

MASSACHUSETTS WATER RESOURCES AUTHORITY

Meeting of the Board of Directors

July 23, 2025

A meeting of the Massachusetts Water Resources Authority (MWRA) Board of Directors was held on July 23, 2025 at MWRA's Administration Facility in Chelsea and via remote participation.

Chair Tepper presided from MWRA Headquarters. Board Members Flanagan, Peña, Taverna, Vitale, Jack Walsh and Patrick Walsh also participated from MWRA's Administration Facility in Chelsea. Board Members Foti, Pappastergion and Swett participated remotely. Board Member Wolowicz was absent.

MWRA Executive Director Frederick Laskey attended at MWRA's Administration Facility in Chelsea. General Counsel Carolyn Francisco Murphy; Chief Operating Officer Kathleen Murtagh; Deputy Chief Operating Officer Stephen Cullen; Director of Finance Thomas Durkin; Director of Administration Michele Gillen; Special Assistant For Affirmative Action Rita Mercado; Director of Environmental and Regulatory Affairs Colleen Rizzi; Chief Engineer Brian Kubaska; Energy Manager Kristen Patneaude; Deputy Finance Director/Treasurer Matthew Horan; Deer Island Treatment Plant Director David Duest; Engineering Services Manager Richard Adams; Senior Program Manager Patricia Mallett; Toxic Reduction and Control Director Matthew Dam; Director of Tunnel Design and Construction Paul Savard; Director of Construction Martin McGowan; Construction Coordinator Terrence Flynn; Human Resources Director Wendy Chu; Chief of Staff Katherine Ronan; and, Assistant Secretary Kristin MacDougall were among the staff who also attended at MWRA's Administration Facility in Chelsea. Deputy Chief Operating Officer Rebecca Weidman and Program Manager Christian Murphy attended remotely.

Vandana Rao, EEA, and Matt Romero, MWRA Advisory Board (Advisory Board) attended remotely.

Chair Tepper called the meeting to order at 1:00pm.

ROLL CALL

MWRA General Counsel Francisco Murphy took roll call of Board members in attendance and announced that Messrs. Foti, Pappastergion and Swett were participating remotely. The Chair announced that the meeting was being held at MWRA's Chelsea Administration Facility and virtually, via a link posted on MWRA's website. She added that the meeting was being recorded, and that the agenda and meeting materials were available on MWRA's website.

APPROVAL OF JUNE 18, 2025 MINUTES

A motion was duly made and seconded to approve the minutes of the Board of Directors' meeting of June 18, 2025.

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		
Swett		
		Taverna
Vitale		
J. Walsh		
P. Walsh		

(ref. I)

REPORT OF THE CHAIR

Secretary Tepper updated the Board on the Mass Ready Act, a \$300 billion bond bill filed by Governor Healey on June 24, 2025. She noted that the bill focuses on strengthening infrastructure, protecting water and nature, and investing in farms and local economies by providing resources for maintenance, repair and planning, including \$385 million for upgrading drinking water and wastewater systems. She explained that the bill includes \$250 million to support municipalities and water utilities in upgrading critical water infrastructure, as well as investments in the protection of water ways and water quality such as support of the DEP's Water Quality Monitoring Program and pollutant discharge reduction efforts. She added that the Act's funding will help communities comply with storm water permits; reduce nitrogen levels; improve infrastructure to prevent contamination; and support water body monitoring.

The Chair advised that the Healey-Driscoll Administration recognizes the importance of Payments in Lieu of Taxes (PILOT) for state land and concerns surrounding it and reported that the Administration plans to engage with stakeholders to address the issue further; additionally, the bill includes \$50,000 per year for each Quabbin community for FY26 and FY27 that will be considered within the broader context of issues around PILOT during that time period.

Finally, Chair Tepper noted that the Healey-Driscoll Administration is investing \$600 million in urgent repairs to safeguard communities from flooding by fixing seawalls,

upgrading dams, and replacing culverts, and provided a brief update on the bill's status. (ref. II)

REPORT OF THE EXECUTIVE DIRECTOR

MWRA Executive Director Fred Laskey referenced correspondence to the Board regarding the Oakham Battery Energy Storage System (BESS) project (ref. IX) and reported that it's outside of the watershed and thus poses no risk to MWRA's water supply.

Next, Mr. Laskey reminded the Board of the decision that needs to be made this fall regarding the updated CSO control plan that MWRA is required to submit by the end of the year, which has the potential for \$1 billion in spending for the program, and noted the importance of the Board's decision-making input.

Finally, Mr. Laskey explained that staff hoped to seek the Board's approval for the admission of Lynnfield Center Water District (LCWD) to the MWRA water system (ref. VII B.1) at this meeting, but because legislation has not yet been passed approval may be sought at the September Board meeting. He noted that LCWD is eager to be admitted to the MWRA system.

