

**MASSACHUSETTS WATER RESOURCES AUTHORITY**

Meeting of October 19, 2022

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on October 19, 2022. The meeting was conducted via remote participation by the Board of Directors pursuant to Chapter 20 of the acts of 2021 and subsequent acts extending certain COVID-19 measures adopted during the state of emergency.

Chair Card presided remotely from MWRA headquarters. Also present from the Board were Messrs. Flanagan (remote participation); Peña (remote participation); Vitale (remote participation); Jack Walsh (remote participation); Patrick Walsh (remote participation); Rev. White-Hammond (remote participation). Ms. Wolowicz and Messrs. Carroll, Foti and Pappastergion were absent.

MWRA General Counsel Carolyn Francisco Murphy participated remotely from MWRA headquarters. Other MWRA staff in attendance remotely included Frederick Laskey, Executive Director; David Coppes, Chief Operating Officer; Thomas Durkin, Director, Finance; Carolyn Fiore, Deputy Chief Operating Officer; Michele Gillen, Director, Administration; Kathy Murtagh, Director, Tunnel Redundancy; Paula Weadick, Director, MIS; Cori Barrett, Director, Construction; Andrea Murphy, Director, Human Resources; Rebecca Weidman, Director, Environmental and Regulatory Affairs; John Colbert, Chief Engineer; Matthew Horan, Deputy Director of Finance/Treasurer; Betsy Reilley, Director, ENQUAL; David Wu, Senior Program Manager, ENQUAL; Matthew Dam, Director, TRAC; Brian Kubaska, Assistant Director, Engineering; and, Assistant Secretaries Ria Convery and Kristin MacDougall. Vandana Rao, Executive Office of Environmental Affairs (EEA), and Matthew Romero, MWRA Advisory Board, were also in attendance remotely.

Chair Card called the meeting to order at 1:02pm. MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance. The Chair announced that except for Executive Session, the meeting was open to the public virtually, via a link posted on MWRA’s website. She added that the meeting would be recorded, and that the agenda and meeting materials were available on MWRA’s website. Chair Card announced that the meeting would move into Executive Session after the Executive Director’s report, and that the Open Session would resume after the adjournment of Executive Session. She also announced that individual roll call votes would be conducted after each motion was made and given an opportunity for discussion.

**APPROVAL OF SEPTEMBER 14, 2022 MINUTES**

A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of September 14, 2022.

Chair Card asked if there was any discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Peña		
Vitale		
J. Walsh		
P. Walsh		

(ref. I)

#### REPORT OF THE CHAIR

Secretary Card reported that drought conditions had continued to improve across the Commonwealth. She noted that the Western region was clear of drought; the Northeast, Cape Cod and Island regions were at Level 2; and the Connecticut River Valley, Central, and South Regions were at Level 1. She explained that the drought had caused fewer impacts to water supplies than to the agricultural sector, which was seeing reductions in seed germination and crop harvests. Chair Card advised that the Baker-Polito Administration was taking steps to support farmers affected by the drought. She then noted that the current drought status would remain in effect until the Drought Management Task Force met on November 9, 2022, and that MWRA's water supplies had remained within normal operating range throughout the drought period. Next, Chair Card commemorated the 50th anniversary of the Federal Clean Water Act; she commended MWRA for continuing to make strides in wastewater treatment and for protecting natural resources under the provisions of the Act. Finally, Chair Card thanked staff for progress made on the MWRA/MWRA Advisory Board Entrance Fee Waiver initiative. (ref. II)

(Board Member White-Hammond joined the meeting during the report.)

#### REPORT OF THE EXECUTIVE DIRECTOR

Mr. Laskey noted that the Boston Harbor Project was spotlighted at the EPA's 50th Anniversary of the Clean Water Act celebration tour. He reported that MWRA's Covid-19 Wastewater Monitoring team and Biobot Analytics were named "Harbor Heroes" at the Destination Boston Harbor gala hosted by Save the Harbor, Save the Bay, and congratulated MWRA's Director of Laboratory Services Steve Rhode and his team for their efforts. Next, Mr. Laskey reported that the EPA had conducted an audit of MWRA's Lead and Copper Rule (LCR) protocols for the Carroll Water Treatment Plant and found MWRA in compliance. Mr. Laskey then advised that the Town of Winthrop was the first MWRA community to exceed limits under the revised LCR; he explained that resident notifications were taking place and that a lead service line replacement schedule had been established for the Town, as required.

