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Board of Directors

Position 1 – Joe Spendolini
Position 2 – Kevin Harter
Position 3 – Mike Koger

Board Secretary

Cindy Oden

SPECIAL BOARD MEETING September 7, 2021

1. **Call to Order** -Chairman Harter called the meeting to order at 2:00 p.m.
2. **Roll Call of Directors** – Chairman Harter present, Director Spendolini present, Director Koger absent. Board Secretary Cindy Oden present, Sally Bratton Treatment Plant Supervisor present. Dan Scalas Adkins Engineering, Tom DeJong, Janel Bocchi, Lewis, Bob’s Excavating.
3. **New Business**
 - a. **Open Bids for Sludge Removal Project & Award Bid** – The District received two bids for the Pond 1 Sludge Removal Project. Bob’s Excavating \$724,008 and Synagro \$948,941. Dan with Adkins Engineering will take the bids and make sure they are compliant, and all additional information has been received. Director Spendolini moved to award Bob’s Excavating as low bidder the contract. The Board indicated that either Director Spendolini or Chairman Harter sign the contract. Synagro waived their protest period. Dan will execute the Intent to Award and the contract and get them to us for signature, so we can move forward with our tight schedule on this project. Lewis with Bob’s Excavating indicated they would work on the 14” pipe project removal at the same time as this project and their plan is to get started by September 20, 2021, if not sooner. Consensus of the board for Sally to get a contractor code for the gate at the plant to order 10 remotes for the contractors to use during construction.
4. The Board took a recess at 2:22 p.m. to wait for Director Koger to attend. The Board reconvened at 2:46 p.m. Director Koger still absent.
5. **Approval of Regular Meeting Minutes August 17, 2021; Special Meeting Minutes for August 9, 2021, August 24, 2021 & August 30, 2021** – Director Spendolini moved to accept the minutes for August 9th, August 17th, August 24th & August 31, 2021, as presented. Chairman Harter seconded. Passed unanimously.
6. Chairman Harter moved item c from old business to the top. - **Rhine Cross DeJong Land Partition.** Chairman Harter: as I understand this the County did not approve the original land partition. Janel Bocchi stated their original deal with Jason Chapman when South Suburban purchased the ranch was the 10.63 acres on the north side of N Poe Valley Road was not approved because of lawful creation from 1920. She did get tentative approval from Eric Noble that they would approve the 10.63 acres if we also partitioned the land above the US Bureau of Reclamation ditch. Because the ditch is considered a legal line, but the county road was not considered a legal line. They said if you portioned the houses off then we could go ahead with the 10.63 acres partition. We original met with Mr. Fritschi at the end of June 2021. Mr. Fritschi indicated he would come to the board and see if that was alright with the board. We have several thousand dollars already invested between county fees,

surveying fees. I don't know how much more it would be, but he thought it would be a good idea. At the time he thought the board was not interested in keeping the residences. That way you guys could do whatever you wanted sale it, keep it, whatever. Chairman Harter: Are you talking about Mr. Fritschi thought it would be a good idea. Janel: Yes, he said he would take it to the board and see what the board thought. Chairman Harter: He never did. Janel gave the board a map of what she was talking about. Janel: Since mom and dad thought this was done deal, they have cleaned up the property. Janel: The County said they would approve partitioning the 10.63 acres, if SSSD would also partition off the house and 19.1 acres and the farmland partitioned as its own tax lot. I just came to explain to you what we were trying to do. We could even consider buying the residential housing from you. My parents have a dairy farm down the road, and they are always looking for employee housing. If that is something you are interested in doing and if the price is something we could afford, but that is for another discussion.

