

**MASSACHUSETTS WATER RESOURCES AUTHORITY**

Meeting of the Board of Directors

September 13, 2023

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A meeting of the Massachusetts Water Resources Authority (“MWRA”) Board of Directors was held on September 13, 2023 at MWRA’s headquarters at Deer Island in Boston, and also via remote participation.

Chair Tepper presided via remote participation. Board Members Vitale and Foti also participated remotely. Board Members Flanagan, Pappastergion, Peña, Taverna, Jack Walsh and White-Hammond participated from MWRA headquarters. Board Members Patrick Walsh and Wolowicz were absent.

MWRA Executive Director Frederick Laskey; General Counsel Carolyn Francisco Murphy; Chief Operating Officer David Coppes; Deputy Chief Operating Officer Rebecca Weidman; Director of Finance Thomas Durkin; Director of Administration Michele Gillen; Special Assistant for Affirmative Action Patterson Riley; Lisa Bina, Deputy Director, Waterworks; Betsy Reilley, Director of Environmental Quality; Stephen Cullen, Director, Wastewater; Marty McGowan, Director, Construction; Patricia Mallett, Senior Program Manager, Engineering and Construction; Stephen Estes-Smargiassi, Director, Planning and Sustainability; Katie Ronan, Project Manager, Environmental Permitting; John Gregoire, Program Manager, Reservoir Operations; Wendy Chu, Human Resources Director; Michael O’Keefe, Senior Program Manager, Planning; Colleen Guida, Real Property Manager; Douglas Rice, Director of Procurement; Gary Cacace, MWRA Director of Security; and, Assistant Secretaries Ria Convery and Kristin MacDougall participated at MWRA headquarters. Vandana Rao, Executive Office of Environmental Affairs (EEA) and Matthew Romero, MWRA Advisory Board, also participated from MWRA headquarters.

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 Chair Tepper and Board Member Vitale were participating remotely. The Chair announced that 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. She also announced that individual roll call votes would be conducted after each motion was made and given an opportunity for discussion.

**APPROVAL OF JULY 19, 2023 MINUTES**

Board Member Taverna noted that the draft minutes contained a minor typographical error.

**A motion was duly made and seconded to approve the minutes of the Board of Directors’ meeting of July 19, 2023 upon the correction of a minor typographical error.**

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		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		

(ref. I)

#### REPORT OF THE EXECUTIVE DIRECTOR

Fred Laskey, MWRA Executive Director, wished a happy birthday to retired MWRA Advisory Board Executive Director Joseph Favaloro. Next, he reported that staff participated in a September 7, 2023 “turning of the wheel” ceremony for the Town of Burlington’s admission to the MWRA water system. He noted that Lt. Governor Driscoll and other state and local elected officials were in attendance, and thanked MWRA staff for their efforts. Mr. Laskey then reported on MWRA’s ongoing preparations for predicted heavy storms. He briefly reviewed the status of MWRA’s dams, and noted that staff were preparing an updated hurricane emergency response plan. Next, Mr. Laskey reported that NEFCO agreed to defend and indemnify the MWRA from the claims asserted in the Chapter 21E notice related to PFAS. He then reported that the Journal of the Boston Society of Civil Engineers will publish a history of the water system, adding that he will distribute copies to Board Members at a later date. He thanked staff for their work on the journal. Next, Mr. Laskey wished Lexi Dewey well on her upcoming retirement from her role as Executive Director of the Water Supply Citizens Advisory Committee to the MWRA (WSCAC). He thanked Ms. Dewey for her service, environmentalism, and kindness. Finally, Mr. Laskey announced that Ria Convery, MWRA Special Assistant to the Executive Director, will retire in October 2023. He described Ms. Convery’s significant role in MWRA’s history, praised her outstanding record of dedication and competence, and presented her with a commemorative award. Ms. Convery thanked Mr. Laskey, and acknowledged the work of MWRA Board Members and staff.

(Mr. Foti joined the meeting during the report.) (ref. III)

#### EXECUTIVE SESSION

Chair Tepper requested that the Board move into Executive Session.

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		

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

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

General Counsel Francisco Murphy announced that the Board would move to Executive Session to discuss Real Estate and Litigation, since discussing such in Open Session could have a detrimental effect on the negotiating and litigating positions of the Authority.

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

The meeting entered Executive Session at 1:11am and adjourned at 1:24pm.

