

Drinking Water Program
One Winter Street – 5th Floor; Boston, MA 02108
Program.Director-DWP@mass.gov or 617-292-5770

The Drinking Water Updates can be found on-line at: mass.gov/lists/communication-to-public-water-suppliers

or at the Statehouse Archives at: https://archives.lib.state.ma.us/handle/2452/826119



Drinking Water Program Updates

2020-07-02

This week's program director email has these topics of interest:

- MassDEP COVID-19 Information
 MassDEP Public Water Supply Information
 MassDEP COVID-19 Conference Calls
- 2. Cloth Face Masks
- 3. CDC and EPA Coronavirus Websites
- 4. Biweekly Drinking Water Update Email
- 5. ASR Deadline was July 1
- 6. CCR Deadline was July 1
- 7. Reporting Raw Water Sampling
- 8. Section 70 Report to the Legislature for 2019
- 9. 2021 State Revolving Fund Loan Program
- 10. CWT Accepting Comments on WIFTA
- 11. Grant Opportunities
- 12. EPA Takes Action to Stop Certain PFAS in Products
- 13. EPA Capacity Development Handbook
- 14. EPA OECA Rescinds Enforcement Discretion Memo, Effective August 31, 2020
- 15. Sustainable Management of Rural and Small Systems Workshop
- 16. MassDEP LCR Training
- 17. Training Calendar

MassDEP COVID-19 Information

For all information go to https://www.mass.gov/info-details/covid-19-state-of-emergency
Sign-up for the state messaging tool called "AlertsMA" which sends real-time notifications of COVID-19 alerts. To subscribe to these real-time notifications text the keyword COVIDMA to 888-777. After signing up, you will receive short messages and links to information on your cell phone or other mobile device.

Masks and Face Coverings: On May 1, Governor Baker issued an order requiring the use of masks or face coverings in public situations when appropriate social distancing measures are not possible. Order | Guidance

Phase 2 - Re-opening Massachusetts

Until a treatment or vaccine for COVID-19 is available, life will not return to normal. We each have a collective responsibility to ensure that reopening proceeds smoothly and safely. Everyone must follow public health directives and use common sense to protect yourself, your family, your neighbors, and vulnerable populations across the Commonwealth.

https://www.mass.gov/info-details/reopening-massachusetts

MassDEP Public Water Supply Information

MassDEP is coordinating with the water supply industries, agencies, and organizations to provide information about the impacts of COVID-19 in Massachusetts.

- Recorded weekly meetings with Commissioner Suuberg: <u>Water Suppliers Meetings on COVID-19</u>
- Questions from drinking water operators answered by MassDEP <u>Water Supplier FAQs</u>
- Bacteria sampling at outside taps/spigots/hose bibs (PDF 97 KB)
- Bacteria sampling at hydrants using hydrant sampler (PDF 87 KB)
- Mitigating lead and copper levels in facilities after school closure due to COVID-19 (PDF 115 KB)
- Emergency Certification for Public Water System Temporary Closure (Non-Operational Status)
 For Non-Community (TNC/NTNC) public water suppliers (Word 40KB) (PDF 149 KB)
- Drinking Water Operator license Extension Guidance during the public health emergency https://www.mass.gov/info-details/guidance-regarding-the-orders-by-the-governor-extending-certain-occupational-and
- Mass DEP Building Flushing Information https://www.mass.gov/doc/massdep-building-flushing-information
- Form to document non-compliance related to COVID-19
 https://www.mass.gov/doc/documentation-for-failure-to-comply-with-a-requirement-as-a-result-of-the-covid-19-emergency
- Existing Flexibilities under the SDWA https://www.epa.gov/dwreginfo/existing-flexibilities-under-safe-drinking-water-act

MassDEP COVID-19 Conference Calls

MassDEP's Commissioner Suuberg is now holding bimonthly (every two weeks) Zoom conference calls to all operators and interested parties. Here is a link to MassDEP's webpage, where recordings of Commissioner Suuberg's calls with the operators as well as FAQs for both water supply and wastewater are published: https://www.mass.gov/lists/covid-19-information-for-drinking-water-and-wastewater-operators. MassDEP will continue to populate this webpage with other relevant information related to the COVID-19 crisis.

The next call with Commissioner Suuberg is scheduled for <u>Tuesday</u>, <u>July 14</u>, at 2 <u>PM</u>. Please email all drinking water questions to MassDEP at <u>program.director-dwp@mass.gov</u>.

Topic: Commissioner's COVID Call with Public Water Suppliers Time: Jul 14, 2020 02:00 PM Eastern Time (US and Canada)

NEW ZOOM MEETING INFORMATION

Join Zoom Meeting

https://us02web.zoom.us/j/85684758547

Meeting ID: 856 8475 8547

One tap mobile

- +16465588656,,85684758547# US (New York)
- +13017158592,,85684758547# US (Germantown)

Dial by your location

- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 312 626 6799 US (Chicago)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 856 8475 8547

Find your local number: https://us02web.zoom.us/u/kerxSMCbXE

Cloth Masks

Thanks to both the US Environmental Protection Agency (US EPA) and the Federal Emergency Management Agency (FEMA), Massachusetts received 60,000 cloth masks that were distributed to drinking water and wastewater systems across the Commonwealth.

