

Board of Water Commissioners

Meeting Agenda

December 9, 2024

- Comments from the public
- Approve minutes from the meeting of 11/4
- 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
- Kelley's Corner Update
- US EPA Lead & Copper Rule Improvements
- Follow up on public notice

NEW BUSINESS:

- Discuss District Auditor Services
- Annual Report
- Meeting Schedule January-June 2025
- Discuss venue for the 2025 Annual District Meeting

Present at Tonight's Meeting:

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

Finance Committee: Ron Parenti

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

Environmental Compliance Manager: Katy Orciuch

Members of the Public: Cath Smith, Alissa Nicol, John Petersen

START OF MINUTES

Mr. Rosen opened the meeting at 7:01

Comments from the public

Ms. Cath Smith commented that she received a notice that her service line may contain lead, she asked if residents received this over email or in a letter, and what precipitated this. Mr. Mostoller said some customers received it by email and some received the notice in letter form. Mr. Mostoller then explained how the EPA's Lead and Copper rule changed federal regulations and precipitated this notice.

Ms. Smith asked why this was done now, and Mr. Mostoller explained how this is part of a longer process to phase out all lead materials. Ms. Smith asked if this was a blanket letter or if the notice was targeted. Mr. Mostoller responded that depending on the District's knowledge of your service line material, that affected which notice households received. Mr. Mostoller then broke down the number of services, how many are known and unknown, and how many have a line that needs replacement based on current information.

Ms. Smith continued that someone did come out to her house for an inspection, but after the inspection they did not leave any paperwork behind. Mr. Mostoller explained that the inspection results are added to the District's service line inventory, and if homeowners are interested in their line materials, they typically have a conversation with the employee conducting the inspection. Mr. Mostoller then explained how the District has been determining service line material.

Ms. Smith then commented that she had her water tested for lead and she asked if the District does sampling for households. Mr. Mostoller reminded her that the District doesn't test households if there isn't an explicit concern, such as a high blood lead level.

Approve minutes from the meeting of 11/4

Mr. Stuntz motioned to approve the minutes of 11/4/24. Ms. Amir Lin seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Appoint one Commissioner to sign warrants while conducting meetings virtually

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

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller shared the November sample results, taken on November 13th. All three plants were in operation at the time. Center Acton was at 11.1 parts per trillion (ppt), North Acton remains at non-detect, and South Acton was at 18.2 ppt. Ms. Amir Lin asked Mr. Mostoller when Center Acton came online, Mr. Mostoller responded it is currently offline and likely would be for the rest of December.

Mr. Rosen asked if they knew why South Acton has been rising. Mr. Mostoller responded they do not have an exact cause, it could be a combination of the current drought, and the way the wells are in operation. Ms. Orciuch noted that in her experience colder water tends to exhibit higher PFAS results. Mr. Mostoller noted that since they initiated sampling, levels tend to go up in October and November, which could be due to stress on the wells and not minimal recharge.

Mr. Mostoller and the Board continued to briefly discuss this item, noting that the District has been using the same vendor for samples for the past few years to maintain consistency.

Discussion of Additional PFAS Upgrades

Mr. Mostoller reported that both Center and South Acton have made progress on the concrete foundation work. One contractor did lose a day last week due to snow, but both projects are on track to have vessels delivered at the end of January or early February.

For Center Acton, as reported in the meeting packet, there is an issue identified by the plumbing inspector because there is no bathroom in the new PFAS treatment building or existing anywhere onsite. This is a new version of the plumbing code adopted by the Commonwealth of Massachusetts that was made after the project was designed and reviewed. They had previously believed the project could go by because it was approved before the regulation went into effect. However, the plumbing inspector expects compliance with this new bathroom regulation. Mr. Mostoller, the Engineer, the Building Commissioner, and the Plumbing Inspector have all met to discuss how this will work, they currently have a multi-pronged approach.

They will appeal to the Plumbing Board for a waiver for the project, and at the same time see if a bathroom can be retrofitted into an existing building. There is a tight tank onsite,

but it might not be sized correctly for sanitary waste. The regulation stipulates that this facility will need a permanent bathroom facility, not a port-a-potty.

They are also considering reaching out to the legislative delegation to call on them to act, given how this regulation will impact the budget and possibly the timeline of this project. Mr. Rosen asked if this affects South Acton, which Mr. Mostoller confirmed won't because it already has a bathroom. Mr. Mostoller said they do not have a timetable or any projected costs, but based off their conversation with the building commissioner it may not hold up the project, but they will need a plan to be in compliance.

Ms. Amir Lin asked if this new regulation has also affected others. Mr. Mostoller reported that the Town of Harvard is building a pump station to transfer water from Devens and has been dealing with this for almost a year. Overall, this regulation is not going over well with many communities because the language applies to any unoccupied structure with only an exception for those under 200 square feet. Mr. Mostoller added that this is just from the Massachusetts Plumbing Code, it is not a National Building Code.

Mr. Rosen asked if they have made any exceptions for utilities. Mr. Mostoller responded that the Plumbing Board only made exceptions at the very beginning of the regulation then took a hard stance and began denying waivers.

Mr. Mostoller and the Board continued their discussion on this topic and noted that adding a bathroom requires disposal of that sanitary waste, in the case of water facilities, often in a sensitive water supply area. Mr. Mostoller also noted it seems unclear how much discretion local inspectors have in approving waivers.

Mr. John Petersen commented that he feels strongly that the District should pursue a waiver and independent of that, also provide notice to their legislators for their own and other's benefit to provide relief on this issue. Mr. Mostoller agreed and confirmed that both those options are under way.