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

#### WASTEWATER POLICY AND OVERSIGHT

##### Information

##### Storm Impacts on MWRA's Wastewater System and Receiving Waters

Staff presented an overview of storm impacts on MWRA's wastewater system and receiving waters during the summer of 2023. Lisa Bina, MWRA Deputy Director, Waterworks, began the presentation with a comparison of summer (June, July and August) total rainfall levels in Eastern Massachusetts from 1955 through 2023. She noted that 2023 has been the second wettest summer on record in Massachusetts (20.33 inches, with no hurricanes), surpassed only by 1955 (24.89 inches, including from Hurricane Carol.) Next, Ms. Bina described high intensity rainfall events across the state in 2023, characterized by strong localization and variable, difficult-to-predict storm paths. She advised that staff closely monitors storms and prepares for higher ranges of predicted rainfall.

Ms. Bina then discussed the impacts of high intensity rainfall events on MWRA's wastewater system, including the activation of Combined Sewer Overflow (CSO) treatment facilities. She also discussed MWRA's storm response protocols. She noted that in a typical year, one or two storms will trigger the activation of all four MWRA CSO treatment facilities; in comparison, three such storms occurred in a three-week period during in the summer of 2023. Ms. Bina advised that during an August 8, 2023 rainfall event, a total of 57.4 million gallons (MG) of treated discharges, and 1.49 MG of untreated discharges, were released at CSO outfalls in the MWRA service area.

Next, Betsy Reilley, Director of Environmental Quality discussed how high intensity rainfall events impact CSO receiving waters, beaches and source water quality. She advised that the majority (81%) of all CSO discharges in summer 2023 received treatment with chlorination and dechlorination. She further

advised that receiving water monitoring assessments show that CSO discharges in MWRA's service area are primarily (95%) comprised of storm water. Ms. Reilley stressed that there are no CSO discharges to beaches in the MWRA service area, and noted that some of the beaches (Wollaston, Tenean, Malibu and Constitution) have storm water outfalls, which are sources of bacterial pollution.

Ms. Reilley then discussed MWRA's notification procedures for CSO and sewage discharges, in compliance with public reporting requirements. She noted that notifications include alerts to newspapers, local Boards of Health, and online subscribers. She explained that local Boards of Health must issue a follow-up notification if a discharge is more than two hours in duration, adding that the media has taken note of the discharge alerts. Ms. Reilley advised that a combination of frequent storm-related CSO notifications and beach postings, and the local media's inaccurate conflation of CSO and storm water discharges may have contributed to a number of news reports inaccurately associating CSO discharges with area beach closings during the summer of 2023.

Next, Ms. Reilley presented the impacts of rainfall events on MWRA's drinking water systems. She noted that MWRA's large reservoirs are able to absorb the impacts of both heavy rains and dry periods, and briefly summarized MWRA's process for transferring water from the Quabbin Reservoir to the Wachusett Reservoir. She noted that the water in the Wachusett typically becomes stratified (warm water at the top, cold water at the bottom) during the summer months, and that during transfers, Quabbin water enters the Wachusett in a specific layer, providing higher quality water at the Cosgrove intake.

Ms. Reilley then advised that during summer 2023, MWRA could not transfer as much water from the Quabbin to the Wachusett as usual due to heavy rains. She explained that these rains meant that Wachusett Reservoir received more local tributary flow than usual, and noted that local tributary flow includes higher levels of natural reactive organic matter, measured as UV254. Ms. Reilley discussed the impacts of seasonal Wachusett Reservoir UV254 levels on MWRA's water treatment. She explained that higher UV254 levels require more treatment with ozone and chlorine, and make it harder to maintain chlorine residual levels through community distribution systems. She presented a chart of UV254 levels in Carroll Treatment Plant raw water from 2019 to date, noting that in typical years, Wachusett UV254 levels decline mid-summer as a result of Quabbin transfers, resulting in higher quality water entering the intake and the treatment plant.

Rev. White-Hammond asked if UV254 affects the taste and odor of MWRA's drinking water. Ms. Reilley explained that ozonation effectively neutralizes any tastes or odors from organic matter. She further explained that seasonal drinking water taste changes are typically caused by algae, and noted that algae levels were low in MWRA's reservoirs during summer 2023. There was brief, general discussion about MWRA drinking water's quality and taste.

Ms. Reilley resumed discussion of Wachusett UV254 levels in 2023. She reported that the levels were currently higher than normal due to continued high-impact rain events, and that staff will continue to adjust water treatment accordingly. She then advised that elevated UV254 levels can increase water's

lead solubility; therefore, current levels may impact the September 2023 round of Lead and Copper Rule sampling results.

Finally, Ms. Reilley summarized the effects of climate change on MWRA's systems, and staff's ongoing response to these challenges, including the incorporation of climate change projections into CSO control planning, and adjustments to drinking water treatment as needed.

