
CFD2 | Special Meeting

04.25.2022 via Zoom 5:30-7:17pm

Attendees

Ian Baldwin (Board Member)

Farley Brown

Gina Campoli (President)

Nicole Civita (Board Member)

Paula Davidson (Treasurer)

Christina Finkelstein (Secretary)

George Hall (Board Member)

Norm Hanson (Board Member)

Jonathan Ashley (Dubois & King)

Jamie Milholland

Jeremy Rathbun (Dubois & King)

Renee Rossi (Board Member)

Rep. Katherine Sims

Steve Smith (Systems Operator)

John Zaber

Agenda

- Changes/Additions to the Agenda
- Update & discussion re the state's new requirements for lifting the Do Not Drink Order

Changes/Additions to the Agenda

- None

New Requirements for Lifting the Do Not Drink Order

Background

Jeremy Rathbun provided a brief recap of actions taken since the Do Not Drink Order was issued:

- Dubois & King (D&K) submitted the Alternatives Analysis Plan on behalf of CFD2 [on January 17th. The state sent comments back on February 1 and D&K resubmitted the Plan on February 16.]
- The state approved the Plan [on February 18th]
- In accordance with the approved Plan, CFD2 purchased a programmable controller, mixing hardware, and a flow meter.
- Earlier this month, Jeremy shared with the state computed PFAS levels of the blended water. He also drew samples from the blended water and submitted the PFAS test results.

Timeline and Summary of Requirements for Lifting the Do Not Drink (DND) Order

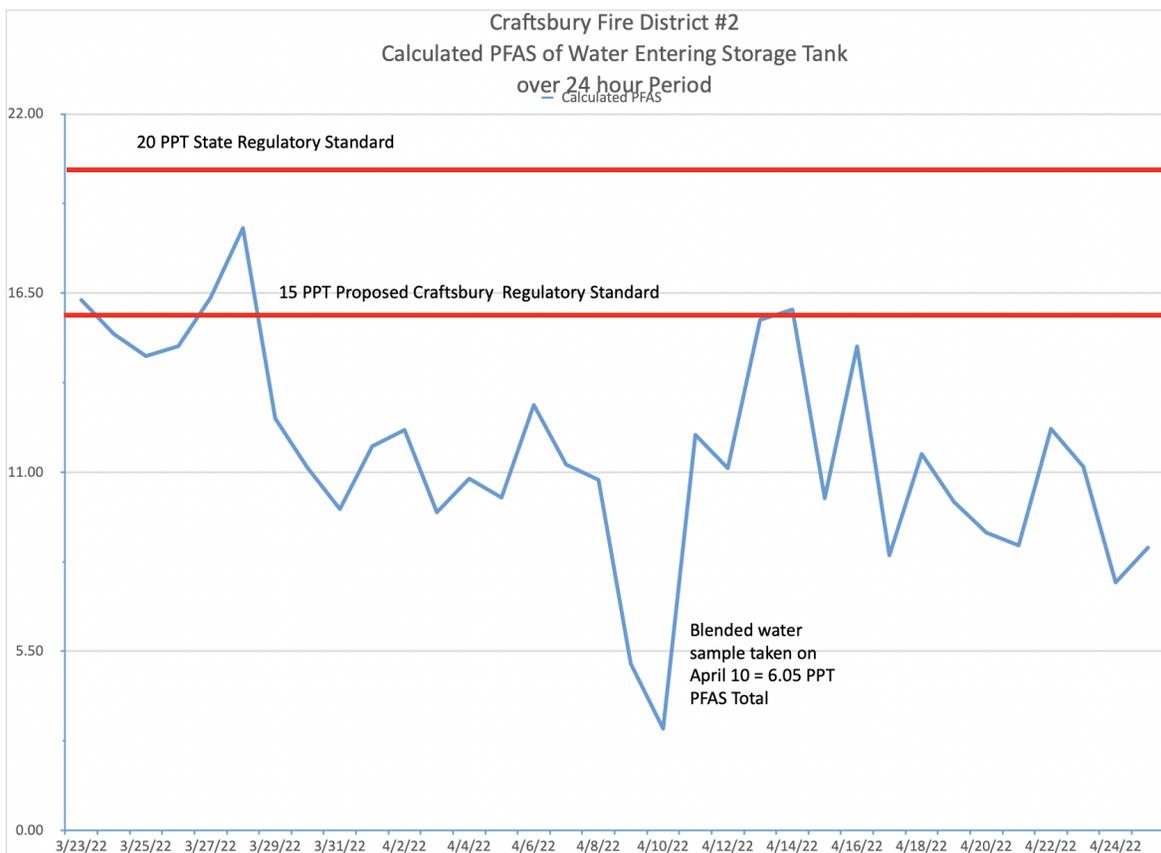
- On April 7, the state informed Jeremy of the parameters that need to be met in order for the state to lift the DND Order:
 - Monthly Testing. If the PFAS level is above 15ppt, CFD2 would need to reissue the DND Order
 - Daily Flow Monitoring. If the flow exceeds 50% from WL-01 for two consecutive days or if the ratio exceeds 60% on any given day, CFD2 would need to reissue the Do Not Drink until the tank has turned over.
- Jeremy inquired further about the 15ppt requirement compared to the MCL of 20ppt for the state.
- On April 14th, the state responded that the Drinking Water and Groundwater Protection Division met and is firm with its 15ppt requirement. The state has indicated that this decision to have a different and lower MCL for CFD2 is within their legal and regulatory purview because the regulations require CFD2 to be reliably under 20ppt. The state's position is that any level over 15 will not meet this reliability requirement.
- In informal discussions between D&K and the state, the state acknowledged that the state approved D&K's Alternatives Analysis Plan because they did fully understand the plan and if they had, then they would have come to the current conclusion that it does not meet their requirements. They also verbally acknowledged that they should have informed D&K about the lower MCL requirement before they developed and submitted the Alternatives Analysis.
- Based on informal discussions with the state, Jeremy sensed that these new requirements for CFD2 are firm and there is no room for movement on the MCL for CFD2