Chief Flanagan, the Board's Town of Winthrop representative, advised that the Town's notifications to residents made it clear that the water provided by MWRA was safe to drink, and added that town residents continued to have confidence in the MWRA water system.

Mr. Laskey then briefly updated Board Members on the Metropolitan Tunnel Program's Draft Environmental Impact Review submittal, the water system expansion study, and the CSO Control Program. (ref. III)

EXECUTIVE SESSION

Chair Card requested that the Board move into Executive Session to discuss litigation, since Open Session may have a detrimental effect on the litigating position of the Authority. She announced that the planned topic of discussion in Executive Session was an update on Conservation Law Foundation litigation regarding MWRA's Industrial Pretreatment program. She announced that the Board would return to Open Session after the conclusion of Executive Session.

A motion was duly made and seconded to enter Executive Session for this purpose, and to resume Open Session after Executive Session adjournment.

General Counsel Francisco Murphy reminded Board members that under the Open Meeting Law members who were participating remotely in Executive Session must state that no person is present or able to hear the discussion at their remote location. A response of "yes" to the Roll Call to enter Executive Session when their name was called would also be deemed their statement that no other person was present or able to hear the session discussion.

Upon a motion duly made and seconded, a roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

Voted: to enter Executive Session, and to resume Open Session after Executive Session adjournment.

The Board moved to Executive Session to discuss Litigation since discussing such in Open Session could have a detrimental effect on the litigating position of the Authority.

\*\*\* EXECUTIVE SESSION \*\*\*

The meeting entered Executive Session at 1:14pm and adjourned at 1:24pm.

\*\*\* CONTINUATION OF OPEN SESSION \*\*\*

WATER POLICY AND OVERSIGHTContract Amendments/Change OrdersSection 4 Walnut Street Bridge Pipe Restraint Replacement: R. Zoppo Corp., Contract 7483, Change Order 3

A motion was duly and made seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 3 to Contract 7483, Section 4 Walnut Street Bridge Pipe Restraint Replacement, for an amount not to exceed \$90,000, increasing the contract from \$388,900 to \$478,900, with no increase in contract term. Further, to authorize the Executive Director to approve additional change orders as may be needed to Contract 7483 in an amount not to exceed the aggregate of \$78,725, and 180 days in accordance with the Management Policies and Procedures of the Board of Directors.

MWRA Director of Construction Cori Barrett explained that staff were requesting Board approval for the proposed change order, which while not a large dollar value exceeded the Executive Director's Delegated Authority under the policy. She then presented the reasons for the proposed change order and renewed time extension, including the coordination of right-of-way access with MBTA/Keolis, and the continuation of service as the City of Cambridge takes water from MWRA. Next, she provided a brief history of the Walnut Street Bridge and the pipe installed on the bridge and progress update. She then presented the bridge's location and existing conditions. Finally, Ms. Barrett advised that inspections had determined that a missing fourth restraint rod was due to an obstruction caused by the pipe bridge's structural members, and that the proposed change order was requested for the installation of necessary steel collars and tie rods.

Board Member Jack Walsh asked why the cause of the missing restraint rod was not determined earlier. Ms. Barrett explained that staff did not have access to the bridge earlier including due to heavy vegetation, an MBTA fence and the need for a right-of-way permit; that everything was done visually from afar. Mr. Walsh asked staff to clarify the reason for the proposed change order's price. Ms. Barrett explained that gaining safe access to the bridge required specialized equipment, and that the design work was difficult to do without seeing how the fourth rod was missing, because of the obstruction at the bottom of the pipe.

Chair Card asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. V A.1)

## PERSONNEL AND COMPENSATION

### Information

#### Recruitment and Retention Efforts

Staff updated Board Members on MWRA's recruitment and retention efforts. MWRA Director of Administration Michele Gillen reported that as of October 19, 2022, MWRA had added 6 Full Time Equivalents (FTEs), for a total of 1,056. Ms. Gillen advised that MWRA had a growing number of hard-to-fill positions, compounded by an increasing number of terminations. She noted that annual staff termination rates from FY15 through FY21 averaged 72 per year, and advised that MWRA saw 132 terminations in FY22 and expected 137 in FY23. Ms. Gillen then described staff's measures to increase recruitment and retention including the expanded use of recruitment and retention pay rates for hard-to-fill positions; a compensation study; negotiations with collective bargaining units regarding the development of entry level positions and career ladders; engagement with co-op students and vocational schools; a mentorship program; and Diversity, Equity and Inclusion initiatives.

