

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

June 21, 2023

A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on June 21, 2023 at MWRA’s headquarters at Deer Island in Boston, and also via remote participation.

Chair Tepper presided at MWRA headquarters. Also present at MWRA headquarters were Board Members Flanagan, Pappastergion, Peña, Taverna, Jack Walsh and Patrick Walsh. Board Members Foti, Vitale, White-Hammond and Wolowicz attended via remote participation.

MWRA Executive Director Frederick Laskey, General Counsel Carolyn Francisco Murphy, Chief Operating Officer David Coppes, Deputy Chief Operating Officer Carolyn Fiore, Director of Finance Thomas Durkin, Director of Administration Michele Gillen, Special Assistant for Affirmative Action Patterson Riley, Human Resources Director Wendy Chu, Deputy Director of Finance/Treasurer Matthew Horan, Business Applications Manager Paul Fentross, MIS Director Paula Weadick, Deer Island Treatment Plant Director David Duest, ENQUAL Director Betsy Reilley, Director of Intergovernmental Affairs Sean Navin, Environmental Permitting Project Manager Katherine Ronan, and Assistant Secretaries Ria Convery and Kristin MacDougall participated at MWRA headquarters.

Vandana Rao, Executive Office of Environmental Affairs (EEA) attended via remote participation. Joseph Favaloro, Matthew Romero, and James Guiod, MWRA Advisory Board, participated from MWRA headquarters.

Chair Tepper called the meeting to order at 1:02pm.

ROLL CALL

MWRA General Counsel Francisco Murphy took roll call of Board Members in attendance and announced that Board Members Foti, Vitale and Wolowicz were participating remotely. The Chair announced that except for Executive Session, the meeting was being held at MWRA headquarters at Deer Island and 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 Tepper announced that the meeting would move into Executive Session after the Report of the Executive Director, 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 MAY 24, 2023 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of May 24, 2023.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
		Taverna
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

(ref. I)

REPORT OF THE EXECUTIVE DIRECTOR

Fred Laskey, MWRA Executive Director, offered MWRA LGBTQ+ Pride lanyards to Board Members and invited them to join staff at MWRA's second annual LBTTQ+ Pride Walk at Deer Island, followed by a lunch in celebration of Caribbean American Heritage month, on June 23, 2023. He then reported that Waltham had issued a street opening permit for the Section 101 Extension – Waltham project, and that night work began during the week of June 12. Next, Mr. Laskey advised that MWRA had received a Draft Security Audit from the State Auditor's Office; he advised that staff were preparing comments on the findings, and would keep Board Members updated. He then noted that staff were working with the State Police on security for the annual July 4th Boston Pops Fireworks Spectacular by inspecting and welding hatch covers near the Charles River Esplanade.

Mr. Laskey then announced the forthcoming retirements of Joseph Favaloro, Executive Director, MWRA Advisory Board, Carolyn Fiore, MWRA Deputy Chief Operating Officer, and, John Colbert, MWRA Chief Engineer. Board Members and Mr. Laskey thanked and congratulated the retirees, who offered brief remarks in return. During this discussion Vice Chair Pappastergion recounted his experiences working with Mr. Favaloro, and announced that the new Board Room at Deer Island would be named in Mr. Favaloro's honor. On behalf of MWRA customer communities, Mr. Favaloro thanked MWRA Board Members for their support and hard work. Finally, Mr. Favaloro introduced his successor, Matthew Romero.

There was brief, general discussion about the City of Waltham street opening permit and Section 101 construction activities. (ref. III)

EXECUTIVE SESSION

Chair Tepper requested that the Board move into Executive Session to discuss Collective Bargaining, since Open Session may have a detrimental effect on the bargaining position of the Authority. She announced that the planned topic of discussion in Executive Session was Collective Bargaining – Units 1, 2, 3, 6 and 9. 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 these purposes, 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 other 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 Executive 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

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

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

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 1:17pm and adjourned at 1:25pm.

(Rev. White-Hammond joined the meeting during Executive Session.)

*** CONTINUATION OF OPEN SESSION ***

Collective Bargaining Announcement

Chair Tepper announced that during Executive Session the Board voted to approve and ratify one-year collective bargaining agreements with United Steelworkers Local 9358 Unit 1 and United Steelworkers Local 9360 Unit 6, for the period July 1, 2023 to June 30, 2024, which includes across-the-board

increases of 4% in July 2023 and January 2024 and increases to longevity pay at each milestone and, for Unit 1, an increase to the top step of the salary chart.