Director Spendolini the one thing we know right now is we paid \$5.6 million for the ranch. We don't even know if the ranch is worth that. We are currently getting an appraisal of the property. We know nothing more than that, other than there was some preliminary discussion with you guys, pre-contract, pre-purchase agreement with Mr. Chapman to adjust the lot line. I need to understand this. I need to dig into this deeper before I know what to recommend. Sounds like you guys are frustrated. I get it I understand. Tom DeJong: my wife already paid Jason. Director Spendolini: You paid Jason for the adjustment? Janel: No for the 10.6 acres. That piece was not included in the purchase of the property SSSD purchased. Chairman Harter: the unfortunate part as I look at the records that was part of the SSSD purchase. That piece was not broken off in the sale, that piece was part of the SSSD purchase. Janel: are you saying part of the sale as the tax id number or as part of the total acreage? Chairman Harter: As part of the acreage. As I currently understand it. There is discussion in the sale about section that off. That Jason was working with you all to section that off, but when the sale went through that was part of the sale. We are stuck as a new board we are trying to figure this all out. Director Spendolini: we will work with you and try to get this ironed out. Chairman Harter: we will. Director Spendolini: we have to do what is right. Janel: I was under the impression the 10.63 acres was not part of the sale. Jason told us it was not. Chairman Harter: Jason was supposed to take care of that, and he did not. When the contract was written for the purchase of the land it was not excluded from the purchase. Director Spendolini: We do have one of the district's attorneys looking at this right now, we do not have any response from him right now. I do feel your pain. Chairman Harter: We are working on this though. Tom DeJong: we wanted to make sure you guys were aware of the deal. Director Spendolini: we will see if we can get this straightened out to every body's satisfaction. Chairman Harter: that is all we can do at this point. We understand your position and we will do what we can.

7. Old Business

- b. District Records from Mr. Rudd** – Chairman Harter: I will have Director Spendolini lead this discussion because he has been working on this with Cindy. Director Spendolini: Bottom line, I just want to refer to the emails. There has been a lot of discussion back and forth between Cindy and I and former general counsel Mr. Rudd. Mr. Rudd is asking for specific request for records. I will read into the record a recommended motion from our current attorney Ross Williamson. This is not my motion this is what Ross recommends. He says the motion could be something like I move to authorize Joe Spendolini, with the assistance of Cindy Oden, to request records from attorney Michael Rudd. The initial documents to be requested are those in the list prepared by Cindy Oden for this meeting, dated with today's date. The Board further authorizes joe Spendolini, with the assistance of Cindy Oden, to request additional records from Mr. Rudd from the past three years to the extent such

records may assist the district with its ongoing business. The Board further authorizes payment to Mr. Rudd for the associated costs of producing the records. So, the request to Mr. Rudd was pretty board. What we know we don't have are any executive session meeting minutes. A lot of the land details are not here, are not resident. Mr. Fritschi computer has been scrubbed essentially. There are a few files on his hard drive, nothing on his H drive on the file server. That I have been able to locate. The hard copy files especially dealing with executive session only one place that they exist at this point and that is with Mr. Rudd. The law requires the district to maintain 10 years of executive session. We need to be in a position to respond to public records request and right now we are unable to do that.

Chairman Harter: Moved to authorized Joe Spendolini, with the assistance of Cindy Oden, to request records from attorney Michael Rudd. The initial documents to be requested are those in the list prepared by Cindy Oden for this meeting, dated with today's date, with the exception of board packet information given to Mr. Rudd from South Suburban Sanitary District and to include all executive session minutes and documents for the past 10 years. The Board further authorizes Joe Spendolini, with the assistance of Cindy Oden, to request additional records from Mr. Rudd from the past three years to the extent such records may assist the district with its ongoing business. The Board further authorizes payment to Mr. Rudd for the associated costs of producing the records. Seconded by Director Spendolini. Passed unanimously.

Chairman Harter: While we are on the subject, did we have anyone look into recovering the files from Mr. Fritschi's computer? Director Spendolini: We did have our guy come in and he was able to locate stuff on the hard drive and move it to the desktop, but there is nothing of substance there. Could someone undelete what has been deleted? Certainly. But I have not looked into it. Chairman Harter: I would like to look into getting someone to recover Mr. Fritschi's files. I think it is important to the district that those files be recovered. Cindy: I know Mike with Bear Technology has done some forensic stuff and he has even testified in court with it. I can speak with Mike and see if he can get us a price. Chairman Harter: If he can not do it. I say we look at getting an outside agency to look into recovering the files. It is pretty irresponsible of a former manager to delete his files. Director Spendolini: I asked Cindy to go through his office, all his manual files to locate anything in there that we currently need, and she did not find much. Cindy: I did find some well logs for N Poe Valley that helped the well drillers. There was also a well log about an irrigation well. I gave a copy of it to Janelle. She did some research on it and found it was for another piece of property the Chapmans owned years ago and not N Poe Valley. Director Spendolini: So that is where we are and hopefully, we can get this whole public records thing resolved quickly

- c. **Rhine Cross Land Partition N Poe Valley Road** – Chairman Harter: Is the Rhine Cross land partition N Poe Valley Road different than the DeJong partition? Cindy: The Rhine Cross N Poe Valley Road partition is different than the DeJong partition. This is the partition to partition off the houses on N Poe Valley Road. This is the one that Orlando asked you if the district was going to proceed with the partition. Chairman Harter: Yes, I think we do not have enough information on this yet to make a decision on this yet. I will ask the board; do you think it would be worthy at looking at partitioning off the land in case we want to sale the homes. Director Spendolini: I think it might be, but we have engaged an appraiser to take a look at that entire piece of property, so I think we need to hold off. Chairman Harter: I agree we should wait. Cindy will let Rhine Cross know that no decision on the partition will be done until the appraisal of the property comes back.

