



# Advocacy & Accountability

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MWRA Advisory Board Summary  
of the  
MWRA Board of Directors Meeting  
Wednesday, October 18, 2017

A meeting of the Board of Directors of the Massachusetts Water Resources Authority was held on Wednesday, October 18, 2016 at the Charlestown Navy Yard. Present: Brian Peña, Gubernatorial Appointee; John Carroll and Andrew Pappastergion, MWRA Advisory Board Representatives; Henry Vitale, Kevin L. Cotter, and Austin Blackmon, City of Boston Representatives; John J. Walsh, City of Quincy Representative. Absent: Secretary Beaton and Jennifer Wolowicz, Gubernatorial Appointees; Paul Flanagan, Town of Winthrop Representative; and Joseph Foti, MWRA Advisory Board Representative. Mr. Carroll, Vice Chairman of the Board served as Chairman of the meeting.

The meeting was called to order at 1:05 pm.

## **Report of the Chair**

There was no report of the Chairman.

## **Report of the Executive Director**

Mr. Laskey reported that the fish hatchery project and hydroturbine was now operating and producing hydro electricity; there will probably be having some kind of event on site in the near future.

He also noted that Betsy Reilly, the head of the Environmental Quality Department, will be making a presentation later that evening in Brookline on water projects in its sister city in Nicaragua. He commended her for her hard work to make this happen.

## **Approvals**

### **Approval of Minutes**

The Board voted to approve the minutes from the September 20, 2017 Board of Directors meeting.

### **Revision to Management Policy for Staff Appointments**

This item was postponed. [laid on the table]

## **PCR Amendments – October 2017**

The Board voted to approve an amendment to the Position Control Register as presented and filed with the records of the meeting.

There were three PCR amendments. The first was related to a change in the Administration Division. The second was to create a non-union position to fill a gap in the area of environmental policy and regulatory affairs. The third amendment is related to a change in the Operations Division due to a union settlement

### **Appointment of Director, Environmental and Regulatory Affairs**

The Board voted to approve the Executive Director's recommendation to appoint Ms. Bethany A. Card to the position of Director, Environmental Affairs (Non-Union, Grade 16) in the Operations Administration Department, at an annual salary of \$142,500, commencing on a date to be determined by the Executive Director.

### **Appointment of Librarian and Records Manager (Unit 6, Grade 11), MIS Department, at an annual salary of \$92,416.35 commencing on a date determined by the Executive Director. Approval Placeholder**

The Board voted to approve the Executive Director's recommendation to appoint Mr. Patrick Thistle to the position of Librarian and Records Manager (Unit 6, Grade 11), MIS Department, at an annual salary of \$92,416.35 commencing on a date determined by the Executive Director.

## **Contract Awards**

### **CSO Post-Construction Monitoring and Performance Assessment, AECOM Technical Services, Inc., Contract 7572**

The Board voted to approve the recommendation of the Consultant Selection Committee to select AECOM Technical Services, Inc. to provide consulting services to the Authority for CSO Post-Construction Monitoring and Performance Assessment and to authorize the Executive Director, on behalf of the Authority, to execute and deliver Contract 7572 with AECOM Technical Services, Inc. in an amount not to exceed \$2,924,295.09 for a term of 1,246 calendar days from the Notice to Proceed.

Staff opened the report with a brief overview of the contracts for the post construction monitoring and to give a brief overview of the remaining court regulatory obligations. We are now approaching the final two milestones associated with the Court: to initiate a post construction monitoring and performance assessment program beginning in January of 2018 and to issue a compliance report in December 2020. Also required is compliance with the water quality standards. The court-mandated CSO control is identified in this an abbreviated table, a portion of Exhibit B from the second CSO stipulation, and we are also required to eliminate or close 34 outfalls. The remaining active outfalls must be shown as having met the court requirements and for discharge volumes.

More recently, the Authority has been required to submit a draft for Associated with the court and a Staff noted that the job is to differentiate between the variations caused by stormwater and other non-CSO discharges to what is incrementally caused by CSO, if there is just an increment. The Authority is required to produce an update, in various formats, and to update the MWRA Board of Directors and to continue to provide Court reports on June 15 and December 15 as well as other scheduled reports.