(Rev. White-Hammond joined the meeting during the presentation.)

Mr. Laskey briefly described how MWRA's water quality monitoring system works, and how high impact rainfall events effect the system. There was brief general discussion about water quality monitoring.

Mr. Taverna asked if MWRA water quality staff have adequate time to react to high intensity storm events. Ms. Reilley explained that staff were well equipped to maintain drinking water quality through these events, and summarized the logistics of MWRA's water quality monitoring program. She noted that MWRA's water treatment facilities include automated systems for measurement, analysis, and dosage adjustments, and that staff monitor and adjust water treatment 24 hours per day.

Board Member Jack Walsh requested more information about the impacts of major storms on MWRA's South System sewer facilities. Stephen Cullen, MWRA Director of Wastewater, explained that the South System experiences fewer rainfall impacts because of sewer separation.

Board Member Vitale asked staff to clarify the terms "full treatment" and "partial treatment" with regards to CSOs. Ms. Reilley explained that the Department of Environmental Protection (DEP) defines the CSO chlorination/dechlorination process as "partial treatment" because it does not provide the same level of treatment as a full wastewater treatment plant. She further explained that while some CSOs in the MWRA service area are not treated with chlorination/dechlorination, all of the outfalls receive floatables control. Mr. Vitale asked staff to explain the definition of the term "0% treated CSOs" as referenced in a table on page 2 of the Staff Summary. Ms. Reilley noted that the term refers to CSOs that are not treated with chlorination/dechlorination. There was brief, general discussion about the table in the Staff Summary, and the basins where 0% treated CSOs are located.

Hearing no further discussion or questions from the Board, Committee Chair Jack Walsh moved to Contract Amendments/Change Orders. (ref. V A.1)

#### Contract Amendments/Change Orders

Nut Island Headworks Odor Control and HVAC Improvements Inspections, Evaluations, Design, Construction Administration and Resident Engineering Services Hazen and Sawyer, P.C. Contract 7517, Amendment 5

**A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to approve Amendment 5 to Contract 7517, Nut Island Headworks Odor Control and HVAC**

**Improvements Inspections, Evaluations, Design, Construction Administration and Resident Engineering Services, with Hazen and Sawyer, P.C., increasing the contract amount by \$433,117.34, from \$8,730,751.51 to \$9,163,868.85, and extending the contract term by 215 days, from June 30, 2024 to January 31, 2025.**

Marty McGowan, MWRA Director, Construction, presented the reasons for a proposed Amendment to a Nut Island Headworks odor control and HVAC improvements professional services contract. He began with an overview of the facility's location, and provided status updates on HVAC and odor control systems improvements. He noted that supply chain issues have caused some project delays. Next, Mr. McGowan discussed ongoing site regrading efforts. He advised that recent heavy rain storms have caused slight delays in the schedule for planting, which is now expected to take place in October. He then presented an update on final site paving, noting that staff were working diligently to return Nut Island's open space areas to conditions suitable for safe public use in fall, 2023. Mr. McGowan then presented the scope and terms of the proposed Amendment, including a 215-day contract extension for resident engineering/resident inspection (RE/RI) and engineering services during construction (ESDC), while construction contractors address the previously discussed delays. He advised that staff expect contract closeout in January, 2024. Finally, Mr. McGowan described the job functions of RE/RI contractors, and stressed that the proposed Amendment is important to ensure the coordinated and timely completion of the project, which is taking place in a major, operating facility.

Mr. Taverna asked whether the basis for payment of the services was cost plus fixed fee, and Mr. McGowan responded in the affirmative.

Mr. Jack Walsh asked why staff were requesting Board approval of this Amendment a year ahead of the expected contract closeout. Mr. McGowan explained that the Amendment is needed for RE/RI and ESDC services during the time period between the previous anticipated Substantial Completion date (June 2023) and the anticipated contract closeout (January 2024.) He briefly described the RE/RI and ESDC activities that are expected to take place. Mr. Walsh requested more information about the RE/RI and ESDC contractor payment process. Mr. McGowan explained that the consultant submits monthly invoices to MWRA detailing all billable hours and are only reimbursed for the actual hours worked. Mr. Walsh thanked MWRA staff for their excellent work and responsiveness on the 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		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		

Yes

No

J. Walsh

White-Hammond

(ref. V B.1)

