

SPECIAL



REPORT

Since our inception, the Advisory Board has represented the 60 MWRA communities with distinction and diligence. As issues have become more complex and costs have escalated, the Advisory Board has met the challenges.

When the Commonwealth tried to impose unfair costs on the communities in 1992, it was the Advisory Board that brought the cities and towns together and waged a successful battle in the courts and the Legislature.

As ratepayers' cries for much needed relief grew louder, it was the Advisory Board that outlined solutions that were environmentally sound and provided significant financial savings.

When the Legislature needed someone to take charge and develop a sewer rate methodology, they empowered the Advisory Board to work out a solution. Today, an approved methodology is in place for implementation this July.

Be it in the area of legislation, litigation, advocacy or budget review, the Advisory Board aggressively pursues the interests of the MWRA communities. Periodically, the Advisory Board prepares a Special Report. We find this to be a particularly appropriate time to produce this report to chronicle our past successes and outline our future goals, since this year marks the 10th anniversary of the Advisory Board.

The Advisory Board looks forward to continued success in working on behalf of the communities to achieve environmentally sound water delivery and wastewater treatment, while managing water and sewer rates.

Sincerely,

Andrew M. Rappastegione
Andrew M. Rappastegione
Chairman

Joseph E. Favalaro
Joseph E. Favalaro
Executive Director

WHO WE ARE

"The influential watchdog group..."

Scott Allen, The Boston Globe, April 29, 1994.

The MWRA Advisory Board was created by the Legislature to represent the interests of the MWRA service area communities in the 1984 Enabling Act that established the MWRA. Its members include the chief elected official and a designee from each of the 60 cities and towns served by the Authority, along with a member of the Metropolitan Area Planning Council, and six gubernatorial appointees representing various interests. The Advisory Board, with its six member staff, maintains a separate office at 11 Beacon Street in Boston. The Enabling Act gave the Advisory Board the statutory function of monitoring operations of the MWRA and of appointing three members to the MWRA's Board of Directors. After careful review of the Authority's capital and current expense budgets, the Advisory Board makes recommendations to the MWRA Board of Directors on the budget. In addition, the Advisory Board makes recommendations on management practices and policy directions. Over the years, the Advisory Board has worked to ensure that the Authority only spends what is necessary to accomplish its goals for environmentally sound wastewater treatment and water delivery.

The Advisory Board has been successful in reducing MWRA current expense budgets by over \$130 million since FY89.

In addition to acting as a "watchdog" to ensure proper management and budget control, the Advisory Board performs the function of serving as a liaison between the communities and the MWRA. The Advisory Board is a valuable resource to the communities, providing important

information such as the *Annual Retail Water and Sewer Rate Survey*, formal budget comments and periodic newsletters.

The Advisory Board has held its commitment to a cleaner Boston Harbor and improved water and sewer systems, while fighting for ratepayer equity through increased state and federal involvement. It is clear, with recent state and federal support, that the voice of the ratepayers has finally

been heard. The state has shown its commitment to rate relief for two years in a row by providing long-term funding for the revolving loan program and annual rate relief funding to absorb the shock of annual increases. The federal government, principally due to the efforts of the Massachusetts Congressional delegation, has also responded with funding for the Boston Harbor Project. We must continue to build on this support and work to ensure a permanent commitment.

ACCOMPLISHMENTS

Managing Rates: Sustainable and Predictable Spending

"I have witnessed the evolution of the budget process from the Authority and the Advisory Board perspectives. To the credit of both, communities can now be assured of more accurate and earlier assessments based on a comprehensive and intensive review."