Staff summarized that over twenty years ago, based on hydraulic modeling, a large number of projects was developed and an estimate was developed. This court order now requires us to now prove, after the implementation of all those projects, we are delivering what we promised to deliver. Staff also observed that most of the violations of water quality standards are coming from non CSO sources. The job is to differentiate the water quality violations caused by stormwater and other non-CSO discharges.

Staff also emphasized that the Authority has finished the elements of the CSO Control Plan. Every one of the of the four communities – Cambridge, Chelsea, Somerville, Boston (BWSC) -- have continued to implement projects that are continuing to lower wet weather flows from their systems and are lowering CSO discharges. The three year program will capture that through the monitoring efforts.

Regarding the bid process and in response to a question about why Hazen and Sawyer had quoted a lower number of hours on their bid. Staff indicated that the firm had bid a lower number based on the number of hours that had been required by other, previous jobs. Staff offered the opinion that the firm had not worked on a system of this size.

### **Contract Amendments/Change Orders**

#### **Supply and Delivery of Polymer to the Deer Island Treatment Plant: BASF Corp, Bid WRA-4155, Amendment 1 with BASF Contract Amendment 1**

The Board voted to authorize the Executive Placeholder, on behalf of the Authority, to approve Amendment 1 to exercise the option to renew and to increase the amount of WRA-4115 with BASF Corporation, Supply and Delivery of Polymer to the Deer Island Treatment Plant, in the amount of \$693,900, and to extend the term by two years to February 28, 2020.

Staff described the contract, which is an extension of the existing two-year contract to continue to provide polymer for a two-year period. Following negotiation over the price, staff now recommend an 8.89% increase from the existing contract (lower than had been originally proposed by the contractor), also stating that the Authority only buys what it uses.

#### **Remote Headworks Upgrades: Arcadis U.S., Inc., Contract 7206, Amendment 5**

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Change Order 5 to increase the amount of Contract 7161 with BHD/BEC 2015, a Joint Venture, Chelsea Creek Headworks Upgrade, in an amount not to exceed \$440,000.00, with no increase in contract term; further, to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 in amounts not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the of the Board of Directors.

Staff noted that this contract focuses on the Chelsea Creek Headworks. Lessons learned from this contract will inform a subsequent contract for the two other remote headworks facilities, the Columbus Park and Ward Street Headworks. The complications and sequencing of design for the Chelsea project confirm that this decision was a good one and that the Authority will be able to implement the lessons learned. Mr. Pappastergion referred to a presentation by Authority staff at a previous Board meeting about the complexities of this project and noted that he is satisfied with this approach. [The staff summary reviews many of these challenges; see also the power point presentation.]

### **Chelsea Creek Headworks Upgrade: BHD/BEC JV 2015, A Joint Venture, Contract 7161, Change Order 5**

The Board voted to authorize the Executive Director, on behalf of the Authority, to approve Change Order 5 to increase the amount of Contract 7161 with BHD/BEC 2015, A Joint Venture, Chelsea Creek Headworks Upgrade, in an amount not to exceed \$440,000.00 with no increase in contract term; further, to authorize the Executive Director to approve additional change orders as may be needed to Contract 7161 in amounts not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff highlighted the items addressed by the change order. These include modifications to be made to some of the structural steel to incorporate some of the new equipment (including windows, doors, louvers), additional girt framing, and chipping of the existing concrete followed by patching; and testing and disposal of contaminated soil which does not meet the limits for in-state disposal of the soils.

### **Northern Intermediate High Section 110 – Reading and Woburn: Albanese D&S, Inc., Contract 7471, Change Order 12**

The Board voted to authorize the Authority, to approve Change Order 12 to increase the amount of Contract 7471 with Albanese D&S, Inc., Northern Intermediate High Section 110 – Reading and Woburn, for a lump sum amount of \$661,177.96, with no increase in contract term; further, to authorize the Executive Director to approve additional change orders as may be needed to Contract 7471 in amounts not to exceed the aggregate of \$250,000, in accordance with the Management Policies and Procedures of the Board of Directors.

Staff described the reasons for additional unit costs for the additional ledge and related issues having to do with night work, survey work and monitoring of the additional work, handling, transportation and disposal.

## **Information**

### **Delegated Authority Report**

Staff invited questions from the Board on the Delegated Authority Report. Questions included the proprietart software for the TRAC program – the pretreatment information management system maintenance and support software. It is a program required by the permit and regulations and is the only vendor available. Staff termed it the key element of the whole pretreatment program including sampling and enforcement. Regarding another question, staff described the contract which provides renewable and alternative energy portfolio services for the final quarter of calendar year 2017. Renewal of the contract is upcoming.