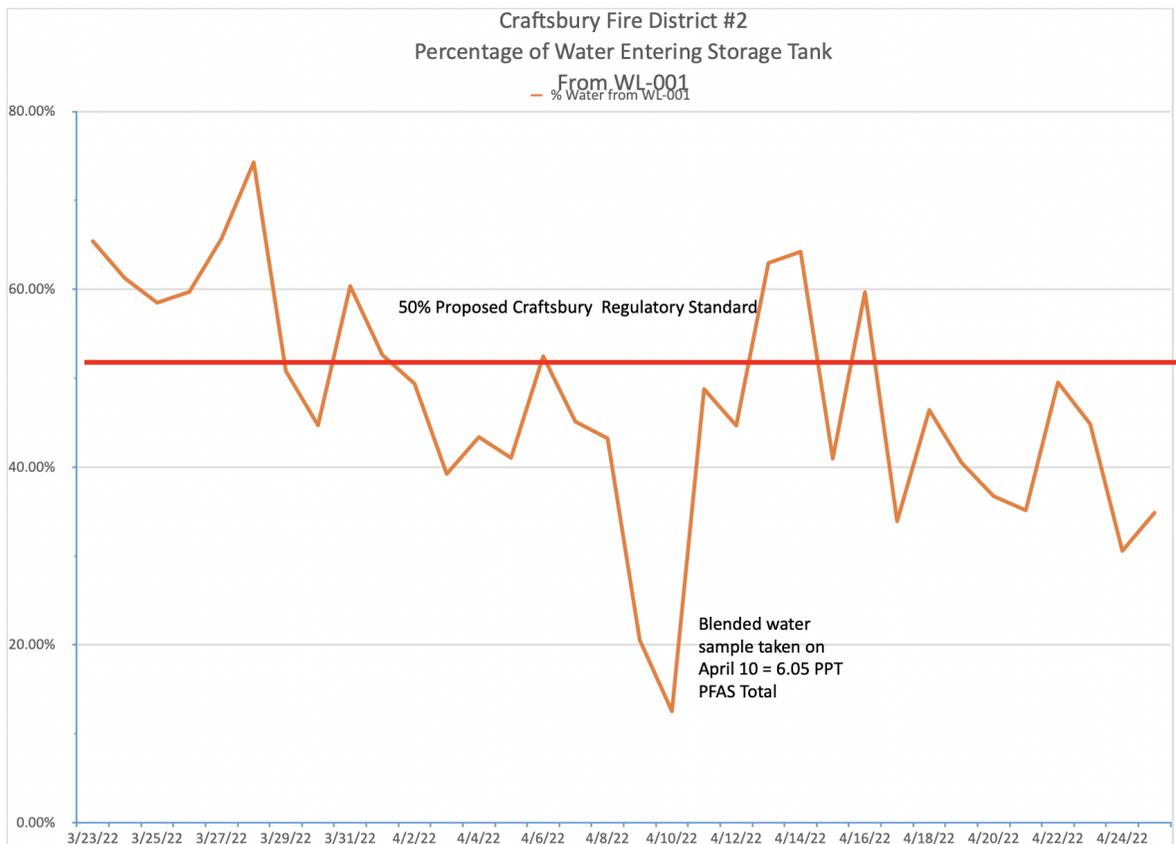
- Jeremy thinks it's possible that he can make adjustments to well control set points (so that we have even more water coming from WL-04, but he wants to be careful about not overdrawing the well), but he is not certain we can meet these new restrictive requirements.