## WATER POLICY AND OVERSIGHT

### Information

#### Update on the John J. Carroll Water Treatment Plant Corrosion Control Optimization Study

Patricia Mallett, MWRA Senior Program Manager, Engineering and Construction, presented an update on the Carroll Water Treatment Plant corrosion and control optimization study, undertaken in preparation for the upcoming federal Revised Lead and Copper Rule (LCRR). She provided an overview of MWRA's current corrosion control treatment strategy for drinking water, noting that it has achieved an over 90% reduction in lead levels since the mid-1990s. She then reported that the most recent 90% lead levels for MWRA's fully supplied communities is 7.3 parts per billion (ppb), well below the Lead Action Level of 15 ppb. Ms. Mallett advised that compliance with LCRR revisions, which include a new trigger level of 10ppb, will be required by October, 2024. She explained that achieving the new, lower trigger level could be challenging, particularly with regards to new required sampling methods. She further explained that the objective of the new LCRR sampling methods is to provide a more representative sample of water from lead service lines by sampling the fifth liter of water collected, and noted that MWRA's annual community lead and copper sampling is being conducted during September, 2023.

Ms. Mallett then advised that MWRA staff are proactively conducting studies to evaluate potential water treatment alternatives to meet current and future regulatory requirements. She described how the lead pipe rig study being conducted at the John J. Carroll Water Treatment Plant is evaluating how various treatment methods effect lead service lines. She summarized the study's design, methods, and goals. Ms. Mallett then outlined the study's three phases: construction (July 2020 – September 2021), acclimation (October 2021 – July 2023) and experimental (August 2023 – August 2024+). She noted that the overall study will include an evaluation of the operational and water quality impacts of adding phosphate for drinking water treatment.

Next, Ms. Mallett discussed findings from the study's acclimation phase. She noted that study data appears to correlate lead levels with raw water organic matter as measured by the water quality testing parameter UV254, adding that this finding could prove useful in managing MWRA's system water quality. She further noted that MWRA's current UV254 levels are high because of decreased transfers from the Quabbin reservoir due to wet weather, and that this could impact lead test results.

Ms. Mallett then presented a brief overview of MWRA's ongoing efforts to reduce lead exposures, including its Lead Service Line Replacement Loan program for member water communities.

Finally, Ms. Mallett advised that the EPA is expected to issue additional LCR changes this fall, which could include sampling protocols, a reduction of the lead Action Level, and mandates for lead service

line replacements. Ms. Mallett further advised that these changes could result in more communities exceeding the lead Action Level, which would trigger required public notifications within 24 hours. She added that potential added LCR changes could include a requirement for MWRA to complete a corrosion control study if the system exceeded the lead Action Level or Trigger Level, noting that MWRA is proactively preparing for this possibility by conducting this study.

Board Member Peña requested more information about the reasons for the study's finding of a correlation between UV254 and lead. Stephen Estes-Smargiassi, MWRA Director of Planning and Sustainability explained that the study's sampling frequency has produced large amounts of data that reinforces a pattern of correlation that was previously suggested by routine twice-annual sampling data. He then advised that further study is needed to identify a more detailed explanation. Mr. Estes-Smargiassi noted that MWRA manages Quabbin transfers carefully to reduce UV254 absorbance, and to reduce chlorine demand and ozone usage.

Rev. White-Hammond asked for more information about potential sources of lead in MWRA drinking water. Mr. Estes-Smargiassi explained MWRA's source waters' lead levels are near zero, and that MWRA has not seen significant changes in source water lead levels. He advised that lead service lines are the most common source of lead in tap water within the service area. He added that only a small percentage of service lines in MWRA's service area are made of lead, and noted that MWRA and its member communities are working to reduce the number of local lead service lines. Mr. Estes-Smargiassi explained that MWRA's corrosion control treatment reduces the likelihood that that lead will dissolve into drinking water as it passes through service lines.

There was discussion about MWRA's ongoing corrosion control program, which has achieved a 90% reduction in lead levels since 1997, and ways to potentially reduce tap lead levels further, including adjustments to water chemistry and more aggressive lead service line replacement in communities. There was also general discussion about the progress of MWRA's Lead Service Line Replacement Loan Program, and common sources of lead in home drinking water, such as lead solder and old brass faucets. Mr. Vitale noted that the City of Boston had recently upgraded its program for private lead service line replacements, which are now available at no cost to property owners. He advised that requests for lead service line replacements in Boston have risen significantly since the program changed.

