

**MWRA ADVISORY BOARD MEETING
APRIL 25, 2002
BRADLEY ESTATE
ROUTE 138, CANTON, MA**

MINUTES APPROVED AT THE JUNE 20, 2002 MEETING

Thirty-two members were present: Richard Bento, ARLINGTON; Edward A. Maguire, ASHLAND; John Sullivan, BOSTON; Charles P. Barry, BROOKLINE; Thomas Hayes, BURLINGTON; Ed Sullivan, CANTON; Andrew DeSantis, CHELSEA; Chris Golba, CHICOPEE; Albert Renzi, FRAMINGHAM; J. R. Greene and Barbara Wyatt, GUBERNATORIAL APPOINTEES; Ralph Pecora, LEXINGTON; Bruce Kenerson, LYNNFIELD; Dana Snow, MARBLEHEAD; Doran Crouse, MARLBOROUGH; Ed Bates, MAPC; Gabriel Federico, MEDFORD; Peter Hersey, MELROSE; Katherine Haynes Dunphy, MILTON; Bernie Cooper, NORWOOD; Jay Fink, QUINCY; Paul Connors, RANDOLPH; Ted McIntire, READING; Donald Goodwin, REVERE; Thom Donahue, SOMERVILLE; Silvio Baruzzi, SWAMPSCOTT; Richard Stinson, WAKEFIELD; David Savoy, WALTHAM; Walter Woods, WELLESLEY; Earl Forman, WESTON; Bradley Hayes, WEYMOUTH; Michael Woods, WILMINGTON.

Also present: John Carroll, Andrew Pappastergion and Joseph Foti, MWRA BOARD OF DIRECTORS; Ernie Williams, CANTON; Robert Antico, WILMINGTON; Michael Hornbrook, Ron Joseph, Lise Marx, Daniel Nvule and Jonathan Yeo, MWRA STAFF; Joe Favaloro, Cornelia Potter, Ryan Ferrara and Mary Ann McClellan, MWRA ADVISORY BOARD STAFF.

A. WELCOME

Chairman Katherine Haynes Dunphy called the meeting to order at 11:41 a.m. and introduced Secretary Ed Sullivan who welcomed everyone to Canton.

B. APPROVAL OF THE MINUTES FROM FEBRUARY 28, 2002 AND MARCH 21, 2002

A Motion was made **TO APPROVE THE MINUTES FROM THE FEBRUARY 28, 2002 AND MARCH 21, 2002 ADVISORY BOARD MEETINGS.** It was seconded and passed by unanimous vote.

C. REPORT OF THE EXECUTIVE DIRECTOR

Joe Favaloro stated that the House Budget will be unveiled at the State House today. Staff will monitor discussions closely over the next couple of weeks. The Advisory Board did not release its *Comments and Recommendations* this month, preferring to wait to see what the House Budget contains. The *Comments and Recommendations* will be an Action Item at the Wilmington Advisory Board meeting in May.

Al Renzi of Framingham asked if MWRA received its FY02 debt service allocation yet. Mr. Favaloro has received a letter from the Commonwealth certifying that \$50.029 million will be allotted for FY02. The Commonwealth made a determination that MWRA's portion of debt service assistance for FY02 will be 18.91% of eligible debt instead of 20%.

D. PRESENTATION: STOUGHTON'S APPLICATION TO JOIN THE MWRA WATER SYSTEM
– SEA Consultants, Town of Stoughton Staff and MWRA Staff

Jared Selig, Project Engineer with SEA Consultants, stated that SEA has worked with the Town of Stoughton in the evaluation, selection, permitting and design of a regional water supply to meet Stoughton's demand deficit needs.

Total water supply in Stoughton consists of seven ground water wells. Recently, based on the deteriorating condition of those wells, the Department of Environmental Protection (DEP) has placed a limitation of 1.9 mgd as the town's maximum capacity.

Stoughton explored every possibility for obtaining a new water supply. The Water Resources Commission (WRC) and DEP agreed that there is no viable in-basin sources left in the Town of Stoughton.

Contamination of local private wells requires the conversion of those wells to a public water supply, placing an increasing burden on that limited supply. Stoughton is an MWRA sewer community and has an existing emergency connection to the MWRA through the Town of Canton.

Based on projections, in the year 2020, there will be a demand deficit of approximately 1.15 mgd on an average day basis and, based on historical peaking factors, a 2.5-mgd maximum day deficit. The projections were performed by the Department of Environmental Management (DEM).

