

**MWRA ADVISORY BOARD MEETING  
SEPTEMBER 20, 2001  
MASSACHUSETTS STATE HOUSE  
ROOM A1, BOSTON, MA**

**MINUTES APPROVED AT THE OCTOBER 18, 2001 MEETING**

Twenty-three members were present: Philip Farrington, ARLINGTON; Edward A. Maguire, ASHLAND; John Sullivan, BOSTON; Ed Sullivan, CANTON; Andrew DeSantis, CHELSEA; J. R. Greene, GUBERNATORIAL APPOINTEE; Owen Kane, HINGHAM; William Hadley, LEXINGTON; Bruce Kenerson, LYNNFIELD; Dana Snow, MARBLEHEAD; Lenny Riley, MEDFORD; Peter Hersey, MELROSE; Katherine Haynes Dunphy, MILTON; Stanley Stanzin, NEEDHAM; Jay Fink, NEWTON; Bernie Cooper, NORWOOD; Peter Tassi, READING; Rod Granese, REVERE; Thom Donahue, SOMERVILLE; David Savoy, WALTHAM; Walter Woods, WELLESLEY; Bradley Hayes, WEYMOUTH; Michael Woods, WILMINGTON.

Also present: John Carroll, Andrew Pappastergion and Joseph Foti, MWRA BOARD OF DIRECTORS; Representative Edward Connolly; Representative Paul Casey; Representative Carol Donovan; Adam Knight, Aide to Senator Shannon; Leonard Piazza, Aide to Representative Connolly; Ginger Esty, FRAMINGHAM; Donald Goodwin, REVERE; Silvio J. Baruzzi, SWAMPSCOTT; Robert Antico, WILMINGTON; Ed Bretschneider, WAC; Pam Heidell, Richard Trubiano and Carl Leone, MWRA STAFF; Joe Favaloro, Cornelia Potter, Ryan Ferrara, Nathalie Grady and Mary Ann McClellan, MWRA ADVISORY BOARD STAFF.

**AGENDA**

**A. WELCOME**

Chairman Joe Foti called the meeting to order at 11:50 a.m. and opted to move the Action Item on the vote for the FY02 Executive Committee as the first item of business. Upon approval of the FY02 Executive Committee, Katherine Haynes Dunphy served as Chair for the remainder of the meeting.

Secretary Ed Sullivan offered a proclamation on behalf of the communities expressing deepest sympathy and condolences to all of the victims of the September 11th terrorist attacks on New York and Washington DC; the utmost thanks and gratitude to the rescue workers; and the support of efforts of the government in the apprehension and bringing to justice the perpetrators of these terrible crimes.

Ms. Dunphy expressed thanks to Mr. Foti for his efforts as the Chairman of the Advisory Board, presented him with a ceremonial gavel and offered best wishes in his new post with the MWRA Board of Directors.

**B. APPROVAL OF THE MINUTES FROM JUNE 21, 2001**

A Motion was made **TO APPROVE THE MINUTES FROM THE JUNE 21, 2001 ADVISORY BOARD MEETING**. It was seconded and passed by unanimous vote.

**C. REPORT OF THE EXECUTIVE DIRECTOR**

Joe Favaloro stated that two fiscal years ago, as part of an overall community/MWRA strategy to avoid a filtration plant, it was determined that money was best invested in watershed protection, an ozonation plant and reinvestment into the local infrastructures and water systems of the communities. A Local Pipeline Task Force, consisting of Advisory Board members and staff, MWRA staff and the Commonwealth, created a \$25 million per year Local Water Improvement Program for water projects, based on need and age and status of each individual water system. Of the \$50 million budgeted to date, there has been \$17 million awarded to clean, reline or replace water mains or eliminate dead ends. Most surprisingly, in the latest round of disbursements during peak construction season, there was only \$2+ million worth of work awarded. The Operations Committee agenda for next month will include a discussion on how to make this program work better for communities.

The System Expansion Committee will reconvene on September 25<sup>th</sup> [postponed until October 9] at the Advisory Board office to reevaluate the System Expansion Policy in accordance with a planned five-year review.

Additionally, on September 25<sup>th</sup> the Authority will hold a briefing on water supply security and emergency procedures for water superintendents from 9:30 a.m. to noon at the new maintenance facility on Griffin Way in Chelsea.

