



# Water Supply District of Acton

693 MASSACHUSETTS AVENUE  
P.O. BOX 953  
ACTON, MASSACHUSETTS 01720

TELEPHONE (978) 263-9107

FAX (978) 264-0148

## Board of Water Commissioners

### Meeting Agenda

Monday, August 31, 2020 @ 7:00 PM

***This is a video conference being held using Zoom***

<https://us02web.zoom.us/j/82054307045>

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- **Comments from Citizens**
- **Approve minutes from meetings of 8/6, 8/17 & 8/21**

#### **NEW BUSINESS:**

- Presentation from representatives of the law firm of Napoli-Shkolnik for PFAS litigation

#### **OLD BUSINESS:**

- Appoint one Commissioner to approve warrants while conducting meetings virtually
- Update on Baldco lease for 104 Powdermill Road-Rear
- Update on proposed Solar projects at Lawsbrook Road and Knox Trail
- Update on Per- and Poly-Fluoroalkyl Substances (PFAS)

Board of Water Commissioners Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton MA  
Thursday, August 6, 2020

AGENDA

1. Solar Update
2. PFAS Update
3. Arsenic Public Notice
4. Outdoor Water Use Update

**Present at Today's Meeting:**

Commissioners: Erika Amir-Lin (Chair), Barry Rosen, Stephen Stuntz  
District Treasurer: Mary Jo Bates  
Environmental Manager: Matthew Mostoller  
Finance Committee: Bill Guthlein and Dave Butler  
District Moderator: Dick O'Brien  
Commissioners Secretary: Lynn Protasowicki

Citizens:

Kim Kastens  
Karen Pierce  
Gabrielle Garneau  
Jim Snyder-Grant  
Lucy Kirshner  
David Martin  
Richard Keleher  
Drew Wilkinson

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 7:03 PM on Thursday, August 6, 2020 by Ms. Erika Amir-Lin.

**1. Solar Update:**

Ms. Amir-Lin gave the update. For the past few years, the District has been working towards installing solar. We were waiting for Article 97 legislation to pass and it has been passed by the House and Senate. . The new bill number is H4923 and is with Governor Baker to sign. We will now be able to move forward with our solar installation. At the next meeting on August 17th there will be a more substantial update about the project.

**2. PFAS Update:**

Mr. Mostoller gave the update. July 7-14th we collected samples at our four operating treatment facilities. NAWTP is offline due to PFAS and ongoing maintenance and have not been able to sample yet. Samples were submitted to lab and were due July 28th, but the lab was not able to make that deadline as they had a cyber-attack. We are working with them to make sure our samples were analyzed and that we are getting priority to get data back. We had reached out to two other contract labs but they are very overloaded right now. We hope to have the data back by the August 17th open meeting. If sooner, we will post onto the website. Piloting for the NAWTP filters is to begin around September 8th. We sent off 30 gallons of water to do some bench scale testing for a potential new technology. About a week and half ago the District met with Mass DEP to discuss reactivating Assabet 2 well which will provide us with lower concentration PFAS water and will also help build some capacity for the overall system.

To get PFAS updates via email contact [wq@actonwater.com](mailto:wq@actonwater.com) and providing your name, home address, and email address and you will add to the list.

Citizen Question: Will the Assabet 2 well be tested for 1,4 Dioxane? Mr. Mostoller responded that we did sample this well back at the end of April and the dioxane levels were similar to the dioxane levels in the Assabet 2A well which is approximately 50 feet away from it. We will pump the well for 48 hours or more and we will sample for every regulated contaminate that is required of us by Mass DEP and will submit data to Mass DEP and they will give us conditional approval and ongoing monitoring.

### **3. Arsenic Public Notice:**

Ms. Amir-Lin gave the update. This notice went out this week related to the Clapp Whitcomb facility. Mr. Mostoller gave a quick summary. We sample for over 120 different compounds throughout system, throughout the year, at different frequencies and different locations. We routinely monitor for arsenic at the Clapp Whitcomb and NAWTP because they are known to have natural reoccurring arsenic in their raw groundwater sources. We filter out all the arsenic at NAWTP and at the CW source we get it down by approximately 50%. Earlier this year (end of June), we took our routine quarterly sample at these sites and the samples came back just above the MCL (maximum contaminate level is 10 ppb) at 11 ppb (parts per billion) which means that the filter was allowing some of that arsenic to come through. We notified MassDEP because that is considered a treatment technique violation. Because we are actively removing it, we need to monitor for it, and we need to make sure our systems are working properly. We did some follow up sampling and made some adjustments to the operation of that facility. By the end of July, we had two consecutive samples for arsenic that were in line with the normal operation of that facility which was 5 and 6 ppb.