With the help of so many partners, **56,865** masks have been distributed to over **402** facilities. MassDEP is grateful to you all for helping to plan and execute this operation. We especially appreciate the extraordinary efforts of the eight facilities that operated as distribution points for the masks as well as the several other facilities and partners who picked up masks for delivery to others:

- Barnstable Department of Public Works
- Brewster Water Department
- Brockton Advanced Water Reclamation Facility (AWRF)
- Greater Lawrence Sanitary District (GLSD)
- Lowell Regional Wastewater Utility (LRWU)
- Massachusetts Rural Water Association (MRWA)
- Massachusetts Water Resources Authority (MWRA)
- New Bedford Department of Public Works
- Resources for Communities and People (RCAP) Solutions
- Springfield Water and Sewer Commission (SWSC)
- Upper Blackstone Water Pollution Abatement District (UBWPAD)

MassDEP thanks you all for helping to ensure the safety of the Commonwealth's operators.



During the coronavirus pandemic, the Centers for Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency (EPA) have worked hand in hand to ensure the American Public has the information they need to stay informed with respect to using water resources. The CDC recently posted a new coronavirus website for sanitation and wastewater workers. Additionally, EPA regularly updates its coronavirus website, which provides information on drinking water and wastewater. In addition to information for the general public, this website includes resources for state, local, and tribal agencies and intergovernmental associations. Having fully operational drinking water and wastewater services is critical during the COVID-19 national health emergency. EPA supports our nation's water and wastewater employees who help protect human health and the environment every single day.

Biweekly Drinking Water Update Email

Governor Baker just announced that Massachusetts' seven day average is 1.9% for COVID-19 cases. Solid progress is being made and thus opening up Massachusetts will continue. With this



information MassDEP Drinking Water Program will now go back to biweekly (two times a month) Drinking Water Updates. Please continue to social distance and to wear face masks to keep this seven-day average low.

Remember using <u>Program.Director-DWP@mass.gov</u> will get you the quickest response to *any* question you may have. This email is checked daily. No matter how big or how small your inquiries are, they will be answered.

ASR - July 1 Deadline

The deadline for submitting your Annual Statistical Report was July 1. As of June 29: 1,384 systems submitted their ASR, 17 were submitted but not signed, 123 systems had works in progress, and 108 have not started their ASR.

If you have any questions about your ASR or need assistance to complete your ASR submission please contact Andrew.Durham@mass.gov or Tio.Yano@mass.gov for assistance.

CCR – July 1 Deadline

For community systems only: The deadline for submitting your Consumer Confidence Report was July 1. Due to the high influx of CCR submissions on July 1, we are not able to have numbers to report as of this writing. Since it is a federal regulation, MassDEP must adhere to the July 1 deadline and cannot extend it. Any CCRs that were not in MassDEP on July 1 are in non-compliance with state and federal regulations.

For non-community systems only: MassDEP is in the process of making all non-community water quality reports. They will soon be available at: https://www.mass.gov/service-details/public-water-supplier-document-search. When they are posted we will notify you and you are required to find your report, print it, sign it, and post it in conspicuous places for all your customers/employees to see. Remember, we will alert you when these reports have been posted on line.

Reporting Raw Water Sampling

This question came into the Program Director email. The Drinking Water Program thinks it would serve as a good reminder for others.

Q: If a PWS tests for contaminants other than what is listed on their sample schedule do they have to report it to MassDEP? If they test raw water does it need to be reported?

A: If a PWS tests for contaminants other than what is listed on their sample schedule, the test would be considered special purpose samples and in accordance with 310 CMR 22.03 (11) "The Department may require that special purpose samples collected by a Supplier of Water and analyzed by a certified laboratory using approved methods as specified at 310 CMR 42.00: Certification and Operation of Environmental Analysis Laboratories be used to determine compliance with the applicable MCL". Also, in general, raw or untreated water sources are not routinely tested as the requirements under both the state and federal drinking water regulations seek to ensure that the water being delivered, at the entrance point to the distribution system, for consumption by the public, meets all the relevant standards. If a public water system is voluntarily sampling its untreated water or if MassDEP has reason to require this action, these tests would be required to be reported to MassDEP and they would be entered into our database that is the source for our public portal.

To search the public portal go to: https://eeaonline.eea.state.ma.us/Portal/#!/home Click search data by category, click facilities, add in some parameters and click search.

Section 70 Report to the Legislature for 2019

The Safe Drinking Water Act Assessment (Section 70) Advisory Committee's Report to the Legislature for 2019 is available at https://www.mass.gov/service-details/safe-drinking-water-act-assessment-advisory-committee-section-70-committee. The Committee's 26th Annual Report includes a summary of the work completed by MassDEP's Drinking Water Program (DWP) to support Public Water Systems (PWS), DWP priorities and a list of Committee members.

The Assessment, which is based on water use reported by PWS on the Annual Statistical Report, generates about \$2 million each year to fund DWP staff who provide training and technical and compliance assistance to PWS.

The Committee has broad representation across all sizes and types of PWS. Public meetings to review the Assessment Program are scheduled four times a year. More information is available at https://www.mass.gov/service-details/safe-drinking-water-act-assessment-advisory-committee-section-70-committee and by contacting program.director-dwp@mass.gov or 617-292-5770.