Mr. Favaloro also noted that a joint letter was sent to Robert Durand, Secretary of EOE and Chairman of the MWRA Board of Directors, co-authored by WSCAC and the Advisory Board regarding ongoing attempts to create more accountability at the MDC Watershed Division.

The Governor's office plans to hold a meeting, Chaired by former Mayor of Melrose, Patrick Guerriero, to discuss the MDC Watershed Division issues and sewerage plans for Central Massachusetts in West Boylston and Holden.

Mr. Favaloro noted that staff is in the final stages of the water and sewer rate survey and that preliminary rate sheets will be sent to communities for verification for a response by October 1.

**D. PRESENTATION: IMPACTS OF FEDERAL SANITARY SEWER OVERFLOW (SSO) REGULATIONS ON MWRA AND COMMUNITIES – Pamela Heidell, Policy and Planning Manager, and Carl Leone, Senior Program Manager, Operations**

Pam Heidell stated that EPA has developed regulations to address Sanitary Sewer Overflows through permit requirements that would pertain to the municipal sewer systems and would be administered as part of the NPDES permit regulations. The regulations would require communities to develop and implement new programs to address capacity, management, operation and maintenance (CMOM) and extensive new public notification requirements.

MWRA has been following the development of the regulations for years. Mike Hornbrook sat on the Advisory Panel to EPA in the development of the regulations and MWRA is a member of the Association of Metropolitan Sewer Agencies (AMSA), which considers SSOs to be one

of the principle wet weather concerns and is top on their agenda. Proposed rules, which the Authority has objected to, include an absolute prohibition of overflows, which would place all community systems in non-compliance. MWRA would like to see the regulations changed to have a more realistic expectation about the impossibility of totally eliminating overflows. Another key concern is the rule give EPA and DEP the discretion to issue the permit to MWRA, which would then have to regulate the communities.

Carl Leone stated that SSO regulations should be important to member communities because one of the key points is the definition of Satellite Collection Systems that is being put together as part of these regulations. EPA is proposing to extend the NPDES permit regulations and conditions to address Satellite Collection Systems, which include the 43 MWRA member sewer communities. Community systems come to a Publicly Owned Treatment Works (POTW), which is the MWRA. Currently EPA doesn't directly regulate the communities through a permit like the MWRA, but wants to be able to regulate the communities. That can be done in one of three ways: 1) To have direct NPDES permits with the communities; 2) A broad-based generic permit for all satellite collection systems; 3) Come through the POTW for the MWRA member communities. MWRA is uncomfortable with the third method, which would put the burden of regulatory responsibility for regulating SSOs that come from the community systems on the MWRA. DEP and EPA don't have to deal with 43 communities directly, only MWRA.

The prohibition on discharges would mean that all SSOs would be illegal. Obviously MWRA doesn't want to have SSOs, but recognizes that under huge storm conditions an SSO into a water body is often times better than having raw sewage in someone's basement. The Authority is striving to find places where emergency SSOs can be done under a better environmental solution.

Another problem is the requirement for public notification. Communities would have to notify anyone affected by the episode, including if there are watershed impacts, and getting that information out to the public. Communities would have to go on cable or distribute some broad-based leaflet in a certain community area, which goes beyond what most of the communities are doing now.

The CMOM program regulations are looking toward each community having a written operation and maintenance plan of their system, with an additional review of capacity. Communities may have to do hydraulic modeling to review the capacity of all the pipelines in the system, identifying where there are problems, and have a program to operate, which has the potential for big capital programs.

The operation and maintenance aspect of CMOM is probably what most communities are currently doing, but it needs to be written in a volume and held. If there is a problem in the future, the regulators will come looking for the CMOM Program. The regulation states: *Essentially, if a SSO occurs, the Permittee must develop an "affirmative defense." That is, the Permittee must demonstrate that the overflow was unavoidable, that the CMOM was in place and working and that all reasonable steps were taken to stop and mitigate the impact of the discharge as quickly as possible.*

Currently, the MWRA has some portions of the SSO rule in its NPDES permit. The Authority must report all SSOs from the MWRA owned collection systems. Currently the communities

must report all SSOs under DEP regulations. The MWRA must develop, submit and implement an effective SSO plan, which includes identification of SSO sites, periodic inspection of those sites, identification of SSOs from deficiencies and improvement of those deficiencies, notification of affected entities and public notification. Additionally, MWRA's NPDES permit requires the development of a guidance document for the MWRA member sewer communities with respect to the SSO plan. Both reports have been developed and submitted to DEP and EPA. The volume will be sent to communities, along with an electronic copy as an outline, to make it easier for communities to implement.