Feasibility of Compliance

- Jeremy stressed that the state's new requirements are quite stringent and would be difficult to meet
- Jeremy shared two graphs on his screen. The first showed the calculated PFAS based on the proportion of water that was being drawn from WL-01 and WL-04. The second showed the percentage of water that was coming from WL-01. CFD2 would bounce in-and-out of DND Orders.

Results shared on screen during meeting here: [See peaks above the 15ppt line in the first graph and above 50% on the second graph. Each peak would activate a DND Order.]





Comments/Questions Discussed

Ultimate Goal and Objectives

- We all want clean, PFAS-free water
- We want to invest in resilient solutions that will protect CFD2 customers from any known or future contaminations or natural disasters

What Now?

We are three months into the interim solution only to learn that it is not an approved solution. How much energy and resources should the Board invest on an interim solution that satisfied the state or should the Board continue to focus on establishing a permanent source well (and stay on the DND Order)?

- Jeremy noted that from his perspective as an engineer, it is not worth investing additional resources [on equipment recommended by the state]. However, he

suggested that CFD2 adjust the setpoints (to increase the proportion of water from WL-04).

- Agree that we should focus on the permanent source well, but until we know the source of the PFAS contamination we are risking significant resources if we pick the wrong spot.
- Strong agreement from the Board that it should formally ask the state for a formal accounting of their decision-making and the rationale. To date, aside from the letter approving the Alternatives Analysis Plan, there are only informal conversations and emails between the state and D&K.

Barriers to an Immediate Permanent Source Well

- Investing in a permanent source well near either of the existing wells is not prudent because it would be too close to a known contamination site (WL-01) and/or interfere with yield (WL-04). Do this as a last resort.
- The state does not require water municipalities to have a backup water source. There is no funding for back-ups currently, though it's possible the PFAS program may receive more money in coming years.
- Question re the state's status on the PFAS source investigation
- Unclear when the state will start or complete its investigation. There has been no communication or update by the state
- Strong concern expressed that the state will not permit CFD2 to proceed with construction or if built to draw water from a permanent source well until an investigation into the source of the PFAS contamination is completed. Jeremy and Jonathan shared that in their experience the permitting is completed independent of any other (regulatory) concerns.

Confidence in the State and their Decisions

- Splitting hairs. The state's maximum contaminant level (MCL) of 20ppt for the state and 15ppt for CFD2 seems arbitrary. Unanimous and strong agreement that the board wants PFAS levels to be zero or as low as possible for CFD2 and elsewhere, but the reality is that PFAS is pervasive and the differing standards between federal (70) and Vermont (20) and across states [with many having no guidelines] only adds to the customers' confusion and sense of the arbitrariness of the more restrictive guidelines for CFD2. Where the Vermont legislature already took an extremely and appropriately precautionary approach of setting the MCL at the level of exposure for a nursing infant, it seems overly restrictive to set an even lower MCL for CFD2.
- Unclear how and why the state's guidance changed. Why were their questions and concerns not raised three months ago?