Committee Vice Chair Peña asked if there was any discussion or questions from the Board. Hearing none, he moved to approval items. (ref. VI A.1)

### Approvals

#### PCR Amendments - October 2022

A motion was duly made and seconded to approve amendments to the Position Control Register (PCR) as presented and filed with the records of this meeting.

MWRA Director of Human Resources Andrea Murphy summarized the proposed PCR Amendments, including a new position and a title and grade change to a vacant position in Fleet Services; a new position in Lab Services; and salary adjustments to eight filled positions in the Operations Division, Grounds Maintenance and Inspection-Water Departments, per union agreement for internal pay adjustments due to a new recruitment rate. Ms. Murphy advised that staff recommended a recruitment rate at step three for OMC Laborer positions in order to recruit for 14 vacant positions and to retain current staffing levels.

Board Member Vitale requested clarification on MWRA's process for negotiating position changes with unions. Ms. Murphy explained that staff works with the unions on union position additions and title and grade changes, and noted that efforts to develop career ladders for OMC laborers and operators were underway. Mr. Vitale then asked staff to provide a brief overview of MWRA's process for posting union positions. Ms. Murphy explained that all union positions were posted, as required by collective bargaining agreements. She noted that one potential exception, with union approval, would be job postings with multiple vacancies. Ms. Gillen added that MWRA has also engaged in targeted recruitment for a very limited number of higher-level, non-union positions. Mr. Laskey noted that staff could also be appointed to positions on an acting basis in emergencies, pending requests for union and Board approval.

Board Member Patrick Walsh requested more information about the 14 OMC Laborer vacancies. Ms. Murphy explained that the OMC Laborer positions required CDL licenses, which were in high

demand. She further explained that these positions were stationed across the MWRA and that these vacancies were of particular concern due to the impending need for snow plowing at MWRA facilities. Ms. Gillen noted that staff planned to propose a number of OMC Laborer in Training positions that would not require a CDL, but would receive on-the-job CDL training. She advised that providing staff with CDL training was challenging due to recent federal requirements for third-party CDL training services that were limited in availability. Ms. Gillen added that staff were engaging with a potential CDL training vendor and would keep the Board updated. Mr. Laskey briefly described MWRA's former in-house CDL training program. There was general discussion about the shortage of job candidates with CDL licensees in Massachusetts.

Chair Card asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VI B.1)

#### Appointment of Manager, Metro Maintenance, Operations Division

A motion was duly made and seconded to approve the appointment of Mr. William Carter to the position of Manager, Metro Maintenance (Non-union, Grade 14) at an annual salary of \$146,000.00 commencing on a date to be determined by the Executive Director.

Ms. Murphy described the proposed candidate's work experience and qualifications.

Chair Card asked if there was any discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VI B.2)

Appointment of Director, Human Resources

A motion was duly made and seconded to approve the appointment of Wen-Hwei (Wendy) Chu to the position of Director, Human Resources, (Non-Union, Grade 16) in the Administration Division, at an annual salary of \$162,000, commencing on a date to be determined by the Executive Director.

Ms. Gillen advised that Andrea Murphy, MWRA's current Director of Human Resources, planned to retire in January 2023, providing ample time to onboard her recommended successor, Attorney Wen-Hwei (Wendy) Chu. She thanked Ms. Murphy for her exceptional work, loyalty to the MWRA, and friendship. Ms. Gillen then described the interview and hiring processes for the HR Director position, noted that the Authority was very fortunate to have two highly regarded and competent internal candidates for the position and detailed the proposed candidate's qualifications and work experience.

Mr. Laskey complimented Ms. Murphy's reliability, balance and graciousness in assisting with her successor's transition, and for completing important projects before her retirement. He added that he was looking forward to working with Ms. Chu.

Chair Card thanked Ms. Murphy for her leadership and teamwork-oriented approach to organizational challenges. She complimented MWRA senior staff for promoting succession planning.

Board Member Vitale wished Ms. Murphy well and commended her stellar performance.