2021 State Revolving Fund Loan Project Solicitation

The Massachusetts Department of Environmental Protection (MassDEP) is pleased to announce that the solicitation period for new drinking water and wastewater projects seeking financing through the State Revolving Fund (SRF) Loan Program is now open. MassDEP, Division of Municipal Services, will accept Project Evaluation Forms (PEFs) for the 2021 round of financing **until 12:00 PM, August 21, 2020.** There are no significant changes to the PEFs for 2021. The rating criteria remain the same. Please see the **attached** PDF for more information.

CWT Accepting Comments on the Water Infrastructure Fund Transfer Act (WIFTA)

The Massachusetts Clean Water Trust is accepting public comments on the implementation of the Water Infrastructure Fund Transfer Act (WIFTA) until August 6th, 2020. WIFTA allows the state revolving fund to transfer funds from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund to provide additional subsidy to projects focusing on lead remediation. Please see the attached document for specifics on the proposed transfer and information regarding the public comment period. Also, the information can be found on the Trust's website at https://www.mass.gov/orgs/the-massachusetts-clean-water-trust.

Grant Opportunities

MA DOER's Municipal Energy Technical Assistance Grants Up to \$12,500 per applicant - due August 20, 2020

This grant will conduct technical assessment services for energy efficiency and clean energy projects at municipal drinking water and wastewater facilities (plants and pumping stations). This is a great opportunity to get your energy assessment done for future implementation.

MA EOEEA's Municipal Vulnerability Preparedness (MVP) Planning Grants.

Applications will be accepted on a rolling basis until 4 pm, **Friday, August 7, 2020.** Visit the MVP website for more information and links to application materials.

Please review attached PDF for more information.

Note: Please consider joining MA DOER's Email List to receive future updates directly. https://www.mass.gov/forms/subscribe-to-doer-email-lists

EPA Takes Action to Stop Certain PFAS in Products

As part of the U.S. Environmental Protection Agency's (EPA) <u>Per- and Polyfluoroalkyl Substances</u> (<u>PFAS</u>) <u>Action Plan</u>, EPA is issuing a final rule giving the agency the authority to review an expansive list of products containing PFAS before they could be manufactured, sold, or imported in the United States. This action, issued under the Toxic Substances Control Act (TSCA), means that EPA is prohibiting companies from manufacturing, processing, or importing products containing certain long-chain PFAS, which persist in the environment and can cause adverse health effects, without

prior EPA review and approval. As part of the agency's review, EPA could place restrictions on these products to protect public health. Click below to read the full press release: https://www.epa.gov/newsreleases/epa-takes-action-stop-use-certain-pfas-products-and-protect-american-consumers

EPA Capacity Development Handbook

Even though this handbook is intended for EPA and State CapDev program coordinators, it provides comprehensive guidance to understand state requirements to best aid capacity development programs. The handbook summarizes the capacity development provisions of the Safe Drinking Water Act (SDWA), including state and regional responsibilities, tools that can be used to help public water systems develop technical, managerial, and financial (TMF) capacity, and links between Capacity Development programs and other SDWA initiatives. The EPA Regional CapDev Coordinator Handbook is now available on the EPA webpage at https://www.epa.gov/dwcapacity/regional-capacity-development-coordinator-handbook.

EPA OECA Rescinds Enforcement Discretion Memo, Effective August 31, 2020

In a memo dated June 29, 2020 OECA rescinded the March enforcement discretion memo effective August 31, 2020. The memo states that the "temporary policy terminates in its entirety at 11:59 PM Eastern Daylight Saving Time, August 31, 2020. This means that the EPA will not base any exercise of enforcement discretion on this temporary policy for any noncompliance that occurs after August 31, 2020. In addition, the EPA may terminate this temporary policy (i.e., indicate it does not apply to future noncompliance) on a state or national basis, in whole or in part, at any earlier time, taking into account changing conditions in a state or region of the country, including as appropriate the expiration or lifting of "stay at home" orders in a state, the status of federal and/or state COVID19 public health emergency guidelines, and/or other relevant factors or considerations. In order to provide fair and sufficient notice to the public, the EPA will provide notification at least seven days prior, if it terminates this temporary policy prior to August 31, 2020, either nationally or at a more local level, in whole or in part".

This rescission memo will remove any enforcement discretion provided by MassDEP to Public Water Suppliers for federal drinking water violations, effective August 31, 2020. See the MassDEP FAQ for PWS, for information on COVID-19 related federal enforcement discretion at https://www.mass.gov/doc/massdep-covid-19-faqs-for-public-water-suppliers-o/download.

The OECA memo can be found on this webpage: https://www.epa.gov/enforcement/enforcement-policy-guidance-publications and link: https://www.epa.gov/sites/production/files/2020-06/documents/covid19addendumontermination.pdf.

Sustainable Management of Rural and Small Systems

Workshop - Thursday July 16 and Thursday Jul 23 9:00 am to 11:00 am

This workshop presented by RCAP Solutions will show you how to conduct a self-assessment of your system and identify areas for improvement that are critical to success of your utility.