Several assumptions were made, taking into account the current extreme water use restrictions. Residential water use per capita was assumed to be 65 gallons per day. It included the development of North Stoughton Industrial Park. The 4:1 water savings requirement that has been in place since 1987 has basically been exhausted. The DEM recognizes that the town has done everything it can and the lifting of that requirement was assumed.

Stoughton has worked hard to protect its existing supplies and has no intention of abandoning those or looking at the MWRA to replace its local sources. If the Town continues to overpump, the wells are actually going to lose capacity; so this supply is important to protect the existing capacity that is available to Stoughton.

The aggressive conservation would include mandatory year round outdoor watering bans, not just in the summer. The Town has among the lowest per capita water use of 50 gallons per capita per day for residential use. There are no irrigation systems or second meters allowed for irrigation.

Unaccounted for water is less than 10% and the Town has instituted a quarterly billing program. Services that are 25 years or older are replaced to avoid leakage.

Stoughton has completed a Local Water Resources Management Plan. It is a comprehensive plan that takes a look at both water and wastewater resources and the integrated management of those systems.

Stoughton needs the final WRC vote, which is coming up in May, and the Advisory Board and MWRA Board of Directors approval for entrance into the MWRA. The estimated completion date for this project is February 2003.

In conclusion, Stoughton has a well-documented need. The supplemental supply is important to

protect the capacity of its existing sources. It is necessary to protect the public health and safety with regard to the contamination of the local wells. The local sources have been exhausted. There is an administrative consent order pending for the Town to select the regional source. The Town has no intention of letting any of those things backslide once MWRA connection is established and feels that it meets the criteria to join the Authority.

Ed Bates asked if the town has done anything to use the water shortage to discourage growth from taking place within the town. Mr. Selig responded that the fact that you can't tie into the system has discouraged growth, as well as the 4:1 requirement. Stoughton is a very mature town and is very near build out. There may be some redevelopment of existing commercial or industrial facilities, but similar to a lot of communities in this area, there is no room to build. Jim Miller stated that when the water emergency was first declared in the 1980s, the town invoked a moratorium on all building permits, but that was overturned in court. That is when Stoughton instituted the regulation that any new residential unit had to have its own water supply.

David Savoy asked if the MWRA has set a limit on how much water Stoughton can have? Mr. Selig replied that there are clear limitations in the Interbasin Transfer Act process on how much water can move from one place to the other. That permit is limited at 1.15 average day/2.5 maximum day. If the town found in 20 years that those projections were short, it would have to go through the entire process once again.

Lise Marx, MWRA Senior Program Manager, Planning, stated that the Authority has begun to review Stoughton's information in order to make a recommendation to the Board of Directors for its June Board meeting. Safe yield is a determination that must be made by the MDC.

Any expansion of the MWRA water service system shall strive for no negative impact on the members of the current 46 water user communities. What will the impact of this additional demand have on the communities in the event of a drought? Will it make everybody spend longer time under the restrictions of a drought emergency? As part of the MEPA and WRC analysis, MWRA was asked to look at Stoughton, Reading and Wilmington. At the current demand of 250 million gallons per day, there really is no increase in the number of months that would be spent in drought emergency. That is looking back from 1948 through 2000 in terms of years of record. At 260 million gallons and up, it does have some impact as the demand increases on the number of months the system would spend in drought emergency. There does not seem to be an impact on the other communities in the Southern Extra High System associated with Stoughton at maximum daily demand. The maximum impact is a 7.5% drop at Canton meter 194; however, that really doesn't have a negative impact on Canton because that pressure is still above the setting required.

As a new community coming in Stoughton would be governed by a water supply contract, which can be up to ten years in duration and authorizes a maximum annual amount of water. In this case, it will be based on the 1.15 million gallons average day and has an anticipated maximum daily volume. It will require the community to continue to use all feasible non-MWRA water and links to the Demand Management Program. Local sources must continue to be protected. If Stoughton were to use more than 1.15 mgd, it would require a recalculation of the entrance fee.

Ron Joseph, MWRA Director of Rates and Budgets, stated that Stoughton's entrance fee is currently estimated at approximately \$5.86 million, less about \$200,000, an amount that it has paid as a surcharge on the emergency use charges over the past several years, which nets to about \$5.65 million. When that money comes to MWRA, it will be treated as an offset to debt service payments.