Colleen Rizzi, MWRA Director of Environmental and Regulatory Affairs, added that staff could also convene a virtual meeting to discuss the matter when the legislation is signed, pending the will of the Board. She advised that LWCD may request an emergency withdrawal from MWRA this summer and that emergency water withdrawal authorization may be given for up to 60 days. There was brief discussion about the legislation, MWRA's admissions policy, and the procedures for Board approval of water system admissions.

In response to a question from Mr. Taverna, Mr. Laskey explained that the BESS site is located at 358 Coldbrook Road in Oakham. (ref. III)

EXECUTIVE SESSION

Chair Tepper requested that the Board move into Executive Session to discuss litigation, since discussing such in Open Session could have a detrimental effect on the litigating positions of the Authority. She announced that the planned topics for Executive Session were discussions of strategy with respect to litigation regarding the federal court Boston Harbor case; the variance appeals relating to the Alewife Brook/Upper Mystic and Charles Rivers; and, the *Massachusetts Natural Fertilizer Co., Inc., et al. v. MWRA et al.*, Superior Court case. She advised 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 the 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		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

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

*** EXECUTIVE SESSION ***

The meeting entered Executive Session at 1:09pm and adjourned at 1:30pm.

*** CONTINUATION OF OPEN SESSION ***

ADMINISTRATION, FINANCE AND AUDIT

Information

Delegated Authority Report – May 2025

Committee Chair Flanagan invited Board Members’ questions and comments on the June 2025 Delegated Authority Report.

In response to a question from Mr. Jack Walsh, Stephen Cullen, MWRA Deputy Chief Operating Officer, explained that Item C-3: *Braintree-Weymouth Pump Station Improvements*, was related to the facility’s fire system connection.

Regarding Item P-6: *Two Separate Two-Year Purchase Order Contracts for Trash and Single Stream Recycling Services*, Mr. Pappastergion asked if the ongoing Republic Services strike could impact this contract. Douglas Rice, MWRA Procurement Director, explained that communications with Republic Services indicate that the contract’s service area in Western Massachusetts is not affected by the strike, and staff will monitor any new

developments.

In response to Mr. Jack Walsh's question regarding Item C-5: *Saugus River Crossing Section 56 Pipe Replacement Resident Engineering/Inspection Services*, Brian Kubaska, MWRA Chief Engineer, explained that this contract includes a full-time Resident Engineer and Resident Inspector, a part-time, off-hours Resident Inspector, and additional project management services. Mr. Jack Walsh expressed concern about the contract's cost. Mr. Taverna asked if AECOM Technical Services, Inc. was the original design engineer of record. Mr. Kubaska responded in the affirmative and noted that AECOM was the low bidder. (ref. V A.1)

MWRA Energy and Sustainability Program Overview

Kristen Patneaude, MWRA Energy Manager, presented that MWRA had completed over 60 energy audits that resulted in the implementation of energy efficiency measures that saved over 25 million kilowatt hours (kWh) annually and established internal operating procedures that require consideration of energy efficiency for all new projects.

She then reviewed MWRA's progress on renewable energy initiatives that generated approximately 58 kWh in FY24 and totaled nearly \$8 million in avoided purchased energy costs; some challenges related to MWRA's older solar installations, such as failed panels and wire management issues; challenges of replacing failed, out-of-warranty inverters due to lack of manufacturer support and industry voltage changes; and MWRA's drivers for energy management including the Commonwealth's climate goals, executive orders, environmental agency, and fiscal responsibility.

Ms. Patneaude highlighted MWRA's Deer Island Treatment Plant (DITP) Combined Heat and Power (CHP) project, which is expected to more than double electricity generation and significantly reduce fuel consumption; and a \$20 million MassDEP Climate Mitigation Trust Grant that MWRA received in support of its renewable energy and decarbonization efforts. She also updated the Board on MWRA's ongoing project to install a solar parking canopy and roof mount options at Deer Island.

She then discussed the replacement of a Deer Island wind turbine that catastrophically failed in 2023. She advised that engineering consultants had determined that an in-kind replacement with a new tower and a refurbished nacelle would be the most cost-effective and efficient solution, and noted the foundation is structurally sound and can be reused. She summarized the project schedule, noting that MWRA plans to advertise the turbine construction contract in summer 2025.

Next, Ms. Patneaude outlined ongoing solar initiatives, including a solar array on top of the Norumbega Water Storage Tank, noting potential interconnection challenges that are under review. She also updated the Board on the electrification and replacement of fossil fuel heating systems at MWRA's administrative buildings. She advised that a procurement

for replacing 19 existing gas-fired rooftop units in Chelsea received no bids, attributable to challenges related to DCAMM single project limits and design/build requirements, and a highly competitive bidding environment for this type of work. She also described a recent HVAC update at MWRA's Chelsea facility.