This is a two-day workshop and both days must be attended to receive the 4 TCHs.

See attached PDF.

Register here: https:\\bit.ly/WIBJulyMA

Any questions contact: Jim Starbard 978-502-0227 or jstarbard@rcapsolutions.org

MassDEP Lead and Copper Rule Sampling Training: From Planning through Documentation (3TCHs)

Join us on <u>July 15th, 2020</u> for the LCR online Training by registering at: https://zoom.us/meeting/register/tJApdOypqjkqGNGtEwGb-BHqdT43t99p15V6 by <u>July 13th, 2020</u> 12:00AM.

- Please register no more than two staff per PWS or contract operator company.
- You must register with an email address with which you can be contacted after the training is complete. Please do not use an email address you do not check daily.
- This training must be taken on a computer or other electronic device (such as an iPad or tablet), and not only by telephone. Attendance will be monitored using tools only accessible on electronic devices. However, you are not required to use your computer camera (meaning you do not have to "show your face").

Agenda

8:45 a.m. Call open 9:00 a.m. Introduction/Overview 9:15 a.m. LCR Sampling Plan and Materials Survey Worksheet 10:30 a.m. Break 10:45 a.m. LCR Sampling Requirements and Forms 12:00 p.m. Q&A and Evaluation 12:15 p.m. Adjourn

Contacts for Questions

For questions about the training agenda or subject matter, contact the Drinking Water Program at program.director-dwp@mass.gov. Subject: LCR Training

Training Calendar

When you need training please look at the training calendar located at:

http://www.mass.gov/eea/agencies/massdep/water/drinking/drinking-water-training-class-schedules.html for upcoming trainings.

If you need a refresher on recently given trainings, you can review several training videos located at: https://www.youtube.com/playlist?list=PLJn2AKOcYr7lutGJB-UfDKtQPF o 249m

or click here: VouTube

MassDEP is sending this important drinking water information to all PWS responsible persons who are listed on the state database. If you are no longer the correct responsible person for the PWS please reply with the correct contact information. MassDEP needs one responsible contact person from each PWS.

Operators, consultants, and others who are interested in Drinking Water Program updates are encouraged to request to be subscribed to this email list. You may also request to be unsubscribed by replying to this email.

This MassDEP Program Director technical assistance email is funded by the Safe Drinking Water Act Assessment (Section 70) Program. The Assessment is paid by all consumers of public water in Massachusetts and is collected by public water systems. For more information about the Assessment Program, go to

http://www.mass.gov/eea/agencies/massdep/news/advisory-committees/safe-drinking-water-act-assessment-advisory-committee.html.



Workshop Agenda

- Introductions & Objectives
- Key Management Areas
- "Self-Assessment" Exercise and Discussion
- Improving Outcomes
- Available Resources
- Action Plan Creation
- Next Steps & Feedback



THU, JULY 16 & THU, JULY 23 FROM 9:00 AM TO 11:00 AM

Sustainable Management of Rural and Small Systems Online Workshop

During this workshop, you will conduct a guided self-assessment of your system and identify areas for improvement that are critical to success at your utility. This self-assessment will help you prioritize actions when resources are limited. You will also learn from other utilities that have faced similar challenges. During this workshop you will learn:

- ✓ How to deliver increasingly efficient, and higher quality services
- ✓ How to improve long-term sustainability and increase resiliency
- ✓ How to use the *Small Systems Guidebook to Effective Utility Management* to make improvements at your system

Utilities will learn how to make improvements in the ten key management areas, at a pace consistent with their most pressing challenges.

Please note: This is a 2-day online workshop.

Both days <u>must</u> be attended to receive credit.

Register Online:
https://bit.ly/WIBJulyMA

This workshop is accredited for 4 TCHs in Massachusetts.

Questions? Contact: Jim Starbard, phone: 978-502-0227, email: jstarbard@rcapsolutions.org

Ten Key Management Areas

- Financial Viability
- Operational Resiliency
- Employee & Leadership Development
- Water Resource Adequacy
- Community Sustainability & Economic Development
- Infrastructure Stability
- Product Quality
- Customer Satisfaction
- Stakeholder Understanding & Support
- Operational Optimization

This workshop is made possible by funding through the USDA and US EPA.

RCAP is an equal opportunity provider and employer and does not discriminate against qualified individuals with disabilities.



Municipal Energy Technical Assistance Grants Available

The Department of Energy Resources (DOER) Green Communities Division is making \$250,000 available for a new round of Municipal Energy Technical Assistance (META) grants (formerly known as Owner's Agent Technical Assistance) that will open on **August 20 at 9:00 am.**

These grants are for independent third parties who help municipalities, regional school districts, and water/wastewater districts negotiate, develop and manage energy projects, or who perform studies to support the development of such projects. The 2020 round of META grants is available to all Massachusetts municipalities (regardless of Green Community designation status), regional school districts, and water and wastewater districts.

Please refer to the <u>Program Opportunity Notice</u> for information about eligible projects and other details. Please note that DOER will review applications submitted on a first-come, first-served basis, and that no applications will be accepted before 9:00 am on August 20. After that time, DOER will continue to accept and review applications on a rolling basis until 4:00 pm, or until funding is exhausted.