When a community joins the System Expansion Policy it has three options for how to pay the entrance fee: 1) in its entirety as calculated at the time of approval; 2) pay the entrance as calculated at time of approval, over time, with interest; 3) as calculated at the time of connection. Stoughton has chosen to pay it over time as calculated at time of approval and will be paying over 20 years. The interest rate will be MWRA's average cost of debts, which is a number that is calculated on a monthly basis. Based on the current estimate of \$5.6 million over twenty years and MWRA's current cost of debt of 4.3%, the annual payment will be about \$432,000. Each year that will be treated as an offset to debt service and other communities' charges will be altered accordingly.

Eileen Simonson, Co-Director of the Water Supply Citizens Advisory Committee (WSCAC), stated that one of WSCAC's goals has always been to keep the system as secure and reliable as possible. In that regard, staff has been working with the System Expansion Committee since the Advisory Board reconvened the System Expansion Committee.

Clearly Stoughton, which has had a water problem since 1949, has done an excellent job. However, WSCAC has a few concerns about the balance of the process. One is that user communities take seriously that there should remain within the system a water cushion that does not get eroded and decrease the systems reliability.

Depictions given throughout the drought emergency stages do not talk about the two stages that precede the ones noted. "Below Normal" operations and "Drought Warning", which ask communities to take action, although voluntary. The other three drought stages have mandatory requirements in the drought plan.

From a state policy and law perspective, the fact that a community has done so well, like Stoughton has, does not become an entitlement for it to do less than it has done in the past. WSCAC is hoping to work with the System Expansion Committee, and then the water directors, to ensure that the contract for new communities coming on the water supply system have more teeth than ever before. Stoughton has made a commitment to continue its programs; WSCAC would like the force of a legal document to make sure that that is the case. Perhaps ten-year contracts are too long for new communities, perhaps they should come in under a five-year blanket, be reevaluated and then go into a ten-year contract to ensure that there is compliance.

E. COMMITTEE REPORTS

Executive Committee - Katherine Haynes Dunphy

❖ ACTION ITEM: NOMINATION AND ELECTION TO THE MWRA BOARD OF DIRECTORS

Ms. Dunphy stated that the Executive Committee acting as the Nomination Committee has recommended the election of John Carroll.

John Carroll stated that he has been on the MWRA Board of Directors since its inception in 1985 and that he works well in a Committee/Board setting. If elected, Mr. Carroll promised to do his best for the next three years.

Ed Sullivan certified for the record, as Secretary, that a quorum was present. A Motion was made **TO NOMINATE JOHN CARROLL FOR ELECTION TO THE MWRA BOARD OF DIRECTORS**. It was seconded and passed by unanimous vote.

Hearing no additional nominations from the floor, a Motion was made **TO RE-ELECT JOHN**

CARROLL TO THE MWRA BOARD OF DIRECTORS FOR A THREE YEAR TERM BEGINNING JULY 1, 2002 THROUGH JUNE 30, 2005. It was seconded and passed by unanimous vote.

Operations Committee - Andy DeSantis

❖ **PRESENTATION: DEP PROPOSED CHANGE FOR MWRA'S ROLE IN COMMUNITY COLLECTION SYSTEMS** – Michael Hornbrook, MWRA Chief Operating Officer, and Madelyn Morris, Deputy Regional Director, DEP

Michael Hornbrook, MWRA Chief Operating Officer, stated that the Authority has been in negotiations with DEP on some issues that MWRA views as proposed changes in MWRA's role in how it interacts with the communities on wastewater collection systems.

The Authority has been going through a number of issues with DEP, including the Braintree-Weymouth consent order. That consent order required the Authority to enter into an inter-agency agreement with DEP. An agreement in the past has expired. DEP would like to renew it.

When MWRA first started discussions with DEP on NPDES permitting, DEP wanted MWRA to place flow limits on member communities. Then DEP began talking about numerical I/I reduction targets that MWRA would impose upon communities and the communities would have to reach certain percentages of I/I reductions per year. DEP has moved away from that.

DEP is now getting down more to SSO reporting and record keeping and more involved on Operations and Maintenance (O & M) within the communities. MWRA does not want to become a regulator. MWRA has industrial pretreatment limits and grease/oil/fat limits so there are certain areas that are regulated. MWRA does not want to expand its regulatory reach.