Ms. Patneaude also discussed a recently advertised project for electrification at three facilities, including a wastewater pump station. She explained that this procurement received one proposal that was rejected because it did not meet the DCAMM single project limit. She advised that costs for electrification at wastewater facilities were significantly higher than anticipated, attributable to necessary explosion-proof equipment, 100% outside air requirements and associated factors such as larger tonnage heat pumps, space availability and noise. She noted that this project would be modified and repackaged as three separate procurements and explained that the most efficient design may include a combination of heat pumps, electric resistance heaters, and gas-fired boilers as backups. She briefly reviewed ongoing facility electrification audits.

Ms. Patneaude then presented MWRA's progress on clean transportation initiatives, including a transition to an electric fleet and increased electric vehicle (EV) charging capacity. She highlighted recently completed level 2 charging stations at MWRA's Southborough facility, and a partially completed level 2 and level 3 project in Chelsea. She noted that the charging stations will be available to employees at cost per a policy in development.

Finally, Ms. Patneaude discussed new and innovative technologies and applications to promote climate resiliency, such as a large-scale battery energy storage feasibility study for Deer Island; ongoing Eversource BESS pilots at Chelsea and the Brattle Court Pump Station; and potential opportunities for wastewater heat recovery.

There was brief, general discussion with questions and answers about inverter voltage and phasing.

Chair Tepper complimented staff on the Energy and Sustainability Program's thoroughness and comprehensiveness and asked if supply chain issues were affecting any of its projects. Ms. Patneaude explained that MWRA hasn't yet seen significant delays for smaller heat pump projects and noted that solar projects could potentially be impacted by equipment safe harboring. Chair Tepper suggested that staff meet with EEA staff and representatives of other utilities to discuss lessons learned and challenges.

Mr. Taverna asked if larger EVs were becoming more available. Ms. Patneaude explained that some larger EVs are becoming more available to MWRA, adding that availability could be affected by federal policy changes. She noted that staff are awaiting the results of a no-cost electrification assessment through an Eversource program that will provide more details on the total cost of ownership and availability of EVs over the next 10 years. She

advised that heavy duty EVs are unlikely to become available to MWRA for approximately a decade; medium duty EVs could potentially become available sooner; and MWRA's requirements for vehicles with special equipment and plowing capabilities currently pose challenges to fleet electrification.

Mr. Swett suggested that MWRA work with the City of Boston to explore the collective procurement of EVs. He asked if the winding down of solar tax credits is a driver of the approach to the Deer Island wind turbine replacement project. Ms. Patneaude responded in the negative. Ms. Francisco Murphy added that staff could potentially seek reimbursement through the Climate Mitigation Trust Grant. Ms. Patneaude noted that the decision to install a refurbished nacelle at the Deer Island wind turbine was mainly driven by the longer (approximately 1 year) delivery time for a new one.

Mr. Swett requested an update on MWRA's progress in meeting the Commonwealth's 2030 and 2050 targets for emissions reductions. Ms. Patneaude explained that MWRA has already met the 2030 goal and is on track to meet the 2050 goal a few years after deadline, when the DITP CHP project is completed. (See correction below.)¹

Hearing no further discussion or questions from the Board, Mr. Flanagan moved to Approvals. (ref. V A.2)

Approvals

Approval of Eighty-Ninth and Ninetieth Supplemental Resolutions and Award of Liquidity Agreement

A motion was duly made and seconded to approve the recommendation of the Selection Committee to award Letter of Credit Agreements in the aggregate amount not-to-exceed \$191,723,000.00 to Bank of America, N.A. and Standby Bond Purchase Agreements in the aggregate amount not-to-exceed \$141,615,000.00 to the Royal Bank of Canada, TD Bank, N.A. and U.S. Bank, N.A. as further described in the July 23, 2025 Staff Summary presented and filed with the records of this meeting;

Further, a motion was duly made and seconded to adopt the Eighty-Ninth Supplemental Resolution authorizing the issuance of up to \$184,338,000.00 of Massachusetts Water Resources Authority Multimodal Subordinated General Revenue Refunding Bonds and the supporting Issuance Resolution and further authorizing amendments to the definition of Credit Facility in the Amended and Restated General Revenue Bond Resolution; and,

Lastly, a motion was duly made and seconded to adopt the Ninetieth Supplemental Resolution authorizing the issuance of up to \$150,000,000.00 of Massachusetts Water

¹ Correction: The actual progress is as follows: MWRA has already met the 2025 goals (33% emissions reduction) and is on target to meet the 2030 goals (50% emissions reduction) a few years after deadline, when the DITP CHP project is expected to be completed.