MassEnergyInsight User Training Scheduled: Save the Dates!

DOER and the MEI Team will be offering training sessions for new and experienced users of MassEnergyInsight, the free online energy benchmarking and tracking tool available to all municipalities, water/wastewater districts, and regional school districts.

The training will be <u>offered online</u> and will be divided into eight sessions. Sign up for the one or two you need, or all eight.

1) July 16, 2:45-4:30 PM: Understanding & Setting Up MEI

- Introduction (how MEI works, benefits, understanding how data gets in)
- Organizing Data (new and reviewing what's already set up)

2) July 30, 2:45-4 PM: Entering Data & Keeping Your City/Town up to Date

- Spreadsheet Upload and manual data entry
- Working on your City/Town (how to keep everything up to date)

3) August 20, 2:45-4 PM: Basic Reports

• Purpose of reports & intro to reports (organized by category)

4) * September 3, 9:45-11 AM: More Reports

• Exploring additional reports offered by MEI, including reports needed for Green Communities and weather-normalization

5) * September 17, 9:45-11 AM: Troubleshooting 1

• Explore solutions to common problems - how to ensure your data is accurate, dealing with utility bill corrections, working with competitive supply data

6) * October 1, 9:45 AM-12 PM: Office Hours for Annual Report

• MEI support team stands ready and waiting to help with data reporting issues BEFORE the Green Communities Annual Report is due

7) * October 15, 9:45-11 AM: Troubleshooting 2

• More problem-solving: rectifying "null" accounts, using MEI to analyze energy costs

8) * October 29, 9:45-11 AM: Advanced Topics in MEI

 MEI has many capabilities - attend this session to learn how to download data and what you can do with it, how to work with solar data, troubleshooting weathernormalization

(sessions with a * are tentatively scheduled - registrants will be informed if session topic and/or date changes)

New users, please make sure you have login credentials and have successfully logged into MassEnergyInsight before registering. <u>Please register here.</u>

Reminder: Revised MPG Requirements for Green Communities Effective July 1

The minimum MPG requirements non-exempt vehicles must meet have been updated to reflect the enhanced efficiency of vehicles available today. Starting on **July 1, 2020**, light-duty non-exempt vehicles acquired by designated Green Communities must meet the new standards, in accordance with their fuel- efficient vehicle policies.

The revised guidelines are available on DOER's website.

MVP Grants Available

The Executive Office of Energy and Environmental Affairs Municipal Vulnerability Preparedness grant program (MVP) provides support for cities and towns in Massachusetts to plan for resiliency and implement key climate change adaptation actions for resiliency. The state awards communities with funding to complete vulnerability assessments and develop action-oriented resiliency plans. The program helps communities to:

- Define extreme weather and natural and climate related hazards
- Understand how their community may be impacted by climate change with a
 Massachusetts specific climate change clearinghouse with the latest science and
 data: please see this link for more details: resilientma.org
- Identify existing and future vulnerabilities and strengths
- Develop and prioritize actions for the community
- Identify opportunities to take action to reduce risk and build resilience

• Implement key actions identified through the planning process

Applications for Planning Grants will be accepted on a rolling basis until **4 pm, Friday, August 7.** Visit the MVP website for more information and links to application materials.

Massachusetts Department of Energy Resources

100 Cambridge St. Suite 1020 Boston, MA 02114



Public Comment Period for Implementing the Water Infrastructure Transfer Act

Posted: July 1, 2020

Comment Deadline: August 6, 2020 by 12:00 PM

Contact Person:

Joshua Derouen
Program Associate
Massachusetts Clean Water Trust
jderouen@tre.state.ma.us
(617) 367-9333 ext. 515

Introduction. The Massachusetts Clean Water Trust (the Trust), in partnership with the Massachusetts Department of Environmental Protection (MassDEP), is furthering the Commonwealth of Massachusetts' commitment to providing lead-free drinking water by committing \$30 million for projects that remediate lead in drinking water or planning projects that identify sources of lead for remediation. The funding will be provided as additional subsidy in the form of loan forgiveness to <u>Disadvantaged Committees</u>. The funding source is from a one-time transfer from the Clean Water State Revolving Fund (CWSRF) to the Drinking Water State Revolving Fund (DWSRF).

Public Comment Period. The Trust is requesting public comments on the following information by August 6th, 2020 at 12:00 PM. Please provide comments by email to Joshua Derouen, at <u>jderouen@tre.state.ma.us</u>. Responses to comments received during the comment period will be posted to the <u>Trust's website</u> by August 14th, 2020. Once the public comment period has ended, the Trust will finalize the program and present it to the Board of Trustees for approval. If approved, MassDEP will amend the CWSRF and DWSRF Intended Use Plans to include the lead subsidy program.

Overview. On October 4, 2019, the <u>Water Infrastructure Funding Transfer Act</u> (WIFTA)¹ was signed into law. This statute temporarily expands the CWSRF to DWSRF transfer authority specifically to address a threat to public health because of heightened exposure to lead in drinking water. This temporary authority allows the Commonwealth to transfer up to 5% of the cumulative CWSRF federal grants to the DWSRF. The transferred funds may be used to provide financial support in the form of forgiveness of loan principal, negative interest loans or grants (or any combination). This authority is in addition to the existing transfer authority² under the Safe Drinking Water Act. The transfer must be completed by October 4, 2020.