Following are the four specific recommendations that DEP wants the Authority to get more involved in and MWRA's response:

- 1) DEP has asked that the Authority establish a task order contract for O & M services for wastewater member communities, ranging from metering, sewer cleaning, all the way to pipe line routing, sewer lining, and manhole repair. DEP's view is that there would be lower regional costs if the Authority were to get these larger contracts, similar to the leak detection service contracts and professional service contracts.

MWRA staff feels that the leak detection program differs from what DEP is proposing. Leak detection is a non-invasive listening technology, has zero liability for MWRA, no potential for property damage and a very low unit cost. Some of the task orders that DEP has suggested that MWRA become involved with, such as manhole repair, sewer lining and pipe line routing are more invasive, construction oriented work and gets MWRA involved in the local system O & M. It would increase MWRA's liability for property damage, etc. The largest issue for MWRA is getting involved in the daily O & M in the wastewater system. Unit costs for pipeline repair would be much higher than leak detection.

MWRA has the existing I/I Financial Assistance Program (Program) that provides a combination of grant/loans to communities and is not a 100% chargeback, as would be for a task order. MWRA believes that the existing Program meets all of the objectives that DEP wants to meet and is a better deal for the communities.

- 2) DEP has asked that MWRA target funding from the I/I Financial Assistance Program to

communities that have the greatest inflow/infiltration and SSO problems.

MWRA's funding is based upon a community's share of the wastewater costs. It took many years of negotiations and political negotiations to come up with a funding program that ensures that each community receives its fair share. The Authority does not believe that it is feasible to move forward with that kind of allocation.

3) DEP has requested that MWRA require in its community agreements that the community certify through its municipal permits with the MWRA that the community is properly operating and maintaining the local collection systems in accordance with guidance of DEP, MWRA and the I/I Task Force. Upcoming federal regulations for local collection systems – Capacity Management Operations and Maintenance (CMOM) – will be required either through a satellite collection permit or through permitting with the MWRA. DEP is asking that the CMOM reporting and certification go to MWRA, rather than DEP.

MWRA's responded that it did not want to become involved with O & M of local collection systems and does not want to have a regulatory role. The Authority would like that certification to go to DEP, which are the regulators. There should be a direct line between the regulators and people being regulated.

4) DEP has indicated that the Authority should provide hydraulic modeling services to the communities in areas where SSOs and backups occur.

The Authority has a hydraulic model of the 240 miles of pipes, pump stations and CSO facilities that it owns. The Authority uses that hydraulic model to make operational decisions, capital improvement decisions and working with communities to do some modeling of their local systems.

The Authority does not have a model of the 5,000 miles of local system that is owned and operated by the communities. It would be an extensive reach for MWRA to do that modeling. MWRA has told DEP that on a case by case basis, where the town has agreed and cooperates and provides that data, the MWRA will be more than willing to do hydraulic modeling at individual locations that have SSOs. If MWRA does that modeling and it indicates that it is a local problem and not an MWRA driven problem, DEP will be coming to the communities to fix that issue.

MWRA's enabling legislation delineates responsibility for O & M. In summary, MWRA believes that its current programs are effective and meet DEP's initiatives and does not want to expand its role into O & M for communities.

John Sullivan asked if DEP has the authority to make MWRA do these things. Mr. Hornbrook stated that he did not believe that DEP has the authority, however, MWRA always tries to negotiate with DEP to move forward.

Madelyn Morris of DEP stated that the Enabling Act lists as one of its goals for the MWRA the reduction of infiltration and inflow. MWRA sewer use regulations provide that the community system should eliminate excessive infiltration and inflow and prohibit the discharge of storm water directly into the regional sewer system. The MWRA issues municipal permits to all the communities that require compliance with these regulations. In 1991, DEP and the MWRA entered into an earlier version of the inter-agency agreement referred to today. That agreement led to a significant level of accomplishments, including the reduction of significant amounts of infiltration and inflow. The

agreement also led to the creation of flow metering and flow based rates, which provides financial incentives for infiltration and inflow reduction. It led to the creation of the financial assistance program by the MWRA.

A few elements of this agreement were never implemented. The agreement called for I/I reduction limits to be included in the municipal permit and to be enforced by the MWRA. By the time agreement expired in 1994, those parts of the agreement were not implemented. DEP believes it is time to enter into a new inter-agency agreement. DEP wanted to enter into a consent order for the Braintree-Weymouth Relief Facility. It was for that reason that the MWRA convened the I/I Task Force, which issued a report with recommendations and goals in March 2001 and envisioned that we would take the recommendations of that Task Force report and put those to work in the inter agency agreement.