Chair Card asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VI B.3)

ADMINISTRATION, FINANCE AND AUDITInformationUpdate on Environmental Justice Initiatives

MWRA Director of Environmental and Regulatory Affairs Rebecca Weidman introduced Tomeka Cribb-Jones, Associate Special Assistant for Affirmative Action. Ms. Weidman updated Board Members on MWRA's Environmental Justice (EJ) initiatives, including the implementation of outreach-related programs and impact analyses as required under Massachusetts Environmental

Policy Act (MEPA) regulations revised in January 2022. Ms. Weidman explained that the cornerstone of MWRA's EJ strategy was looking at current and upcoming projects through an EJ lens, and that a significant portion of MWRA's service area was represented by EJ populations. She then described key progress highlights including the launch of a new EJ section on MWRA's website; the development of an internal EJ intranet site to provide staff with information, resources and training materials; a language translation tool on the MWRA website; and, document translation. Ms. Weidman also noted that staff had been including a brief discussion of EJ impacts and benefits in key construction-related Staff Summaries and planned to include similar discussions in the Capital Improvement Program (CIP). She then described additional EJ actions taken by MWRA, including the issuance of rapid notifications of combined sewer overflows and sanitary sewer overflows in languages spoken within the communities directly affected; two MEPA submittals; and outreach to EJ populations impacted by the Section 22 Pipeline Rehabilitation project and the Metropolitan Tunnel Program.

Chair Card thanked MWRA staff for their work to develop an EJ strategy, and noted that MWRA's initiatives were part of a statewide effort under the EEA Secretariat to ensure the contemplation of impacts to environmental justice neighborhoods throughout Massachusetts. Chair Card added that at the direction of Governor Baker and in accordance with recent climate law, the EEA had established an Environmental Justice Advisory Council, which was meeting to examine definitional considerations associated with EJ. She also reported that the Massachusetts Department of Environmental Protection (DEP) and MEPA were developing a cumulative impact approach in the Commonwealth's Air Program, and stressed the importance of considering the potential aggregate impacts of multiple projects over time on EJ populations when making regulatory decisions.

Committee Vice Chair Flanagan asked if there was any further discussion or questions from the Board. Hearing none, he moved to the next informational item. (ref. VII A.1)

#### Delegated Authority Report – September 2022

Ms. Gillen noted that the Delegated Authority Report for September 2022 reflected inflationary impacts on chemical purchases. She advised that MWRA's Director of Finance Thomas Durkin would discuss inflation and chemical purchases later in the agenda. She then invited questions from Board Members.

Board Member Jack Walsh requested more information about resident engineering and resident inspection rates for item C4 in the Delegated Authority Report. Mr. Coppes explained that the total cost was \$850,000 over a two-year contract, which included overhead and benefits. MWRA Chief Engineer John Colbert added that the item C4 cost was for one, full-time resident engineer for 5,364 hours, including overtime, at \$160.00 per hour, which was within the typical range.

Committee Vice Chair Flanagan asked if there was further discussion or questions from the Board. Hearing none, he moved to the next informational item. (ref. VII A.2)



### Fiscal Year 2022 Year-End Capital Improvement Program Spending Report

MWRA Director of Finance Thomas Durkin reported on Capital Improvement Plant (CIP) spending for FY22. He noted that MWRA had brought a number of projects to substantial completion in FY22, including the Chelsea Creek Headworks (\$82.5 million) and Deer Island Gravity Thickener Upgrade (\$20.2 million); and, noted that other capital projects had seen significant progress. Mr. Durkin then reported that as of June 30, 2022 MWRA's overall FY22 CIP expenses (\$138.5 million) were lower than planned (-33%), with a higher percentage variance than that of a typical year (-27%), due in large part to supply chain and inflationary challenges.

There was brief discussion about the impacts of inflation at the Boston Water and Sewer Commission (BWSC) and MWRA. Board Member Vitale then complimented the staff who prepared the report, and asked Mr. Durkin if staff had quantified trends of rising CIP costs. Mr. Durkin explained that staff monitored individual projects and expected to perform a more comprehensive CIP analysis in the future. He then described steps that staff were taking to control inflationary and supply chain impacts on the CIP, such as pre-ordering materials and updating engineers' estimates. Finally, Mr. Durkin advised that staff was applying inflation impact strategies as they prepared the FY24 CIP. There was general discussion about budgetary and scheduling challenges at water and sewer utilities due to inflation, and the potential value of pre-ordering certain materials and supplies in advance of construction contract awards.