Proposed Program. The Trust is proposing to transfer \$30 million from the CWSRF to the DWSRF to provide additional subsidy in the form of loan forgiveness. Project activities eligible for this enhanced loan forgiveness include planning and construction for lead removal, corrosion control capital improvements, and full replacement of lead pipes and service lines. The project eligibility will be determined by MassDEP's project engineers following an established ranking system.

The loan forgiveness will be distributed in accordance with the <u>Affordability Calculation</u> and the Disadvantaged Communities designation. The subsidy funds for lead removal projects will be in addition to the annual loan forgiveness provided by the Trust. This means that eligible projects can receive two forms of loan forgiveness. However, projects cannot receive loan forgiveness that would cause the total loan subsidy to be in excess of a 75% subsidy compared to a market rate loan at the time of loan approval.

In accordance with the guidance from the Environmental Protection Agency (EPA), eligible projects must enter into Project Approval Certificates with MassDEP within three years from the

 $^{^1}$ S.1689 - A bill to permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances, and for other purposes. Pub. L. 116-63 2 42 U.S.C. 300j-12 note; Pub. L. 104-182

date of the funds transfer from the CWSRF to the DWSRF. Once the funds are committed to an eligible project, the funds must be drawn within five years.

Based upon the EPA guidance, eligible projects must have applied or will apply to MassDEP on either the 2020, 2021 or 2022 DWSRF Intended Use Plans (IUPs). However, if during this period, the Trust does not receive enough applications from Disadvantaged Communities to account for the \$30 million in additional subsides, the Trust reserves the right to expand assistance to all eligible projects.

Considerations. The DWSRF routinely receives project proposals primarily focusing on lead remediation. On the 2020 IUP, two Disadvantaged Communities applied for \$19.3 million in eligible lead remediation projects (based on an initial review of the applications). One project applicant has decided not to move forward due to the COVID-19 pandemic but will reapply next year. With this consistent level of interest, the Trust is confident that by focusing subsidy to these projects, more communities will decide to take advantage of the unique opportunity to remediate lead at a greatly reduced cost.

In recent years, Congress has increased the percent of the federal DWSRF grant the Trust can provide as additional subsidy each year. The Trust has decided not to provide the largest percentage of additional subsidy allowed because each dollar provided as additional subsidy reduces the annual capacity of the DWSRF. The Trust and MassDEP have successfully increased DWSRF capacity from \$106 million in 2015 to \$166 million in 2020 by strategically utilizing available funds. The increased capacity has allowed the DWSRF to offer financing to the highest priority projects that applied for financing but has not been able to offer financing to all eligible projects like the CWSRF. Transferring funds from the CWSRF to the DWSRF will allow the DWSRF to help move these vital lead remediation projects forward, while continuing to ensure that the program can still offer financing to other vital projects, such as PFAS remediation.

The Trust has evaluated the financial impact that the transfer will have on the CWSRF and determined it will not adversely impact the Trust's ability to finance high priority projects. The annual CWSRF IUP consistently commits to financing all eligible proposals for approximately half a billion dollars of projects and transferring \$30 million will not impact that capacity.

Conclusion. The Trust and MassDEP believe this program can offer a unique opportunity to provide additional subsidy to Disadvantaged Communities to ensure the water being provided to the Commonwealth's most susceptible residents is free from lead. It provides the Commonwealth an opportunity to incentivize identifying and removing lead from public drinking water at a greatly reduced cost and to do it sooner than later. Thank you for taking the time to review the proposed program and the Trust and MassDEP welcome your comments to help make it a success.



Safe Drinking Water Act Assessment Program Annual Report to the Massachusetts Legislature For January – December 2019 26th Year of the Assessment Program

Introduction

Twenty-six years ago, the Massachusetts Legislature established the Safe Drinking Water Act (SDWA) Assessment and a SDWA Assessment Advisory Committee to monitor the Massachusetts Department of Environmental Protection's (MassDEP) Assessment Program. Each year, the Advisory Committee is required to submit an update to the Legislature in the form of an Annual Report. The following is the Annual Report for calendar year 2019. The report provides an overview of the Assessment Program and the Advisory Committee and provides highlights of program activities.

The Safe Drinking Water Act Assessment Program

The Safe Drinking Water Act Assessment is paid each year by the 6.3 million consumers of public water and is collected by the 1,681 Public Water Systems (PWS) in Massachusetts. The average cost to each customer is about 31 cents per year. For the Fiscal Year (FY) 2020 billing cycle, the Assessment Program is expected to generate revenue of \$1.86 million.

The Assessment provides funds to MassDEP's Drinking Water Program (DWP) to maintain primacy for the federal SDWA. Primacy means that the SDWA is implemented by MassDEP, including all enforcement responsibilities, instead of by the federal government. By maintaining primacy, MassDEP ensures the safe production of drinking water at PWS while implementing state-specific programs that save consumers millions of dollars. For example, the Monitoring Waiver Program, which is just one of the many SDWA programs administered by the DWP, saved consumers \$4,712,914 in water quality monitoring costs for the 2017-2019 cycle. The Assessment is also used as a state match for federal funds for the Drinking Water State Revolving Fund Set Aside Program, which provides significant technical assistance and grants to PWS.