Based on the recommendations of the Task Force report, DEP would take on several new caps, including the development of new O & M guidance, which is underway. DEP is working with the New England Interstate Water Pollution Control Commission to develop this guidance. DEP will be soliciting input from the communities and MWRA before that guidance is complete.

DEP has pledged to develop an electronic database for keeping track of SSOs and sewer backups. This again was a recommendation of the Task Force and is supposed to be done as part of the “e-gov” initiative. Additionally, DEP would like to continue public education, working together with the MWRA, to offer workshops.

There are a number of things that DEP would like to see the MWRA do. First, enhance local assistance, which includes regional service contracts. The communities and the MWRA could work together to see what services could best be provided through this process. MWRA should strive to follow the recommendations of the Task Force, including modeling, which could be very helpful to communities.

The MWRA has been reluctant to target financial assistance to the problem areas. DEP realizes that it is not easy to think about the possibility that money might be taken from one community and given to another. Targeting does not have to be done in that way. One way could be targeting within communities. There are many types of problems, some directed to infiltration and some related to inflow. Communities seem to spend the money on infiltration. The inflow problem never gets tackled. Targeting could mean that if a community wants to use MWRA money, it must remove inflow.

There are communities who have allocations and don't use them. Perhaps that money could be reallocated to other communities. Perhaps there should be a time limit on the money being available.

Municipal permits should include an annual certification program. Once a year communities could “self-audit” by filling out a workbook to see if it is complying with the state's environmental laws and regulations. It would be a very good management tool.

Self-auditing program should not be developed by DEP. MWRA, communities and DEP could work together to develop a certification form that would be easy to fill out, provide the most useful information, and be the least burdensome to the communities.

There needs to be a mechanism that MWRA should develop to properly manage the overall regional system. DEP believes that is a requirement of MWRA's existing NPDES permit and does not put

MWRA in an enforcement role. MWRA would have a tool for ensuring the proper O & M of the system. DEP believes this is consistent with the federal CMOM program, which stresses self-auditing and also envisions these individual community permits. CMOM also allows room that if there is already a well run and effective approach to managing regional sewer systems that individual permits may not be necessary.

Ed Bates asked if DEP has implemented these procedures in any other water/sewer districts around the state. Ms. Morris stated that DEP does have a number of communities, both within the MWRA system and outside the MWRA system, who are under mandates to do I/I removal under consent order.

John Carroll stated that inflow is the problem, not infiltration. In the financial assistance area, the MWRA developed the I/I program and allocated funds because previously the communities had to depend upon DEP's grant, which was based on a point system that was time consuming and difficult to get through. The current system is very simple. Money is allocated based upon how much the community contributed to the sewer system each year. As a member of the Board of Directors, Mr. Carroll stated that he would not vote for any system that changes that.

Ms. Morris stated that the proposals that DEP is putting forth came from the I/I Task Force and could be done in a simple way that wouldn't cost any money out of the MWRA's budget.

Mr. Williams noted that if these proposals would benefit DEP, MWRA and non-MWRA communities, why doesn't the DEP do it? Ms. Morris stated that there is a precedence for the MWRA to do it in the area of leak detection. Ms. Morris didn't believe that DEP would have the authority to do it, but it could be discussed.

David Savoy stated that these are good ideas, but somebody still has to pay for it. It all comes down to the taxpayer and the individuals in the hometowns that have to pay for it. In serving on the Task Force, Mr. Savoy stated that he was under the impression that a booklet would be put together to hand out to the communities, but never knew of a specific timeline.

Finance Committee - Phil Farrington

❖ **STATUS: ADVISORY BOARD CURRENT EXPENSE BUDGET (CEB) REVIEW PROCESS**

Staff is utilizing two extra weeks to put together the Advisory Board's *CEB Comments and Recommendations*. With the substantial reduction of employees through the Early Retirement Program, there will be big changes in the proposed budget for *Wages and Salaries*. The Authority is also in the process of revisiting many of the components of its proposed budget, which is scheduled to be reviewed at the Board of Directors hearing on May 27th and voted in June.

F. ADJOURNMENT

A MOTION WAS MADE TO ADJOURN THE MEETING AT 1:50 P.M. It was seconded and passed by unanimous vote.

Respectfully submitted,

Edward Sullivan, Secretary