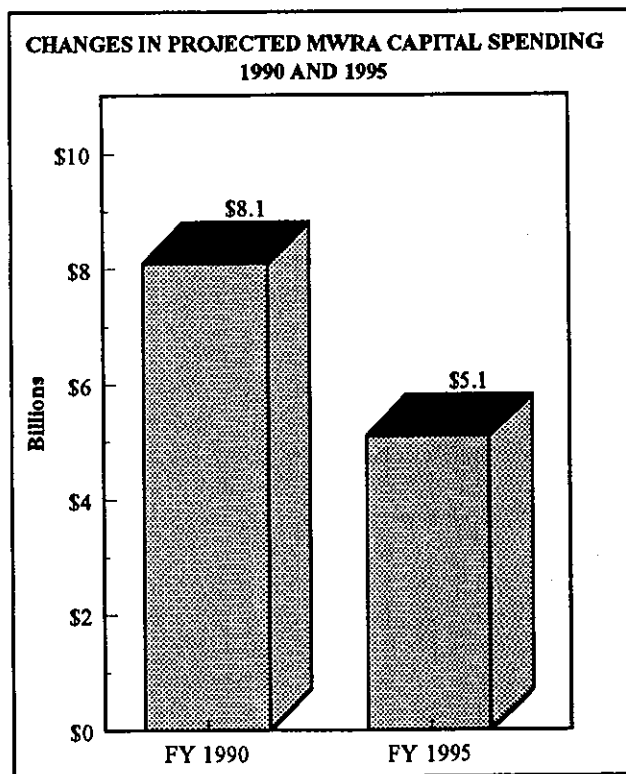
John Carroll, Norwood Town Manager, Advisory Board appointee to MWRA Board of Directors.

The Advisory Board has worked with the MWRA Board of Directors and staff to improve the MWRA budget process and to foster more accountability to ratepayers. The Advisory Board is now formally involved early in the budget process, and has in recent years persuaded the Authority to institute a tiered approach to budget review to focus attention on the most significant financial and policy issues in the proposed budgets. The Advisory Board's review of MWRA budgets has become a 365 day/year process, allowing for increased influence on spending and programmatic decisions during the initial planning stages. Continuous involvement has allowed the Authority to provide communities with more realistic rate estimates earlier.

Capital Cost Reductions

The Advisory Board has proven that the MWRA can be environmentally sound and ratepayer equitable with a more cost-effective basin-by-basin approach to CSOs. The original CSO plan submitted by the Authority in 1990 proposed a regional tunnel storage system at an estimated cost of more than \$1.3 billion. As recommended by the Advisory Board, the MWRA recently submitted to EPA a final CSO plan which handles overflows on a site-by-site basis rather than using a single system-wide approach. The cost of the revised plan is \$372 million, a reduction of approximately \$1 billion from the original CSO Facilities Plan.

Following the recommendation of the Advisory Board, the MWRA has also reassessed the scale of the Deer Island treatment plant and is recommending that the size of secondary treatment facilities be reduced from four batteries to three and residuals from four modules to three. The downsizing is made possible because the projected level of wastewater flows and loads is less than that estimated during the planning process in 1988. These scale backs, which will not sacrifice environmental quality, are expected to reduce costs by an estimated \$165 million.



Savings in capital costs are particularly significant since every dollar cut from the capital budget saves approximately three dollars in debt financing costs within the current expense budget.

The Advisory Board makes recommendations on each of the MWRA's capital projects. The MWRA's most recent Capital Improvement Plan reflects \$1.1 billion of the Advisory Board's recommended reductions.

Three-Year Blueprint

Over the past few years rates have been brought under control. This has been accomplished through state and federal financial assistance and efforts by the MWRA to control costs.

In its comments on the MWRA's FY95 Current Expense Budget, the Advisory Board presented a three-year blueprint for managing rates. The blueprint recommended a 0% rate increase for FY95 and the pursuit of rate increases no higher than 5% for FY96 and FY97. The Advisory Board demonstrated that with a multi-faceted program to manage rates over the next several years, the Authority can achieve its capital plans and programmatic goals without returning to the days of double-digit rate increases. The MWRA Board of Directors concurred with the Advisory Board recommendation to develop a multi-year rates management plan and committed the MWRA to working toward the goal of limiting rate increases for FY96 and FY97 to 5%.

The achievement of a managed, realistic single-digit rate schedule was a major victory for the Advisory Board following years of double-digit rate increases and additional rate spikes anticipated by the Authority in their budget projections. The Advisory Board and its member communities continue to urge the Authority to manage spending in order to prevent burdensome year-to-year rate increases.

