

Board of Water Commissioners Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton MA
Monday, July 13, 2020

AGENDA

A. Comments from Citizens

B. Approve Minutes from Meeting of 6/15/2020

C. Old Business:

1. Appoint One Commissioner to Approve Warrants While Conducting Meetings Virtually.
2. Update from the Town of Acton Zoning Board of Appeals Hearing for 960-962 Main Street Held On 7/7/2020.
3. Request from the Town of Acton Board of Health.
4. Update on Per- and Poly-Fluoroalkyl Substances (PFAS).

D. New Business:

Any agenda item(s) which did not come to the attention of the Board of Water Commissioners 48 hours prior to this meeting and were not reasonably anticipated.

Present at Today's Meeting:

Commissioners: Erika Amir-Lin (Chair), Barry Rosen, Stephen Stuntz

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Finance Committee: Dave Butler

Commissioners Secretary: Lynn Protasowicki

Due to the COVID-19 stay-at-home order by Governor Charles Baker, the Board of Water Commissioners meeting was not held at the Acton Water District office instead the meeting was held via a video conference using Zoom. The meeting was called to order at 7:05 PM on Monday, July 13, 2020 by Ms. Erika Amir-Lin.

A. Comments from Citizens:

Karen Allred, 4 Heald Road, inquired about her recent water bill which she stated more than doubled since last year. She understands that rates can fluctuate in spring and fall but wants to know why it doubled. She'd like to know where in the bill that it talks about the debt fee and service fee charge (not itemized)? Would like someone from the District to visit her house and check her water meter. Mr. Allen suggested that she call the office to setup that appointment.

B. Approve Minutes of June 15, 2020:

Mr. Rosen motioned to approve the minutes of June 15, 2020. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote.

C. OLD BUSINESS:

1. Appoint One Commissioner to Approve Warrants While Conducting Meetings Virtually.

Ms. Amir-Lin moved to appoint Mr. Rosen as the Commissioner to approve warrants while conducting meetings virtually. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote.

2. Update from the Town of Acton Zoning Board of Appeals Hearing for 960-962 Main Street Held on 7/7/2020.

Mr. Allen provided an update for the Commissioners regarding the Town of Acton Zoning Board of Appeals (ZBA) hearing for 960-962 Main Street, Acton which was held on July 7, 2020. He stated that there was an appeal on the Zoning Enforcement Officer's decision related to the parcel that was classified as a pre-existing non-conforming use. It is a composting operation along with materials storage and distribution that had been ongoing for years, had a lull, and then has been picked back up by Dirt Doctors when they relocated. The Appeal was filed by abutter RMBDN LLC. The District provided comments to the appeal. We expressed a compelling argument to the Zoning Board of Appeals related to the protection to the water supply in North Acton, as it is our highest concentration of PFAS in that area. Our argument was not compelling enough and ZBA upheld the decision. The District is disappointed with the decision. Ms. Amir-Lin asked if there is anything further that can be done. It's the District's belief that the abutter, RMBDN, LLC, may take this to court. Ms. Amir-Lin appreciated Mr. Mostoller's comments/testimony on behalf of the District at the meeting. She thought he did a good job in laying out the District concerns. She is disappointed that we were not taken as seriously as they should have been.

Mr. Rosen asked if there is any recourse on environmental grounds? Mr. Mostoller stated probably not. They got the OK from the conservation commission to carry on these activities. The Mass DEP went out last year. They suggested that there might be a permit required for the operation happening there. The District felt that there should have been more vetting from the local level. Those two pieces have not fallen into place yet. We can check back in with Mass DEP since the site is more active now.

Mr. Allen stated that he will continue to monitor the situation and update the Commissioners as appropriate.

3. Request from the Town of Acton Board of Health.

Mr. Allen stated that in aftermath of the public notification going out, the District has been in contact with Board of Health. We briefed the Health Dept, Town Manager, Land use Director in early 2020. The Town of Acton did send out a notice to private well owners regarding PFAS. Ours did go out to private well users also. The Board of Health would like to have a joint open meeting with the District. In past Commissioners have met as a group with the BOH, or just Chair plus staff.

Ms. Amir-Lin would like to know what Mr. Stuntz and Mr. Rosen think on having a joint meeting versus just the Commissioner Chair and staff. Mr. Stuntz thinks it's best to have a joint meeting with Commissioners and Board of Health. Mr. Amir-Lin asked Mr. Allen when they

were thinking of having the meeting. Mr. Mostoller would like to do this meeting rather quickly as they wanted their entire board present. They have already posted for this Wednesday night, 7/15.