David Savoy of Waltham asked if there will be a comment period. Mr. Leone stated that the SSO rules were signed by EPA, but did not yet go through a public comment period. Ms. Heidell stated that there will be a 120-day comment period.

Dana Snow stated that DEP had a meeting on CMOM a year ago and that most of these things were going to be enforceable under the DEP guidelines. All of us will be facing these regulations on storm water and NPDES permitting as well.

Mr. Leone offered that all of the regulations overlapping on top of each other means the cost for communities will increase. Stanley Stanzin asked if the Authority has a plan to disagree with the permit. Mr. Leone stated that MWRA is waiting to see whether the SSO rules are published in the same way that they are proposed. There is a significant move to revise the regulations before they are published. They were drafted by the Clinton Administration and may be redrafted prior to publication under the Bush Administration.

Andrew DeSantis stated that, except for public notification, there isn't much difference between this and MWRA's requirements, stating that he would like to have one form to report to MWRA, DEP and EPA and report once. Mr. Leone stated that it may be easier for communities to communicate with MWRA, but communities may end up with a more expensive solution because MWRA is viewed as having "plenty of money". Mr. DeSantis noted that a lot of the communities do not have the staff to handle this regulation, while the Authority has the staff and technical expertise.

John Carroll stated, "We all know we are going to have overflows in our systems. Why should we have to report when Joe Smith calls up because he has leaks in his sewer? It is up to the MWRA and the Advisory Board to make sure that we really challenge them on this issue."

## **E. COMMITTEE REPORTS**

**Executive Committee** - Joe Foti

### **❖ ACTION ITEM: FY02 EXECUTIVE COMMITTEE**

The following slate was submitted by the Nomination Committee for consideration by the full Advisory Board:

<b><u>Chairman:</u></b>	<b>Katherine Haynes Dunphy, Milton</b>
<b><u>Co-Vice Chair of Finance:</u></b>	<b>Phil Farrington, Arlington</b>
<b><u>Vice Chair of Operations:</u></b>	<b>Andrew DeSantis, Chelsea</b>
<b><u>Secretary:</u></b>	<b>Edward Sullivan, Canton</b>
<b><u>Treasurer:</u></b>	<b>Guy Carbone, Belmont</b>
<b><u>At Large:</u></b>	<b>Bernard Cooper, Norwood</b>
	<b>Jay Fink, Newton</b>

**William Hadley, Lexington**  
**Peter Hersey, Melrose**  
**Timothy MacDonald, Cambridge**  
**Ted McIntire, Reading**  
**\*Albert Renzi, Jr., Framingham**  
**\*David Savoy, Waltham**  
**Dana Snow, Marblehead**  
**Stanley Stanzin, Needham**  
**John Sullivan, Jr., Boston**  
**Walter Woods, Wellesley**

**\*New members for FY02**

A Motion was made **TO ADOPT THE PROPOSED FY02 SLATE AS THE FY02 EXECUTIVE COMMITTEE**. It was seconded. There being no nominations from the floor and no discussion, a vote was called. It passed unanimously.

**Operations Committee** - Andy DeSantis

**❖ PRESENTATION: STATUS OF MWRA'S WASTEWATER METERING – Richard Trubiano, Director of Field Operations**

Rick Trubiano, Director of Field Operations for the MWRA, noted that at the Operations Committee meeting last month, it became clear that there were some reliability problems with the MWRA sewer meters. The meters are a major piece of the rate methodology, so it is extremely important that attention be focused upon those meters to keep them operating so that the rate methodology has a great deal of integrity.

Presently there are 213 wastewater meters in the MWRA system, with 173 used for rate calculations. There are over 1800 connections in the system; the 173 meters are designed to collect about 85+% of all the flow that enters the MWRA system. The reliability of those meters is measured in two ways. System-wide, the Authority wants to ensure that the meters are reliable at least 95% of the time. The 173 meters collect a piece of data every 15 minutes, 7 days a week, 24 hours per day. With computers and data collection, MWRA has to collect 95% of those data points. Over the course of the month, those 173 meters collect about 500,000 data points. In order for meter reliability of 95%, MWRA has to make sure it can read and collect 475,000 of those data points.