Resources Authority Tax Exempt Commercial Paper Notes, Series 2025 and the supporting Issuance Resolution.

Matthew Horan, MWRA Deputy Finance Director/Treasurer, explained that the proposed Ninetieth Supplemental Resolution (SR), which would authorize \$150 million of new commercial paper (CP) short-term borrowing, is needed as MWRA's Capital Improvement Program (CIP) grows, and to address the variability of some Community Loans. He added that this new CP program would allow MWRA more flexibility on the timing of borrowing and increase the overall CP capacity.

Mr. Horan then discussed the Eighty-Ninth SR, which would authorize the issuance of \$184.3 million through four new series of variable rate bonds that would replace existing series and amend the definition of Credit Facility in MWRA's Bond Resolution to remove the long-term credit rating requirement for all future issuances. He explained that the existing definition has significantly limited the number of institutions eligible to provide proposals for Letters of Credit or Standby Purchase Agreements. He noted that staff had run a procurement with the amendment that resulted in higher numbers of proposals.

Finally, Mr. Horan described the procurement and allocation processes, and the benefits of the amendment, including more flexibility, increased diversification, and reduced risk.

Mr. Taverna requested examples of eligible bond revenue expenditures. Mr. Horan explained that bond funds can be used for all capital expenditures in support of construction projects, including land purchases and new assets, but not for operating costs.

Mr. Jack Walsh asked how many basis points are used for standby bond purchase agreements. Mr. Horan advised that basis points generally range from 17 to 73, depending on the duration of the facility. There was brief discussion about the benefits of diversifying the durations of facilities in MWRA's portfolio and the credit ratings of various banks.

Mr. Vitale requested the amounts of MWRA's outstanding bond debt and commercial paper, and their anticipated amounts after the proposed SRs. Mr. Horan explained that MWRA has \$4.2 billion in outstanding bond debt and \$139 million in outstanding commercial paper (\$100 million for construction and \$39 million for refunding of the 2018A bond series), and that staff expect to have \$100 million of outstanding commercial paper after the proposed transactions. He advised that staff project the Community Loan Program to reach up to \$75 million for the month of August, in which case staff would issue more short-term borrowing capacity to meet MWRA's construction needs until the next long-term borrowing.

Mr. Vitale requested staff's estimate of additional outstanding debt service from the proposed SRs. Mr. Horan explained that refunding and commercial paper should have little

effect until the commercial paper is issued and described potential interest capitalization strategies. There was discussion about MWRA's commercial paper structure, credit rating, and debt management strategy.

Chair Tepper asked if there was any 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		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

(ref. V B.1)

WASTEWATER POLICY AND OVERSIGHT

Contract Amendments/Change Orders

Deer Island Treatment Plant Clarifier Rehabilitation, Phase II: Walsh Construction Company II, LLC, Contract 7395, Change Order 2

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 2 to Contract 7395, Deer Island Treatment Clarifier Rehabilitation, Phase II, with Walsh Construction Company II, LLC to increase the contract amount by \$6,956,606.00, from \$289,595,007.12 to \$296,551,613.12 and to increase the contract term by 209 days, from November 14, 2027 to June 10, 2028.

Further, a motion was duly made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7395 in an amount not-to-exceed the aggregate of \$1,000,000.00 and 180 days in accordance with the Management Policies and Procedures of the Board of Directors.

David Duest, MWRA Deer Island Treatment Plant Director, reviewed the scope of the Deer Island Clarifier Rehabilitation project, including the replacement of remaining original sludge and scum equipment; and the remediation of concrete and coating systems, channel aeration systems, primary influent and effluent gates, and secondary influent isolation gates.

Next, Richard Adams, MWRA Engineering Services Manager, presented a progress update and the reasons for proposed Change Order 2, including necessary modifications to extend existing concrete slabs that support secondary clarifier tank isolation valves in 108 locations due to a design error (contract drawings that did not correctly reflect the locations of the existing grating, therefore preventing the installation of new gate sleeves); a time extension to support this work; and a 2.4% increase to the allowance for the removal of rags (disposable wipes that should not be flushed).

Finally, Mr. Adams noted that staff have observed a significant increase in rags in the wastewater system since the start of the Covid pandemic and presented photos of the rag removal process.

(Mr. Pappastergion left the meeting during the presentation.)

In response to questions from Mr. Jack Walsh, Mr. Adams described MWRA's ongoing evaluation of ways to reduce system damage from rags, including upstream screening, and Mr. Duest explained that the clarifiers' concrete coating systems are expected to need renewal approximately every 20 years. Mr. Adams added that the new, epoxy-based coating has a longer life expectancy than the existing coating.