Counselor Bassett's observation is that the BOH wants to get an update from the District and want some official word on PFAS. She suggests having the Chair and staff meet on Wednesday and then have a combined meeting with the two Boards at a later time.

Ms. Amir-Lin stated that she will attend the Board of Health meeting on Wednesday. Mr. Allen and Mr. Mostoller will attend as well. Mr. Mostoller stated that this will be an informational meeting, with no public comment, it's just an opportunity for the BOH to get their questions answered by the District.

Other Old Business:

Mr. Allen spoke with Peter Bay of EDF Renewables. He stated that Article 97 Bill has passed the MA House and is currently in the MA Senate –the hope it is approved prior to recess in August. There is optimism that it will be approved. If it is not approved prior to the recess, it goes back to the beginning of the legislative process.

4. Update on Per- and Poly-Fluoroalkyl Substances (PFAS).

Ms. Amir-Lin stated that the notice went out to residents of Acton. There were some comments and issues about how it went out. Our apologies for whatever is happening at the post office and apologies that it was delayed in reaching folks. She asked Mr. Allen and Mr. Mostoller if they would like to give their update. Mr. Allen stated that Mr. Mostoller will provide a history of PFAS in town and he will discuss the operational side.

Matt provided a history of PFAS in Acton —

2012-2013: evaluated our water system for these compounds per the Environmental Protection Agency (EPA) Unregulated Contaminant Monitoring Rule 3 (UCMR 3)

2013-2014: many water systems greater than 10K people served had to go out and look for these compounds. The District didn't have PFAS concerns at this time, as all of our samples were non-detect for the compounds.

2016-2017: The District did an evaluation of our sites in town that might be of concern – did not identify any red flags but continued to monitor PFAS as it gained more recognition.

2018: Massachusetts Department of Environmental Protection (Mass DEP) went through their petition to regulate PFAS compounds in drinking water and environment through their waste site management plan.

End of January 2020: Mass DEP put forth a proposed drinking water regulation and asked for comments. Acton has two federal superfund sites that impact our community (WR Grace and Nuclear Metals). In 2019, the EPA had requested that the site managers for those two sites do a

screening evaluation of PFAS. During that time the District started to gear up considering that PFAS might be present here in Acton.

Late December 2019: results from WR Grace site but they only included 3 compounds the federal government uses in their screening modeling. That data was not enough for EPA and then in early 2020 more data – based upon review we decided to look at PFAS in those wells in the vicinity of where that data was generated. We sampled our wells in South Acton. In December 2019, the guideline was still at 70 PPT for 5 compounds it wasn't until the end of January that it changed to 20 PPT for 6 compounds. When we started sampling, lab capacity was very limited (this is a new method used and didn't have ability to process a lot of these samples) when we started sampling, so it took a long time to get data back. Once we received data, we started following the Mass DEP guidelines on what do you do when you identify PFAS in your water drinking supply. We started regular consultations with Mass DEP in Worcester Regional Office. Worked with them to come up with a sampling plan and they assisted in paying for sampling. Over course of spring we moved through our entire water system and tested every well and water treatment facilities. We did initial sample and then confirmatory sample. PFAS compounds are present in food, clothing there are pretty stringent protocols in collecting samples. We needed to do two samples to make sure the numbers were real. During the pandemic we continued with our sampling plan. Final lab reports came back in mid-May. We reached out to Mass DEP to make sure that our data was valid. There were some flags on some of the data that is still being resolved. We followed protocols to come up with our public notification. Most of the document is required language by the Mass DEP.

We understand that folks were concerned with how the information was communicated and when it was communicated. Under the Safe Drinking Water Act (SDWA) the Mass DEP and EPA have guidelines in place on how public water supplies need to communicate with customers. It's based on how serious the threat is, how immediate is the concern, and potential health effect that dictates timing and the method of which we notify. And PFAS at this time based on states health concerns it puts it at Tier 2. We followed guidance and put out the notification to all postal patrons in Acton as opposed to just water customers.

What does this mean? Public notice was recommending that a subset of population consider using an alternative source of water or filtering their water. Per Mass DEP this was a recommendation not a requirement. We were right in the ballpark of the health guideline.