Committee Vice Chair Flanagan asked if there was further discussion or questions from the Board. Hearing none, he moved to the next informational item. (ref. VII A.3)

### FY22 Year-End Financial Update and Summary

Mr. Durkin provided a year-end summary of MWRA's financial results and variance highlights for FY 2022. He reported that the FY22 Current Expense Budget (CEB) saw a positive variance that included underspending on wages and salaries (-9.7%); chemical costs (-3.4%) that were trending higher than expected but controlled under existing contracts; indirect costs (-2.4%), which were under budget due in part to lower than expected watershed protection reimbursement expenses; and, debt service (-0.9%). Mr. Durkin advised that the actual FY22 debt service variance was trending higher than the budget assumption (3.5%). He noted that per MWRA's rate management strategy, portions of budget variances were typically used for a defease to offset debt service in subsequent years, with Board approval. Finally, Mr. Durkin reported that FY22 ended with a total positive variance of \$30.9 million, including revenue above estimate including interest income (\$1.5 million) and Town of Burlington water purchases (\$1.7 million).

Committee Vice Chair Flanagan asked if there was any discussion or questions from the Board. Hearing none, he moved to the next informational item. (ref. VII A.4)

### FY23 Financial Update and Summary through September 2022

Mr. Durkin reported that variance patterns seen in the latter half of FY22 continued through the first quarter of FY23, with the exception of wages and salaries (-10.7% through September 2022) and indirect costs, which remained stable as staff continued to monitor them. He then advised that variable rate bonds had been budgeted with an assumed interest rate expense of 3.5% for

FY23, and, due to rapidly rising interest rates, the FY23 budget variance for variable rate bonds has been shrinking. He advised that this trend could potentially reduce recommended amounts for any FY23 defeasances. Mr. Durkin then noted that since first engaging in its variable rate bond investment strategy in 2008, MWRA had \$1.4 billion of variable rate par outstanding; as of October 2022, MWRA had \$443 million outstanding because of natural amortization. Next, he reported that money market investments could exceed assumed returns. Mr. Durkin then provided examples of inflationary impacts to MWRA's budgets that could result in variances, including chemicals such as sodium hypochlorite, which, as of October 2022, had increased in price by +166%, vs. MWRA's conservative, May 2022 assumption of +15%; and, electricity purchased through profile accounts, which had risen +98% per megawatt hour. Finally, Mr. Durkin noted that 60% of MWRA's budget was comprised of debt service and advised that staff would continue to carefully monitor direct expenses, wages and salaries and the impacts of inflation.

Board Member Vitale asked staff if the strong dollar had any impact on MWRA's CEB, pension funds and Other Post-Employment Benefits (OPEB) trust fund. Mr. Durkin explained that in general, a stronger dollar could benefit MWRA's budgets, and that staff would continue to monitor actual effects on the CEB, pension and OPEB. There was general discussion about global currency markets.

Committee Vice Chair Flanagan asked if there was further discussion or any questions from the Board. Hearing none, he moved to the following approval item. (ref. VII A.5)

### Approvals

#### Amendment to the Eighty-Fifth Supplemental Bond Resolution

A motion was duly made and seconded to amend the Eighty-Fifth Supplemental Bond Resolution and related Issuance Resolution approving issuance of the Authority's General Revenue Bonds (Subordinated Series), each adopted on April 13, 2022, to increase the principal amount of bonds authorized from \$50,000,000 to \$61,000,000; all other terms of the Issuance Resolution and the Eighty-Fifth Supplemental Resolution being hereby confirmed.

Mr. Durkin advised that staff requested Board authorization to amend the 85<sup>th</sup> Supplemental Bond Resolution by increasing MWRA's borrowing amount from \$50 million to \$61 million. Next, MWRA Deputy Director of Finance/Treasurer Matthew Horan explained that staff sought Board approval for the increased borrowing in order to prepare for the finalization of a Massachusetts Clean Water Trust bond transaction in December 2022, and to maximize MWRA's ability to draw down American Rescue Plan Act (ARPA) funding. Mr. Horan noted that every million dollars in ARPA funding received saved MWRA approximately \$80,000 of debt service in a given year.

Board Member Jack Walsh asked staff to clarify the mechanics of the proposed borrowing. Mr. Horan explained that the Massachusetts Clean Water Trust receives money from the state and federal government, and in turn provides loans at a favorable rate of 2% for 20 years. He added that in the case of the proposed borrowing, MWRA would be able to draw down some principal forgiveness loans. There was brief discussion about the overall US financial climate.