The arsenic public notice went out via email and by USPS. And it went out to managers of condos and apartment buildings where occupants wouldn't receive a water bill.

Mr. Mostoller asked the public to please provide the District with your email address because it's the fastest way to get any notices and information out to our customers.

Citizen Karen Pierce: she never received notification: went onto website and could not find where to sign up for notifications; and are you notifying the Acton Board of Health for them to

get information out to citizens. Are they involved with the District to notify residents? Mr. Mostoller stated that they have been notified and are aware of the issue. The BOH Director reached out to District Manager to understand what the public notice meant. The BOH discussed it at their BOH meeting last night but he is unaware of the outcome.

To sign up for emails on the District website - under Water Quality, then PFAS, and then How Can I Stay Informed.

Citizen Drew Wilkinson: PFAS are forever chemicals. The recent Arsenic levels have been likely elevated by the sudden increase in demand since more people have been home from quarantine. With the future development increases that are likely, how can we be sure that the water will be safe in the future? Neither of these issues are short term will continuously risk health and increase costs. Why are you not considering safer water sources such as Nagog Pond or the Quabbin Reservoir which will not have these issues? Both have sufficient capacity to provide our needs.

Mr. Mostoller responded. Arsenic is naturally occurring. We are aware of it and are treating for it. It isn't our belief that increased demand had anything to do with it. It was the operation and water chemistry we were experiencing at that time caused breakthrough of the filter. We continue to monitor as we do with all our other sources. We sample for over 120 compounds throughout the year in the distribution system and treatment plants. We are constantly evaluating safety of the water and sampling informs us if there are issues need to be dealt with.

Continuing to make sure water is safe in the future. Continual investment is necessary to make sure what quality is safe. There will be increased cost especially as expectations and regulations become more stringent and the bar is raised in terms of what the customer expects. It will cost the consumer more.

Relative to safer water sources. He wouldn't say that Nagog Pond or Quabbin Reservoir are safer they are just different and can bring different safety concerns. We have considered looking at alternative sources. In 2014 the District evaluated the Quabbin Reservoir, but it remains outside the Acton's reach geographically (we don't abut an MWRA community). If we were to tap into that source, we would need significant investment in a transmission main to reach that source.

Follow up comment: Sampling is required as the water is increased risk dating from the Chemical processed from WR Grace. These are unnecessary risks. Mr. Mostoller responded that yes, we have increased sampling because of WR Grace. We have successfully treating that water since early 1980s and because of that we do more sampling then what is required of a public water system. Relative to Chlorinated solvents most water systems will sample those maybe once a year or every 3 years whereas the District is sampling quarterly or more frequently. Relative to those risks back in the 1990s the District actually adopted a more stringent VOC standard for us to ensure our customers that we were dealing with the Grace contaminate and all our sources to ensure your drinking water was safe.

Citizen Drew Wilkinson: Thanks for the response but I have very serious concerns. Water has appeared brown/greasy for months now. I have a young child. Mr. Mostoller asked that he call the District office and he will be more than happy to discuss concerns further.

Citizen Drew Wilkinson: In March when we called you told us the water was safe for my wife who was pregnant. We then were notified it was not safe and that pregnant women were not supposed to drink the water. Mr. Mostoller responded that when information became available things change. Discoloration is not related to PFAS. The period between March and June as information became available, we had different messages to send to customers. The NAWTP was taken offline when we had additional data. Please call office to discuss his specific concerns.

Mr. Mostoller stated wanted to remind the public that PFAS and arsenic the health concerns are over the longer term. As state and federal government set standards, they are looking over a broad time period and the impact of any given contaminant in concert with other exposures of that same contaminant. If you have no other exposure of arsenic from food or occupational hazards, then theoretically the concentration in drinking water you could consume would be higher than what it is.

