Drain	Replace hydrant		
High Street at Stutzman-Slonaker Hall	Yes	Yes	No Drain	Repair in place		
W. High st/ N. Duke st.	?	Yes	Hard to operate	Replace hydrant		
426 Willowdale Dr	?	Yes	too low	Needs Riser		
Green Pineapple	Yes	Yes	gets hit /in loading zone	Install bollards/repair		
United bank	Yes	Yes	No drain	Repair in place		
NEW HYDRANTS						
Tack & Jack's Apartments, Duke St.	?	?	Taken out by drunk driver	Install New Hydrant		
HYDRANTS WITH PROPERTY ISSUES						
DEDICATED HYDRANTS						
SU Baseball field end of High Street		Open only w/permission of Water Dept.	Special tag, alert firefighters	Special tag, alert firefighters		
SFD Fire Hall		Open only w/permission of Water Dept.	Special tag, alert firefighters	Special tag, alert firefighters		
Mecklenburg Heights		Open only w/permission of Water Dept.	Special tag, alert firefighters	Special tag, alert firefighters		
NOTES						
Minimum clearance for bollards: 36"		36'				
Total gallons flushed		600,000				