Chair Card asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VII B.1)

### Contract Amendments/Change Orders

#### Dental Insurance: Delta Dental of Massachusetts, Contract A631, Amendment 1

A motion was duly made and seconded to approve Amendment 1 to Contract A631 with Dental Service of Massachusetts, Inc. d/b/a Delta Dental of Massachusetts, exercising the first option to renew, increasing the contract amount by \$235,000, from \$289,000 for a total not-to-exceed amount of \$524,000, and extending the term by 12 months from January 1, 2023 to December 31, 2023 for a total contract term of 24 months.

Board Member Vitale asked for more information about the proposed contract's coverage for dental cleanings, and employee out-of-pocket costs. Ms. Murphy explained that the contract covers two cleanings in full per year. She added that the contract's calendar year maximum was \$1,500, and that it included a program to roll over some dental benefits from one year to the next.

Board Member Jack Walsh asked how many employees received coverage under the contract. Ms. Murphy advised that the plan covered 154 MWRA subscribers, plus their family members. There was brief, general discussion about the cost of dental care.

Chair Card asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VII C.1)

Senior Web Developer Consultant: Computer & Engineering Services, Inc., Bid WRA-5076Q, State Contract ITS77 Category 1A and 1B, Amendment 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 2 to Purchase Order Contract WRA-5076Q, Senior Web Developer Consultant, with Computer & Engineering Services, Inc., increasing the contract amount by \$231,563, from \$115,710 to an amount not-to-exceed \$347,273, and extending the contract term by fifteen months, from October 31, 2022 to January 31, 2024.

MWRA MIS Director Paula Weadick described the purpose of the staff augmentation purchase order contract to provide web developer services in support of all specialized, in-house applications. She explained that the existing contractor, along with the existing application developer contractor in the following agenda item, fulfill the requirements of two vacant, hard to fill, positions that had been posted for over one year. Finally, Ms. Weadick advised that this proposed amendment would extend the existing contract by 15 months to support MWRA's existing customer development environment.

Board Member Vitale noted the similar process undertaken at Boston Water and Sewer Commission, and that the hourly rate for the proposed Senior Web Development contractor was competitive. Board Member Jack Walsh asked if staff expected to recruit a qualified contractor within fifteen months. Ms. Weadick clarified that the existing contractor was available to provide services for an additional fifteen months, and that their contracting agency agreed to maintain their rate. Mr. Jack Walsh then asked if MWRA could hire the contractor as a full-time employee. Ms. Weadick advised that it would not be possible due to the contractor's employment status, and that the proposed contract was under a state blanket. Ms. Gillen added that Ms. Weadick had successfully transitioned other staff augmentation contractors into full-time staff in the past.

Chair Card asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VII C.2)

Application Developer Consultant: Lancesoft Inc., Bid WRA-5125Q, State Contract ITS77 Category 1A and 1B, Amendment 1

A motion was duly made and seconded to authorize the Executive Director, on behalf of the authority, to approve Amendment 1 to Purchase Order Contract WRA-5125Q, Application Developer Consultant, with Lancesoft, Inc., increasing the contract amount by \$207,188, from

\$82,875 to an amount not-to-exceed \$290,063, and extending the contract term by fifteen months, from November 1, 2022 to February 1, 2024.

Ms. Weadick described the terms of the proposed contract amendment. She explained that the recommended contractor would augment staff in the MIS Customer Development group, and noted that this contractor would not be eligible for full-time employment at MWRA.

Chair Card asked if there was any discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VII C.3)

