

Board of Water Commissioners

Meeting Agenda

November 4, 2024

- Comments from the public
- Approve minutes from the meetings of 10/21 and 10/24
- Appoint one Commissioner to sign warrants while conducting meetings virtually

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
- Current sample data, if available
- Discussion of Additional PFAS Upgrades
- US EPA Lead & Copper Rule Improvements
 - Draft notices for unknown and galvanized requiring replacement
 - Discussion of service line replacement responsibility

NEW BUSINESS:

- W.R. Grace Superfund Site Open House 11/12/24

Present at Tonight's Meeting:

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

Finance Committee: Bill Guthlein

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

Members of the Public: John Petersen, Ron Parenti, Kim Kastens, Nicholas Sciretta

START OF MINUTES

Mr. Rosen opened the meeting at 7 pm.

Comments from the public

None at this time.

Approve minutes from the meetings of 10/21 and 10/24

Mr. Rosen motioned to approve the minutes of the 10/21/24 meeting. Mr. Stuntz seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Mr. Stuntz motioned to approve the minutes of the 10/24/24 meeting. Ms. Amir Lin seconded, and it was approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin. Mr. Rosen abstained.

Appoint one Commissioner to sign warrants while conducting meetings virtually

Mr. Rosen motioned to appoint Mr. Stuntz to sign warrants until the next regularly scheduled meeting. Ms. Amir Lin seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller reported that there was no new sample data to share. Center Acton remained off for the month of October and did not require additional sampling. November sampling will take place this week but may not be available for the next meeting.

Discussion of Additional PFAS Upgrades

Mr. Mostoller reported that both projects are moving along, the contractors are working to finish concrete work before winter weather settles in. Both projects are on track for vessel delivery shortly after the new year. They are still in the process of color selection for Center Acton. They will be unable to match the color of the metal panels to the existing roof color, so they are choosing a green color to best blend into the landscape. Mr. Rosen asked if the metal panels will arrive pre-painted, which Mr. Mostoller affirmed.

Ms. McCarthy gave an update on the two loans from the Clean Water Trust. The meeting on 10/24 was to sign the closing documents for both interim loans. Those were then sent to Bond Counsel and forwarded to the Clean Water Trust on Friday 10/25/24. They are still waiting for reimbursements. They typically release funds at the end of the month, and because they didn't receive their funds at the end of October, Ms. McCarthy is hoping funds will be in hand by the end of November.

Mr. Mostoller noted that the District is not the only system having these issues with the Clean Water Trust or the SRF program. Both are very backed up so other communities and contractors are also experiencing this delay. The delay is because of the influx of federal

funds through the Clean Water Trust, and the high demand for PFAS construction and design. It seems there isn't enough administrative support to keep up with this influx.

Mr. Rosen asked about a recent payment to Acton Police of \$2,300-2,500, if this was associated with the details from the two water main breaks and if any reimbursements will cover that.

Mr. Mostoller explained that in the instance where the utility line was hit, they are seeking reimbursement from the Contractor, MIG, on the Kelley's Corner project for time, materials, and police detail cost. Other detail costs are in different warrants related to service line work because they will have a police detail when working in the street. Mr. Mostoller noted that 2 members of the operation staff will be getting their flagger certification so in the future we may have the option to minimize police detail costs, but that will need to be discussed with Acton Police.

US EPA Lead & Copper Rule Improvements

Draft notices for unknown and galvanized requiring replacement

Mr. Mostoller explained that the packet for this meeting includes two draft notices, one for customers with an unknown service line material, and another for customers with a lead gooseneck attached to a galvanized line.

The first analysis of the District's inventory shows at least 62 galvanized lines that need to be dealt with. There are currently 2,900 unknown service lines. Staff are continuing to comb through the unknowns to determine if lines are non-leaded. There are 3,600 service lines already confirmed to be non-leaded, with determination made by material information, or if the line was made after the 1986 lead ban.

The District needs to mail out 2,200 letters before November 16th, and Mr. Mostoller would like to finalize the template language of these notices around who will provide replacement and the expediency of replacements. Mr. Mostoller informed the board that they have 10 years to complete all this work, and the regulators are advising a minimum replacement of 7-10% every year.

Discussion of service line replacement responsibility

Mr. Mostoller asked the board to discuss the options of approach, if the District would like to use a contractor, let the customer replace the private side, or some combination where the District could offer to pay some amount to do the private side replacement. Mr. Mostoller noted that they do not know the total universe of replacements. Staff has

currently identified 62 lines that need replacement and that could double or triple as they continue to analyze the inventory. Mr. Mostoller added that over the past 30 years the District has made good progress in removing goosenecks, however much of that progress was not documented.

Mr. Mostoller suggested that the board can decide an approach for the first 62 service lines, and then from that experience create a secondary protocol. He shared on the screen a diagram illustrating the start and end of the public and private line. The District's Rules & Regulations stipulate the District is responsible for public lines and leaves the private lines as the responsibility of the customer. In discussing with the operations team, replacing a lead gooseneck does not require them to tap into the water main, they can typically use the existing tap. This will reduce time and effort to replace service lines if they can pull the new line through, but some work in the home on private lines may require the assistance of a plumber. Mr. Mostoller estimated that replacement may cost \$3-10 thousand per service. If the District decided to use a contractor, they could possibly negotiate a per foot unit cost rather than a fixed cost.