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8. **Other:** Chairman Harter moved to Other Business in order to get Dan finished in case Dan wanted to leave. Director Spendolini: Mr. Chairman I am really concerned about the Facilities Plan deadline that is looming and I don't think we are in a position to proceed with the Facilities Plan at this point. We are still looking at alternatives and DEQ undoubtedly will press us on that. Here is what I would like to discuss and have a decision made today, if possible. None of us were all that impressed with the presentation by E3. Subsequence communication has changed my opinion a little and their initial offer to conduct a pilot study here at the district's expense of \$500,000 has changed. Now they want to do it at no cost to the district. I like that plan. You brought another company to the board's attention, Aqua Pulsar, and they are willing to also evaluate our situation and make some recommendations at no cost to the district. Chairman Harter: The only thing I would add to that is there will be some costs to the district even with E3. There will be power, chemicals. We will have some costs associated. Director Spendolini: with the actual setup of the pilot sure and the running of the equipment for the pilot projects. Sally: From what I got we can not touch that equipment. The district will be running test side by side and we will both be running the same test. Director Spendolini: I would like you and Dan to get together and establish the guidelines for how this pilot is to be run. I want to be sure we are comparing things that we need to compare in order to get the information we need to make a decision. In other words, where are we going to test the beginning, pre-equipment water, where are we going to draw that from and where are we going to test their outflow. We need to make sure whatever we do if it is E3 or Aqua that we are comparing the same things and testing the same things. Chairman Harter: are we still talking about going to drinking water quality. Director Spendolini: I think we let them do their pilot and show us what they can do. But I want you guys as our experts to setup the standards on this. Dan: It will depend a little bit on what is your goal. NPDES vs. WPCF is going to determine that. They are totally different standards. Or do you want to test for both. Consensus of the board to test for both.

Director Spendolini: One of the options if this equipment proves itself and is financially feasible. Like Kevin suggested maybe we just use it to polish. Dan: I do have some concerns with this company. It sounds like they have a good product, but they are a proprietary product, it is just them. They really don't have a proven product yet. What happens in the future if that company goes under? What do you do? Director Spendolini: Two, three things; I do share that concern. Number Two, they were brought to us by someone here in district, so I want to be sure we give them a fair shake. Three, at the end of our analysis if we reject them, we gave them a fair shake. Dan: The other thing is do we want to waste our time and theirs, can we get this through DEQ? Director Spendolini: No telling. Chairman Harter: Would you check that box first or would you check that until they have real data, they cannot even apply with DEQ. Dan: This was a disappointment of mine when they came here. I thought they were not educated on Oregon processes. That was my biggest disappointment of the whole presentation.

Dan: Going back to the facility plan, so what is the thought? You are going to look at some stuff first and then consider it as an alternative and then revise the facility plan. Director Spendolini: we have to. We do not have a facility plan at this point. Dan: You could just as an alternative process, because you have a complete Facility Plan. The alternatives you may not want the way they are, but you do have a complete Facility Plan. You could finalize it and be done with it. Then you can do an addendum to it with some of these alternatives. Chairman Harter: correct me if I am wrong. That Facility Plan includes land application. Dan: Correct, but you can revise it, you can do an addendum to the facility plan. It is just as mechanism to get it approved and to get DEQ off your back for the immediate needs and then your next deadline is a way out. And then do an addendum with some of these alternatives. It is just an alternative process, and it has been done in the past. Chairman Harter:

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Does the facility plan include the 2,000 acres of land that the district does not own. Director Spendolini: and no longer have an option on it. Chairman Harter: So, if we approve that. Dan: Yes, we will at least want to revise that. Sally: Ok on the addendum can you remove one alternative and replace it with another? So, you remove those 2,000 acres and put in this other alternative. Dan: It is probably something you will want to talk with DEQ about. It also might be something that DEQ would recommend getting the compliance back in line. It is just a thought. Director Spendolini: It is important that we hear. Cindy: Joe did you get the email today from Justin with DEQ stating he was willing to talk? Director Spendolini: Yes, I was just going to mention that. For the record, Justin sent an email and I responded to his email stating I was really hoping to meet with him. So, his response to that was yes. We could set this up as a public meeting and do this together as a board. The schedule for this meeting needs to be driven by you and Director Koger. Consensus of the board for Cindy to setup a meeting with Justin as soon as possible.