The Chair further announced that the Board also voted in Executive Session to approve and ratify one-year collective bargaining agreements with NAGE Unit 3 and MOSES Unit 9, for the period July 1, 2023 to June 30, 2024, which includes increases to the top step of the respective salary charts, across-the-board increases of 4% in July 2023 and January 2024, and increases to the Authority's contributions to the respective Health & Welfare funds.

Lastly, Chair Tepper announced that the Board voted in Executive Session to approve and ratify a one-year collective bargaining agreement with AFSCME Unit 2, for the period April 1, 2023 to March 31, 2024, which includes across-the-board increases of 4% in April 2023 and October 2023, as well as increases to longevity pay at each milestone.

PERSONNEL AND COMPENSATION

Approvals

PCR Amendments – June 2023

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.

Wendy Chu, MWRA Human Resources Director, summarized the six proposed PCR Amendments, including a title and grade change to one filled position in the Affirmative Action Division; the creation of a new position in the Administration Division - MIS Department; title and grade changes to two vacant positions in the Operations Division - Laboratory Services Department; and, two salary adjustments to alleviate salary collision with direct reports in the Administration Division - MIS Department and in the Operations Division - Deer Island Treatment Plant Department.

Mr. Pappastergion asked if staff expected to propose more PCR Amendments to alleviate salary collisions in the future. Ms. Chu explained that the PCR Amendments proposed in this agenda item addressed the only current salary collisions for non-union managers. She advised that the matter of potential salary compression would be discussed in the agenda item for non-union manager compensation.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. V A.1)

Appointment of Billy J. Krukowski, Manager of Western Maintenance

A motion was duly made and seconded to approve the appointment of Mr. Billy Krukowski to the position of Manager, Western Maintenance, Operations Division (Non-Union Grade 14) at an annual salary of \$145,000 commencing on a date to be determined by the Executive Director.

Ms. Chu described the candidate selection process, and the proposed candidate's work experience and qualifications.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. V A.2)

Appointment of Andrew W. Chung, Assistant Director, Internal Audit

A motion was duly made and seconded to approve the appointment of Andrew Chung to the position of Assistant Director, Internal Audit (Non-Union, Grade 13), at an annual salary of \$115,000 commencing on a date to be determined by the Executive Director.

Ms. Chu described the candidate selection process, and the proposed candidate's work experience and qualifications.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. V A.3)

Appointment of Brian L. Kubaska, Chief Engineer

A motion was duly made and seconded to approve the appointment of Mr. Brian Kubaska to the position of Chief Engineer, Operations Division (Non-Union Grade 16) at an annual salary of \$174,000 commencing on a date to be determined by the Executive Director.

Ms. Chu described the candidate selection process, and the proposed candidate's work experience and qualifications.

Mr. Pappastergion requested a breakdown of the number of internal and external candidates interviewed for the Chief Engineer position. Ms. Chu explained that three internal, and two external candidates were interviewed.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. V A.4)

Appointment of Rebecca M. Weidman, Deputy Chief Operating Officer

A motion was duly made and seconded to approve the appointment of Ms. Rebecca Weidman to the position of Deputy Chief Operating Officer, Operations Division (Non-Union Grade 17) at an annual salary of \$182,808 commencing on a date to be determined by the Executive Director.

Ms. Chu described the candidate selection process, and the proposed candidate's work experience and qualifications.

Mr. Pappastergion asked if the MWRA planned to expeditiously backfill the positions vacated by the internal candidates recommended for promotions at this meeting. Mr. Laskey responded in the affirmative. There was brief, general discussion about the internal candidates interviewed for the Deputy Chief Operating Officer position.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. V A.5)

FY2024 Non-Union Compensation and Extension of Employment Contract for Kathleen Murtagh, Director of Tunnel Redundancy

A motion was duly made and seconded that the Board of Directors take the following actions relative to the MWRA's FY24 non-union compensation review: authorize the Executive Director to implement a 4% across-the-board compensation adjustment for eligible non-union managers effective July 1, 2023; authorize the Executive Director to implement a 4% across-the-board compensation adjustment for non-union managers effective January 6, 2024; and, approve a revision to the non-union salary ranges for FY24 as set forth in Attachment A of the June 21, 2023 Staff Summary, and presented filed with the records of this meeting.