After Mr. Mostoller finished his overview of the project the board began their discussion on the topic. The board asked for clarification on who installed the leaded connectors, which is unclear, and how the District is directing customers to self-identify their private line materials.

Ms. Amir Lin asked if they know how other communities are handling this issue, and if they can offer a basis for process or cost comparison. Mr. Mostoller said he's spoken to several other water suppliers, but everyone is in a slightly different situation. He noted Concord is offering customers up to \$2,000 of the cost of private line upgrade, but anything beyond the \$2,000 of work would be the financial responsibility of the customer. Several larger cities, because they have thousands of unknowns, are using multiple crews to replace in an assembly line like way. Ms. Amir Lin asked if the District is on par in unknowns with other communities their size. Mr. Mostoller said it's hard to answer that as they are still working to get a comprehensive understanding of the inventory. The board then continued to discuss Concord's and other communities strategies, applying for Federal Funds, and potential issues with getting permission from homeowners to do private line replacement.

Mr. Rosen asked about the District's legal responsibility, and if Mr. Holland had any guidance on that. Mr. Mostoller responded that the District has to have a plan, needs permission to do work on private side, and if someone is unwilling to allow them to do the work, or unwilling to do the work themselves, they need to make multiple attempts to work with them, then have a follow up protocol. Mr. Mostoller added that these regulations are not enforceable yet, and technically they don't need to start replacement until 2027. The

strictest guidance is in prioritizing replacement of lead lines serving schools or child care centers, which the District has not identified yet. Mr. Mostoller then explained the District's water quality sampling routine under these regulations. Mr. Rosen asked if the District is responsible for testing both sides of the curb stop, Mr. Mostoller clarified the District is responsible for both sides of the curb where replacements are needed.

Mr. Rosen expressed concern that there may be a customer who cannot afford to replace the private side and asked if there is guidance on how to proceed in that instance. Mr. Mostoller responded that this concern is why others are paying for part of the private line replacement. Mr. Rosen then wondered if the District replaces the private line, if they assume all future responsibilities for the private line, and he expressed concern that some homeowners may not be satisfied with the level of restoration, so a legal agreement about liability and responsibility would be helpful.

Mr. John Petersen shared that the Finance Committee will be considering this agenda item at an upcoming meeting. Because of the uncertainty of the costs, and the number of replacements needed in the system, he recommended that the District may do a pilot program to test out the process, and that the Commissioners look for opportunities to spread the costs out so no one customer gets stuck with a particularly expensive replacement.

Mr. Mostoller reminded the board that at last year's annual meeting the borrowing of half a million dollars for replacement work was approved by voters. There is also some funding available for investigation of service lines from an appropriation at the 2023 annual meeting.

The board continued to discuss their options. They asked Mr. Mostoller if there was a pattern to unknown service lines. Unknowns vary on the side of the street, but some are in older homes with a physically shorter line.

In speaking with some of the 62 customers we know need replacements, many want work to begin as soon as possible which Mr. Mostoller agrees with. However, he noted that the District must be mindful in how it justifies its plan of action. As they begin work on next year's budget and annual meeting, he is unsure if they will be ready for replacements to begin in the spring.

Ms. Amir Lin expressed support for doing a pilot round of replacements, reevaluating and course correcting as necessary. She agreed it's better to have a clear plan so that they can communicate to customers. The board then briefly asked and discussed the specific concerns customers have reported about their service lines, and the District's past lead testing.

Mr. Petersen commented that the Commissioners may run a pilot program of about 5-10 service lines to better understand the costs and issues. Mr. Mostoller asked the board if they had the federal money, if they would consider having the district pay for the full public and private line. Mr. Mostoller then recounted a similar project the District did where they assisted a homeowner with private line costs.

Mr. Rosen expressed support for having an agreement that limits the District's liability when doing work on the private line. Mr. Stuntz asked about federal funding, which Mr. Mostoller said they can apply for it, but if the District wants to do a small pilot first they may not need it right away. Similar to what happened with the PFAS regulations, Mr. Mostoller warned there will be competition which will drive up costs for contractors. Mr. Mostoller and the board briefly discussed costs and ended their discussion on the topic.

NEW BUSINESS:

W.R. Grace Superfund Site Open House 11/12/24

Mr. Mostoller shared that in the packet is the Fact Sheet from the US EPA for the W.R. Grace Superfund Site Open House set for November 12th. The public is encouraged to attend and those who live within a 1/3 mile of the site have been notified about the open house. Mr. Mostoller affirmed he and Ms. Orciuch will be there. The meeting will cover updates, and the 5-year review completed this summer. The site is set for redevelopment to include a large solar array.

There is some internal discussion at MassDEP about PFAS relative to the site. There have been several rounds of PFAS monitoring and they don't believe the site is a direct contributor to wells in the area. MassDEP and US EPA are still discussing how to address PFAS in the area. The open house will be at the Acton town hall at 6:30. Several of the Commissioners affirmed they would like to attend.

Mr. Stuntz motioned to adjourn the meeting. Ms. Amir Lin seconded, and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Meeting closed at 8:06 pm.