



Thursday April 18, 2024  
Remote Connection Via Zoom  
10:00 AM

## ADVISORY BOARD MEETING SUMMARY

### A. Roll call attendance

A commencing roll call was voted as follows:

Name	Community	Vote
David Manugian	Bedford	Here (remote)
John P. Sullivan, Jr.	Boston	Here (remote)
Jay Hersey	Brookline	Here (remote)
Matthew Davis	Burlington	Here (remote)
Ernest Lariviere	Everett	Here (remote)
Steve Leone	Framingham	Here (remote)
David Pavlik	Lexington	Here (remote)
James Finegan	Lynnfield W.D.	Here (remote)
Tom Fitzgerald	Newton	Here (remote)
Brendan O'Regan	Saugus	Here (remote)

Name	Community	Vote
Rich Raiche	Somerville	Here (remote)
Sam Stivers	Southborough	Here (remote)
John DeAmicis	Stoneham	Here (remote)
Patrick Fasanella	Walpole	Here (remote)
David Cohen	Wellesley	Here (remote)
Joseph Lobao	Wilmington	Here (remote)
J.R. Greene	Quabbin and Ware Watershed	Here (remote)
Maurice Handel	MAPC	Here (remote)

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### B. Executive Director's report

Last week, the Environmental Protection Agency (EPA) issued its final regulations on PFAS limits in drinking water. A blog post was published on the Advisory Boards website. The EPA is allowing five years rather than the usual three after promulgating the regulations for drinking water systems to come into compliance. The Department of Environmental Protection (DEP) may have an earlier schedule for compliance, but this remains to be seen. The MWRA source water exceeds these requirements, showing only trace amounts of any regulated compounds on both the EPA's and DEP's lists. One area of concern with PFAS on the drinking water side is on MWRA partially served communities as they may be impacted by these new regulations. MWRA staff has offered to provide any potential support for these communities.

3M has announced a settlement that it will pay \$10.3 billion to public water suppliers over 13 years to help them mitigate the impacts of PFAS on their systems if they did not opt out of the settlement. The MWRA chose to opt out and, along with the Advisory Board, has been urging all MWRA communities to have their legal counsel examine options. Tyco has also put forward a proposed settlement of \$750 million.

The House Ways and Means released its version of the FY25 budget last week, which included \$1.5 million in debt service assistance. This line item will be closely tracked by the Advisory Board moving forward.

### C. DWSP park rangers enforcement concerns – Former Brigadier General Bill Meehan

The Division of Water Supply and Protection (DWSP) have park rangers that have been responsible for enforcing the rules and regulations in the watershed. In December 2020 when the Massachusetts Police





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Reform Bill was passed, with key provisions going into effect in July 2021. In June 2022, the Department of Conservation and Recreation (DCR) were told verbally that they are no longer able to issue written citations. On September 27, 2022, a Water Supply Protection Trust (WSPT) meeting was held where the Energy and Environmental Affairs (EEA) General Counsel attended and stated that the new law has prompted a review of the Deputy Environmental Police Officers Program. This review found that park rangers are not trained police officers and should not issue citations.

On December 14, 2022, at a WSPT meeting, trustees discussed ranger enforcements and an idea to distribute educational brochures. Trustee Bill Meehan raised concerns regarding serious offences within the watershed. On June 7, 2023, another WSPT was held with EEA General Counsel in attendance. This counsel explained that Post Commission Certification requires training to perform police work. On March 5, 2024, Ranger Activity Reports were examined by General Meehan which showed worrying trends about violations. General Meehan suggested issuing non-punitive warnings for these offenses. In these reports, data shows encounters between people visiting the watersheds and park rangers dropping, but citations as a proportion of violations increasing. Issuance of written violations and citations dropped completely in FY23, with a slight increase in reliance on law enforcement calls.

General Meehan put forth three recommendations for the MWRA. Firstly, asking DCR to examine why serious offenders are not being referred to law enforcement. Secondly, asking or telling DCR to create an educational, non-judicial, non-punitive brochure to be given to serious offenders, citing the offense observed. And thirdly, suggesting that DCR implement a ban/suspension program, as allowed in the Code of Massachusetts Regulations (CMR), but delegate authority to regional directors to ban serious offenders for not more than six months.

*The presentation given by Matthew Romero on watershed violations is featured on the MWRA Advisory Board's website.*

## **D. Presentation – Preview of Advisory Board comments and recommendations on MWRA's proposed FY25 CEB & CIP**

The Advisory Board is reimagining the Comments and Recommendations (C&R) for this year. The C&R provides an overview of proposed expenses, highlights key insights into budget allocation, uses data visualization of expense categories to tell the “story” of the budget, and keeps an eye on the impact of expenses on the financial outlook for future years. A one-page high-level view of MWRA's current expense budget (CEB) was presented showing changes from Final FY24 dollars to Proposed FY25 dollars.

Regarding the capital improvement plan (CIP), the Advisory Board's C&R will reiterate recommendation to the Board of Directors a new phase of the Local Water Supply Assistance Program (LWSAP), a grant-only phase followed by a grant-loan phase for FY26 related to the Inflow/Infiltration program, and Lead Loan Program recommendations.