## **Financial Update and Summary through September 2017**

Staff summarized the financial information for the first quarter of FY 2017. The year to date is \$7.8 million, in part due to direct expense of \$600,000, lower debt service of \$2 million (which is attributable to lower short term interest rates), and lower indirect expenses of \$420,000. Year to date revenues contributed \$4.8 million, reflecting \$4.2 million from the settlement between various State Attorneys General and Barclays PLC for attempt to manipulate the LIBOR market (a standard financial index used to set the cost of various variable rate loans). On the capital side, spending is 14.5% lower; net of community programs, spending is 5.8%. Wages and Salaries spending is due to an accounting practice having to do with “leave balance accruals” for the first quarter mostly due to less than anticipated use of vacation time during the period. The variance is expected to “settle out” over time. Staff also responded to questions regarding timing of Professional Services spending on professional services for invasive species control; and regarding funding in the OPEB trust (which has a balance of \$23 million as of the end of September. In addition, staff discussed charges and changes in usage for the Lancaster district and approaches to arriving at a true-up to be agreed to this fiscal year. Staff also stated that there would be a reopening of the assessment methodology to review the charges for the Lancaster Sewer District.

## **MWRA Industrial Waste Report #33: Industrial Pretreatment Program Annual Report to EPA for FY17**

Staff provided a brief overview of the Industrial Waste Report. The Toxic Reduction and Control (TRAC) Department administers the Industrial Pretreatment Program. There are 1200 industries in the district of which 203 facilities are considered Significant Industrial Users (SIU's). There were over 400 SIU inspections this year, the result of more frequent inspections. The staff summary reported on the results and the various reasons for the findings related to compliance and non-compliance. A number of noncompliance findings were the results of failure to submit required reports, rather than discharge violations. Enforcement Program results were reported as were enforcement actions and penalty assessments. Challenges going forward were also summarized. A review of permit related charges is also planned for the year ahead. Staff reported that the Incentive and Other Charges Program currently recovers 95% of the adjusted amounts invoiced. A review would assess how fees and charges might be changed and possibly be increased in the future. Mr. Favaloro, stating that the Advisory Board had been a long advocate of recovering permit fees, observed that a couple of things need to occur. The fees do need to be revisited; they have not been revisited since FY 2012. Then, a level of increase needs to be determined and some kind of index needs to be developed so that some inflation related increase can be applied each year based on that index. This was done to some extent from FY 2010 – 2012 and it made good sense since the process did not have to be done over repeatedly. The Advisory Board stands ready to work with the Authority to do that.

## **2016 Deer Island Outfall Monitoring Overview**

Ms. Fiore introduced Betsy Reilly, the Director of the Environmental Quality Department. The report, for calendar year 2016, is required every year and is submitted to EPA. It is the ambient monitoring program, and is done in Massachusetts Bay as well as Boston Harbor. The results of the monitoring has helped to demonstrate that the effects of having the outfall in Massachusetts Bay, 9.5 miles out, has not adversely impacted the environment. It has also allowed the Authority to monitor and report on the improvements in Boston Harbor as improvements to the treatment plant and to Nut Island as well as the CSO long-term control program. The monitoring and reporting support conclusions that the work has resulted in not moving pollution problems from Boston Harbor to Massachusetts Bay, but in improvements to the water quality. These results will also support the MWRA in working with EPA on a future Deer Island Treatment Plant NPDES permit.

The monitoring program has several elements to it, including monitoring the effluent that leaves the Deer Island Treatment Plant. The plant has received a platinum ten award from the National Association of Clean Water Agencies (NACWA), meaning effluent water quality has met all the permit requirements for ten consecutive years.

Another part of the monitoring focus is on Massachusetts Bay including around the outfall, including dissolved oxygen and algae, flounder health, tissue chemistry, mussels and lobsters, as well as sediments. Threshold limits were based on monitoring that occurred in the outfall area before the outfall was located there and from that the contingency plan thresholds were developed. Now the data that has been collected since the outfall tunnel has been discharging are compared to the contingency plan thresholds and if levels are higher, then there is a notification requirement.