Hearing no further questions or discussion from the Board, Committee Chair Vitale moved to Approvals. (ref. VI A.1)

#### Approvals

Memorandum of Agreement with the U.S. Army Corps of Engineers and the Massachusetts Historical Commission to Facilitate Federal Permitting for the Removal of the Quinapoxet River Dam

**A motion was duly made and seconded to authorize the Executive Director, on behalf of the Authority, to execute a Memorandum of Agreement with the U.S. Army Corps of Engineers and the Massachusetts Historical Commission, substantially in the form attached to the September 13, 2023 Staff Summary presented and filed with the records of this meeting, in order for the Army Corps to**

**proceed with an anticipated Clean Water Act Section 404 Permit required for the removal of the Quinapoxet Dam at MWRA's Oakdale Power Station facility in West Boylston.**

Katie Ronan, MWRA Project Manager, Environmental Permitting, presented an overview of a Memorandum of Agreement (MOA) for the removal of the Quinapoxet Dam. She began with background on the dam's location, functions, history and features, which include a concrete arched spillway and an 86-foot long fish ladder. Ms. Ronan explained that MWRA staff have been working closely with the Department of Conservation and Recreation (DCR) and the Massachusetts Division of Ecological Restoration (DER) on the dam removal project, with a goal of restoring the Quinapoxet River to its natural conditions. She described the environmental benefits of removing the dam, including restoring in stream habitat, enabling fish and wildlife passage, and opening up 35 miles of cold water fish habitat. Ms. Ronan noted that the dam removal project also includes public access improvements, such as construction of a new ADA accessible pathway and fishing platform.

Next, Ms. Ronan discussed the permit requirements for the dam removal project, including a US Army Corps of Engineers (ACACE) Clean Water Act 404 permit for in-stream excavation and dredging. She explained that federal permitting also requires enhanced review by the Massachusetts Historical Commission (MHC). She advised that the MHC and ASACE had determined that removal would have an adverse effect on the historic dam. She explained that the determination does not prevent MWRA from removing the dam, but requires the execution of a Memorandum of Agreement (MOA) between MWRA, USACE and MHC that outlines mitigation measures.

Ms. Ronan then summarized the terms of the proposed MOA. She explained that the MOA's mitigation requirements, including the completion of inventory forms to document and record information on historic resources, had been submitted and accepted by MHC. She added that the MOA has a term of three years, and includes stipulations for unanticipated discovery, dispute resolution and amendments.

Next, Ms. Ronan described the next steps of the permitting process. She explained that the permitting was nearly complete, with only a Chapter 91 license and the previously discussed USACE 404 permit outstanding, pending the execution of the MOA. She noted that the contract procurement process for the dam removal project was underway, with a goal of recommending a contract award to the Board in October, 2023. Finally, Ms. Ronan presented examples of completed dam removal/river restoration projects in Plymouth and Andover, Massachusetts.

Chair Tepper thanked staff for their cooperation with dam removal projects.

Rev. White-Hammond asked if MWRA had undertaken similar dam removal projects in the past. Ms. Ronan explained that the Quinapoxet Dam removal would be the first such project at MWRA. Mr. Laskey added that the dam is no longer needed for MWRA operations and that its removal would bring environmental benefits. Rev. White-Hammond asked if there were other MWRA dams that could potentially be removed. Mr. Laskey advised that there are currently no plans to remove additional dams. Mr. Jack Walsh asked if the Quinapoxet Dam removal will impact upstream river flows. Ms. Ronan

explained that the restored river is expected to mimic natural flow patterns. Mr. Laskey added that the project has significant wildlife benefits, like MWRA's McLaughlin Fish Hatchery Pipeline and Hydropower Project.

Board Member Pappastergion noted that the design and permitting contract for the Quinapoxet Dam removal project was awarded four years ago. MWRA Chief Operating Officer David Coppes explained that the Board had approved an Amendment to extend that contract's duration in 2022 that was requested due to permitting delays. Mr. Pappastergion asked if the current delays were Covid related. Mr. Coppes explained that the delays discussed with the Board in 2022 were attributable to Covid, and that the reasons for the current delays would be further explained in agenda item VI C.1.

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		
White-Hammond		

(ref. VI B.1)

#### Contract Amendments/Change Orders

Quinapoxet Dam Removal Design, Permitting and Engineering Services During Construction: SLR International Corporation, Contract 7347, Amendment 2

**A motion was duly made and seconded to approve Amendment 2 to Contract 7347, Quinapoxet Dam Removal, Design and Engineering Services During Construction, with SLR International Corporation to increase the contract amount by \$194,986.60, from \$425,442.07 to \$620,428.67 and increase the contract term by 24 months from April 1, 2024 to April 1, 2026.**

John Gregoire, Program Manager, Reservoir Operations, summarized the scope of benefits of the Quinapoxet Dam Removal project, including the restoration of migration access for landlocked salmon in the Wachusett Reservoir. Next, he described the needs and rationale for the proposed Amendment for design, permitting and engineering during construction contract. He advised that there is a discrete window for construction, which can only occur in October through April, when Quabbin transfers can be suspended. He then explained that staff were requesting a time extension for required additional permitting and review, and a contract cost increase for an increased level of effort for tasks such as turbidity and structural testing modifications, and the preparation of additional submittals. Finally, Mr.