- Concern over the public losing confidence in the state's guidance and decision-making. That is, the state approved the blending plan just three months ago. CFD2 and its customers do not have any assurances that the requirements will not change again. How can we be assured of public safety and health if the state reverses its decision because they didn't ask the right questions or offer D&K the right information? How can we be confident that their next decision is the right one?
- Tremendously important for the customers to hear from the state. Request that the appropriate state representatives respond in writing to the Board's questions and concerns and follow up in person to clarify and address any additional questions or concerns in a public meeting.

Understanding How and Why

- The Board wants the water to be PFAS free, but since 15ppt is not the state's standard, we do not understand why we are subjected to a different standard than the rest of the state while we are working to develop a PFAS free source.
- CFD2 is relying on blending equipment reviewed and approved by the state on February 18th. Data from blending water were recorded and shared with the state. Until Jeremy shared an email from the state sent on April 14th, the CFD2 Board and its customers believed that the Do Not Drink Order would be lifted imminently. That is, D&K submitted an Alternatives Analysis Plan, the Plan was approved, D&K followed the Plan, and were just waiting for the final confirmatory numbers. Board members expressed confusion and frustration at being notified by the state so late in the process (for an interim solution until a permanent well source is in place) of the new requirements after so much time and resources have been put into the approved Plan.
- Question about the accuracy of the PFAS tests. What is the margin of error? Jeremy noted that the tests are highly sensitive and there are numerous restrictions and guidance on how a sample is taken. (For example, the person testing cannot be wearing certain materials or materials that were recently dried with fabric softener.)
- Strong interest in having the state formally express the reasons behind their new requirements in a letter/memo that can be shared with all customers
- CFD2 was blending water for two years with PFAS levels above what they are now with no state restrictions. However, once out of compliance, CFD2 is subject to different requirements at state's discretion. Board members have questions about how this approach meaningfully safeguards public health and whether there has been any consideration of the tradeoffs in terms of local and household economic impact, enterprise viability, water security, food security, and public willingness to follow DND orders.

Community Impact

- There are real personal and economic challenges related to the Do Not Drink Order and extending the order until further notice places a substantial burden on the institutions and residents that rely on CFD2 water
 - It is our current understanding that permits will not be issued to any CFD2 customer while on a Do Not Drink Order
 - The DND Order is affecting Sterling College's recruitment efforts as parents are concerned about not having a reliable municipal water source and may impact the retention of students who are tiring of this situation. There are also dramatic and expensive impacts to Sterling's Farm, which is a key instructional site and provides a very substantial amount of food to the College and the community.
 - Potential for a decline in real estate value or delayed sales. There are reports of customers who want to sell their homes but are concerned about the effect of the DND Order on their home's value.

Potential Follow-up Questions for the State

- What is the status of the PFAS source investigation? When are the expected start and completion dates for the investigation?
- The Do Not Drink Order template document that CFD2 shared with its customers states that customers should not use water that is known to exceed 20ppt to water their gardens. CFD2's water is below 20ppt but is under a DND Order. What is the state's guidance on using the blended water in soil used to grow food?
- What is the state's guidance on PFAS-contaminated water and pets? If there is not already, should the DND Order explicitly contain language instructing customers not to give PFAS-contaminated water to their pets?
- Data collected to date and historical usage suggest that the number of days CFD2 is likely to violate either of the state's new requirements will be minimal. Rather than issuing a Do Not Drink and arranging to get bottled water picked-up from the distribution center and delivered to multiple locations in Craftsbury Common, would the state pay 100% of the costs (rather than just 50%)? This could minimize disruption to customers, dilutes the PFAS level, and allows the tank to cycle through the higher blended PFAS faster. Concern, however, over the waste of water that would largely be flushed down toilets. Suggestion to explore having a stationary truck/tank for bottled water distribution.
- CFD2 made a substantial investment in equipment relying in good faith on the state's guidance on an approved interim solution. We know that 50% of the costs will be covered by the state through grants, but we should seek reimbursement for the other 50% as well.