The District was being very proactive; PFAS is not regulated; and we are not required to take samples for it. We were acting in best interest of water takers to do voluntary early sampling.

As of February 12th, the Mass DEP has listed 21 public water systems that were in excess of 20 parts per trillion (ppt) health advisory; there are about another dozen that need to be added to that list including Acton. Many towns have not started sampling for PFAS.

Water filters: if you are thinking of installing one in your home and want to take that extra step, the District is not going to recommend a particular water filter. We have guidance on our website if looking into filter but the important take away is to make sure that there is a third-party verification that the filter is effective at PFAS reduction and removal.

Mr. Allen spoke about current operating status is and moving forward on that.

As we move through sampling process – it took some time to get the data – it took some time to get confident information to put out a notification to our public. The steps we have taken include the discovery of the Assabet 1A well is one of five sources that feed the South Acton Water Treatment Plant (SAWTP) was above the 20 PPT so that source was taken offline in March and then returned to service in May. With five wells contributing, some blending of the five sources achieved a lower concentration than that in Assabet 1A. With additional sample results, the decision was made to take the Assabet 1A source back offline and continue to take samples to monitor the effects.

When we discovered a validated 48 PPT in the supply from the North Acton Water Treatment Plant (NAWTP), we took this offline. This plant was to be shutdown anyway for extensive maintenance. The maintenance had been postponed due to the pandemic, due to our inability to appropriate funds. The financial appropriations were unable to be voted thus we were unable to pay contractors because the Annual District meeting was postponed three times from its original March 18th date. The NAWTP is currently out of service for the time being, with not planned return to service until the concentration of PFAS can be reduced below 20 ppt.

We recently applied for a state grant of \$200K for piloting and design of PFAS remediation at NAWTP.

We recently broke ground on the new Central Acton Water Treatment Plant (CAWTP) which will service the two Conant wells, Conant I & II. And we do have and ongoing source exploration for a bedrock source on a parcel of land abutting the parcel where the CAWTP is being built.

Mr. Mostoller added that we are submitting samples tomorrow for the South Acton, the Clapp Whitcomb wells, and the two Conant sources. We have resampled those and should have a new round of data in two weeks. Mr. Allen mentioned that our website is a great resource and if you sign up you can get email updates.

Questions/Comments from Citizens:

Question from Citizen: What is the cost of drilling a new well?

Mr. Allen stated that we are doing a bedrock exploration in Acton Center near Post office Square; we drilled 3 bedrock wells; and we hired Hydrogeologist; did some test pumping; and he thinks over the course of time, through permitting, it would be around \$500K. Mr. Mostoller stated that it cost the District around \$30K to drill each test well. If for a home, it would cost less. It's a very involved process for a public water supplier.

Kim Kastens: she stated that the District has been very proactive in doing this and that the District has been working on this for months and has been very transparent with the public. Do you have a strategy to try and figure what the PFAS sources were? Can you make inferences based on the ratio of the different kinds of PFAS and what the sources might have been? How long the PFAS may have been in the water system before detection?

Mr. Mostoller responded that we are focusing on solutions and communication with the community and we want to better understand the dynamic of these PFAS plumes. We cannot identify definitive sources. We hope to be able to do that later down the road. There are some new techniques that will help fingerprint the PFAS compounds to better understand what their origin might have been. We have not undertaken that. As resources become available and concrete solutions underway, we can begin to focus on the source and extend and bring responsible parties to the table to help further investigate these sources and bare some cost recovery. There will be a financial implication for the District.

Karen Allred, 4 Heald Road: she feels much better about the process as she sat and listened to this meeting. She has an issue with how it was communicated; didn't feel that it was communicated well. She would have liked to have seen it communicated better. There is some language in the notice regarding the sensitive group – who is this sensitive subgroup? Matt responded that the sensitive subgroups are pregnant woman, nursing mothers, and infants. It does not include immune compromised groups or the elderly. The 20 PPT has a lifetime of exposure – there is a definition about this - certain amount of water drunk every day over a certain period of time. Kathy Baskin from DEP wanted to clarify the targeted population and the reason we are protecting unborn and infants because PFAS has implications in terms of developmental delays/issues and that is where the vulnerability lies. Karen Allred - asked about the two of the five water treatment plants; why not list the sources in the letter? Mr. Allen responded stated that what was in the notice was dictated by the regulators. We are trying to use our website to provide more specific information. Mr. Mostoller responded that we did list two of the sites including the Assabet 1A well which was taken offline and the NAWTP which can be found on page 3 of the public notice.