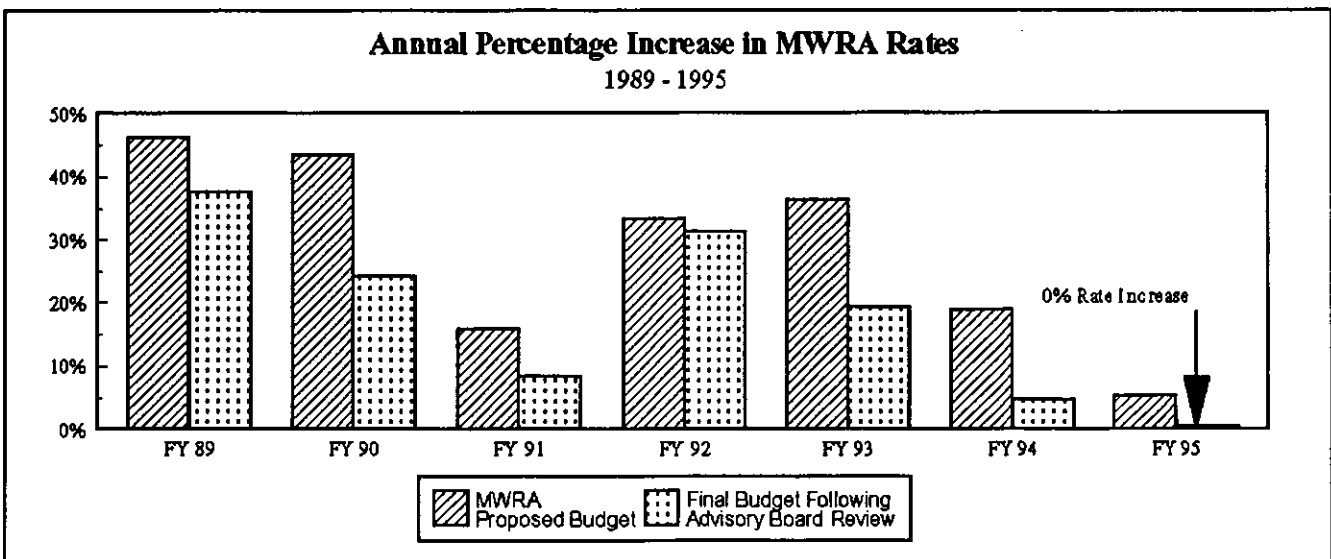
Sewer Rate Methodology

"The Town of Natick commends the outstanding work of the Advisory Board in working out a new formula for assessments that takes into account needs and concerns of all types of communities."

John F. Moran, Chairman, Natick Board of Selectmen.

The MDC last revised its population/population equivalency sewer rate methodology in 1980. With the advent of wastewater meters in the early 1990s the discussion over how to assess sewer communities intensified. As 1993 arrived, methodology discussion expanded to heated debates and legal challenges. Creating a method to fairly assess sewer costs became the most divisive issue ever to face MWRA communities, pitting one MWRA customer community against another. Under any methodology, 100% of the sewer costs would be paid by the communities.

The Legislature intervened and through Chapter 110 of the Acts of 1993 statutorily empowered the Advisory Board to develop a fair and equitable sewer rate methodology. The Advisory Board responded by bringing all sides of the issue together and forming the Sewer Rate Methodology Committee. After 53 meetings of the Sewer Rate Methodology Committee and 8 public meetings, the Advisory Board successfully developed and the communities approved a new sewer rate methodology. The methodology allocates operating costs based on total metered flow (with adjustments for strength of flow) and allocates capital costs based upon a combination of maximum monthly flow (with adjustments for strength), contributing population, and census population. The new



methodology mitigates first year impacts on communities by setting a floor and a ceiling for rate changes. Implementation of the new flow based methodology is scheduled for July 1, 1995, for FY96.

Legislative Accomplishments

"In working with the Advisory Board, the Legislative Caucus has been able to make the state part of the solution to ratepayers' plight. Together, we have been successful in securing real dollars to ease the burden on MWRA ratepayers."

Rep. Bob DeLeo, Chairman, MWRA Legislative Caucus.

The Advisory Board has been successful in working with the Massachusetts Legislature on behalf of the ratepayers. The MWRA Legislative Caucus, which the Advisory Board established in 1991 in conjunction with Representative Bob DeLeo (D-Winthrop) and Representative Bill Cass (D-Wakefield), is a critical part of the Advisory Board's strategy for the advancement of pro-ratepayer legislation. As a result of the work of the MWRA Caucus, the Advisory Board and the MWRA, the Legislature established the Commonwealth Sewer Rate Relief Fund, to which \$30 million was appropriated for FY94 and \$49 million for FY95. The fund makes state debt service assistance available to issuers of indebtedness for qualified wastewater projects in order to mitigate extraordinary increases in ratepayers' sewer costs. The MWRA received \$19 million in state assistance in FY94 and \$27 million in FY95.