The Safe Drinking Water Act Assessment Advisory Committee

In 1993, as part of the Assessment Program, the Legislature formed a SDWA Assessment Advisory Committee to: 1) recommend an annual Assessment rate to MassDEP's Commissioner; 2) monitor the Assessment Program; 3) produce an annual report to the Legislature; and 4) conduct public meetings to discuss their work. The members of the Advisory Committee provide advice and recommendations on the DWP's technical and compliance assistance and outreach programs to PWS and others. A list of Committee members is provided on page four.

The Safe Drinking Water Act - 1993 through 2019

The challenges facing the DWP and PWS have increased over the years. In 1993 when the Assessment Program began, federal SDWA requirements encompassed the Total Coliform Rule, the Surface Water Treatment Rule and monitoring for 93 contaminants. The SDWA has been amended over time to require health-based water quality monitoring for 115 contaminants and a multiple barrier approach to protecting public drinking water from source to tap. Today, the DWP is responsible for implementing over 50 SDWA programs.

Drinking Water Program - Resource Focus in 2019 and 2020 Emerging Contaminant: Per- and polyfluoroalkyl substances (PFAS)

Per- and polyfluoroalkyl substances (PFAS) are a family of chemicals used since the 1950s to manufacture stain-resistant, water-resistant and non-stick products. PFAS are widely used in common consumer products as coatings, on food packaging, outdoor clothing, carpets, leather goods, ski and snowboard waxes, and more. PFAS in drinking water is an important emerging issue nationwide. Because PFAS are water soluble, over time PFAS from some firefighting foam, manufacturing sites, landfills, spills, air deposition from factories and other releases can seep into surface soils. From there, PFAS can leach into groundwater or surface water and can contaminate drinking water. PFAS have also been found in rivers, lakes, fish, and wildlife.

MassDEP has drafted new regulations to establish a Drinking Water Maximum Contaminant Level (MCL) for PFAS. When finalized in the summer of 2020, the PFAS Drinking Water Regulations will require all PWS to collect baseline PFAS sampling and take other actions if samples exceed the MCL.

The proposed regulations establish a <u>Total PFAS</u> MCL of 20 parts per trillion (ppt) for the sum of six PFAS contaminants: perfluorooctanesulfonic acid (PFOS), perfluorooctanoic acid (PFOA), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA) and perfluorodecanoic acid (PFDA). Five PFAS presentations/public hearings on the MCL were held in January 2020. For more information about the establishment of an MCL, please see: https://www.mass.gov/lists/development-of-a-pfas-drinking-water-standard-mcl.

In December 2019 and March 2020, supplemental budgets were passed providing funding for PFAS testing and treatment, resulting in a total of \$8.4 million in cost savings to PWSs and their customers. Available funding should allow for testing of all PWS in the state.

In January, The Board of Trustees for the Massachusetts Clean Water Trust approved a 0% interest rate loan pilot program for projects that remediate PFAS in public water supplies for the 2020 calendar year. These zero interest loans will help communities that have identified PFAS in their water to expedite and complete the remediation projects.

Preview: Fiscal Year 2021 Assessment

To help MassDEP provide PWS with critical services, and consistent with the recommendation of the Advisory Committee, MassDEP has established the Assessment rates for FY2021, based on water use reported by PWS for calendar year 2018, as follows:

- \$9.50 per million gallons of water used by PWS with meters (this is an increase from \$8.50);
- Minimum bill for metered PWS is \$50 (this is an increase from \$20);
- Flat rate of \$50 for unmetered PWS serving up to 101 (remains the same);
- Flat rate of \$100 for unmetered PWS serving 101 through 200 (remains the same);
- Flat rate of \$250 for unmetered PWS serving 201 through 899 (remains the same); and
- Unmetered PWS serving 900 or more pay a rate based on an average water use (remains the same).

The bills for FY2021 will be mailed to all PWS in December 2020. Revenue for FY2021 is expected to be \$2.1 million, an increase of \$248,000. The Advisory Committee supports the use of Assessment funds by the DWP and recommends higher staffing levels to improve upon programs to protect public health and support PWS with their essential work.

MassDEP Areas for Expanded Technical and Compliance Assistance in 2020 include:

- Per-and polyfluoroalkyl (PFAS) substances including: promulgate new state drinking water regulations
- Lead in Schools Assistance including: support new sampling program for daycare facilities
- Legionella
- Harmful Algal Blooms (cyanobacteria & cyanotoxins)
- Mosquito Aerial Spraying including: conduct water sampling program at active public drinking water reservoirs
- Other unregulated contaminants

For more information about the Assessment Program or the Committee's work, contact MassDEP's Drinking Water Program at program.director-dwp@mass.gov or 617-292-5770.

Members of the Safe Drinking Water Act Assessment Advisory Committee – 2019

The following list provides the name, organization represented, affiliation, and year of appointment for the members of the Safe Drinking Water Act Assessment Advisory Committee.