Mr. Taverna asked if MWRA was conducting any public outreach to minimize the rag issue. Stephen Estes-Smargiassi described ongoing outreach efforts such as website postings; information in the latest Annual Water Quality Report and a new conservation bill-stuffer; advocacy for legislation changes by groups such as MWRA's Wastewater Advisory Committee; utility-wide outreach to wipe manufacturers and consumers; and MWRA School Program demonstrations. There was general discussion about the high cost of rag removal.

Chair Tepper suggested that the press may be interested in covering the impact of rags on wastewater systems.

Mr. Peña asked why the contractor could not use the existing gate sleeve locations. Mr. Adams explained that the gates' existing locations would have required the contractor to core through the tank walls. Mr. Peña asked if isolation gates were currently installed in the tanks. Mr. Adams responded in the affirmative, noting they are being replaced. He added that the gates are being moved because their current locations require shutting down clarifier channels to perform maintenance. There was brief discussion about MWRA's investigation of the design error.

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

Yes

No

Abstain

Tepper

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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Flanagan		
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Foti		
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Peña		
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Swett		
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Taverna		
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Vitale		
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J. Walsh		
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P. Walsh		
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(ref. VI A.1)

Deer Island Treatment Plant Clarifier Rehabilitation, Phase II Design/Engineering Services During Construction CDM Smith Inc. Contract 7394, Amendment 4

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 4 to Contract 7394, Deer Island Treatment Clarifier Rehabilitation, Phase II, with CDM Smith Inc. for a not-to-exceed amount of \$1,612,000.00, from \$2,488,930.00 to \$4,100,930.00, and to increase the contract term by 18 months, from December 20, 2026 to June 20, 2028.

Mr. Duest explained that proposed Amendment 4 to a design/engineering services during construction (design/ESDC) contract with CDM Smith Inc. would support the Deer Island Treatment Plant Clarifier Rehabilitation, Phase II construction project (ref. VI A.1). He noted that this procurement was highly competitive, and its original scope stipulated that inspection would be mostly performed by in-house staff.

Next, Mr. Adams discussed some construction-related challenges that have impacted the design/ESDC contract, and necessitate a time extension, such as the complexity of the equipment; manufacturing issues and delays, including some that required redesign; a large number of submittals; and clarifier concrete and coating issues due to design error that was discussed in the previous agenda item.

Mr. Adams emphasized that staff are tracking costs related to the design error, and that no payment would be made to the design consultant for work to correct the design and construction related documents. He presented some construction photos depicting the locations of concrete supports.

Mr. Adams then noted that the scope of this proposed change order also includes specialty corrosion engineering inspection services. He explained that construction of the first four DITP primary tanks is nearly complete; however, inspections revealed the corrosion rates and physical conditions of the existing concrete within each tank varied significantly. He advised that the tanks require a more detailed inspection than anticipated to determine the method and extent of the concrete repairs needed, and this level of

inspection is beyond in-house staff's level of expertise. He presented photos of the tanks' conditions.

Finally, Mr. Adams briefly reviewed the reasons for proposed Amendment 4, and a presented a cost breakdown.

Hearing no 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		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

(ref. VI A.2)

Hayes Pump Station Rehabilitation Design and Engineering Services Hazen and Sawyer, P.C. Contract 7162, Amendment 4

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 4 to Contract 7162, Hayes Pump Station Rehabilitation Design and Engineering Services During Construction, with Hazen and Sawyer P.C., increasing the contract amount by \$582,804.00, from \$2,330,751.00 to \$2,913,555.00, and extending the contract term by three months, from September 22, 2028 to December 22, 2028.

Further, a motion was duly made and seconded to authorize the Executive Director to approve additional amendments as may be needed to Contract 7162 in an amount not-to-exceed the aggregate of \$500,000.00 and 12 months in accordance with the Management Policies and Procedures of the Board of Directors.

Patricia Mallett, MWRA Senior Program Manager, presented a summary of amendments to date for a design/ESDC contract with Hazen and Sawyer, P.C. for the Hayes Pump Station Rehabilitation project and a map of the station's location. She requested Board approval for Amendment 4 to extend the design/ESDC contract by three months, at an additional cost of \$582,804. She explained that staff sought the time extension to support a longer than anticipated bid phase because of the large number of sub-bids received and a prolonged review process due to a low general bid.

Next, Ms. Mallett discussed the reasons for the requested budget increase for additional ESDC services, including a longer contract duration; increased submittals and requests for information; and the need for start-up services for the interim bypass pumping system. She added that proposed Amendment 4 also includes budget increases for tasks outside of the original scope; escalation; and a delegation of authority not-to-exceed \$500,000 over 12 months for unanticipated expenses and to keep the project moving forward. Finally, Ms. Mallet presented some early construction photos.