Further, a motion was made and seconded that Board of Directors adopt the Executive Director's performance rating of Excellent for Kathleen M. Murtagh, Director of the Tunnel Redundancy Program for FY23 and extend the term of her employment agreement to June 3, 2026 and adjust her salary

consistent with other nonunion managers.

Mr. Laskey noted that MWRA has a very strong management team, and added that in his view, it is important for non-union staff to be recognized and paid commensurately with pay increases that align with those of union employees. Mr. Laskey also recognized the contributions of MWRA's union staff. He explained that the proposed pay increases for non-union managers and Ms. Murtagh were equivalent to those approved for collective bargaining staff. Mr. Laskey further explained that the proposed non-union management pay increases were needed to avoid salary compression and collision. He then advised that 27 non-union managers would be paid less than their reports if the proposed salary increases were not approved.

Mr. Pappastergion asked if the proposed increases would eliminate all potential salary collisions with the exception of the two PCR Amendments that were approved in the earlier agenda item. Mr. Laskey and Michele Gillen, MWRA Director of Administration, responded in the affirmative. Mr. Laskey briefly noted that Kathleen Murtagh, Director of Tunnel Redundancy, is a contract employee, and explained that the proposed salary increases for Ms. Murtagh and non-union managers were intended to maintain parity.

Board Member Foti asked if he should abstain from voting on the proposed motion because Ms. Murtagh is a member of the Board of Directors of MassDOT. General Counsel Francisco Murphy advised that Mr. Foti could choose to abstain from voting to avoid the appearance of a conflict of interest. Mr. Foti noted for the record that he supported the motion, but would abstain from the vote to avoid the appearance of a conflict of interest.

Chair Tepper expressed her support for the proposed pay rate increases for non-union managers and Ms. Murtagh.

Board Member Vitale agreed with the Chair, and requested more information about the performance evaluation process for Ms. Murtagh. Mr. Laskey briefly described the performance evaluation process, and noted that Ms. Murtagh's performance is phenomenal. Mr. Vitale agreed with Mr. Laskey's assessment.

Chair Tepper 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>
Tepper		
Flanagan		
		Foti
Pappastergion		
Peña		
Taverna		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

Mr. Foti reiterated his support of the motion. (ref. V A.6)

ADMINISTRATION, FINANCE AND AUDIT

Information

Delegated Authority Report – May 2023

Ms. Gillen invited Board Members' questions on the report.

Board Member Jack Walsh requested clarification about the cost difference of Delegated Authority Report items P-16 (Purchase of Twelve Grit Screws, Chelsea Warehouse) and P-19 (Purchase of Four Grit Screws, Deer Island). David Coppes, MWRA Chief Operating Officer, explained that the grit crews for items P-16 and P19 were different in size, and briefly described their functions. There was brief, general discussion about the cost of grit screws.

Mr. Vitale asked for more information about the M/WBE status of the service provider for item P-11 (Janitorial Services at the Core Storage Facility). Ms. Gillen advised that staff would provide that information as soon as possible.

Mr. Vitale requested the average price per gallon for item P-20 (Supply and Delivery of Diesel Fuel). Mr. Coppes explained that the cost was \$2.38 per gallon. Ms. Gillen added that the cost of item P-20 was approximately \$1.20 per gallon lower than MWRA's previous diesel fuel purchase.

Chair Tepper asked if there was further discussion or questions from the Board. Hearing none, she moved to the next Information item. (ref. VI A.1)

FY2023 Financial Update and Summary through May 2023

Thomas Durkin, MWRA Director of Finance, reported that the financial trends observed throughout FY2023, including underspending for wages and salaries and increasing costs of chemicals, continued through May 2023. He advised that staff were monitoring the issue of variable rate interest volatility very closely and explained that in staff's view, MWRA was well positioned with respect to FY2024 budget assumptions. Finally, Mr. Durkin noted that the FY2023 Fiscal Year and payroll period would end on June 30, 2023.

There was general discussion about inflation and the cost of chemicals, their impacts on MWRA's budgets, and potential drivers for materials cost increases, such as rising costs for labor and transportation.