The C&R will also feature policy recommendations on Ranger Enforcement in the watershed, forestry management, and extending the MWRA pension funding deadline beyond the year 2030.

*The presentation of the preview of the Advisory Board C&R is featured on the event page of the MWRA Advisory Board's website.*



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Matthew A. Romero  
Executive Director



## E. Presentation – Metropolitan Tunnel Redundancy Project- Kathy Murtagh

The current Metropolitan Tunnel System, which provides about 60% of water into the Boston area, needs repair. The tunnel systems themselves are designed for about a 100-year lifespan, but the valves, appurtenances, and other pieces connected to the surface infrastructure do not have the same lifespan and need work. Some work, such as Shaft 5 in Weston, cannot take place because a shutdown of the entire Metropolitan Tunnel System is required. The Metropolitan Water Tunnel Program will solve that problem by creating a redundant water tunnel system allowing the old system to be completely taken offline for inspection, maintenance, and repair. A series of interim improvements are currently underway to reduce the risk of failure of surface components of the existing Metropolitan Tunnel System.

Preliminary design of the Metropolitan Tunnel Redundancy Project was completed in January 2024, and the final Environmental Impact Report certificate was received earlier this month.

*The entire PowerPoint presentation given by Kathy Murtagh has been uploaded to the MWRA Advisory Board's website on the event page.*

A question was asked whether the impacted communities have the equipment needed for emergencies in the tunnel. Kathy Murtagh responded that they do not, but the MWRA will be providing them with equipment and training.

Lou Taverna commented on the power supply to Weston stating that Eversource will require a grant of location for the installation of the conduit through Newton's streets, and likely the same with Waltham as well. In Newton, this goes to the Public Facilities Committee at City Council and the full Council for a vote, which takes time. This time should be included in the schedule.

David Manugian asked how underground easements through the cities are approached, as well as future liabilities for maintenance in the long term. Kathy Murtagh stated that these subterranean easements do not include any surface access or prevent the property owner above from doing what they want at the surface. The easement does not prevent development on the surface. The easements do need to be written up as a taking, and compensation is due to property owners affected. Where shafts are located, ownership in fee property is sought. There will be easements for pipeline connections in the streets, as well as for temporary staging areas. Some easements will be permanent where shafts need to be accessed.

## F. Presentation – 2023 Water & Sewer Retail Rate Survey

The Annual 2023 Water and Sewer Retail Rate Survey has been posted to the MWRA Advisory Board's website. This year the report will be published in stages, with this initial post focusing on MWRA communities specifically. MWRA wholesale assessments in 2023 increased 2.41%, up from 2.85% in 2022. The average combined MWRA retail rate increase using 120 hundred cubic feet (hcf) is 5.5% in 2023, up from 4.05% in 2022. The average MWRA service area combined retail cost in 2023 is \$1,919 per year, up from \$1,835 in 2022, using 120hcf. The average MWRA service area combined retail cost using reported DEP numbers is \$1,012 per year in 2023, up from \$930 in 2022. The individual community pages have been uploaded to the MWRA Advisory Board's website.

## G. Committee Reports





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The Operations Committee and Executive Committee both discussed changes to the Lead Loan Program. After the Flint Michigan crisis in 2016 the Advisory Board recommended and the MWRA Board of Directors agreed to create a new community assistance program which provided interest free loans dedicated to removing lead service lines. The total amount needed was unknown at the time. It started at \$100 million but committed to size the amount to whatever it needed to be. Since then, there has been the lead and copper rule revisions with more specific directives for communities, and now the lead and copper rule improvements which are anticipated in October 2024 with more additional requirements with the goal of completely removing all lead service lines and lines that are galvanized requiring replacement (GRR).

The MWRA's and the Advisory Board's concern is that if lead service lines are not all removed from community systems it will require adding orthophosphate for corrosion control at the Carroll Water Treatment Plant. Once added it is unlikely to ever be removed even after all lead service lines are removed as required by the changes to the lead and copper rule. The updated requirements carve out an exception for adding corrosion control if a water system, in this case the MWRA's communities, commits to accelerating the removal of lead service lines and GRR over the course of 5 years instead of the 10 that they would be granted by the rule change.

This begs the question of what the cost of adding the orthophosphate would be, to do to a cost-benefit analysis. The current estimates for the capital costs as well as the ongoing operating cost to add orthophosphates are in the \$60-80 million range over the next 20 years. EPA only wants full-service line replacements, meaning both the public side owned by the utility as well as the part of the service line on the private property homeowner side needs to be removed as well. Partial replacement can lead to increased levels of lead rather than less. A challenge reported by communities is convincing property owners to replace lead service lines on their private property. The issue can be politically challenging at the local level. Some of the programs most successful to date are ones that have removed all obstacles for the property owners by offering free and full replacement, even having a contractor ready to perform work for them, making it as easy as possible for the owner to say yes. This sparked the idea to make the program a grant-loan program rather than a loan-only program.