Hearing no 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		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

(ref. VI A.3)

WATER POLICY AND OVERSIGHT

Information

8(m) Permitting Update

Matthew Dam, MWRA Toxic Reduction and Control Director, presented an update on MWRA's 8(m) Permitting program; described the Program's scope; reviewed 8(m) permit requirements; and explained that the entities responsible for a project's work must hold the permits.

Mr. Dam then discussed recent outreach activities to promote a better understanding of the 8(m) permit requirements, such as a flyer that was distributed to all municipalities and a campaign conducted in partnership with the Advisory Board that targeted all Massachusetts communities with MWRA infrastructure, including facilities and tunnels.

Mr. Dam noted the campaign included an Advisory Board "Board Brief" that called for enhanced protocols; wider cross-community outreach; rigorous protection of essential water systems; a reconfigured permitting web page; statewide distribution of community maps showing all MWRA infrastructure within each respective municipality's boundary; a survey to gather contact information for permitting activities in each community and to determine ways for sharing information about permitting; and a presentation/questions

and answers session for the Advisory Board and community representatives. Finally, Mr. Dam presented examples of 8(m) permitted projects.

There was general discussion about the number of pending permits and the 8(m) permitting process. In response to a question from Mr. Swett, Mr. Dam discussed how outreach to municipal leaders and contractors for routine 8(m) permits and providing infrastructure maps afford opportunities for MWRA to remind applicants about the importance of reaching out to MWRA before excavation, and to call attention to existing infrastructure, such as tunnels, aqueducts and water/sewer mains. Mr. Swett suggested that MWRA work with the Boston Public Health Commission (BPHC) on geothermal well permits in Boston. Mr. Dam affirmed that BPHC is one of the signoffs for 8(m) geothermal well permit applications. There was brief discussion about potential repercussions for 8(m) permit noncompliance.

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

Metropolitan Water Tunnel Program Look Ahead

Paul Savard, MWRA Director of Tunnel Design and Construction, presented an organizational chart of MWRA's Metropolitan Tunnel Program staff and consultant team, including the Preliminary Design Engineer that completed its work in early 2024; Geotechnical Services team, which has completed over 66 deep rock borings; and Final Design Engineer, which began work November 2024. He discussed upcoming procurements for the Construction Manager and Owner's Representative contracts.

Next, Mr. Savard presented the Tunnel Program schedule, noting that staff plan to engage the Construction Manager and Owner's Representative in March 2026 after the Final Design Engineer submits the 60% design package for the South Tunnel, and pending Board approval. He outlined the anticipated scopes of work, costs and schedules.

Mr. Savard noted that MWRA had not used Owner's Representative services for previous tunnel contracts and explained that an Owner's Representative is planned for the Metropolitan Tunnel Program as required by Massachusetts General Laws Chapter 30, §39M½. He reviewed the anticipated scope and duration of the Owner's Representative contract.

Next, Mr. Savard presented a map of the Tunnel Program's shaft site locations and discussed land acquisition activities. He reported that MWRA currently owns three shaft sites (School Street in Waltham, St. Mary Street Pumping Station in Needham, and Newton Street Pump Station,) and noted that the remaining sites will require land acquisition from the Massachusetts Department of Transportation (MassDOT), the Department of Conservation and Recreation (DCR), City of Waltham, and Town of Wellesley.

He explained that the five properties to be acquired from MassDOT include all three of the tunnel boring machine launching shaft sites, one receiving shaft site, and one large connection shaft site, and described their locations in Weston and Needham.

Mr. Savard also discussed two properties for acquisition from DCR for a South Tunnel receiving shaft site in Mattapan and connection shaft site in Jamaica Plain. He advised that disposition of land for the Jamaica Plain site will require Article 97 legislation to meet the obligations of the Open Space Act, including the identification of replacement land, and that MWRA is working with DCR to identify an appropriate parcel.

He then updated the Board on the progress of acquiring land for a South Tunnel connection shaft site in Wellesley that will also require Article 97 legislation with Open Space obligations; and, for a North Tunnel receiving shaft site and connection site in Waltham. He noted that staff are working with municipal representatives on these acquisitions.

Finally, Mr. Savard discussed the acquisition of a series of subterranean sites along the tunnel alignment under approximately 600 individual properties, pending the determination of the tunnel alignments' final locations, which are expected with the 60% design submittal in early 2026.