Mr. Vitale asked how the Total FY2023 budget variance (-42.4%) compared to those of previous years. Mr. Durkin advised that the FY2023 variance was higher than those seen in previous years (ranging from approximately -25% to -27%). He explained that factors contributing to the FY2023 variance included costs for labor and supply chain issues. He further explained that FY23's budget bore the cumulative burden of the past five years' variances, because FY23 was the final year of the Capital Improvement Program five-year spending Cap. Finally, Mr. Durkin briefly described the five-year spending Cap cycle.

Committee Chair Foti asked if there was further discussion or questions from the Board. Hearing none, he moved to Approvals. (ref. V A.2)

Approvals

Final FY2024 Capital Improvement Program

A motion was duly made and seconded to approve the FY24 Final Capital Improvement Program with planned spending of \$302.6 million, including \$245.6 million in project spending and \$57.0 million in community assistance loan programs.

Further, a motion was duly made and seconded to approve the 5-year spending Cap of \$1.4 billion for the FY24-28 period.

Mr. Durkin described the FY2024 CIP development and review process, and requested Board approval for the proposed Final FY2024 CIP and FY2024-2028 spending Cap.

Mr. Pappastergion asked if MWRA's Final FY2024 CIP and the spending Cap aligned with the recommendations of the MWRA Advisory Board ("Advisory Board"). Mr. Durkin responded in the affirmative. Mr. Pappastergion then asked if any Advisory Board recommendations were not reflected in the Final FY2024 CIP. Mr. Durkin explained that all Advisory Board recommendations regarding projects and costs were reflected in the CIP; however, some general observations and comments were not. He further explained that staff have introduced a new spending adjustment element into the CIP for 2024 to address variances and promote transparency regarding anticipated spending. He advised that the Advisory Board will monitor the FY2024 spending adjustment and assess its efficacy.

(Mr. Vitale briefly left and returned to the meeting during the discussion.)

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI B.1)

Final FY2024 Current Expense Budget

A motion was duly made and seconded to adopt the Final FY24 Current Expense Budget (CEB) set forth in Attachment A of the June 21, 2023 Staff Summary presented and filed with the records of this meeting, with current revenue and expense of \$874,148,898. Further, a motion was duly made and seconded to adopt the Final FY24 Operating Budget (Trustee’s Budget) set forth in Attachment B of the June 21, 2023 Staff Summary presented and filed with the records of this meeting.

Mr. Durkin noted that the Final FY2024 Current Expense Budget (“CEB”), meets the Advisory Board’s “2.4% by ‘24” challenge (a 2.4% threshold for overall, combined water and sewer rate assessment increases by FY2024), and “4, no more” challenge (a 4% threshold for assessment increases) for the next several years.

Mr. Pappastergion congratulated MWRA and Advisory Board staff for successfully preparing a CEB that addresses Advisory Board recommendations and meets the “2.4 by ‘24 and 4, no more” challenges. Matthew Romero, MWRA Advisory Board Deputy Executive Director, thanked MWRA staff for their continued cooperation and engagement. Mr. Durkin congratulated MWRA Advisory Board Executive Director Joseph Favaloro on his upcoming retirement and thanked him for his contributions to MWRA’s budgets.

Mr. Vitale thanked and congratulated MWRA and Advisory Board staff for a job well done and requested clarification on the budgeted Current Revenue/Capital line item amount (\$18,200,000) in Attachment B of the Staff Summary for this agenda item vs. the 11-month amount (\$0.00 cited in Attachment C in the Staff Summary for agenda item VI A.2: *Financial Update and Summary through May 2023*. Matthew Horan, MWRA Deputy Director of Finance/Treasurer, explained that the Current Revenue/Capital line item is only recognized at the end Fiscal Year for bond resolution compliance purposes.

Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI B.2)

Final FY2024 Water and Sewer Assessments

A motion was duly made and seconded to adopt, effective July 1, 2023, the water and sewer assessments, rates and charges as set forth in the June 21, 2023 Staff Summary as presented and filed with the records of this meeting, including as further detailed in Attachments 1, 2 and 3 of said Staff Summary.

Mr. Durkin summarized the proposed Final FY2024 Water and Sewer Assessments and requested the Board of Directors' approval.

Mr. Vitale requested more information about the annual household water usage amounts cited in Table 3 of the Staff Summary. Mr. Durkin explained that staff generally present two water usage amounts (61,000 gallons and 90,000 gallons) for discussion to help readers more easily estimate their own households' water costs on a realistic scale. Mr. Durkin noted that the 61,000 gallon figure is more commonly used in water industry literature.