Gregoire advised that the proposed Amendment includes a task order allowance for increased level of effort and unforeseen conditions, noting that the record drawings of the Quinapoxet Dam are over 100 years old.

Rev. White-Hammond requested clarification on the timeline of the design/ESDC contract and the upcoming dam removal construction contract. Mr. Gregoire explained that design/ESDC work and preparations for construction in the river channel would take place through the rest of 2023 into 2024. He advised that construction was not likely to begin until October 2024, when Quabbin transfers can be suspended more safely. He added that the proposed Amendment includes a time extension request for ESDC and a warranty period.

Mr. Taverna asked for more information about the DCR Green Docket process, and why it applies to this project. Mr. Gregoire explained that the DCR Green Docket program, implemented in 2022, is a permitting review requirement for projects that take place on DCR property. He further explained that this process was retroactively applied to this contract, which required revising submittals to meet Green Docket requirements contributed to the project's permitting delays.

Rev. White-Hammond suggested that MWRA meet with DCR staff to discuss DCR Green Docket program requirements. Mr. Coppes explained that MWRA and DCR staff hold quarterly coordination meetings, and that the two agencies have a collaborative working relationship. There was brief, general discussion about the Green Docket program.

Mr. Pappastergion asked which entity owns the Quinapoxet Dam. Mr. Gregoire explained that the dam is owned by the Commonwealth of Massachusetts, in care of the DCR. Mr. Pappastergion asked why the dam is being removed. Mr. Gregoire explained that the dam is obsolete and requires costly maintenance and repairs. Mr. Pappastergion requested clarification on the reasons why MWRA was funding the dam's removal, and asked for further information about the project's benefits to MWRA. Mr. Coppes explained that the dam is a capital liability and that MWRA pays for DCR maintenance costs. He further explained that its removal will reduce ongoing and future maintenance costs, and provide environmental benefits, in alignment with MWRA's mission. There was general discussion about the project's permitting process, the DCR Green Docket, and MWRA and DCR's respective responsibilities for funding improvement projects. Mr. Laskey noted that MWRA is a steward of its watersheds, and advised that staff will discuss the funding responsibilities for potential future capital maintenance projects with DCR.

Rev. White-Hammond complimented current DCR leadership. Chair Tepper noted that under its new leadership, DCR staff have been making efforts to collaborate with and reach out to fellow state agencies, and that they would welcome further conversation about funding for future capital projects.

(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		
White-Hammond		

(ref. VI C.1)

#### PERSONNEL AND COMPENATION

##### Approval

##### PCR Amendments – September 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, described six proposed PCR amendments, including a title and grade change to one filled position in the Executive Division; a title change and salary adjustment to one filled position in Public Affairs; a grade change and salary adjustment to one filled position in the Executive Division; two title and grade changes to two vacant positions in the Operations Division; and, the creation of a new Third Class Engineer position in the Operations Division, Deer Island Thermal Power Plant Department to better meet staffing needs.

Mr. Jack Walsh requested more information about the need to create the Third Class Engineer position. Ms. Chu explained that the new position would address staffing challenges at the Thermal Power Plant. Mr. Coppes added that the Third Class engineer position is needed to maintain license requirements, provide adequate coverage, and for succession planning. There was general discussion about ongoing staffing challenges for Thermal Power Plant positions; the functions of the plant; the extended length of posted job vacancies; and the pros and cons of overtime. MWRA Director of Administration Michele Gillen described MWRA's ongoing overall efforts for staff recruitment and retention, including training and career ladders. She advised that the Thermal Power Plant positions have been historically difficult to fill, and described previously-approved PCR amendments to promote recruitment. Mr. Walsh expressed support for MWRA's strategies for on the job staff training.

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		

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Flanagan		
Foti		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
White-Hammond		

(ref. VII A.1)

Appointment of Katherine M. Ronan, Chief of Staff

**A motion was duly made and seconded to approve the appointment of Ms. Katherine M. Ronan to the position of Chief of Staff, Executive Division (Non-Union Grade 14) at an annual salary of \$125,000, commencing on a date to be determined by the Executive Director.**

Ms. Chu described the proposed candidate's work experience and qualifications, and the position's responsibilities and job requirements.