Director Spendolini: Back on this subject. I like where you are going. I have some concerns on public perception regarding that. Dan: I think Justin is who you need to talk with. I think you are on track. Justin will know if it is a good idea, or he may have a better idea. Director Spendolini: The other alternatives you heard one of them Sam Henzel's proposal, also in at least some preliminary fashion look at Luther Horsely's alkali lake. Dan: from what perspective? As land application or like storage? Director Spendolini: storage, use it as a wetland just like Sam Henzel is proposing. Dan: As a wetland, I though Henzel's was for irrigation. Chairman Harter: no, we had two options with him. There is an ability to close all of access to the canals and if that is the case, we would look at it as a wetlands application that would filter through multiply ponds. Dan: why would you not do ag? Director Spendolini: we might. Chairman Harter: we would need to get DEQ to buy off. I personally think you could do ag application on Henzel's. Chairman Harter: on Henzel's only? Dan: what would be the other? Director Spendolini: pipe it to the other irrigators. Dan: Yes, you would have to disconnect the drainage system and plug those ditches and it would just be the property. Director Spendolini: How much land would we need? Dan: Are we talking storage or application? Director Spendolini: both. Dan: I think it was only 800 acres. Cindy: When Mike Griffith was on the board in July, he said it could be done with just the Chapman Ranch without anything to do with Reeder Road. Dan: Essentially, where we were in the design process, we were in line with about 800 acres. If you had 1,000 acres you are probably golden. Chairman Harter: 1,500 total. Dan: You would have plenty for storage and application. I would not recommend storing it down there because you would be taking ag out of production. You would out at the Chapman Ranch too. There is trade off to storing here vs. out there. Operating cost will be higher to store it here and pump a large quantity of water our there as it is needed. Instead of pumping a little at a time all year. I believe that is something that West Yost was going to be working on next. We had just finished the 120 acres storage here. West Yost did not get a chance to present it back to the board. I do think the Henzel property, just like the Poe Valley property I think those are feasible. That is another thing we were working on was the feasibility of irrigating the Chapman site. Plug the ditches and things like this, so we would not get the water back in the river. Just like you would need to do out at Henzel's. They are very similar in those perspectives. Director Spendolini: It is so much closer, and it will impact the cost. Dan: Yes, and a life cycle analysis is required in your facility plan for the alternatives you do. Let me step back a little. Another concern of mine with E3 is the numbers are going to be a little rough because there are not good numbers there to do the life cycle cost analysis. Director Spendolini: there is no way it would get my vote without understanding the full costs. Not just the creation of it. Chairman Harter: Nor mine. If there isn't a real world cost analysis. Dan: Is there any other options you are looking at out at KDD? Director Spendolini: There are only two that I am aware of Henzel's and Horsely's. Chairman Harter: That is, it for me too. Director Spendolini: What do we need to do to make sure we are giving each one a fair look? Dan: You need to add it to the analysis in the