Board Member Taverna advised that it is critical for MWRA's Final Water and Sewer Assessments to be equal to or less than Preliminary Water and Sewer assessments to facilitate municipal budgeting.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI B.3)

Contract AwardsInfor Lawson CloudSuite Upgrade

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award Contract 7286, Infor Lawson Upgrade, to RPI Consultants, LLC, and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$8,849,440.00 for a contract term of 3 years from the Notice to Proceed.

Mr. Jack Walsh asked how many employees worked for RPI Consultants, LLC (“RPI”), and where the company was located. Paul Fentross, MWRA Business Applications Manager, advised that RPI employed approximately 350 staff and was headquartered in the Baltimore/Washington DC area. Mr. Fentross added that RPI are known specialists in enterprise migrations and implementations. Mr. Jack Walsh asked how many customers RPI had. Mr. Fentross explained that he would provide more detailed information as soon as possible, and noted that RPI had provided a list of past projects in their proposal. Paula Weadick, MWRA Director of MIS, added that RPI’s references were very strong, and that the selection committee process included a financial review of the bidding firms.

Mr. Vitale asked who currently maintains MWRA’s Infor Lawson (“Lawson”) application, and requested a brief overview of the project’s scope. Ms. Weadick explained that MWRA’s Lawson application is two versions behind the current version (Infor Software-as-a-Service platform Infor CloudSuite, “Infor CloudSuite”), and that if approved, RPI would manage the migration of MWRA’s existing, on premise Lawson solution to Infor CloudSuite. She then described MWRA’s uses for Lawson, including financial management, workforce management, e-procurement, supply chain and inventory management and budgeting. Finally, Ms. Weadick explained that the Infor CloudSuite upgrade would provide greater functionality, accessibility and stability for Lawson, and briefly summarized the scope of the proposed contract, including training and maintenance.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
White-Hammond		
Wolowicz		

(ref. VI C.1)

WASTEWATER POLICY AND OVERSIGHT

Information

Deer Island Wind Turbine Generator 1 Failure

David Duest, Deer Island Treatment Plant Director, made a presentation on the May 29, 2023 failure of Deer Island Wind Turbine Generator 1 ("WTG-1"). He began with a brief overview of MWRA's Deer Island Diversified Green Energy Program, which includes two wind turbines. He then summarized the turbines' specifications, procurement, installation and cost. Mr. Duest then discussed an April 2022 WTG-1 main bearing failure, and steps taken by the maintenance contractor to place the nacelle in a locked position (to prevent the nacelle from rotating) and place the control system into an emergency mode (the safest location to allow the blades to feather and turn out of the wind if needed) while the replacement bearing was ordered, with the expectation that the turbine would be back to full operation by late July 2023.

Next, Mr. Duest presented the timeline of WTG-1's Generator 1 failure on May 29, 2023, including a report by a citizen walking on the Deer Island Public Access trail at approximately 10:00am on May 29 that the turbine appeared to be spinning faster than normal, making loud noises and parts were starting to fly off the turbine; the activation of the MWRA Command Center on Deer Island with the cooperation of police, fire and EMS personnel; the immediate issuance of notifications to stakeholders; the securing of the site, including public access restrictions; harbor patrols to prevent boat traffic nearby; notifications to the Federal Aviation Administration and engagement with the media.

Mr. Duest then discussed the timeline of securing WTG-1. A video clip of the local news coverage was played. Mr. Duest reported that MWRA's wind turbine maintenance contractor (Baldwin) made several unsuccessful attempts to engage the braking system through the control system at the base of the WTG-1 tower. He noted that at MWRA staff's recommendation, Baldwin then moved the controller from the second turbine ("WTG-2") to WTG-1. He explained that moving the controller allowed the contractor to establish communication with the equipment in the WTG-1 nacelle; however, the braking system would not engage, indicating a failure in the hydraulic system. Mr. Duest added that because of WTG-1's unsafe conditions, contractor technicians could not climb its tower until the winds died down or the rotors stopped.

Next, Mr. Duest described actions taken after WTG-1's blades stopped rotating at approximately 2:20pm. He reported that once it was safe to do so, turbine maintenance contractors climbed the tower, mechanically locked the blades, and assessed the damage, which included failures of the hydraulic breaking system, the main shaft between the hub and rotor, and, the gearbox generator. Next, Mr. Duest reported, the area remained secured while staff made preparations for making WTG-1 safe. He noted that that debris from the WTG-1 failure was pitched in a direction away from MWRA facilities, and that there were no injuries.