Citizen Drew Wilkinson: I am buying bottled water; I need to install a RO system to remove these chemicals. My water bills are **already** very high. **Why** am I paying so much for something that can make me sick? No response **needed**. Mr. Mostoller responded that the District Manager has been talking to folks that are **concern** of PFAS in water and that they can't use the water. He would suggest reaching out to the District Manager.

#### **4. Outdoor Water Use Update:**

Ms. Ami-Lin gave the **update**. She wanted to **remind** people that we do have an outdoor water use restriction right now. **And that looks to continue**.

Mr. Mostoller stated that the state of Massachusetts's Drought Management Task Force has been meeting regularly since **beginning of June** because entire state is in a drought. They are meeting next week, and he does not **anticipate any** major changes to their drought designations. He reminded the public that there is no **lawn irrigation** and being enforced and a fine offense if you are observed **watering your lawn**. This is **driven** by hot dry weather pattern we are in and not being able to fully **utilize** all our sources of supply relative to PFAS and other maintenance issues.

The next open meeting to **be held** on Monday, August 17th at 7:00 PM.

*Mr. Rosen moved to adjourn the open meeting at 7:35 PM. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote.*

Roll call:

Ms. Amir-Lin

Mr. Stuntz

Mr. Rosen

# DRAFT

Board of Water Commissioners  
Meeting Minutes  
VIRTUAL MEETING via Zoom  
Monday, August 17, 2020 7:00 pm

## AGENDA

### **Comments from Citizens** **Approve Minutes of July 13, 2020**

#### **NEW BUSINESS:**

Request from the Town of Concord for water supply to bus facility off Knox Trail  
Vote to approve the local appropriation of \$100,000 for an Asset Management Plan DWSRF-6718  
Adopt Memorandum of Understanding for 8 Post Office Square Right-of-Way

#### **OLD BUSINESS:**

Appoint one Commissioner to approve Warrants while conducting meetings virtually  
Update on Solar Energy projects on Lawsbrook Road & Knox Trail  
Update on Central Acton Water Treatment Plant construction project  
Communication with the Town of Acton Selectboard  
Update of Per-and Poly-Fluoroalkyl Substances (PFAS)

#### **Present at Tonight's Meeting:**

Commissioners: Stephen Stuntz, Erika Amir-Lin, Barry Rosen

District Manager: Chris Allen

Environmental Manager: Matthew Mostoller

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

Finance Committee: David Butler

MIS Coordinator: Robert Murch

Town of Concord: Allen Cathcart, Director, Concord Public Works, John Arena, Jr., Transportation Director, Concord Public Schools and Concord-Carlisle RHS, Dr. Laurie Hunter, Superintendent, Concord Public Schools and Concord-Carlisle RHS.

Also in attendance, Jim Snyder-Grant, Kim Kastens, Lucy Kirshner, Ronald Parenti, Richard Keleher, Meghan Doyle, G. Garneau, Andrew Wilkinson

Due to the COVID-19 stay-at-home order by Governor Charles Baker, the Board of Water Commissioners meeting was held via a video conference using Zoom. The meeting was called to order at 7:00 pm on Monday, August 17, 2020 by Ms. Erika Amir-Lin.

#### **Comments from Citizens**

There were no comments from citizens at this meeting.

#### **Approve Minutes of July 13, 2020 Meeting**

Mr. Rosen motioned to approve the minutes of July 13, 2020 as presented. Mr. Stuntz seconded the motion and it was unanimously approved.

Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

**New Business**1. Request from the Town of Concord for water supply to bus facility off Knox Trail

Alan Cathcart, Director, Concord Public Works, presented the case for Concord parcel off Knox Trail, located in Concord, to be connected to the Acton Water supply. The Acton water main is closer to the property than the Concord water main. Currently, they are trucking in water as the well that was drilled on the property has not been in service since 2017. The property is the Concord Schools 4 bay maintenance facility and maintenance offices. The site houses approximately 46 buses and 3 mechanics. All water disposal is into a tight tank. With the current COVID-19 emergency, they are challenged to meet their needs for hygiene and disinfecting. Current water usage is less than 3,000 gallons every 2 weeks. Dr. Laurie Hunter indicated that there is a need for water on the site. She was not involved in the site selection but is now trying to manage a solution to their problem. After discussion, Mr. Rosen reminded those in attendance that the request had been previously denied on the recommendation of the Water Land Management Advisory Committee (WLMAC). Mr. Allen indicated that since the original request, in 2015, Concord has service to their building at 37 Knox Trail, in Acton, which serves as office space for Transportation personnel. Perhaps they could piggy-back onto that service for the bus facility. Mr. Stuntz indicated that all requests for out of town service are subject to District Meeting vote. The original request was met with much opposition. At this time, the Board will not entertain the request for emergency connection.

2. Vote to approve the local appropriation of \$100,000 for an Asset Management Plan DWSRF-6718

Mr. Allen informed the Board that the District needs to make an appropriation of \$100K for the Asset Management Grant through SRF. The grant will be for \$60K and the District will provide in-kind services in the amount of \$40K. Ms. Amir-Lin made a motion that the District accept the Acton Water District DWSRF-6718 Asset Management Planning grant and authorize expenditure from payroll line item, \$100,000, consisting of \$60,000 in grant funds and \$40,000 of the District obligation to provide "in-kind" services and staff obligations. The motion was seconded by Mr. Rosen and unanimously approved. Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

3. Adopt Memorandum of Understanding for 8 Post Office Square Right-of-Way

Mr. Allen presented the Board with the MOU for 8 Post Office Square and the Post Office Square Right of Way (ROW). Ms. Amir-Lin made a motion to adopt the MOU and authorize Mr. Allen to execute. Mr. Stuntz seconded the motion and it was unanimously approved. Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

**Old Business**1. Appoint one Commissioner to approve Warrants while conducting meetings virtually

Mr. Rosen made a motion to appoint Ms. Amir-Lin to approve warrants until the next meeting. It was seconded by Mr. Stuntz and unanimously approved. Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

2. Update on Solar Energy projects on Lawsbrook Road & Knox Trail

Ms. Amir-Lin provided an update that the Article 97 Legislation was signed by Governor Baker on August 7 (HB4923). Next steps will be to finalize the land lease for the Lawsbrook Road parcel with the developer, EDF-Renewables to allow construction to begin. There is a conference call this week with EDF, the Town of Acton and the District on the Payment In Lieu Of Taxes (PILOT) to the Town of Acton. Mr. Allen also indicated that there is potential for the District to offtake some power from the Lawsbrook array, which was not the original



model. Combined with the Knox trail array (Behind the meter to the South Acton Treatment Plant), this would satisfy the majority of the District's electric load at all District facilities.

### 3. Update on Central Acton Water Treatment Plant construction project

The groundbreaking for this project was held last week on Wednesday, 8/12. The project is currently about 2 weeks ahead of schedule. The new 12" main has been installed in the easement at 8 Post Office Square and halfway down the access road to the location of the new plant. The main installation on Main Street is on schedule. Five Oaks Construction (Contract #2) will prioritize the installation of the new 12" pipe in the ROW on Post Office Square. Sanexen will be on site in mid-September to reline the existing Main Street mains with the Aquapipe™ product, which should take about two weeks. Mr. Rosen it would be helpful for the District to post aerial photos of the progress on the AWD web site and suggested that the District use its drone to acquire these.

### 4. Communication with the Town of Acton Selectboard

Jim Snyder-Grant, the current liaison from the Board of Selectmen was in attendance. Mr. Rosen spoke about the need for better communication with the Town's Selectboard, and the possibility of the District naming a liaison to the Selectboard, who could attend those meetings when the schedule allows. Perhaps the District could work with the Town to get the meetings on alternate weeks when the new schedule is drafted for January 2021. It was decided to table this discussion until the time of setting the meeting schedule for 2021 draws nearer. Jim Snyder-Grant will report back to the Selectboard and update us in the near future.

### 5. Update of Per-and Poly-Fluoroalkyl Substances (PFAS)

Mr. Mostoller informed the Board that the July sample results had been received. The website was updated and the PFAS email update list was notified of the update. Conant wells are showing an increased concentration of PFAS. It could be related to the drought conditions or the increased reliance on those wells. SAWTP was below the guidance. Operational changes had an impact on that. The Assabet 2 well should be pumping to waste by the end of the week. The source must run for 48 hours prior to sampling. DEP approval will be required before the source can be put into the system. The District is currently on a quarterly monitoring schedule for PFAS.