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		
Pappastergion		
Peña		
Taverna		
Vitale		
J. Walsh		
White-Hammond		

(ref. VII A.2)

Appointment of Colleen Rizzi, Director, Environmental and Regulatory Affairs, Operations Division

**A motion was duly made and seconded to approve the appointment of Ms. Colleen Rizzi to the position of Director, Environmental and Regulatory Affairs, Operations Division (Non-Union Grade 16) at an annual salary of \$167,000, commencing on a date to be determined by the Executive Director.**

Ms. Chu described the proposed candidate's work experience and qualifications, the position's responsibilities, and the recruitment and interview process. She noted that the candidate would transfer to the Director of Environmental Affairs from a position in the Tunnel Redundancy Program.

Mr. Taverna asked if the transfer would impact the Tunnel Redundancy Program. Ms. Chu advised that there would likely be a short-term impact and that staff are working to fill the vacancy as soon as possible. There was brief, general discussion about the operational challenges and benefits of internal promotions.

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		
White-Hammond		

(ref. VII A.3)

(Mr. Foti left the meeting after the Roll Call vote.)

#### ADMINISTRATION, FINANCE AND AUDIT

##### Information

##### Delegated Authority Report – July and August 2023

Michele Gillen, MWRA Director of Administration, invited Board Members' questions on the report.

Mr. Pappastergion noted that the Staff Summary included a duplicate page.

Mr. Jack Walsh requested more information about Item C-7: *Prison Point CSO Facility Improvements Discharge Header Rehabilitation* in the August 2023 report. Mr. Coppes explained that the project is logistically and technically complex. He further explained that the repairs are needed to address leaks, and briefly summarized the scope of work.

Mr. Taverna asked for clarification on the cost of August report Item P-13: *Purchase of Two Electric Pickup Trucks*. Ms. Gillen explained that MWRA is paying market rate for the trucks and that this purchase reflects MWRA's commitment to meeting the Commonwealth's guidelines for reducing carbon emissions. She noted that MWRA aims to electrify its fleet, and that staff plan to continue purchasing EVs. Rev. White-Hammond noted that while EVs can cost more up front than gas or diesel vehicles, they provide cost savings on other expenditures. Ms. Gillen agreed, adding that staff expects EV prices to come down as the market for them grows. There was brief, general discussion about the increasing

availability of electric trucks and SUVs, the costs of EVs, and EV fleet purchases at BWSC.

Mr. Jack Walsh asked if item P-12: *Supply and Delivery of Sodium Hypochlorite* in the July 2023 report represented a price increase. Mr. Coppes explained that the item represented a cost decrease of approximately 20%. Ms. Gillen added that staff were beginning to see lower costs for chemicals overall. There was brief, general discussion about chemical costs.

(Mr. Vitale left the meeting during the discussion.)

Hearing no further discussion or questions from the Board, Committee Vice Chair Flanagan moved to the next Information item. (ref. VIII A.1)

#### FY2023 Fourth Quarter Orange Notebook

Michael O'Keefe, MWRA Senior Program Manager, Planning, invited questions from the Board.

Mr. Pappastergion asked staff to update the Board on the Orange Notebook's most noteworthy highlights. Mr. Coppes advised that the impacts of staffing challenges on maintenance metrics was a notable theme in the Orange Notebook throughout FY2023. There was brief, general discussion about the cost of sodium hypochlorite.

Hearing no further discussion or questions from the Board, Mr. Flanagan moved to the next Information item. (ref. VIII A.2)

#### FY23 Year-End Financial Update and Summary

Thomas Durkin, MWRA Finance Director summarized year-end financial highlights for FY2023. He noted that MWRA's FY2023 budget had proven to be effective through national economic challenges, such as periods of rapidly rising inflation and interest rates. Finally, he reported that MWRA had ended the fiscal year with a positive budget variance.

Hearing no further discussion or questions from the Board, Mr. Flanagan moved to the next Information item. (ref. VIII A.3)

#### Fiscal Year 2023 Year-End Capital Improvement Program Spending Report

Mr. Durkin provided a year-end summary of the FY2023 Capital Improvement Program (CIP). He noted that the FY2023 CIP included 102 design and construction contracts, including 27 that were awarded during the fiscal year. He added that several contracts were substantially completed during this timeframe. Finally, Mr. Durkin advised that FY2023's actual spending (38.4% underspent) was higher than FY2019 through FY2022, because FY2023 was the fifth of a five-year spending cap period. Finally, Mr. Durkin reported that the FY2023 CIP was successful overall.

Mr. Taverna asked if five-year cap underspending rolls over to the next cap period. Mr. Durkin explained that the underspending does not transfer to the next cap period.