Mr. Duest then discussed efforts to secure the site and make WTG-1 safe. He reported that staff obtained a DCAMM waiver for emergency work, and described the process of soliciting a contractor. He noted that the selected contractor, O'Connor Constructors, was the lowest bidder, and was authorized

to begin the work on May 31, 2023. Mr. Duest reported that work to make WTG-1 safe began on June 1, 2023 and was substantially complete during the week of June 7, 2023.

Finally, Mr. Duest described the next steps, including the proactive pause of WTG-2 out of an abundance of caution; third-party safety inspections and any necessary repairs for WTG-2 and the Charlestown Wind Turbine; and the engagement of a wind turbine expert to perform a full failure analysis of WTG-1. Committee Chair Jack Walsh asked if there was any discussion or questions from the Board. Hearing none, he moved to the next Information item. (ref. VII A.1)

Deer Island Wastewater Treatment Plant Draft National Pollutant Discharge Elimination System (NPDES) Permit and Draft State Surface Water Discharge Permit

Betsy Reilley, MWRA ENQUAL Director, presented an overview of draft National Pollutant Discharge Elimination System (NPDES) permit (“Draft Permit”) requirements for the Deer Island Wastewater Treatment Plant and Combined Sewer Overflow outfalls, issued on May 31, 2023. She advised that the Draft Permit names 43 MWRA wastewater communities as co-permittees.

Next, Ms. Reilley presented a brief summary of the Draft Permit comment process. She explained that the public comment period for the Draft Permit extends through August 30, 2023. Ms. Reilley advised that staff are reviewing the impacts of the Draft Permit requirements with regards to costs and MWRA’s operations and ability to comply. She further advised that staff would submit comments on the Draft Permit for EPA’s consideration and stressed the importance of doing so, noting that by submitting comments, MWRA preserves the right to appeal elements of the permit.

Ms. Reilley then discussed key elements of the Draft Permit for co-permittees, including federal requirements for matters such as Sanitary Sewer Overflow (“SSO”) reporting; backup power; infiltration/inflow reduction programs and Operations and Maintenance plan updates; and, annual reporting. She highlighted the Draft Permit’s requirement for co-permittees to develop “Major Storm Event Plans,” and report on the progress of their implementation. She advised that staff would review that section carefully.

Next, Ms. Reilley described elements of the Draft Permit that MWRA staff have been tracking closely with regards to Deer Island effluent plant limits, including a seasonal *Enterococcus* limit that takes into account MWRA’s uniquely designed outfall; requirements for continued monitoring and reporting of nitrogen, but with no limits; additional limits for TSS and cBOD; the elimination of Contingency Plan requirements; modifications to ambient monitoring; and, a stricter acute toxicity limit. She noted that staff were concerned about the stricter acute toxicity limit because it doesn’t take Deer Island effluent dilution into account.

Ms. Reilley continued to discuss elements of the Draft Permit being tracked by staff, such as PFAS monitoring requirements for influent, effluent, biosolids and industrial discharges; Combined Sewer Overflow (CSO) monitoring requirements, which staff will review carefully to ensure consistency with MWRA’s evolving CSO Control Program; and Environmental Justice requirements. Ms. Reilley noted

staff's concerns regarding new Draft Permit requirements for blending, which do not adopt language in an order entered into the Boston Harbor court case that allows MWRA blending at a 700 MGD rate to minimize CSO impacts.

Ms. Reilley then explained that staff were assessing the cost implications of the Draft Permit, and advised that they were expected to be significant. She described some Draft Permit requirements projected to effect MWRA costs such as Major Storm Planning; algal bloom monitoring; expanded PFAS monitoring; disinfection and dechlorination for seasonal *Enterococcus*; dye studies for CSO outfalls; video inspections of the Deer Island Outfall; and, costs for co-permittees.

Finally, Ms. Reilley discussed next steps in the Draft Permit process. She explained that staff will provide a briefing to the MWRA Advisory Board Operations Committee, and submit written comments on the Draft Permit by the August 30, 2023 deadline. Finally, Ms. Reilley noted that EPA must develop a written response to every comment received, advising that there is no timeline for EPA to finalize the permit, and that the finalization process could take months or even years.