Question from Citizen: Do we need a new well and what would prompt us to decide that we do need a new one? Mr. Mostoller stated that the constant belief that we are running out of water and that we don't have adequate water supply to meet the needs of the community. The District is always looking at new sources of water; we own a well site in West Acton Village, we recently began this bedrock exploration to diversify our supply where we are getting our water supply from and we had an opportunity to develop a well in close proximity to Acton Center and now that we understand PFAS impacts and PFAS is not in bedrock we are looking more closely at that option.

Derrick Chin stated that in the Heald Road neighborhood this notice stirred up a hornets nest. Surprised people were that you proposed this subgroup but needed to provide more guidance on how to deal with this. He stated people are looking for more guidance about how to deal with PFAS above 20 PPT. He thanked Matt and Chris on their presentation.

Mr. Mostoller stated that we believe that we are serving water below the health guideline. We are hoping that the next set of samples will alleviate some of that concern.

Mr. Chin asked: What is a bedrock aquifer? Mr. Mostoller stated that most of our wells are pretty shallow (20-75 feet deep). They are drilled into the sand and gravel and get most of its recharge from rainwater, storm water infiltration, and wastewater infiltration. All of our wastewater is

being discharged into the ground. Rainwater in Massachusetts has been tested by the State at 5 PPT of PFAS. Bedrock wells are much deeper; go anywhere from 180-400 feet in depth.

Mr. Chin asked if you are getting little PFAS in the Central Acton area (Conant 1 and 2) would you drill more wells in that area?

For the NAWTP can you use activated carbon? Mr. Allen stated that that is the plan. Granulated activated carbon and ion exchange are proven as effective technologies to help remediate PFAS at this time. We'll be examining both options in the forthcoming pilot.

Genevieve (and Matt) Babineau, 35 Jackson Drive: we moved recently to Acton this fall and came here because of the great school system. They moved here during her pregnancy. She gave birth in April. She is having a hard time understanding the timeline and why there was a delay in communication. She wants more insight into tier 2 timeline. Mr. Mostoller asked for Mass DEP to speak and explain why they chose to classify PFAS under Tier 2 notification.

Mary Jude Pigsley, Regional Director of Mass DEP in Worcester, we have a number of communities dealing with PFAS; the public notice is set by Mass DEP and when AWD first got their results not entire system; it's an average; require two samples and take average; sample all wells; and then put together public notice primarily risk communication. She does agree with Matt that with the sources being offline that the water being serviced right now is fine. The remedial measures are working. There is a lot of work to be done to figure out where the PFAS is coming from. The timing of it was a combination of having a complete data set, data was reliable, and putting together the public notice that Mass DEP required. There was nothing about COVID that was hanging it up.

Mr. Mostoller stated that there were many factors that went into it. The first data set took over a month to get back from the lab (they weren't equipped; sampling kits aren't readily available). During the months of Feb, March and April is a time when we would be doing a lot of well maintenance and taking wells out of service. We needed very set operating conditions to do sampling. logistical issues. He just is trying to provide insight the real logistical issues into getting this site work for the data. Once we had the last data set in May we worked very quickly to get the notice together and mailed out to the public.

Mary Jude Pigsley stated that if anyone has questions, concerns, comments to please contact the Mass DEP directly.

David Butler: if there are any liability issues with the PFAS notice? Can we be Sued under notice information are we covered by the state or covered by the District. Counselor Mary Bassett stated that she doesn't know of any liability for sending out notices as required by law. Mr. Allen stated that he interviewed with a law firm that has done PFAS work in a litigatory setting. Our focus is on remediation of the impacts of which we are aware. We are considering participating in some sort of legal action to get settlement funds to offset the financial burden on ratepayers. The legal actions currently in progress are lawsuits against the manufacturers of PFAS.

Michelle/Question: is the WR Grace well considered potable and safe? Mr. Mostoller responded that this is considered the Assabet 3 well and we do believe that it is safe and potable. Earlier this spring we hired a consultant to go out and take samples of it. It had very low PFAS concentrations in it.

Ms. Amir-Lin closed this item of business. She suggested that if folks have any further questions to contact the District directly.

Ms. Amir-Lin moved to adjourn the open meeting at 8:48 PM. Mr. Rosen seconded the motion, and it was unanimously approved by a roll call vote.