MWRA staff have looked at what the cost of offering a 25% grant for communities would cost, with estimates at \$40 million, compared to the \$60-80 million for adding orthophosphate. The rest are loans that would be paid back by communities. The Advisory Board and MWRA staff have put forward a proposal to modify the existing lead-loan program by making it 25% grant/75% loan program for communities that met certain criteria including the commitment to offering free replacement for property owners. That was voted by both the Operations Committee and Executive Committee in the first weeks of April 2024 for the full Advisory Board to weigh in on.

David Pavlik asked if communities, that currently have outstanding loans, would retroactively receive a 25% grant portion, which Matthew Romero stated that typically the MWRA does not do so.

*A motion was put forward to recommend to the MWRA Board of Directors modifications to the existing community assistance Lead Loan Program to make it a 25% grant/75% interest-free loan program subject to*



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Matthew A. Romero  
Executive Director



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conditions to be finalized between Advisory Board and MWRA staff. It was moved by David Manugian, seconded by John Sullivan, and a roll call vote was taken.

Name	Community	Vote
David Manugian	Bedford	Yes (remote)
John P. Sullivan, Jr.	Boston	Yes (remote)
Jay Hersey	Brookline	Yes (remote)
Matthew Davis	Burlington	Yes (remote)
Ernest Lariviere	Everett	Yes (remote)
Steve Leone	Framingham	Yes (remote)
David Pavlik	Lexington	Yes (remote)
James Finegan	Lynnfield W.D.	Yes (remote)
Tom Fitzgerald	Newton	Yes (remote)
Brendan O'Regan	Saugus	Yes (remote)

Name	Community	Vote
Rich Raiche	Somerville	Yes (remote)
Sam Stivers	Southborough	Yes (remote)
John DeAmicis	Stoneham	Yes (remote)
Patrick Fasanello	Walpole	Yes (remote)
David Cohen	Wellesley	Yes (remote)
Joseph Lobao	Wilmington	Yes (remote)
J.R. Greene	Quabbin and Ware Watershed	Yes (remote)
Maurice Handel	MAPC	Yes (remote)

## H. MWRA Executive Director update

*This item was removed from the agenda.*

## I. Consent agenda items:

- **Approval of Advisory Board meeting minutes from March 21, 2024**
- **Adjournment**

*The above items were voted on individually and not as consent agenda items.*

*A motion was made to approve the Advisory Board meeting minutes from March 21, 2024. It was moved by John DeAmicis, seconded by David Manugian, and a roll call vote was taken.*

Name	Community	Vote
David Manugian	Bedford	Yes (remote)
John P. Sullivan, Jr.	Boston	Yes (remote)
Jay Hersey	Brookline	Yes (remote)
Matthew Davis	Burlington	Yes (remote)
Ernest Lariviere	Everett	Yes (remote)
Steve Leone	Framingham	Yes (remote)
David Pavlik	Lexington	Yes (remote)
James Finegan	Lynnfield W.D.	Yes (remote)
Tom Fitzgerald	Newton	Yes (remote)
Brendan O'Regan	Saugus	Abstain (remote)

Name	Community	Vote
Rich Raiche	Somerville	Abstain (remote)
Sam Stivers	Southborough	Yes (remote)
John DeAmicis	Stoneham	Yes (remote)
Patrick Fasanello	Walpole	Yes (remote)
David Cohen	Wellesley	Yes (remote)
Joseph Lobao	Wilmington	Yes (remote)
J.R. Greene	Quabbin and Ware Watershed	Yes (remote)
Maurice Handel	MAPC	Abstain (remote)





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A motion was made to adjourn. It was moved by David Manugian, seconded by Sam Stivers, and a roll call vote was taken.

Name	Community	Vote
David Manugian	Bedford	Yes (remote)
John P. Sullivan, Jr.	Boston	Yes (remote)
Jay Hersey	Brookline	Yes (remote)
Matthew Davis	Burlington	Yes (remote)
Ernest Lariviere	Everett	Yes (remote)
Steve Leone	Framingham	Yes (remote)
David Pavlik	Lexington	Yes (remote)
James Finegan	Lynnfield W.D.	Yes (remote)
Tom Fitzgerald	Newton	Yes (remote)
Brendan O'Regan	Saugus	Yes (remote)

Name	Community	Vote
Rich Raiche	Somerville	Yes (remote)
Sam Stivers	Southborough	Yes (remote)
John DeAmicis	Stoneham	Yes (remote)
Patrick Fasanello	Walpole	Yes (remote)
David Cohen	Wellesley	Yes (remote)
Joseph Lobao	Wilmington	Yes (remote)
J.R. Greene	Quabbin and Ware Watershed	(left meeting)
Maurice Handel	MAPC	Yes(remote)

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## J. Omnibus roll call vote

Items were voted on individually as noted above and not part of an omnibus roll call vote

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Respectfully submitted,

Rich Raiche, Secretary

These minutes reflect the discussion of the meeting. The Advisory Board maintains audio recordings of Advisory Board meetings that are available upon request.