Mr. Pappastergion asked for clarification on the potential costs and responsibilities for MWRA's community co-permittees. Ms. Reilley explained that the NPDES Permit requirements would apply to each community co-permittee on an individual basis. Mr. Pappastergion asked if community co-permits could negatively impact MWRA. Ms. Reilley explained that EPA has stated that each co-permittee would be responsible for its own-compliance, and that an individual community's non-compliance would not reflect on the other co-permittees. She further explained that staff are reviewing the co-permitting matter carefully to avoid any potential vulnerabilities for MWRA.

Mr. Taverna asked if EPA had defined "Major Storm Event," with regards to the Draft Permit's requirement. Ms. Reilley responded in the affirmative, and explained that "Major Storm Event" was expected to be defined as a 20-30 year storm, but also specifies 80-100 year projections. She noted that EPA has provided some guidance documents on Major Storm Events, which staff are reviewing. Mr. Taverna asked if EPA had defined "Backup Power." Ms. Reilley explained that she would provide that information at a later date. Mr. Taverna asked if the Draft Permit's changes to MWRA's Ambient Monitoring Plan would result in the dissolution of MWRA's Outfall Monitoring Science Advisory Panel ("OMSAP"). Ms. Reilley responded in the affirmative, noting that another, similar group outside the NPDES Permit's purview could potentially be formed.

(During the presentation, Ms. Wolowicz temporarily left the meeting, and Rev. White-Hammond left the meeting.)

Committee Chair Jack Walsh asked if there was further discussion or questions from the Board. Hearing none, he moved to Approvals. (ref. VII A.2)

ApprovalsAnnual Renewal of the Wastewater Advisory Committee (WAC) Contract

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute a contract, substantially in the form attached to the June 21, 2023 Staff Summary presented and filed with the records of this meeting, with the Wastewater Advisory Committee for a term of one year, from July 1, 2023 to June 30, 2024, for a total contract cost of \$85,813.

Sean Navin, MWRA Director of Intergovernmental Affairs, summarized the terms and costs of the proposed Wastewater Advisory Committee (WAC) contract for FY2024. He explained that the FY2024 contract cost is 2.93% higher than the FY23 contract, and includes increases for hourly salaries and health insurance.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
		Taverna
Vitale		
J. Walsh		
P. Walsh		

(ref. VII B.1)

Contract AwardsJanitorial Services at the Deer Island Treatment Plant Facilities Management and Maintenance Inc., Bid WRA-5317

A motion was duly made and seconded to approve the award of Contract WRA-5317, Janitorial Services at the Deer Island Treatment Plant, to Facilities Management and Maintenance Inc., and to authorize the Executive Director, on behalf of the Authority, to execute said contract in an amount not to exceed \$1,860,832.92, for a contract term of three years.

Mr. Duest summarized the scope and terms of the proposed three-year contract for janitorial services at the Deer Island Treatment Plant.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

(ref. VII C.1)

WATER POLICY AND OVERSIGHT

On behalf of Mayor Wu and the Boston Water and Sewer Commission, Committee Chair Vitale congratulated Mr. Colbert, Mr. Favaloro and Ms. Fiore on their upcoming retirements, and thanked them for their service to MWRA and its customer communities.

Approvals

Town of Burlington First Amendment to the Water Supply Continuation Agreement and Waiver of Entrance Fee; and Dedham-Westwood Water District First Amendment to Water Supply Continuation Agreement and Waiver of Entrance Fee

A motion was duly made and seconded to approve the Town of Burlington’s request to increase its withdrawal volume limits to up to 1,278 million gallons per year, or 3.5 mgd average daily use, and up to 6.5 mgd maximum day use and to waive the entrance fee associated with such increased withdrawal volume.

Further, a motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute the First Amendment to the Water Supply Continuation Agreement with the Town of Burlington, substantially in the form included as Attachment A to the June 21, 2023 Staff Summary and presented and filed with the records of this meeting, to effectuate the increased withdrawal volume limits.

Further, a motion was duly made and seconded to approve the Dedham-Westwood Water District’s request to increase its withdrawal volume limits to up to 565.75 million gallons per year, or 1.55 mgd average daily use and up to 3.1 mgd maximum daily use and to waive the entrance fee associated with such increased withdrawal volume.