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facility plan. That is really where it should be looked at. Director Spendolini: So, in adding it to the facility plan we put down potential alternatives we are going to examine. Dan: Yes, and that is where you do the life cycle cost analysis is in the facility plan. Director Spendolini: So, before we can add them, we have to know what those cost would be. Dan: That would be done in the Facility Plan, the alternative, and its analysis. Director Spendolini: So, who does this. Dan: Right now, it is West Yost because they are working on your facility plan. Chairman Harter: What is West Yost going to charge the district to setup those alternatives? I think we need to set up a meeting with West Yost to review the alternatives. Director Spendolini: I think we need to set up a meeting with West Yost if for no other reason for all of us to understand where that relationship is. I think for now we need to lay a foundation for a relationship that doesn't exist. We have to understand where everybody is regarding the relationships. We have to understand what proposals we want them to look at, so we can capture all of the data that needs to be included in the facilities plan. Chairman Harter: Yes. Dan: So, I understand. You are going to keep some of the land apply whether it is wetlands and or ag, as an option. Director Spendolini: as an option. Dan: It would be one or the other land. Chairman Harter: It may include Aqua Pulsar or E3. Dan: as another alternative? As part of the treatment part. Are you looking at just those for disposal? Is that what you are thinking? Chairman Harter: Regardless, we are going to class A, and maybe to drinking water quality. Director Spendolini: We don't even know if it is feasible yet, but we are going to need to have a plan for storage and perhaps land apply. Chairman Harter: Something we need to discuss with Justin is if we go to drinking water quality does that get DEQ off of our backs. It is my understanding if we go to drinking water quality it broadens what we can do. Dan: It does, but you will still be in the WPCF regulations instead of the NPDES. Chairman Harter: Could you take drinking water and put it into KDD ditches? Dan: I am glad you brought that up. The TMDL is totally different for down there. It could potentially go through a wetland, and the KDD ditches has a lower threshold for the TMDL. That is a concept. It would be nice to get away from the NPDES permit 100%. I do think there is some potential there. Director Spendolini: Then that is what we want to do, and we need to get a relationship with Justin at DEQ and Walt Meyer with West Yost. Consensus of the Board for Cindy to set up a meeting with Walt Meyer with the board and for Chairman Harter to contact E3 and get it in writing that they will do the pilot study at no cost to the district. Director Spendolini: and they understand they have to work with us, and we are going to establish the guidelines/standards of the pilot study. More discussion on the guidelines/standards for the pilot study.

There was some confusion on where Sally is to send the samples for Aqua Pulsar and Chairman Harter will get Sally the addresses.

Dan indicated if the board no longer needed him, he would be leaving. The board agreed.

Sludge Project: Chairman Harter asked Sally how the project was going with mixing the sludge. Sally: Good. The fuel pump for the fuel tank went out, so Steve fixed it today. Chairman Harter: Isn't that the responsibility of the supplier of the fuel tank? Sally: Steve went somewhere, he was working on it when I came over here and I haven't gotten to talk with Steve yet. Chairman Harter: If we are renting the tank, that should be on whoever we are renting it from to fix the fuel pump on the tank. Sally: Steve did say we are paying \$25/month for rental on that fuel tank. Chairman Harter: Then they should be fixing it. We shouldn't even be touching it. Sally: Ok Chairman Harter: Because if something goes wrong with it. If something happens then they can say we caused it. Or if there is fuel leak than we will be responsible to pay for it. Sally: Ok, I will talk with Steve and find out what he did. Director Spendolini: was it coordinated with the owner at all? Sally: I don't know he could have I will find out. Chairman Harter: with things like that we need to make sure we are

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protecting us. Sally: And I don't know the details of the setup. The rest of the time they are working on it from 8 until 3:30 and they did move over to the west side, and it is really wet.

- d. Letter from Moxon Attorney on Squirrel Shooting** – Cindy: I also enclosed the letter to Jolene per her contract stating the Board authorized her to participate in the program she discussed with the board. One of the things the board had asked in a prior meeting is for her attorney to state that there would be no liability to the district if something were to happen. The letter from her attorney does not actual say there would be no liability to the district. Director Spendolini: I would have Mika modify the letter holding the district harmless and the district would have no liability at all. Cindy will contact Mika and have her modify the letter.

7. New Business

- b. Homeless Camps** – Director Spendolini: we have a problem with homeless camps on district property. It is in the northwest corner. I have a folder that was put together by Clay Northrop, I have a picture here that shows a grouping of trees that they are using for privacy and shade. The obvious concern is the fire hazard. Law enforcement has been called and they are removing them as we report them. I don't want to take anyone's property; these poor people do not have nothing except what is in their tents. I want to give them some notice that we will be removing all vegetation from that property. If the board agrees. What I would like to do is cut down all of these trees. Cindy: asked if any of the trees are within the city limits? If so, the city has an ordinance that doesn't allow you to cut down trees unless you replace them. Chairman Harter: Agreed that there was an ordinance if they are within the boundaries of the city limits. Director Spendolini will contact Mark Willrett, let him know what we are planning on doing and find out if those trees can be cut down. Director Spendolini moved to mitigate the situation that is attracting homeless people onto the district property. Seconded by Chairman Harter. Passed unanimously. Sally will budget for a brush hog in next years budget in order for the district to continue the upkeep on the property.