The NAWTP Pilot is currently scheduled to begin after Labor Day. Mr. Allen indicated that the rollout of the current grant round for PFAS is expected around August 21<sup>st</sup>. Wright-Pierce will be submitting an application on behalf of the District for MA State Revolving Fund (MA SRF) 0% financing to construct a PFAS remediation system after the pilot is completed.

Mr. Mostoller encourages customers with PFAS related questions to call the office and speak with staff. There is much misinformation on social media. The Commissioners agreed that the District has been very transparent with information as it has been received and will continue to be.

### 6. Other Old Business

The Drought Task Force recently changed the drought level indicators. We are currently in a Level 2 drought, significant drought. This declaration is driven by stream flows and fire danger. Currently there is no change being recommended to the outdoor water use program. Currently, no lawn watering is allowed.

Mr. Mostoller and representatives from DEP met with the Board of Health about PFAS on July 15. The District is committed to working with them and will continue discussions with the Board of Health. Currently, there is no additional meeting scheduled.



**DRAFT**

Mr. Allen informed the Board that he, Mr. Mostoller and Atty. Bassett met with representatives of a law firm that is currently soliciting clients for an active class action PFAS lawsuit. They will be scheduled for the next Commissioners meeting on Monday, 8/31, to meet with the Board.

Mr. Rosen made a motion to adjourn the meeting at 9:05 pm. It was seconded by Ms. Amir-Lin and unanimously approved.

Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

All documents referred to in meeting minutes are available for inspection at the office of Acton Water District, 693 Massachusetts Avenue, Acton, MA 01720 (978) 263-9107.

# DRAFT

Board of Water Commissioners  
Meeting Minutes  
VIRTUAL MEETING via Zoom  
Friday August 21, 2020 1:00 pm

## AGENDA

### **NEW BUSINESS:**

Vote to approve the issuance and details of notes and bonds to be issued to the Massachusetts Clean Water Trust

### **Present at Today's Meeting:**

Commissioners: Stephen Stuntz, Erika Amir-Lin, Barry Rosen  
District Manager: Chris Allen  
Environmental Manager: Matthew Mostoller  
District Treasurer: Mary Jo Bates  
District Counsel: Mary Bassett  
MIS Coordinator: Robert Murch

Due to the COVID-19 stay-at-home order by Governor Charles Baker, the Board of Water Commissioners meeting was held via a video conference using Zoom. The meeting was called to order at 1:00 pm on Friday, August 21, 2020 by Ms. Erika Amir-Lin.

### **A. New Business**

*Vote to Approve the issuance and details of notes and bonds to be issued to the Massachusetts Clean Water Trust*

Ms. Amir Lin made the following motion:

- (1) that the District issue a bond or bonds in an aggregate principal amount not to exceed \$12,392,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and votes of the District passed March 20, 2019 (Article 14), which authorized a total borrowing of \$9,242,000, and June 8, 2020 (Article 1), which authorized a total borrowing of \$3,150,000, for the drinking water project identified in such votes (the "Project");
- (2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$12,392,000;
- (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement;

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- (4) that the Treasurer is authorized to determine the date, the form, the maximum Interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board and the Treasurer and evidenced by their execution of the Bonds or Notes;
- (5) that any certificates or documents relating to the Bonds (collectively, the "Documents"). may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document: delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.
- (6) that all action taken to date by the District and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
- (7) that the Treasurer and the other appropriate District officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

The motion was seconded by Mr. Stuntz and unanimously approved by a roll call vote.

Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

Mr. Rosen made a motion to adjourn the meeting at 1:05 pm. It was seconded by Ms. Amir-Lin and unanimously approved.

Roll call vote: Mr. Stuntz, aye, Mr. Rosen, aye, Ms. Amir-Lin, aye.

All documents referred to in meeting minutes are available for inspection at the office of Acton Water District, 693 Massachusetts Avenue, Acton, MA 01720 (978) 263-9107.