Further, a motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute the First Amendment to the Water Supply Continuation Agreement with the Dedham-Westwood Water District, substantially in the form included as Attachment C to the June 21, 2023 Staff Summary and presented and filed with the records of this meeting, to effectuate the increased withdrawal volume limits.

Katherine Ronan, MWRA Project Manager, Environmental Permitting, invited questions from Board Members.

(Ms. Wolowicz returned to the meeting)

Board Member Peña requested clarification on the proposed amended withdrawal limits for the Town of Burlington and the Dedham-Westwood Water District. Ms. Ronan explained that both communities maintained their own water sources, and that the proposed amendments would increase their MWRA water system withdrawal limits.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

(ref. VIII A.1)

Annual Renewal of Water Supply Citizens Advisory Committee (WSCAC) Contract

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute a contract, substantially in the form attached to the June 21, 2023 Staff Summary presented and filed with the records of this meeting, with the Water Supply Citizens Advisory Committee for a one-year period beginning July 1, 2023 to June 30, 2024, with a total contract cost of \$123,482.

Mr. Navin briefly advised that the proposed annual Water Supply Citizens Advisory Committee (WSCAC) FY2024 contract's structure was similar to that of the Wastewater Advisory Committee, presented in Agenda Item VII A.1. He then invited questions from Board Members.

Chair Tepper 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>
Tepper		
Flanagan		
Foti		

Yes No Abstain

Pappastergion

Peña

Taverna

Vitale

J. Walsh

P. Walsh

Wolowicz

(ref. VIII A.2)

CORRESPONDENCE TO THE BOARD

There was no Correspondence to the Board. (ref. VIII)

Other Business

Review and Extension of Contract for MWRA's Executive Director

Chair Tepper announced that the next order of business was for the Board to conduct the annual review of MWRA Executive Director Fred Laskey's performance and contract extension.

Mr. Laskey temporarily left the meeting.

Chair Tepper advised that her experience working with Mr. Laskey has been terrific, and noted his effective response and communications during the Deer Island Wind Turbine Generator 1 failure incident. She remarked on the value of Mr. Laskey's experience, knowledge, and leadership.

Mr. Pappastergion noted that in his view, Mr. Laskey's experience should be rated as "Excellent," and suggested that Mr. Laskey's employment contract be extended by more than one year. There was discussion about potential parameters for Mr. Laskey's contract extension. General Counsel Francisco Murphy advised that per the MWRA Enabling Act, the Executive Director's contract cannot be more than five years.

Mr. Pappastergion then recommended that Mr. Laskey's salary be increased by the same percentage or higher as the increases that the Board had approved for non-union managers (ref. VA.6).

Members of the Board agreed with Mr. Pappastergion's recommendations. The Chair and Board Members further discussed Mr. Laskey's longstanding record of excellent job performance, and his contributions to MWRA and its customer and host communities. There was brief discussion about extending Mr. Laskey's current contract by three years, for a total of a five-year contract. Mr. Pappastergion then recommended that Mr. Laskey's contract be extended by three years, to 2028.

A motion was duly made and seconded that the performance of Frederick A. Laskey, MWRA Executive Director, for Fiscal Year 2023 be rated as Excellent;

Further, a motion was duly made and seconded to extend the term of the Executive Director's employment agreement and his appointment as the Executive Director by 3 years through June 30, 2028; and,

Further, a motion was duly made and seconded to increase the Executive Director's current salary consistent with the compensation adjustments for eligible non-union managers that were approved by the Board of Directors at the June 21, 2023 MWRA Board of Directors meeting (a 4% increase effective July 1, 2023, and a 4% increase effective January 6, 2024 [ref. V A.6]).

Chair Tepper 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>
Tepper		
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
P. Walsh		
Wolowicz		

(ref. IX)

Mr. Laskey was invited to return to the meeting after the roll call vote.

Upon Mr. Laskey's return, Chair Tepper thanked Mr. Laskey for his excellent work performance. She briefly summarized Board Members' discussion regarding his annual performance review and contract, and announced Board's final approved recommendations (ref. IX).

Mr. Laskey thanked Board Members, and acknowledged the contributions of Board Members and MWRA staff.

(Ms. Wolowicz left the meeting after the discussion.)

ADJOURNMENT

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

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


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

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

The meeting adjourned at 3:02pm.

Approved: July 19, 2023

Attest:

 for

Brian Peña, Secretary