Ms. Alissa Nicol asked if a composting toilet, like at Salisbury Beach, would be possible. Mr. Mostoller responded it's an option but is not ideal because it is in a sensitive water supply area.

Mr. Mostoller reviewed how the other components of a full restroom, the size, heat, electricity, water, and disposal are difficult to retroactively apply. Mr. Mostoller and the Board continued their discussion of how this may affect other buildings, where a bathroom may fit in some of the pump stations, and how this may affect the 10-year capital plan when it is completed in 2025, for work at other unoccupied facilities.

Kelley's Corner Update

Mr. Mostoller reported that the water portion of the project is nearing its end. The water main from Mass Ave. to Acton Medical passed both the pressure and bacteria tests, so the construction crew has begun making connections. Several places in the area like the Dunkin, the gas station, and the two connections for Acton Medical have been converted. The crew has been working nights and weekends to get that done with minimal impact to businesses. The contractor MIG, informed Mr. Mostoller that they want the water work to be done in the next two weeks however the next portion of additional lines will be very difficult conditions due to the location of other infrastructure and ledge. Mr. Mostoller said he anticipates road closures and more night work in this area. The District Inspector has been willing to adjust his schedule and has been working nights to support the contractor. Ms. McCarthy confirmed that from a budget standpoint the project is in good shape.

US EPA Lead & Copper Rule Improvements

Follow up on public notice

Mr. Mostoller informed the Board that they have had many conversations with customers like Ms. Smith about their service line. Many people call to ask if the District knows the line materials, and many conversations have turned into appointments for inspections. About 20-30 additional customers have used the state ID tool which has been very helpful as it reduces staff time needed to perform an inspection. They've had a couple hundred appointments with Ms. Orciuch, Mr. Mostoller, or someone from the operations staff doing the inspection. They've also paired these inspections with meter replacements when needed. The highest volume of calls are those who want to know more, the second highest volume are those with concerns about water quality which they've talked through. A small number of people reached out because they had heard about it from others or on social media but did not get a letter. Work continues to prioritize identifying those who might have a leaded gooseneck or have a galvanized line requiring replacement.

Ms. Orciuch added that they will have to continue this process next year with a smaller pool of people and some may call again.

Mr. Mostoller informed the Board that right before thanksgiving MassDEP had finished their review of the District's inventory. There were some things that need to be resolved but conditionally they met the requirements of the initial submittal.

Ms. Amir Lin asked if there were any calls from the Nagog Woods neighborhood. Mr. Mostoller said there were some calls from Nagog Woods but because its service line is set up differently when it comes to service lines per unit. For neighborhoods like Nagog

Woods, staff are looking at neighborhoods built at the same time and seeing if the management companies or the original builders are still around and have additional records.

Ms. Amir Lin asked if residents have asked for additional informational materials to share with neighbors. Mr. Mostoller and Ms. Orciuch said that one neighbor has been providing feedback.

Mr. Petersen asked if there were multiple languages provided in the original notice for those who many not speak English. Mr. Mostoller said this notice did not have translated language. However, he noted the website information can be translated and several years ago when they met with community members who are not native English speakers, their guidance said that translation on the website was the preferred resource. The notice did have template language indicating the information was important and to have the message translated or to speak with someone who understands it.

NEW BUSINESS:

Discuss District Auditor Services

Ms. McCarthy informed the Board that their 3-year contract with what was formerly Powers and Sullivan but is now Marcum LLP is nearing its end. She asked the Board for guidance if they should seek a renewal of the contract or a new RFP. Marcum was recently acquired by CBIZ which is another large nationwide firm. Ms. McCarthy has heard some discussions that the renewal with CBIZ won't be at a fixed rate but will be escalating for the entire duration.

The Board then began their discussion on the topic, with Mr. Stuntz expressing support for going out to bid and focusing on local firms. Ms. Amir Lin and Mr. Rosen also supported this sentiment.

Mr. Petersen commented that he agrees with going out to bid and added that the audit service over the past few years has been good and responsive to their requests. He asked the Board to have the RFP consider their recent audit request for the rolling historical chart to help the District plan. Then the meeting attendees briefly discussed some local firms they had experience with.

Annual Report

Mr. Mostoller reminded the Board about writing their annual report. Mr. Mostoller and Mr. Rosen discussed how they would approach writing the annual report. Mr. Mostoller

informed the Board that ideally the Commissioners and Finance Committee should submit their reports by January 27th.

Mr. Mostoller also emphasized that as the District has been combing through historical records for the lead service line inventory, making annual reports a pillar of good record keeping is essential. Mr. Mostoller also asked that everyone use the same format from last year. The Board, Mr. Petersen, and Mr. Mostoller had a brief discussion on this item.

Meeting Schedule January-June 2025

Mr. Rosen asked the Board if they had any issues with the draft schedule of 2025 meetings. After a brief discussion the Commissioners expressed no issues with the schedule.

Discuss venue for the 2025 Annual District Meeting

Mr. Mostoller reviewed the options available for the Annual District Meeting. They are looking to book at the library, but the reservation needs to be made by an Acton Resident, so Mr. Stuntz will be at the office tomorrow to finalize the request. The RJ Grey Auditorium and Public Safety Facility are both unavailable, so their backup venue is the District garage. Mr. Mostoller expects this to be a more straightforward meeting than the past few years.

Mr. Ron Parenti commented that the venue should have AV capabilities so the Finance Committee can do their presentation again.

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 8:18 pm.