In addition, the MWRA Caucus has fought and won many battles in the interest of MWRA ratepayers, including the repeal of the Quabbin Reservoir water tax and repeal of the inflated \$120 million MDC debt prepayment.

Community Affairs

Common Goals Initiative

The MWRA communities possess over 95% of the pipeline miles found in the MWRA and communities' collection and delivery system. For this reason, it is essential for the Authority and the cities and towns to work together to reach common goals. In the Fall of 1993, the Advisory Board Operations Committee and MWRA staff began a "Common Goals" initiative to improve communications between the Authority and the communities and to focus on the delivery of service. The program was developed in response to long voiced concerns by community representatives that Authority policy and programmatic decisions were being made without adequate community input. The Advisory Board

Operations Committee met with the MWRA to initiate realistic steps to strengthen community and MWRA relations and improve project/program development and implementation, including project impact mitigation. Four committees were formed to address issues regarding communications, resource sharing, mitigation, and project and program coordination.

Construction Impact Review Board

As part of the Common Goals Initiative, a committee comprised of Advisory Board and MWRA representatives developed a standardized approach for addressing the impacts of MWRA construction on communities. This approach was designed to protect ratepayers from the expense of requests that go beyond normally agreed upon standards while ensuring that the community is treated fairly. The Construction Impact Review Board has been created to evaluate requests that Authority staff believe go beyond the established guidelines.

Safety Training

Over the past several months, 25 communities and the MDC Division of Watershed Management have sent approximately 150 individuals to the MWRA's Confined Space Training facility at the Fore River Ship Yard. The MWRA's two-day course provides an overview of the OSHA Confined Space Entry Standard and the MWRA's procedure. Training includes both classroom and hands-on instruction. In the classroom, participants learn about permits, roles and responsibilities of entry teams, potential hazards, testing and monitoring, ventilation, fall protection and retrieval equipment, and respiratory protection. During the hands-on component, participants review the proper set-up and use of equipment and practice using fall protection and retrieval equipment.

Dual-Track Approach to SDWA

Along with the Water Supply Citizens Advisory Committee and Massachusetts Audubon Society, the Advisory Board worked with the MWRA to create a dual-track approach to evaluate filtration and non-filtration (watershed management plus treatment) options to comply with the Surface Water Treatment Rule of the federal Safe Drinking Water Act. By improving watershed management for the Wachusett Reservoir, the MWRA may be able to limit the scale of the new water treatment facility to avoid expensive elements of water filtration. This action could save ratepayers \$100 to \$200 million. The Advisory Board continues its evaluation of water treatment options through participation on the Citizen's Advisory Committee and other task forces.

NEXT STEPS

Goal of Single-Digit Increases

The Advisory Board is firmly committed to its goal of single-digit rate increases. The Advisory Board's three-year blueprint, outlined in its comments on the MWRA's FY95 Current Expense Budget, shows a plan for the 0% increase for FY95 and increases no higher than 5% for FY96 and FY97. In order to reach this goal, the Advisory Board will take steps to help the MWRA control expenses, reconfigure the capital spending and financing programs, and augment revenue with continued and expanded funding from the state and federal governments.

Continue to Work Pro-Actively with State

"In Fiscal Year 1996, we agree with the MWRA Advisory Board's recommendation to direct \$35 million for rate relief."

Governor William F. Weld, H.1, Vol. 1, p. 4.

In cooperation with the MWRA Legislative Caucus, the Governor and the MWRA, the Advisory Board has been successful in securing \$46 million in state debt service assistance for ratepayers. This assistance has significantly slowed the rate of increase for MWRA water and sewer rates. The pro-active response from the state has also been instrumental in securing funding from the federal government. The Advisory Board is seeking \$35 million in debt service assistance for FY96 and an expanded commitment to the State Revolving Fund (SRF), including an increased 0% interest loan component. In addition, the Advisory Board has endorsed and will work for the passage of legislation to secure state funding for the MetroWest Water Supply Tunnel project.

Maintenance and Operation of MWRA's Water and Sewer System

The Advisory Board continues its support of MWRA water and sewer operation and maintenance. The MWRA water and sewer systems must operate at a high level of efficiency and reliability in order to maintain capacity of the system, provide adequate flows and pressures, and preserve the ratepayers' investment, especially in the new facilities now under construction. We cannot allow a return to the point of disrepair reached prior to the inception of the MWRA.