Mr. Peña asked how many tunnel boring machines (TBMs) will be used for the Tunnel Program, and the timeline for building and delivering them. Mr. Savard explained that the tunnel will be built in three segments; three TBMs could potentially be in simultaneous operation at some point during construction; and TBM fabrication typically takes 12-18 months. There was brief discussion about TBM delivery and onsite assembly. There was also discussion about the responsibilities of the Owner's Representative, including independent monitoring and review of the Tunnel Program, and filing annual reports with the Inspector General's office.

Mr. Taverna asked how many rock core samples were expected to be obtained. Mr. Savard explained that approximately 30% of the samples have yet to be completed; work is ongoing; and large volumes of data have been collected. Citing the emergency response for a recent tunnel collapse in Los Angeles, Mr. Taverna requested information about MWRA's emergency response plan for the Tunnel Program. Mr. Savard explained that staff and local officials are developing emergency response plans, and the tunnel contractor will be required to have OSHA teams on site. There was general discussion about the Los Angeles tunnel project and the Metropolitan Water Tunnel Program.

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

ApprovalsApproval for Admission of Lynnfield Center Water District to the MWRA Water System,
Waiver of Entrance Fee and Authorization to Execute a Water Supply Agreement

Mr. Taverna announced that this agenda item was postponed. (ref. VII B.1)

Contract AwardsTechnical Assistance Consulting Services for the John J. Carroll Water Treatment Plant:
Hazen and Sawyer, P.C., Contract 8130, CDM Smith, Inc., Contract 8131

A motion was duly made and seconded to approve the recommendation of the Consultant Selection Committee to award two separate contracts to provide Technical Assistance Consulting Services for the John J. Carroll Water Treatment Plant, and to authorize the Executive Director, on behalf of the Authority, to execute Contract 8130 with Hazen and Sawyer, P.C. and Contract 8131 with CDM Smith, Inc., each in an amount not-to-exceed \$2,000,000.00, with a contract term of 24 months from the Notice to Proceed.

Ms. Mallett requested Board approval of two separate technical assistance consulting services contracts for the Carroll Water Treatment Plant with Hazen and Sawyer, P.C. and CDM Smith, Inc. She presented a summary of the contracts' costs and the project selection committee's points and rankings for the four proposals received.

Mr. Taverna asked if staff had interviewed the two selected firms. Ms. Mallet responded in the negative and explained that both firms hold contracts with MWRA. Mr. Jack Walsh asked how many staff served on the selection committee. Ms. Mallet explained that there were five members. There was brief discussion about the points and rankings.

Chair Tepper asked if there was any 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		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

(ref. VIII C.1)

Contract Amendments/Change OrdersSection 101 Pipeline Extension (Waltham): Baltazar Contractors, Inc., Contract 7457, Change Order 14

A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Change Order 14 to Contract 7457, Section 101 Pipeline Extension, with Baltazar Contractors, Inc., for a not-to-exceed amount of \$540,000.00, increasing the contract amount from \$36,717,495.15 to \$37,257,495.15, with no increase in contract term.

Further, a motion was duly made and seconded to authorize the Executive Director to approve additional change orders as may be needed to Contract 7457 in an amount not-to-exceed the aggregate of \$500,000.00 and 180 days in accordance with the Management Policies and Procedures of the Board of Directors.

Martin McGowan, MWRA Director of Construction, discussed a proposed change order 14 to the Section 101 Pipeline Extension Contract (Waltham) with Baltazar Contractors, Inc., for final pavement restoration on Lexington Street and to address an unforeseen utility conflict: a City drain crossing the MWRA water main near the Lexington Town line. He presented a photo of the conflict.

Mr. McGowan explained that staff had worked closely with the City's engineers to evaluate options to revise the drain crossing and maintain the drain's capacity; the final design included a dual ductile line and additional structures. He presented photos of extended excavation and pavement disturbance due to the location of the crossing. He advised that the road's condition requires full-width mill and overlay, rather than trench restoration, and noted that the City has agreed to reimburse MWRA for the cost to repave portions of the road that were undisturbed by the construction contract.

Mr. McGowan presented a drawing of the contract's paving requirements and reiterated that the City of Waltham has agreed to reimburse MWRA for \$160,000 of the total change order amount. Finally, he reported that the pipeline's construction and pressure testing are complete; disinfection is underway; and activation is anticipated this summer.

In response to a question from Mr. Taverna, Mr. McGowan affirmed that construction and pressure-testing are complete, and that final paving is expected to take place in early fall, pending water quality test results. Mr. Laskey discussed the complexity of this project.

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		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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Foti

Peña

Swett

Taverna

Vitale

J. Walsh

P. Walsh

(ref. VIII C.1)

PERSONNEL AND COMPENSATIONApprovalsJuly 2025 PCR Amendments

A motion was duly made and seconded to approve an amendment to the Position Control Register (PCR) as presented in the June 18, 2025 Staff Summary and filed with the records of this meeting.

