



# Water Supply District of Acton

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## Board of Water Commissioners Meeting Agenda

**Monday, June 5, 2023 @ 7:00 PM**

**Due to the COVID-19 Pandemic, meetings are being held virtually via Zoom**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84264385700>

Or One tap mobile :

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Webinar ID: 842 6438 5700

International numbers available: <https://us02web.zoom.us/j/84264385700>

- **Comments from the public**
- **Approve minutes from the meetings of 5/23**
- **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
  - Comments on Proposed USEPA Standards
- Discussion of Outdoor Water Use Restrictions for 2023
- Update on BALDCO Acquisition
- Kelley's Corner Project Update

### **NEW BUSINESS:**

- Low Income Household Water Assistance Program (LIHWAP)

***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.***

**EXECUTIVE SESSION:** -- To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District

# Water Supply District of Acton

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May 30, 2023

Mr. Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
EPA Docket Center, OLEM Docket, Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Docket ID No. EPA-HQ-OW-2022-0114 - National Primary Drinking Water Regulation Rulemaking for per- and polyfluoroalkyl substances (PFAS)**

Dear Administrator Regan:

I am writing on behalf of the Water Supply District of Acton (District) to provide comments on the Environmental Protection Agency's (EPA) proposed National Primary Drinking Water Regulation Rulemaking for per- and polyfluoroalkyl substances (PFAS). Our utility fully supports efforts to expand verified public health protections, but EPA needs to consider the challenges associated with its proposed rulemaking and address the concerns regarding implementation before finalizing any standards. The District has a long track record of dealing with emerging contaminants dating back to the discovery of Volatile Organic Compounds (VOCs) in our water supply during the 1970s and 1980s. We believe our experience is extremely valuable and should be considered as the EPA intends to act relating to the newest class of emerging contaminants, PFAS.

The District provides drinking water and fire protection to approximately 95% of homes and businesses in Acton, MA, a suburb of Boston with almost 24,000 residents. All our supply is sourced from a network of groundwater wells located within the community. Through extensive sampling, we have identified PFAS at varying concentrations in every well we operate. A definitive source, or more likely sources, has yet to be identified. Our utility is aware that EPA will receive comments from other utilities and water works organizations that are submitting more comprehensive comments. I would urge EPA to pay close attention to the points raised by these associations as they are comprised of individuals and companies with expertise in designing and operating Public Water Systems (PWS) and they have additional understanding of the challenges which will be associated with implementing any final rule EPA adopts. The District's major concerns about the proposed rulemaking are as follows:

- Adequate funding has not yet been identified to help address our basic infrastructure needs, let alone to comply with these new PFAS standards. Our rate payers have already committed \$35 million since 2009 to address water treatment upgrades to comply with state and federal requirements. EPA's most recent estimate for Massachusetts was recently released, the 7<sup>th</sup> Drinking Water Infrastructure Needs Survey and Assessment<sup>1</sup>, and it shows \$15 billion in need over the next 20 years to

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<sup>1</sup> [https://www.epa.gov/system/files/documents/2023-04/Final\\_FAQ\\_DWINSAs\\_4.4.23.v1.pdf](https://www.epa.gov/system/files/documents/2023-04/Final_FAQ_DWINSAs_4.4.23.v1.pdf)

maintain public health protections. This estimate doesn't include any costs associated with complying with the proposed PFAS standards. Congress and the Biden Administration need to fully fund the treatment and ongoing operations and maintenance costs necessary to remediate PFAS in our nation's drinking water and seek reimbursement from the generators who have caused this problem. The federal government has far more resources and abilities to pursue legal actions and seek reimbursements from PFAS manufacturers than do individual PWS or groups of PWS. Our actions to treat PFAS are a long-term commitment that will forever change our operating costs; any existing financial assistance available to the District is in the form of capital financing and limited principal forgiveness. EPA must look at the full cost implications of PFAS treatment and establish a fund to assist with the remedial costs in perpetuity.