The second measure of reliability is the individual meter reliability. At least 138 of the 173 meters must collect all the data points for meter reliability of 95%. Meters are read three times a week. If data is missed on a meter, that meter will be below the target of 95%. The impact of having less data collected is that MWRA must estimate flows.

Now that the system is over ten years old, parts are expensive and vendors are not as supportive in stocking of these products. In March and April the Authority was down to collecting about 89 to 90% of the data and had to estimate 10% of the data. System wide, meter reliability has had some improvements and is back to its 95% target. The Authority has purchased \$200,000 worth of new equipment and parts to be installed in the meters.

In the long term, MWRA is developing a procurement for a bid, scheduled for early next year, for a new metering system. The Authority has had major vendors identify service needs and

methods of collection, such as readings from above rather than from a manhole. The Authority will have to run the two systems for a period of time during transition to keep rates solid and fair to all the communities.

Mr. Favaloro stated that clearly after ten years there is no question that a change out needs to begin. The point that was raised at the Operations Committee meeting that communities should get involved with is that the 173 meters will be replaced over time, which means there will be some old and new meters running at the same time. The question that was asked at the meeting was once a new meter is put into place, will it be used to determine the flow in the community. The answer was probably yes, which then creates the problem of two different types of meters. Mr. Favaloro suggested that the Authority work closely with the communities to get a determination by community on how they want to proceed.

Ms. Dunphy asked if Mr. Trubiano could comment on MWRA's security issues. Mr. Trubiano stated that typically MWRA works with the State Police and the FBI. On September 11, the Authority's response involved a lock down of all MWRA facilities, which were secured with the State Police and the MDC. State, Environmental and Local Police vehicles were located at several of the key water and wastewater facilities. The MDC stationed some of the larger vehicles and trucks at entrances to some of the bigger structures such as dams to try to prevent access. The Authority has continued the practice of closing public access at most facilities. The Emergency Operations Center was opened to be made aware of any problems that might happen in the field. That was the initial response. There have been no specific threats against Authority facilities. A 30-day "Terrorist Threat Advisory" was issued by the FBI a week ago informing major structure systems to stay on a higher level of alert, which the Authority is operating under. Since then, an internal group of senior staff have met to come up with a list of action items for some short and long term improvements to review our security and response plans.

**Finance Committee** - Phil Farrington

❖ **UPDATE: CIP AND CEB**

Cornelia Potter stated that Advisory Board staff will meet with Authority staff this week and next for fall briefings on the CEB and CIP budgets, especially the Operations Division.

Areas of special attention include the CSO program, especially the reassessment of the South Boston project, and opportunities for more effective management of energy related expenses, especially electricity.

The Authority has published the budget documents for this fiscal year; the CIP document and the CEB budget report, which came out this week.

The Current Expense Budget (CEB) is at \$508 million; with \$54 million budgeted for state debt service assistance and other offsets, the balance is \$454 million. Direct expense spending for FY02 is expected to be lower than actual spending in FY00 and FY01. However, spending increases for energy related costs, especially electricity, and for marine research and reporting as required by the NDPEs permit will be putting more pressure on the CEB. Implications of increased emergency preparedness efforts will also impact the budgets.

The capital financing category will benefit from a somewhat later fall borrowing at lower interest rates, but countering these factors will be lower interest rates for major portions of the

Authority's investment portfolio, as well as lower fund balances, which will result in lower investment income.

Through the first two months of the fiscal year, spending is 3% or \$2.5 million below budgeted amounts. More than half of that is due to the delayed bond issue, expected for later this month. The Authority is now planning to issue \$180 million in variable rate bonds next Tuesday. The rate is 2% as compared to the 4% budgeted. The next big bond issue is planned for mid-winter.

Capital spending for FY01 was the lowest in ten years, at \$333 million. Budgeted spending for FY02 is just under \$410 million (net of contingency). Through August, spending has been 20% below budgeted amounts, but contributing to this variance have been later payments of distributions for the community managed CSO projects, the I/I program and the Local Water Pipeline Improvement program. Discounting these categories of spending, accruals are just 7% below budgeted amounts for the first two months of this fiscal year.

**F. QUESTIONS AND COMMENTS**

**G. ADJOURNMENT**

**A MOTION WAS MADE TO ADJOURN THE MEETING AT 12:58 P.M.** It was seconded and passed by unanimous vote.

Respectfully submitted,

Edward Sullivan, Secretary