Update re Existing Wells and Do Not Drink Timeline

- **Current Status:** Water from WL-01 and WL-04 is being blended, but the Do Not Drink Order remains in effect until further notice. **Customers should expect to be on bottled water through at least the summer.**
 - Automated blending equipment installed and operating since early March
 - Based on historical usage data and the blending equipment's ability to calibrate how much water is drawn from each well, Jeremy feels confident that the blended water will be well below the 20 ng/L. Note, the combined PFAS will vary day-to-day and will be lower when there is less demand and thus there is less need to take from WL-01 and higher when there is more demand and thus more need to take from WL-01.
 - Given state's new requirements for CFD2, the flow from WL-04 will be increased in the hopes that the data over a 2-week period will meet the state's requirements and the DND Order can be lifted. However, adjusting the flow is unlikely to be a sufficient solution to meet the state's new requirements.

- **Discussion/Recommendations**
 - Jeremy recommended that we continue with the source application for WL-05 (located near WL-04) so that the permit will be in place if/when needed.
 - The signature page was signed by Tim Patterson. Need a new executed signature page and authorization for D&K to proceed with permit.
 - **MOTION: Norm moved that CFD2 authorize D&K to proceed with the permit application on the Zaber/Brown land. Ian seconded the motion. The motion passed unanimously.**
 - Q re previous declarations that the location for WL-05 was not a viable option. Jeremy clarified that the state would not deny the permit based on its proximity to WL-04. The state, D&K, and the Board are in agreement that WL-04 and WL-05 would interfere with each other. If CFD2 needs to establish the permanent source well at WL-05, then Jonathan Ashley recommends we shut off WL-04. This would eliminate risk or interference. CFD2, however, will not have a back-up well or supplemental well if yield is insufficient.
 - Andy Hoak, D&K's hydrogeologist, further studied the area since the last Regular Meeting for a different site for a new source well site (WL-06). One potential site discussed at the last Regular Meeting near the northern edge of

Sterling College's property was found not to be a viable option due to known and expected leach fields in the vicinity. However, the area at the southern edge of Sterling College's property is worth pursuing. The site is along a known high-yielding photo lineament and a good distance away from WL-01/known contaminated area. The well would be sited on Sterling property but the 200' restricted area would affect an adjoining landowner. Permanent easements would be required from both Sterling and the private landowner before a permit application can be filed.

- Q whether there are other locations entirely on Sterling property, including the 200' restricted use area, that could be considered. Jeremy reported that based on the data they have, WL-06 is in a promising location that meets the requirements (potential high yield, a distance from WL-01, and a distance from WL-04).
 - Discussion and consensus to submit the permit application for WL-05 to get the process started while concurrently pursuing a permanent easement from Sterling College for the source well (WL-06) and restricted use easement from adjoining landowner re 200' restricted area.
- **Next Steps/Milestones:**
 - Submit permit applications for WL-05
 - Engage Sterling and adjoining landowner in discussions re WL-06

Action Items

1. Jeremy to draft a timeline of events and any formal or email correspondence with the state
2. Special Projects Committee to summarize concerns and questions raised during the Special Meeting in a letter to appropriate state agencies and representatives
3. Jeremy will send Gina new signature pages for the source permit application
4. DuBois & King will submit the permit application for WL-05
5. Nicole and Jeremy will explore easement discussions with Sterling College and 200' restricted use area with the adjoining property owner for potential WL-06.
6. George will hand-deliver any announcements to customers without email

Next Meeting(s)

The next Regular Meeting will be on **Monday, May 2nd**. A reminder announcement with the Zoom link (<https://us02web.zoom.us/j/87324152544>) will be posted on Front Porch Forum.

Call in Details:

Meeting ID: 873 2415 2544

One tap mobile

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