8. Other

- c. Letter from DEQ** – Sally: this is the letter for the violations from before this board took over. Chairman Harter: They still have not accessed fines on us yet, right. Sally: No, they have not. I have to get back to them within 30 days. I will get this taken care of and get everything sent to them. Chairman Harter: I will say after seeing what the city was fined for, for a very short out of compliance period. I am concerned what our fines are going to be with this one being six months. Sally: And well shame on me for not calculating the excess limits. If we get fined for that well ok. Chairman Harter: Well, this was under direction of your boss, Mr. Fritschi. I will not hold you at fault for doing something that was wrong. Director Spendolini: Honestly, for the record, I really want to understand what happened and how did we accumulate so many violations. Sally: The way that Mr. Fritschi had the plant operating with different changes. Like we were going from pond 4 to pond 1 to pond 2 to pond 3. with influent. Pond 4 and pond 1 are a straight line down the dike, so there was not much retention time between the ponds. Once we did that everything started to go to pot in the treatment because we were not getting the flow going around the earthen dike from 4a to 4b. Once things started to go wrong, I had the operators open up the transfer gate between 4b and 3 to allow some of that flow from 4b to get some good bugs in there, but it didn't help. Then when we started to have the permit violations that is when we got the chlorine tablets online that Mr. Fritschi insisted on running through the treatment instead of the chlorine gas. I knew this was no going to work but was told to do it anyways. Director Spendolini: Explain that to me. Chlorine tablets? What do you normally use? Sally: Chlorine gas. Chlorine tablet is

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used in swimming pools system or a water park. The tablets/pukes are 64% chlorine. We got a puke feeding system that as they are dissolving and fall in the guys fill them up, but it didn't work. We had to crank up to 50 pounds of the tablets to even come close to what we were putting in with the chlorine gas. Director Spendolini: Ok, how long did it take before you knew it wasn't working. Sally: Within a week. Director Spendolini: So, you knew within a week you were out of compliance. Sally: Yes and Mr. Fritschi said to run it for a month. Director Spendolini: Out of compliance? Sally: Yes. Director Spendolini: so, after one week you knew you were out of compliance. How often after that did you test. Sally: we test every day. Director Spendolini: So, you knew from one week on every day that you were out of compliance. Did you inform Mr. Fritschi? Sally: Yes. Director Spendolini: and his response was. Sally: turn the flow down. So that is what I did. I turned the effluent discharge down. He wanted a CT time. Where he got this CT time, I have no idea. I have never heard of it in a lagoon system. I have in an activated sludge plant, but not a lagoon system. Chairman Harter: that is totally different technology. Sally: Yes, and he wanted the dose to be at a certain rate, the CT to be a certain rate. It did work for a while, but we were only putting out 0.75 million gallons per day. Our influent is at about 1.5 million gallons per day. In November and December, he did ask me that on weekends to open the flow to 4 MGD and then on Sunday night or Monday morning to turn it back down to 0.75 MGD. I told him no I will not. Director Spendolini: how many regulators work on the weekend? None. Do you test on the weekend? Sally: Yes, we do. Director Spendolini: I hear you and I have a good understanding, were the tablets used all of these months.? Sally: It was only used for one month. I think it was the middle of March to the middle of April. It is in the logbook. I will get that information and it will explain each month. Director Spendolini: I would like to see that? Sally: ok Director Spendolini: because not every month are we talking about tablets. Chairman Harter: What month did you tell him I am done doing what you want? Sally: April. Chairman Harter: In April you told Mr. Fritschi you were no longer running the plant the way he wanted and you were going back to the way it worked. Sally: Yes. Chairman Harter: So that is what you did, and you have not been out of compliance since. Sally: Correct. Director Spendolini: So, what happened in November that made us out of compliance? Sally: The effluent excess thermal load (ETL) was my fault. I did not report that on the DMR. I will need to send in a new DMR with that on the DMR to correct. With all of our labs daily I attach this to the DMR. Chairman Harter: I do not mean to interrupt you, but I think it is important to go back to when he wanted you to open the flow on the weekends. He wanted you to dump effluent into the river untreated, correct? Sally: yes. Chairman Harter: So, you could lower your ponds and go back to the low flow rates and try to be back into compliance. Sally: yes, Director Spendolini: When did he ask you to do that? Sally: On the weekends. Director Spendolini: starting? Sally: I think that was the beginning of December because that is when we were getting a lot of the snow & rain fall. Sally: So, what happened is the NH₃ is the ammonia. We do not have a limit, but they keep track of it. The effluent total Nitrate and Total Nitrogen do not match on the DMR, and I think the reason why is because we are run side by side tests with Nielsen. So, what I do is I have our result and Nielsen and I take an average of those two. If you look at the lab attachment you will see them both right there. I am going to look at these tomorrow and research what I have. Director Spendolini: It says reporting month, is the issue being reported or being charged with is this an everyday occurrence through the entire month? Sally: no, it is for the month say, January 1st to January 31st. And that is my reporting period. Director Spendolini: so, it could just be one occurrence. Sally: Yes. And it might be one test within that month. Director Spendolini: As an operator you can take a look at your test. Based on your knowledge and experience you can determine what adjustments need to be made. Sally: yes,