- EPA must address laboratory capacity issues before finalizing the rule. Certified labs have been challenged with analyzing the number of samples that Massachusetts PWS send them. PWS can wait upwards of three weeks for sample results and then our primacy agency, MassDEP, must perform quality assurance evaluations, which can take several more weeks. Our experience has shown that there can be a wide range of results when different labs analyze the same source of water. We question whether we are pushing the sensitivity of the equipment to a point where analyte values cannot be reliably quantified. Additionally, the interference of non-drinking water samples being processed on the same equipment at the lab, along with other chemicals and constituents in the water, may cause inaccurate results that overstate the PFAS concentrations in samples. These overstatements cause costly treatment upgrades, premature media replacement, and erosion in the public trust of public water systems. The analytical variability we routinely see in Massachusetts can be well over what EPA is proposing as the MCL. PWS could be subject to noncompliance and enforcement actions due to analytical variability alone. For this reason, EPA should not go to two significant figures to determine compliance values.
- EPA should abandon its plans to have any trigger level below the MCL and revert to the Standard Monitoring Framework which considers all results below the Practical Quantification Limit to be considered 0 ppt.
- EPA's timeline for compliance with the rule is not reasonable, and likely not even achievable, given the work that goes into designing, constructing, and funding new treatment systems. Our experience has been that a permanent solution takes approximately 5 years to complete. A temporary PFAS treatment system underway in our system began with pilot testing in the fall of 2020 and is not anticipated to produce treated water until at least March 2024. This process was undertaken during a period when competition for similar services and equipment was not yet a national concern. The water sector, including operators, design engineers, and construction workers, is challenged with workforce issues like many other sectors of our society. More sophisticated treatment will likely cause a change in PWS classification and may require a higher-grade operator license. In Massachusetts, it can take years to complete the required training to be able to sit for a higher-grade exam. EPA does not appear to have given any thought to issues such as these when they crafted the rule and its three-year implementation timeframe. EPA must adjust the compliance timeframe to be more realistic.

- EPA needs to rapidly work toward finding permanent destruction technologies or we will continue to face the prospect of a never-ending cycle of moving PFAS around our environment. EPA must address the water sector's concerns about potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA is proposing to regulate PFOA and PFOS as hazardous substances, which may impact the available media disposal methods such as landfilling. EPA should not move forward with any proposed CERCLA designation until exemptions are granted to water utilities who are passive receivers of PFAS substances. The requested exemption must be embedded in law or regulation, not just through an enforcement discretion policy. Managing backwash and media disposal poses financial and sustainability concerns in a market that is already constrained.
- Finally, the District wishes to acknowledge that the proposed PFAS regulations will impact other aspects of our community. The funding for our PFAS response is currently the sole responsibility of our rate payers. If utility bills continue to rise due to inflation, energy costs, and further regulation, we may see unintended consequences. The community may not support funding requests for PFAS treatment. Other priority projects in the community such as roadway safety improvements may garner support instead. The current model of local users paying the costs for a global PFAS issue is unreasonable and must be fully addressed in EPA's regulatory response and the federal government's financial assistance model.

Thank you for the opportunity to provide these comments. As a public utility, our staff and elected officials work hard to always follow the laws and regulations put forth by our regulatory agencies. I am sounding the alarm that I do not think this rule is reasonable, nor easily achievable. EPA has an obligation to address the water sector's implementation concerns and craft a final rule that is more realistic in its expectations of implementation and schedule and comes with a guarantee of the requisite funding to ensure PWS can comply.

Sincerely,



Matthew L. Mosteller  
District Manager

**DRAFT**

Board of Water Commissioners  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton, MA  
Tuesday, May 23, 2023

**AGENDA**

**A. Comments from the public**

**B. Approve minutes from the meeting of 5/8**

**C. Appoint one Commissioner to sign warrants while conducting meetings virtually**

**D. OLD BUSINESS:**

1. Knox Trail Solar Project
  - Project Update
2. Per- and Polyfluoroalkyl Substances (PFAS)
  - Current sample data, if available
  - Discussion of Additional PFAS Upgrades
3. May 11<sup>th</sup> Drinking Water Awards and Legislative Briefing
4. Discussion of Outdoor Water Use Restrictions for 2023

**E. NEW BUSINESS:**

1. Middlesex County Retirement System COLA Increase

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

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 Zoom Webinar and was recorded. The meeting was called to order at 7:01 PM on Tuesday, May 23, 2023, by Mr. Barry Rosen.

**Present at Tonight's Meeting:**

Commissioners: Erika Amir-Lin (Chair) and Barry Rosen

District Manager: Matthew Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett

Finance Committee: John Petersen

Commissioners Secretary: Lynn Protasowicki

**Public Present:**

Ron Parenti

## **Comments from the Public.**

No comments this evening.

## **Approve Minutes from the meeting of 5/8.**

Mr. Rosen moved to approve the meeting minutes of 5/8/2023. Ms. Amir-Lin seconded, and it was unanimously approved by a roll call vote: Mr. Rosen and Ms. Amir-Lin.

## **Appoint One Commissioner to Sign Warrants While Conducting Meetings Virtually.**

Ms. Amir-Lin moved to appoint Barry Rosen as the Commissioner to approve warrants while conducting meetings virtually until the next meeting of the Commissioners. Mr. Rosen seconded, and it was unanimously approved by a roll call vote: Mr. Rosen and Ms. Amir-Lin.

## **OLD BUSINESS:**

### 1. Knox Trail Solar Project.

- Project Update

Matt provided an update. On May 11<sup>th</sup> Standard Solar and EDF did test out the array and it went well. At this point they are still waiting for the battery test which is the interconnection between the plant and the system. Eversource needs to process some paperwork. We are not 100% functional but are getting close.

Additionally, we have begun to receive the on-bill credits associated with the Lawsbrook array, so we are seeing a direct benefit on the electric bills. That is in addition to the ground lease payments.

### 2. Per- and Polyfluoroalkyl Substances (PFAS).

- Current sample data, if available
- Discussion of Additional PFAS Upgrades
- Current sample data, if available:

Matt: we have the April results for North Acton which came in at 20.1 PPT which is still considered in compliance. We do not have any May results at this time. We sampled Center and South Acton last week and are conducting North Acton tomorrow. We did send out notice of a web update with the updated data which was circulated last week.

John Petersen: how much do you expect to spend on PFAS testing this year? Matt: knows what has been budgeted but what we will spend is probably about \$20K. John: the place to go to find all the water quality standards to meet is located where? Matt: go to MassDEP website under Office of Research and Standards they have a document that lays out all the requirements for Massachusetts and Matt will send him the document. John: are there any federal standards that we have to meet on top of state standards? Matt: it's the opposite. We comply with Federal regulations and have additional requirements placed on us by Massachusetts. John: is there something local that is required? Matt: via the Board of Health we do have a requirement to add sodium fluoride and that is a local vote and the Massachusetts Department of Public Health has requirements to meet. The District has a volatile organic compound standard that was adopted in

the wake of the WR Grace discovery and that is something that we have imposed on ourselves to reassure customers that something similar to Grace wouldn't happen again related to VOCs.

- Discussion of Additional PFAS Upgrades:

Matt: we have the two authorizations from annual meeting for SRF funds towards Center and South Acton PFAS plants. As of today, we have the draft pilot report for Central Acton plant. We received the draft report for South Acton plant a couple weeks ago. In Central Acton the engineer is recommending a straight GAC plant based on the performance during the pilot testing period. In South Acton they are recommending the best treatment which would be GAC followed by an ion exchange resin. We do not have to make those decisions quite yet on whether or not we want those treatment recommendations to happen, but we need to reaffirm that we want to move forward on both of those projects. At the last meeting we touched upon the engineers' ability to do the work and if there is enough time to get all the work done. Whether Wright Pierce can do it or another engineer. He reached out to another engineering firm who believes they can help with one of the projects in the allotted time frame. He will follow up with Jim Cray tomorrow morning about their availability.

Erika: she is inclined to split the work. What she heard at the last meeting was that all three Commissioners were interested in exploring other engineers to help with the workload.

Barry: North Acton is already a work in progress. Not sure that there is any value in making any changes. But South Acton is looking to be a more expensive undertaking if we use the recommendation of GAC with ion exchange resin. We would be inclined to seek out the best firm that could do the work in a certain time frame.

Matt: North Acton is not under discussion as that contract is underway. In terms of a formal RFQ, if we want to stay on track to access the SRF funds this year and not time, we will need to go on availability and pare down that vetting process. Jim Cray, of Wright-Pierce, we could decline the SRF funds for the 2023 IUP and reapply for the 2024 IUP. At a minimum we need to push forward with Center Acton since we have already violated the Massachusetts PFAS standards. South Acton we could push out another year because we are still in compliance. He would not like to see us miss out on principal forgiveness opportunities so there is value to being at the front of the line. His recommendation is that if we can push forward with both projects, he would prefer that.

Barry Rosen: keep Wright Pierce for Central Acton. Matt: yes, if they can meet the timelines. It will come down to when we can commit design funds to them. Christine, Mary, and Matt have started discussing that. If Wright-Pierce can't meet the October deadline, then we may have to look at another engineer.

Erika Amir-Lin: she could see Wright-Pierce doing the work for Central Acton.

Barry Rosen: based on the pilot are they recommending just GAC? Matt: in Center Acton just straight GAC and South Acton they did recommend the combo of GAC and ion exchange resin.

Matt: we could look at building 20-year buildings and not 50+ year ones which the main treatment plants have been.

John Petersen: what drives costs is the need to weatherize buildings. Another factor that drives costs is the number of independent sources you need to have. Where is the document that talks about capacity of the different sources? Is there a document that talks about the ability to manage the mixing of sources? Matt: the first document would be our master plan that was updated in 2018. That would be pre-PFAS and a good document to look at. The secondary document being talked about is comprised of institutional knowledge and we don't have a document. We purposely put a hold on updating the master plan because we are trying to gain more knowledge about PFAS. During that time, discussions to join the MWRA were revisited. There will be a report coming out in June on the feasibility of connecting. John: what would you like the Finance Committee to do when you are talking about 20- and 50-year buildings? Erika: a lot of this discussion stays in discussion for a while. It makes sense to have Finance Committee involved when a plan is starting to come together. Matt: when we previously discussed North Acton we did not know as much as we do today, and we formed a PFAS working group. We vetted a lot of financial questions. What we learned is that the decisions around the durability of the solutions is the financial piece.

### 3. May 11<sup>th</sup> Drinking Water Awards and Legislative Briefing

Matt, Alex, Christine and Stephen Stuntz visited the State House to receive a Conservation award for the great work that our customers did in 2022 and the District's programs that we manage and create that are effective. They met with Senator Eldridge and Representative Sena. In the morning we met with various elected officials. Matt met with Eldridge's aide, and he got to sit next to Senator Eldridge at lunch. The Senator appreciates the work that the District is doing. He believes that SRF is meeting the District's needs. Matt is not sure that the financial message is being heard, however. Christine met with Rep Cataldo and discussions about PFAS and regional solutions, such as the MWRA were touched on. Alex met with her officials and discussed water operator retirement age.

### 4. Discussion of Outdoor Water Use Restrictions for 2023

Matt: during the March meeting the Board formally voted to extend the water restriction from 2022 which was never lifted. It is limited to one day of lawn watering per week per address. We have now utilized that for two full years, and we will continue into 2023. We have seen some high rates of water use over the past couple of weeks with no rain. We sent an email reminder to all customers and a paper reminder to the 100 highest users who we don't have an email for. It generated a lot of phone calls. Hopefully that reminds folks that this restriction is in place, and it helps us to manage PFAS in the interim and we continue to have favorable conditions during the season.

### Additional Old Business:

Kelly's Corner – we experienced a big outage on Monday, May 22. The contractor working on the Kelley's Corner project ruptured an active water main. The contractor took care of repairing that. As they were restoring the service, they found an additional leak which was then repaired. It impacted from the gas station to the Route 2 ramp on Massachusetts Avenue. The outage was about 10 hours total and included businesses, residences, and a school.

Christine is getting ready to borrow to pay the bills that are coming due for the project. Existing funds on hand are quickly being used.

## **NEW BUSINESS:**

### 1. Middlesex County Retirement System COLA Increase

Documentation attached to Commissioner's packet.

Barry: we don't seem to have a vote in this. Christine: no we don't. As Treasurer she is an advisory council member for the retirement system board. Normally we would vote but they put it to the Selectboards this time. Districts weren't included. Only member towns and cities that have participants. Barry: didn't think it was very clever on their part since we do pay into it. They are going from 3%-5%. How does that impact our contribution? Christine: the actuary firm hasn't determined on an individual unit basis what the impact is going to be. For the system, it will increase the unfunded liability by 1% but they plan to start implementing the increase in 2026. Once they do their 2024 valuation of system, we'll know what the impact will be. They still plan to be fully funded by 2036.

*Mr. Rosen moved to adjourn the open meeting at 8:02 PM. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen and Ms. Amir-Lin.*

**Next Meeting: Monday, June 5, 2023**