Reduction of infiltration and inflow (I/I) in local sewer systems continues to be a priority for the Advisory Board. To support this, the Advisory Board and the MWRA worked together to develop the Infiltration and Inflow Assistance Program, which provides funding (25% grant and 75% interest-free loan) to communities to help fund local I/I projects. With the primary focus of the new rate methodology on metered flow, more communities are likely to pursue I/I prevention, reduction and control. The Advisory Board supports the continuation of the I/I program over the next several years, permitting communities to roll over first-phase funds, adding \$10 million to the proposed \$28.7 million for the second phase, and maintaining the 25% grant / 75% interest-free loan ratio.

The Advisory Board will also work with the MWRA to ensure that Interim Corrosion Control (ICC) moves forward. ICC is necessary to lower the corrosivity potential of Wachusett Reservoir water until permanent treatment facilities are operational, which will be in the year 2001. The MWRA organized the Corrosion Control Community Advisory Committee, made up of MWRA service area communities, non-service area communities with their own water treatment facilities, and DEP staff, to advise the Authority on its planning, design, and operation of ICC. The ICC plant is currently under construction in Marlborough and is scheduled to begin operation early in 1996.

MDC Watershed Division

"It's only logical that if you have to pay, you should have a say."

Rep. Ron Mariano (D-Quincy).

A top priority for the Advisory Board is the transfer of the MDC Watershed Division to the MWRA. MWRA ratepayers currently pay 100% of the Watershed Division budget yet have no oversight or management authority over the Division. The Advisory Board has filed legislation that will incorporate the Division into the Authority. This will have no impact on current MDC employees but will improve watershed management activities and provide for direct accountability to ratepayers. In working to incorporate watershed responsibilities into the MWRA, the Advisory Board will also work with the Central Massachusetts delegation to ensure that their interests are considered.

LEGISLATIVE AGENDA

The Advisory Board has endorsed the following legislation and will work for passage during the 1995 legislative session.

An Act Relative to the Commonwealth Sewer Rate Relief Fund.

Sponsor: Representative Robert DeLeo

The legislation seeks to mitigate sewer assessment increases in FY96 by amending the authorizing language for debt service assistance so as to ensure that all of the MWRA's debt, not just 20% of the debt, is eligible for debt service assistance. This formula will ensure that the MWRA receives \$35 million in debt service assistance. The bill would also extend debt service assistance to water projects such as the MetroWest Water Supply Tunnel Project.

An Act Relative to the MetroWest Water Supply Tunnel Project.

Sponsor: Senator Paul White

The bill seeks to provide financial assistance for the construction of the MetroWest Water Supply Tunnel. The legislation directs the Commonwealth to enter into a contract with the MWRA whereby a portion of the annual debt service costs incurred for financing the project will be paid by the Commonwealth, with no more than 25% of the project's debt service costs paid by MWRA ratepayers. The estimated cost of the project is \$435 million.

An Act to Improve the Supply and Delivery of Water to MWRA Ratepayers.

Sponsor: Representative Ronald Mariano

The legislation seeks to transfer the responsibility for water supply and its related activities from the MDC's Division of Watershed Management to the MWRA. MWRA ratepayers currently pay 100% of the costs of the Watershed Division of the MDC without any direct management of the Watershed Division. Transfer of the Watershed Division to the MWRA would improve watershed management activities and eliminate water supply maintenance costs from the state budget.

An Act for Water and Sewer Rate Relief to Low-Income Homeowners.

Sponsor: Senator Warren Tolman

This bill would appropriate \$12 million statewide, over and above state debt service assistance, for water and sewer rate relief for low-income homeowners whose income is below 175% of the federal poverty level.

An Act to Create the Clinton-Lancaster Wastewater District.

Sponsor: Senator Paul White

The legislation seeks to create the Clinton/Lancaster Sewerage District. Currently MWRA ratepayers are paying 100% of the operating and maintenance costs of a sewerage treatment plant outside of the MWRA district at an annual cost of \$1.5 million.

Sewers in Central Massachusetts

Currently failing septic systems in Central Massachusetts allow contaminants to seep into nearby water resources. The MDC is working on a wastewater facilities plan for these 3,000+ on-site septic systems in West Boylston and Holden. The draft wastewater facilities plan recommends construction of approximately \$50 million in sewers, and short and long-term on-site remediation measures at an estimated capital cost of \$25 million.