Mr. Peña asked if staff anticipate making changes to defeasance strategies with respect to the current rate environment. Mr. Durkin explained that staff are currently assessing and developing defeasance strategies and will update the Board on any recommended adjustments. He noted that staff expect the practice of applying positive budget variances to debt service to continue because this strategy has proven to provide significant cost savings.

Hearing no further discussion or questions from the Board, Mr. Flanagan moved to Approvals. (ref. VIII A.4)

#### Approvals

##### Surplus Sewer Easement of the Abandoned Upper Neponset Valley Sewer

**A motion was duly made and seconded to declare as surplus to the Authority's sewer system construction, maintenance, or operation needs and purposes a certain portion of an existing Commonwealth of Massachusetts sewer easement under the care, custody and control of the Authority and located on a parcel of land with an address of 49 Charles Park Road, Boston, as shown on Attachment A of the September 13, 2023 Staff Summary presented and filed with the records of this meeting, and to return it to the control of the Massachusetts Division of Capital Asset Management and Maintenance in accordance with Section 9(c) of Chapter 372 of the Acts of 1984 (Enabling Act), as amended.**

Colleen Guida, MWRA Real Property Manager, invited questions from the Board about the proposed declaration as surplus of an abandoned sewer easement.

Mr. Jack Walsh asked for more information about the expected use of the proposed surplus easement. Ms. Guida explained that the owner of the properties burdened by the easement planned to redevelop the easement and its adjacent parcels. Mr. Jack Walsh asked if the properties would be developed for business uses. Ms. Guida responded in the affirmative.

Mr. Pappastergion asked if the proposed surplus easement housed a pipeline. Ms. Guida explained that the easement housed an abandoned pipeline, the Upper Neponset Valley Sewer (UNVS). Mr. Pappastergion asked why MWRA is abandoning only a portion of the UNVS easement. Ms. Guida explained that MWRA initiates the process to surplus portions of abandoned easements on a case by case basis. Ms. Gillen added that this approach reflects the level of effort and cost of the easement surplussing process, and briefly described the necessary steps. Rev. White-Hammond asked if declaring the entire easement as surplus would save time. Ms. Gillen explained that a large portion of the easement is located in the public way. There was brief, general discussion about the location and characteristics of the UNVS easement. Finally, Ms. Gillen noted that MWRA had received one additional request to surplus a portion of the UNVS easement in the past.

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>
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Tepper

Flanagan

Pappastergion

Peña

Taverna

J. Walsh

White-Hammond

(ref. VIII B.1)

Contract Amendments/Change OrdersSecurity Equipment Maintenance and Repair Services, Viscom Systems, Inc. Contract EXE043, 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 EXE-043, Security Equipment Maintenance and Repair Services, with Viscom Systems, Inc. for an amount not to exceed \$186,061.15, increasing the contract amount from \$2,570,803.30 to \$2,756,864.45, and extending the contract term by 90 calendar days from September 28, 2023, to December 27, 2023.**

Douglas Rice, MWRA Director of Procurement, explained that in response to Board input at the July 19, 2023 Board of Directors Meeting (ref. V B.1, 07/19/2023), staff recommend separating the scope of work for Contract EXE-043 (Security Equipment Maintenance and Repair Services) into two, new contracts for advertisement in the upcoming months. He further explained that restructuring the scope of work would allow MWRA to use state blanket contracts that do not require Division of Capital Management and Maintenance (DCAMM) certification, and potentially increase bidder competition. Finally, Mr. Rice advised that staff were currently seeking Board approval for a change order that includes a three-month extension for Contract EXE-043 to provide continued, as-needed preventive maintenance. Mr. Laskey added that the contract repackaging approach was developed to address Board Members' feedback.

Rev. White-Hammond noted that she was looking forward to evaluating the results of the contract repackaging. Mr. Taverna asked if Viscom Systems, Inc. had received DCAMM certification since July, 2023. Gary Cacace, MWRA Director of Security, explained that Viscom had not been certified. Mr. Rice added that Viscom had not pursued the certification. Mr. Taverna asked staff to confirm that DCAMM certifications would not be required for the planned state blanket contracts. Mr. Rice confirmed that the provisions of the contracts would not require DCAMM certifications. Mr. Taverna asked if staff expected Viscom to bid on the repackaged contracts. Mr. Cacace explained that it was possible that Viscom could place bids.

Chair Tepper thanked staff for their creative approach to address the Board's comments. Hearing no further discussion or questions from the Board, Chair Tepper requested a roll call vote in which the members were recorded as follows:

