



Minutes

October 13, 2023

Remote via zoom

Attendees:

WAC Members: Kannan Vembu (Chair), Dan Winograd (Vice Chair), Adriana Cillo (BWSC), Craig Allen, Wayne Chouinard, **George Atallah, Karen Lachmayr, Martin Pillsbury, Stephen Greene, Taber Keally** (NepRWA), **Alfredo Vargas, Jim Ferrara** (Members in attendance in **bold**)

Guests: Moussa Siri, Paul Lauenstein, WSCAC; Maret Smolow, MWRA; Stephen Perkins, MyRWA; Matt Romero (MWRA Advisory Board), Lou Taverna, MWRA Board member, Bruce Berman, Boston Harbor Now

Staff: Andreae Downs (WAC)

ANNOUNCEMENTS: James Guiod, 34, passed away last weekend. Members remembered him fondly and wanted to know how to honor his memory. Andreae will send a card for WAC and ensure the committee will know about any services.

Andreae introduced & welcomed Moussa Siri, the new director of WSCAC.

DISCUSSION

Deer Island Draft NPDES Permit

OMSAP has a **PIAC**—Public Interest Advisory Committee. Andreae has added a note to the comments supporting retaining the PIAC in whatever happens with the OMSAP in the next permit.

A future SAP, and a plan to monitor climate change effects, harmful and nuisance algal

blooms and contaminants of emerging concern—should MWRA ratepayers cover the whole cost?—or should it be shared across the other dischargers to the bay:

Note that these are not shown to be caused or worsened by the outfall.

Members agreed it should be shared cost—just because MWRA has funding to use doesn't mean it should be only source of funds.

The advisory board will also recommend that these costs be shared.

Repeating comments does influence EPA—the major storm sections in final permits for smaller WWTP have been modified after MWRA and NACWA, among others, had multiple shared comments. Co-permittees remain, however.

Matt Romero noted that the language in those permits is also something commenters need to incorporate—does it work for DI?

Andreae added new information on the **video inspection of the outfall requirement** provided by MWRA that is more accurate.

KL: EPA is not clear whether talking about outfall tunnel or the diffuser heads. Even inspecting with divers of diffuser heads is an immense cost. Possible, but question of whether warranted.

Inflow/Infiltration – area of consensus:

1. Remove co-permittees
2. Suggest current system works & EPA has MWRAs I/I numbers wrong
3. O&M plan and annual reporting requirements

Question on Co-permittees—is the committee OK with the sentence about MWRA and its lawyers finding acceptable language?

Is the Authority still working on that language?

Yes

WAC doesn't know what that language would be, but if EPA can't find language that

shields the MWRA and co-permittees from liability (mostly from 3rd-party lawsuits) for others' work, then WAC urges EPA to remove co-permittees altogether.

O&M section Timeframe of 48 months or 4 years? Members concurred

Annual Reporting—especially for communities. This in the final permits for smaller sewer systems is now just an annual update. Seems more achievable.

Issue for communities is that while they report now to MWRA, the penalties are known. They worry about the implications of reporting to EPA.

WAC could say please accept annual reporting now done to MWRA. But still an issue for communities. Don't want MWRA to be the enforcer.

Would an update, less formal, present the same issues? Yes, it could. It's annual and going directly to the EPA.

CSO section—main ask is to remove all CSO language from the permit. None of the communities nor MWRA knows how this would work. They could end up with two sets of requirements, unable to comply with both.

A member of the public noted that the EPA is not known for being flexible, fast, or nimble.

Major Storm section—Andreae will reorganize after this meeting so that it reads better. Members commented on the overall structure of the comments, starting with the parts WAC appreciates, going to the parts that need tweaking and ending with WAC's biggest concerns.

This is the thorniest section, and perhaps strident. Introduction is general statement of why this section is unreasonable and impractical.

In final permits, this section is now called an Adaptation Plan.

Issues are cost, timeline, data sources to use (these are defined to some extent in the final permits already issued). The section on updating with latest data is removed, which could make WAC's comments on infinitely iterative plans moot.

Plan is required to 2050—still a long time out. Still 5-year plans

Also has an annual report requirement.

Comment: we DO need comprehensive climate planning. But having individual communities do it, but not the neighbors who aren't part of MWRA is ridiculous. Just be simple, declarative, and harsh.

Bruce Berman: PIAC is taking their lead from WAC on writing permit comments, and thanks WAC for these comments and extensive research.

Poll of committee—language about survivability of the ratepayer base in this section—keep or delete?

Degree of uncertainty once you get past 2050 is so great, you wouldn't make hard capital investments based on that. Since we can't reliably plan for it, why go through the exercise?

But the broader comment—will the whole city be flooded?—is perhaps beyond the scope of this comment. The dams might be raised, and may buy us time. But after 2100, yes, there's an open question about where all of us will be able to be.

Committee agreed to remove this comment.

Committee poll on whether to include NACWA's comments on this requirement not meeting CWA effluent limit language has been rejected by EPA.

Question about what MWRA lawyers think—no one could answer.

Committee decided not to include.

On some of the definitions—these are defined in other final permits. Committee decided to retain (speak to the permit before us), but to note that language in other permits is acceptable.

Municipalities and Climate Planning:

Asking for more time? BWSC suggests 5 years.

Stormwater permit greatly expanded the timeline beyond the 5-year permit expiration. EPA has shown flexibility where good case has been made.

Feedback from the communities? Yes—the communities feel that the timeline is impossible, even with consultants hired. BWSC just to do the stormwater computations for its own infrastructure and a few storms—and the computation alone took almost 2 years.

BWSC also needs to do collaborative flood planning because of all the other sources of floodwater beyond their own stormwater infrastructure—MWRA, DCR, MassPort, MassDOT and more. Need to add in the data.

Watersheds don't respect municipal boundaries.

Funding—needs to come to communities much faster than SRF. Newton hasn't yet gotten FEMA disaster funding from 2020, for instance, although CARES and ARPA funds have come in.

Number of contractors to do the work is now 3, maybe 4. There's not enough to do all the work.

Agreement on the inefficiency of 43 communities working separately—at a minimum should be coordinated across watersheds. EPA touts watershed planning, but seems to be ignoring it here. CRWA is doing watershed flood planning, but it has been taking a long time to do and need funding to get into the details, prioritize where work needs to be done and then fund the work.

Andreae will rewrite, reorganize, and send a final draft to the committee before the next meeting. Once we have a final draft, Andreae will send to EPA and not wait. Thinks EPA has been listening to WAC meetings.

WAC members thanked Andreae for the work on the permit draft comments.

Next Meetings: Friday, Nov. 3, 10:30 am, virtual, just on the permit.

- Thursday, Nov. 16, joint with AB & WSCAC on MWRA energy efficiency programs (Advisory Board start time of 10 am usually rules for these joint meetings)
- Thursday, Feb. 15, joint with AB & WSCAC on MWRA budgets