and if we have an exceedance. That was the other thing. We are required to run 2 BODs, 2 TSSs. I am of the belief that if I run three of each and one doesn't turn out I am still covered for the permit and I am not out of compliance. So that is what we were doing. Mr. Fritschi cut that down to bare minimum and 1 e coli, I told him that isn't how I like to do things, because you know how I am about the integrity of the district and this lab. So, I did what I was told to do and did 1 e coli, 2 BODs, 2 TSSs, and yes, we were out of compliance on some of those. If I would have run a third test who knows. However, three is better than two. Because you get a different average. Possibly a lower one. I am taking a gamble. With the 1 e coli we would blow permit. I would turn the chlorine gas up, but we would never retest. If it was over the daily maximum for e coli, I had to run 5 tests consecutively until I proved that I was meeting the permit. That is required by DEQ, and I did that, and we cranked up the gas. With the BOD, Mr. Fritschi's believe was we will just send a letter. You have 5 months here, possible 6 months they are not going to take a letter anymore. Mr. Fritschi was not sending in the non-compliance. I would notify him of this, and I would cc Cindy to cover myself.

Chairman Harter: So, there was a period that I received communication from Sally that he was directing Sally to not send in what it was. Mr. Fritschi was telling Sally not to send in that information to DEQ. Sally: I took pictures of these emails and sent them to Kevin.

Director Spendolini: When you say he was asking you not to send. Was Mr. Fritschi asking you not to send the report at all? Or to send an altered report? Sally: An altered report.

Director Spendolini: Do you have to sign your name to these reports? Sally: No, he had to. We did have a zoom meeting with Justin from DEQ. And Mike Fritschi made the comment to Justin I will have Sally get that to you, sign it, date it, and get it to you. Justin said no Mike you are the executive officer to the district you are to sign those forms. I reported all of that to Kevin. Mr. Fritschi, when they were pumping sludge from pond #1 to pond #4. That is where a lot of this came through December, January, February, March, April.

Chairman Harter: Bypassing treatment. Sally: Yes. The thing is at 2 million gallons per day to go through two lagoons it takes 52 days from the time it enters to the time it leaves if it is being properly operated. Chairman Harter: And they were bypassing that. Sally: exactly.

Chairman Harter: By pumping the sludge out of pond #1 to Pond #4. Sally: yes. Director Spendolini: so, you short circuit the treatment. So of course, you are going to be out of compliance. What I don't understand is the reports that were sent to DEQ did they have the factual data on them. And who signed them. Sally: yes. Well, I signed them electronically.

Chairman Harter: But the non-compliance letter to DEQ was supposed to be signed by the General Manager. Sally: yes, Chairman Harter: and he was trying to force you into signing them and DEQ told him no you have to do it. Sally: yes, so during December through April, I can almost guarantee you that sludge. That is when we started to lower pond 1. So, the sludge was being pumped in the early part of the year. From pond 1 to pond 4 which would normally take 2 months to get through system if done properly we are only putting out 0.7. it is setting there you are down to a 1/3, a 1/4, so therefore that makes it times 4, 200 days.

Director Spendolini: To do it right. Here is my concern. We are going to get fined. There is no question about it. Those fines are going to be made public. We are going to have to notify and accurately, the citizens of this district about it. Sally: I don't think it will be publicly sent. It will be available for public review.