As Title V clearly states, local boards of health and DEP must enforce and homeowners must assume the responsibility for replacing their failing septic systems.

Only those costs solely for the benefit of the MWRA water system, such as additional safety provisions, should be the responsibility of the MWRA. The Advisory Board is adamantly opposed to any additional funding from MWRA ratepayers for sewers in Central Massachusetts. It is misguided to expect MWRA ratepayers who already bear nearly 80% of the costs of their own enormous wastewater projects to fund those of Central Massachusetts.

However, the Advisory Board understands the financial burden that wastewater projects place on ratepayers and stands ready to work with the Central Massachusetts

delegation to identify and secure funding sources. The Advisory Board proposes the following possible funding sources:

- Massachusetts revolving funds (SRF) with a 75% grant equivalency.
- State debt service assistance for non-grant portion of loan.
- Federal funding eligibility under both SDWA and CWA.
- Federal small cities grants.

Building Partnerships

The Advisory Board will continue to develop partnerships among the communities, the MWRA and state and federal agencies in both project review and service delivery.

On the project review side, the Advisory Board is committed to working with DEP and EPA on a variety of MWRA projects ranging from secondary treatment, CSOs and water treatment, to the more routine projects undergoing MEPA review and permit applications. However, the Advisory Board will continue to challenge regulatory agencies to support flexible solutions for meeting compliance goals.

REGULATORY AREAS TO WATCH

- EPA acceptance of DP29 results regarding secondary treatment sizing.
- EPA acknowledgement of basin-by-basin approach to CSO control.
- NYDES permitting process for Deer Island discharge.
- New SDWA requirements for Enhanced Surface Water Treatment Rule and for Disinfectants/Disinfection Byproduct Rule.
- State primacy relative to SDWA compliance.
- State and federal permits for SDWA compliance and MetroWest Tunnel.
- Additional costs related to state permitting requirements.

On the service delivery side, the Advisory Board will advocate for cooperation between the service area communities and the MWRA. Through the Common Goals Initiative, communities have worked together with

the MWRA to improve service delivery and communication. This partnership shows the importance of maintaining open communication and partnerships with others involved in MWRA projects. To this end, the Advisory Board will also continue to participate in a number of organizations including Water Supply Citizens' Advisory Committee (WSCAC), Wastewater Advisory Committee (WAC), Toxic Reduction and Control/Permit Fee Committee (TRAC), Weymouth MWRA Study Committee, Water Access for Tenants & Ratepayers (WAT&R), Community Corrosion Control Group, Wachusett CAC, Massachusetts Clean Water Council, New England Safe Drinking Water Task Force, and National Water Funding Council.

The Advisory Board will continue to do its part in fostering these mutually beneficial relationships, while urging the Authority to be more proactive in their relations with government agencies. One area where this approach could be especially productive is in the fertilizer pellet distribution program. Endorsements of the fertilizer from the communities, state agencies and the EPA will substantially increase the ability of the Authority to market the product to others.

Reauthorize Clean Water and Safe Drinking Water Acts

The Advisory Board will continue to work with the Massachusetts Congressional delegation to significantly expand funding for the Clean Water and Safe Drinking Water Acts. During the first fifteen years of the Clean Water Act, a federal/state partnership provided 90% of the costs to construct mandated wastewater treatment facilities. The federal government dismantled Clean Water Act funding before cleanup around the country was complete. Even with the welcome \$250 million recently awarded, ratepayers are still paying for nearly 80% of the Boston Harbor Project. A similar situation arises as the MWRA complies with the Safe Drinking Water Act, another underfunded federal mandate which is likely to cost over \$600 million in the next ten to fifteen years.

The Advisory Board will advocate for a three-pronged action plan which includes the following:

- Reauthorization of both Acts.
- Adequate revolving loan funds.
- Special grants (President Clinton's budget earmarks \$100 million for Boston Harbor).

MWRA Advisory Board

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Boston Harbor - Vacant
Connecticut River Basin - Vacant

MAPC Appointee:

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 Kim Smith, Senior Policy and Finance Analyst

*Member of Executive Committee
 **Chairman of Executive Committee

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 Norman Jacques – *Needham*
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