## WASTEWATER POLICY AND OVERSIGHT

### Information

#### 2021 Deer Island Outfall Monitoring Overview

Staff presented the results of MWRA's outfall monitoring overview (OMO) report for 2021. MWRA Director of Environmental Quality Betsy Reilley began the presentation with a brief history of the outfall monitoring program, noting that it had been conducted and reported to the EPA for 30 years as required under the National Pollutant Discharge Elimination (NPDES) permit for MWRA's Deer Island Wastewater Treatment Plant (DITP). She then described the monitoring programs purpose: to contrast Boston Harbor water quality improvements while also demonstrating that DITP effluent was not degrading the water quality of its receiving waters in Massachusetts Bay. She explained that the results were reviewed by the Outfall Monitoring Science Advisory Panel (OMSAP). Ms. Reilley then presented MWRA's outfall monitoring locations and reported that DITP had recently received the Platinum 15 award from the National Association of Clean Water Agencies (NACWA) for meeting effluent requirements for 15 consecutive years. Next, she described the NPDES permit's monitoring parameters and contingency plan (CP) threshold limits; the reporting requirements for CP limit exceedances; and, MWRA's methods for data collection and analysis. Ms. Reilley then reported that the results for 2021 were excellent. Next, she advised that the results showed CP exceedances for an algal bloom of *Alexandrium* (red tide) and low dissolved oxygen and that staff had assessed them as unrelated to DITP effluent discharges. Next, MWRA Senior Program Manager, Environmental Monitoring David Wu presented the monitoring results for 2021, including metals, which had shown a sharp decrease since 1990; and flounder health and CHV (an indicator related to the incidence of liver tumors in flounder) which had also decreased. Mr. Wu then presented more information on the CP exceedances in 2021 through 2022 to date, and explained that an exceedance indicated a change from the baseline

rather than immediate environmental harm. He explained that dissolved oxygen exceedances reported in September and November 2021 and in August and September 2022 were attributable to a natural, seasonal process of ocean stratification and mixing. Next, Mr. Wu noted that MWRA was participating in studies of contaminants of emerging concern (CECs) such as microplastics, PFAS and pharmaceuticals, and that one pilot study's preliminary results showed that pharmaceuticals and PFAS were detected in DITP effluent and Massachusetts Bay. Mr. Wu explained that these things are ubiquitous throughout the environment. He added that current effluent monitoring requirements for PFAS were standard in newly-issued NPDES permits in Massachusetts and that influent and biosolids were also sampled for PFAS. Finally, Ms. Reilley presented a video clip from a July 2020 seafloor survey that showed some small fish and a healthy and dynamic environment near DITP outfall riser number two.

Chair Card asked if finding PFAS and pharmaceuticals in DITP effluent was unexpected. Ms. Reilley explained that the finding was expected due to the ubiquitous nature of these compounds in wastewater. She also noted that while staff had did not have exact numerical values to report, the PFAS values appeared to be within those typically seen in wastewater streams. Board Member Jack Walsh asked if there was direct correlation between dissolved oxygen and water temperature. Ms. Reilley responded in the affirmative.

Committee Chair Jack Walsh asked if there was further discussion or questions from the Board. Hearing none, he moved to the next informational item. (ref. VIII A.1)

There was brief discussion to confirm Board members' availability through the remainder of the agenda.

#### MWRA Industrial Waste Report #38: Industrial Pretreatment Program Annual Report to EPA for FY22

MWRA Director of Toxic Reduction and Control (TRAC) Matthew Dam provided an informational update on TRAC activities to Board Members in advance of submitting MWRA's FY22 Industrial Pretreatment Program Annual Report to EPA and DEP, as required under DITP and Clinton Wastewater Treatment Plant NPDES permits. Mr. Dam explained that MWRA oversees 2,300 permitted sewer users, including 184 significant industrial users (SIUs) as defined by EPA on the basis of flow, nature of discharge or potential to violate standards. He advised that FY22 was challenging for TRAC due to staff turnover, with 17 of 47 positions vacant at some point during the year; however, staff had successfully inspected all SIUs and performed all required SIU monitoring for the 159 SIUs with monitoring requirements. Next, Mr. Dam reported on other TRAC accomplishments for FY22, including: 1,436 industrial inspections, of which 329 were at the 184 SIU locations; 1,452 monitoring events at permitted facilities; and the issuance of 239 enforcement actions. He advised that staff shortages had caused some challenges in issuing permits within the 120- and 180-day timeframes required under the NPDES permit; however, no permittees operated without a discharge permit as all permits were extended upon the on-time submittal of applications. Finally, Mr. Dam noted that there was an electronic copy of the draft Industrial Waste Report available for review and that the final report would be submitted to EPA and DEP by October 31, 2022 as required.