Director Spendolini: We have to be prepared to respond. Sally: yes. And that is where I have my information logged and documented

Chairman Harter: Our operators were being forced into this situation and they should never have been forced into. Sally: Even poor Jon, I do not hold any of them responsible. What soever, because what I do is I tell them what Mike Fritschi wanted and Chairman Harter: Did Mike ever get anyone to open the gates on the weekends? Sally: nope Chairman Harter: are you sure of that? Sally: I am positive, because I am the one that directed the operators and I

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told Jon Lee, Jason Morrow and Pat Lerma that we will not lift that gate for nothing. We will put out the same amount of flow. I will take the heat from Mr. Fritschi. And if I am fired for that I am fired for that, but you will not do that. That is blowing permit big time and we can get caught. Director Spendolini: I am so glad you are conscientious about the permit. Our obligations are much greater than that. Chairman Harter: So, when she sent me the email that Mr. Fritschi directed her to do this, I told her to not do it under no circumstance. How long did it take you to send them? Sally: I did immediately, I was taking pictures and sending them as fast as I could and of course there was choice discuss in there with my mouth. Director Spendolini: You are being asked to do something illegal, an immoral and unethical. Sally: yes, so that was the end of the straw. Mr. Fritschi told me to put it like it was a mistake when we were pumping the sludge. It was not a mistake. Director Spendolini: Mr. Fritschi told you in an official document that it was a mistake. Sally: yes, or an unintentional consequence. It was not unintentional it was an authorized task by Mr. Fritschi. Director Spendolini: did he tell you why he wanted you to do it. Did he give you any explanation? Sally: No, I will not lie on a Federal, State form for anybody. Director Spendolini: I think it is important when we do our meeting with Justin. Sally: yes. Director Spendolini: This is going to come up. I think he needs to know. Sally: if he wants the documentation of the blue ink, I got it. Chairman Harter: This potentially messes with your license to, right? Sally: I could be sued. I always told Mr. Fritschi that I could be sued outside of the district. Mr. Fritschi would say the district will protect you. I would say no the district will not protect me when they file a suit against me personally. Director Spendolini: Actually, that was covered in my SDAO training today. The district would absolutely 100% cover you in every case when you are acting within your official duties. But I think the argument could be made that you were acting outside. Sally: yes, that is where I could be sued by an environmental group. Director Spendolini: District patrons. Chairman Harter: To be frank, I am worried we can still be sued, because of the decisions of the past management. We have to get Ross this information. We are going to get fined and possible sued. We have to made sure Ross knows all of this. Director Spendolini: I am stumped. As an executive of a sewage treatment facility, he must have viewed his job as in a technical way but not in scientific or public health way. Chairman Harter: I can't figure out what he was thinking. Director Spendolini: I would not even consider sending raw sewage into Lake Ewauna. Sally: right. Director Spendolini: That thought would not even cross my mind. Sally: and what he wanted to run as a chlorine residual was minimal. Chairman Harter: For cost right. That was his concern. It costs us more money. Director Spendolini: You can't chlorinate with swimming pool tablets. Sally: The thing is tablets cost more per pond than the chlorine gas. Director Spendolini: Was chlorine gas unavailable. Sally: no. Chairman Harter: Don't you remember that comment he made at that meeting. Director Spendolini: which, about us being Podunk. Chairman Harter: Yes because we can't get things here. Which is ludicrous but that was his believe.

- d. Financial Report Instructions** – Director Spendolini said Cindy is wanting to show us that she made the correction and corrected the board packet for July. Cindy has submitted the June 30, 2021 bank reconciliation instead of the June 30, 2020 bank reconciliation that was accidentally submitted in the July board packet.

Cindy: I was going to make a presentation to the board on the district's financial statements to be sure everyone understands them. I think this is something I should have done earlier. But, since Director Koger is not present I think this should be tabled to a later date. Director Spendolini: I think it might be helpful if we set aside some time for Cindy & Sally to train us

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on their reports. Chairman Harter: I agree with that. We need to be more up to speed on that. The presentation was tabled until Director Harter could be present as well.

Director Spendolini: Cindy have you scheduled interviews. Cindy: they have been scheduled they are on the 15th of September at 3:00 p.m. and 4:00 p.m. Cindy: while we are talking about this, there have been some employees that have asked for the names of the interviewees. I have not given out that information and told them the board didn't even have names. The board had only numbers and no personal information while they screened the applications.

Director Spendolini: that is right. We are not concerned with their qualifications and not with their name at this point. Chairman Harter: I am good with not releasing any information at this time.

9. **Adjourn**, Chairman Harter moved to adjourn. Seconded by Director Spendolini. Passed unanimously. Meeting adjourned at 4:34 p.m. Next meeting will be September 15, 2021, at 2:45 p.m. unless the meetings with West Yest and DEQ get setup in between.