Wendy Chu, MWRA Human Resources Director, invited Board members' questions on the June 2025 Position Control Register (PCR) amendments, which included the creation of two positions and two salary adjustments.

There was brief discussion with questions and answers about one of the two proposed salary adjustments.

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>
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Tepper

Flanagan

Foti

Peña

Swett

Taverna

Vitale

J. Walsh

P. Walsh

(ref. VIII A.1)

Appointment of Manager, Maintenance, Deer Island Operations Division

A motion was duly made and seconded to approve the appointment of Mr. Mark Lavino to the position of Manager, Maintenance, Deer Island (Non-Union, Grade 14) at the recommended salary of \$168,000 commencing on a date to be determined by the

Executive Director.

Ms. Chu referred Board Members to the Staff Summary for details about the recommended candidate's qualifications and noted that he is a long-term MWRA employee.

Mr. Laskey briefly discussed the candidate's work background.

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		
Peña		
Swett		
Taverna		
Vitale		
J. Walsh		
P. Walsh		

(ref. VIII A.2)

CORRESPONDENCE TO THE BOARD

Chair Tepper announced that the Board of Directors received correspondence from the Town of Oakham's Planning Board Chairman Phillip Warbasse, regarding the effect of battery storage fire on the MWRA Quabbin water system, and from Michael Horvitz of Brookline regarding a proposed battery storage facility near the Ware River.

Chair Tepper noted that Mr. Laskey had discussed the battery storage facility in his report (ref. III). There was brief discussion about the location of the proposed facility.

Chair Tepper asked if there was any discussion or questions from the Board. Hearing none, she moved to Other Business. (ref. IX A and B)

OTHER BUSINESS

There was no Other Business. (ref. X)

ADJOURNMENT

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

Hearing no 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		

Yes No Abstain

Foti

Peña

Swett

Taverna

Vitale

J. Walsh

P. Walsh

(ref. XI)

The meeting adjourned at 3:05pm.

Approved: September 17, 2025

Attest:

 for

Brian Peña, Secretary

LIST OF DOCUMENTS AND EXHIBITS USED

- Draft Minutes of the May 21, 2025 MWRA Board of Directors' Meeting (ref. I)
- July 23, 2025 Staff Summary – Delegated Authority Report – June 2025 (ref. V A.1)
- July 23, 2025 Staff Summary and Presentation – MWRA Energy and Sustainability Program Overview (ref. V A.2)
- July 23, 2025 Staff Summary – Approval of Eighty-Ninth and Ninetieth Supplemental Resolutions and Award of Liquidity Agreements (ref. V B.1)
- July 23, 2025 Staff Summary and Presentation – Deer Island Treatment Plant Clarifier Rehabilitation, Phase II Walsh Construction Company II, LLC Contract 7395, Change Order 2 (rev. VI A.1)
- July 23, 2025 Staff Summary and Presentation – Deer Island Treatment Plant Clarifier Rehabilitation, Phase II Design/Engineering Services During Construction CDM Smith Inc. Contract 7394, Amendment 4 (ref. VI A.2)
- July 23, 2025 Staff Summary and Presentation – Hayes Pump Station Rehabilitation Design and Engineering Services Hazen and Sawyer, P.C. Contract 7162, Amendment 4 (ref. VI A.3)
- July 23, 2025 Staff Summary and Presentation – 8(m) Permitting Update (ref. VII A.1)
- July 23, 2025 Staff Summary and Presentation– Metropolitan Water Tunnel Program Look Ahead (ref. VII A.2)
- July 23, 2025 Staff Summary and Presentation – Technical Assistance Consulting Services for the John J. Carroll Water Treatment Plant Hazen and Sawyer, P.C.,

Contract 8130 CDM Smith, Inc., Contract 8131 (ref. VII C.1)

- July 23, 2025 Staff Summary and Presentation – Section 101 Pipeline Extension (Waltham) Baltazar Contractors, Inc. Contract 7457, Change Order 14 (ref. VII D.1)
- June 18, 2025 Staff Summary – July 2025 PCR Amendments (ref. VIII A.1)
- June 18, 2025 Staff Summary – Appointment of Manager, Maintenance, Deer Island Operations Division (ref. VIII A.2)
- July 11, 2025 correspondence from Phillip Warbasse, Chairman, Town of Oakham Planning Board regarding Effect of Battery Storage (BESS) Fire on MWRA Quabbin Water System (ref. IX.A)
- July 11, 2025 correspondence from Michael Horvitz of Brookline, MA regarding Proposed battery storage facility near Ware River (ref IX.B)