Committee Chair Jack Walsh asked if there was any discussion or questions from the Board. Hearing none, he moved to the following approval item. (ref. VIII A.2)

### Approvals

#### Memorandum of Understanding and Financial Assistance Agreement with the Boston Water and Sewer Commission for Implementation of the Fort Point Channel and Mystic/Chelsea Confluence Combined Sewer Overflow Control Projects

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute a Memorandum of Understanding and an accompanying Financial Assistance Agreement with Boston Water and Sewer Commission for the Implementation of Fort Point Channel and Mystic/Chelsea Confluence Combined Sewer Overflow Control, substantially in the form attached to the October 19, 2022 Staff Summary presented and filed with the records of the meeting, wherein the Boston Water and Sewer Commission agrees to design and construct certain combined sewer overflow abatement projects associated with four outfalls, and MWRA agrees to provide funding for eligible design and construction work, for a total not-to-exceed amount of \$10,000,000 and for a term of 32 months, from November 1, 2022 through June 30, 2025.

MWRA Assistant Director of Engineering Brian Kubaska presented an overview of the proposed Memorandum of Understanding and Financial Assistance Agreement (MOU/FAA) with the Boston Water and Sewer Commission (BWSC) for the implementation of Mystic/Chelsea Confluence and Fort Point Channel CSO control projects. He summarized MWRA's CSO Control Program accomplishments to date. Mr. Kubaska then noted that the program had achieved an 87% reduction in overflow volumes overall, which was 1% short of the program goal, and explained that staff was working aggressively to address 16 CSO outfalls that did not meet long term performance goals, including six located in the environmental justice communities of Chelsea, East Boston and Somerville. He provided a brief update on projects to address CSOs in those communities. He then advised that six of the challenging CSOs were sited in variance waters, and that staff continued to study alternatives to address them. Next, Mr. Kubaska described projects to improve control at four outfalls not meeting Long Term Control Plan (LTCP) goals located within the BWSC service area under the proposed MOU/FAA, including modification to a siphon structure to divert flows away from BOS017; a secondary connection at BOS062; the raising of a weir at BOS065 and potential adjustments at BOS064 to address a slight increase given modification to 062 and 065; and, modifications to the Boston Main Interceptor to reduce CSO volumes and activations at 070 DBC. He then advised that the recommended MOU/FAA included a not-to-exceed amount of \$10 million in funding to BWSC for the design and construction of the proposed CSO improvements with an expected completion date in December, 2024. Mr. Kubaska then provided a brief overview of the proposed scope of work, including design and resident inspection services provided by Santec, and noted that the project schedule aligned with MWRA's December 2024 supplemental performance assessment submittal to EPA, DEP and the Federal Court.

Mr. Laskey noted that this project was a worthwhile financial investment that supported environmental justice for Boston neighborhoods, and he urged the Board's support.

Board Member Jack Walsh asked how confident MWRA staff were with the proposed system adjustments meeting the CSO LTCP goals. Mr. Kubaska explained that staff's projections were based on hydraulic modeling. He briefly described the hydraulic modeling process and explained that future adjustments would be made as necessary based on the designer's findings. Board Member White-Hammond asked for additional information about the scope of MWRA's CSO Control program and the proposed MOU/FAA. Mr. Kubaska briefly provided more background information about the Program and the scope of the projects under the proposed MOU/FAA. Chair Card added that the projects were expected to increase sewer system capacity and therefore provide treatment for greater wastewater flow volumes. Mr. Laskey explained that there's a variety of strategies, depending on the location. There was brief discussion about MWRA's CSO control strategies, and drought, climate impacts and recent rain events. Board Member Vitale asked how MWRA's success with CSO control compared to that of other regional sewer utilities. Mr. Laskey explained that each utility faced unique challenges, and that he believes MWRA has done very well, especially with the strong team at MWRA and the cooperative approach with the Boston Water and Sewer Commission. Chair Card added that MWRA'S CSO Control Program was among the earliest of such programs implemented, and that MWRA's program was unique in its cooperative approach with its partner municipalities, watershed advocacy groups and other constituencies.

Chair Card asked if there was further discussion or questions from the Board. Hearing none, she requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

(ref. VII B.3)

#### CORRESPONDENCE TO THE BOARD

There was no correspondence to the Board.

#### OTHER BUSINESS

There was no other business.

#### ADJOURNMENT

A motion was duly made and seconded to adjourn the meeting.

Chair Card thanked MWRA staff for their preparation in advance of the meeting, and thanked Board members for their participation.



A roll call vote was taken in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Card		
Flanagan		
Peña		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		

The meeting adjourned at 3:12pm.

Approved: November 16, 2022

Attest:

 for  
Andrew M. Pappastergion, Secretary