Overall, for calendar year 2016, the results were very good. There was one threshold exceedance, for nuisance algae. Staff has also been successful in working with the Outfall Monitoring Science Advisory Panel to review the technical data. Staff has explained that there are a couple of nuisance exceedances that occur every year that have since been reassessed and changed. In 2017, there has been additional monitoring related to red tide (associated with a toxin in shellfish).

A lot of the monitoring is helpful in showing that some adverse findings are regional in nature and not related to the outfall. The data has demonstrated that very clearly, particularly with regard to the development and location of red tide.

Also, 2016 was a very dry year, one of the driest since the outfall went on line, and nearly all flow received secondary full primary and secondary treatment and there was very little blending.

All of this information is necessary to collect so that the results can be interpreted as to what is going on for the rest of the year.

Staff also noted the availability of a new pamphlet – “Environmental Quality Update: Monitoring Bacteria in Boston Harbor and Massachusetts Bay.” It is designed for wide distribution including the possibility of being included in billing statements to retail customers. Staff reviewed a number of events at which the Executive Director spoke and other staff members have been and are planning to appear and speak about the Authority’s activities and groups in which the Authority is participating. In addition, staff reported about a “hard bottom” video prepared every three years as is required. Mr. Laskey summarized by stating, “on the wastewater side, this is what it is all about. This is why we have spent [many billion] dollars and why we spend hundreds of millions of dollars a year to maintain what we have and keep the water clean. Mr. Walsh complimented the staff for doing an excellent job, including all of the staff.

[See Staff Summary, as part of the meeting materials, and the power point presentation from the Board meeting.]

### **Update on MWRA Aquatic Invasive Plants Control Activities**

Staff presented a periodic update on the MWRA efforts for invasive aquatic plant control in source and emergency reservoirs. [See power point presentation.] The four key problem plants are Eurasian watermilfoil, fanwort, variable milfoil, and water chestnut. Four distribution reservoirs have no aquatic invasive plants. In Norumbega, staff found an invasive and were able to eliminate it.

Staff summarized ongoing control efforts in other reservoirs: Quabbin, Ware, Wachusett, including the Cosgove Intake and the Sudbury. Staff described the various approaches to controlling and removing the

invasive plants, including, more recently, the DASH program (diver assisted suction harvesting, using services of a contractor). With the successful efforts to remove invasive plant, native plants are returning.

Staff also described efforts to remove and contain invasive plants in the Foss Reservoir and Chestnut Hill, including the use of drawdowns to expose the plants and enable removal of the material.

### **Update on Southern Extra High and Northern Intermediate High Pipeline Redundancy Projects**

Staff reported first on the Southern Extra High Redundancy Pipeline, Section 111. The project includes three separate construction contracts. The first consists of 11,000 linear feet of 36-inch water main primarily located within the DCR Stony Brook Reservation in Boston. Work began in the summer 2016 and is scheduled to be completed by August 2018. The second contract consists of 10,000 of water main some of which is in the Stony Brook Reservation, and the rest is in residential neighborhoods. The contract was awarded this past summer with completion scheduled for November 2019. The third contract to address 7,100 linear feet of water main in the southern portion of Dedham. The contract is scheduled to be advertised for bid in December 2017.

The Northern Intermediate High Pipeline, Section 110 project involves water service to Reading, Stoneham, Wakefield, Wilmington, Winchester and Woburn through a single 48-inch pipeline fed by the Gillis Pump Station at Spot Pond in Stoneham. The first of four construction contracts involved the installation of 2,400 linear feet of water main in Reading; it was completed in May 2015. The second contract involved 8,800 linear feet of water main in Woburn and Reading; the work began in January 2016, with completion scheduled by March 2018. (A change order for this contract is on the agenda for today.)

Phase III includes the installation of 9,500 linear feet of water main in Stoneham and Wakefield. Work began in January 2017, with completion scheduled by September 2018. Phase IV consists of the installation of 13,300 linear feet of water main in Stoneham. Work began in September 2017, with completion scheduled by June 2020. [See the power point presentation.]

### **Pregnant Workers Fairness Act**

Staff provided a brief overview of the new law, signed in July 2017. The new law goes into effect on April 1, 2018. It expressly bans employment discrimination against pregnant employees or prospective employees on account of their pregnancy or pregnancy-related conditions. The act also provides that an employer must provide a reasonable accommodation to a pregnant employee when an accommodation is requested.

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*This summary does not include every item discussed by the Board, nor the full extent of the discussions. Please contact the Advisory Board office with questions, comments or requests for more information.*