- Neal Merritt, Chair, Rural Water Systems, Plymouth County Water Works Association, 2008
- <u>Elizabeth Ainsley Campbell</u>, Vice Chair, an *Environmental Agency*, Nashua River Watershed Association, 2002
- <u>David Condrey</u>, a Non-profit Association Representing Investor-owned Water Companies, National Association of Water Companies, 2011
- <u>Thomas Holder</u>, a *New England Regional Water Works Association*, New England Water Works Association, 2013
- <u>David Masciarelli</u>, an *Environmental Agency*, Canoe River Aquifer Advisory Committee, 2013
- <u>Paul McGovern</u>, an Organization Representing Non-Community Water Suppliers, Small System Contract Operator, 2014 (resigned on 3/11/19)
- <u>James Starbard</u>, an Organization Representing Non-Community Water Suppliers, Rural Community Assistance Program (appointed 4/12/19)
- <u>Blake Lukis</u>, a Massachusetts Statewide Water Works Non-Profit Association, Massachusetts Water Works Association, 2015
- Sean Osborne, an Organization Representing Industry, OSD Environmental Services LLC, 2015
- Rebekah McDermott, a Regional Water Works Assoc., Western Mass. Water Works Assoc., 2016
- Marcis Kempe, MassDEP Designee, 2017
- Ariela Lovett, Massachusetts Municipal Association, 2019

In addition, non-voting alternates for the Committee include:

<u>Jennifer Pederson</u>, Executive Director, Massachusetts Water Works Association <u>Kirsten King</u>, Executive Director, New England Water Works Association

Enclosure: Summary of Accomplishments Supported by the SDWA Assessment in 2019.

Massachusetts Department of Environmental Protection ACCOMPLISHMENTS SUPPORTED BY THE SAFE DRINKING WATER ACT ASSESSMENT January 1 through December 31, 2019



Protect Public Health through Compliance Reviews

- Reviewed 339 water quality monitoring waiver applications for 822 drinking water sources and issued 211 volatile organic compound waivers; 552 synthetic organic compound waivers; 495 inorganic compound waivers; and 487 perchlorate waivers. This program saved consumers \$4,712,914 in water quality monitoring costs for the cycle 2017-2019.
- Approved watershed protection programs for 29 reservoirs with disinfection log credit.
- Approved watershed protection programs for 6 reservoirs with filtration waivers.
- Maintained incentives for developing local wellhead and surface water protection plans.
- Reviewed compliance status of wellhead protection land use controls for 126 wells in 17 municipalities.
- Registered 17 existing Public Water Systems (PWS) that were previously unregulated.
- Reviewed and/or approved 23 new large capacity public water sources.
- Reviewed and approved Cross Connection Control Plans for 6 non-community PWS.
- Sent 265 Cross Connection Surveyors/Testers Certification reminder letters.
- Issued 119 Cross Connection Surveyors/Testers Certificates.
- Reviewed and approved 8 new technologies for use with drinking water.
- Entered 29 permit applications into MassDEP's permit management system.
- Conducted 300 sanitary surveys which included technical and compliance assistance.
- Conducted inspections at 6 public surface water systems that have waivers from filtration.
- Held regular coordination meetings with the Massachusetts Water Resources Authority and the EPA - conducted compliance reviews, evaluated water quality reports and trends.
- Conducted regular meetings of the DWP Drinking Water Filtration/Treatment Committee.
- Conducted 21 Capacity Reviews for Drinking Water State Revolving Fund applicants.
- Reviewed 3 Water Supply Business Plans during the New Source Approval process.
- Conducted 6 sanitary surveys for the Mass. Dept. of Public Health at water bottlers and ice makers.



Save Money for Consumers with Compliance Assistance

- Supported technical assistance to K-12 schools, early education and care facilities, Boards of Health, Plumbing Inspectors, PWS and the public on lead and copper in drinking water.
- Continued to implement the Wellhead Protection Program to provide compliance and technical assistance. Assisted 46 municipalities or PWS with wellhead protection issues.
- Field verified 13 watershed and/or tributary delineations for reservoirs and updated Geographic Information Systems (GIS) maps.

- Continued technical support of the bulk upload tool for laboratories to submit drinking water quality sampling results on-line.
- Provided compliance assistance for Statistical Reporting, Ground Water under the Influence, Consumer Confidence, Cross Connection, Certified Operator and Source Water Protection.
- Captured the 10th year of electronic Annual Statistical Reporting (e-ASR).
- Continued improving the e-ASR for the next reporting year.
- Provided over 425 instances of Source Water Protection technical assistance.
- Continued sending biweekly Program Director emails to PWS with regulatory reminders, trainings, etc., and separate emails with timely info about the Lead & Copper Rule, Lead in School Drinking Water, Per- and polyfluoroalkyl substances (PFAS) and grant opportunities.
- Maintained an on-line template for PWS to use for Consumer Confidence Report (CCR) compliance, updated support materials and emailed CCR reminder e-postcards.
- Notified new community water systems of CCR requirements for 2019.
- Reviewed 512 CCRs, provided Technical Assistance Reports and tracked CCR compliance.
- Posted sample schedules and Certificates of Registration for all PWS and CCRs for Transient, Non-Community (TNC) and Non-Transient, Non-Community (NTNC) PWS.
- Provided compliance assistance to PWS for the Unregulated Contaminant Monitoring Rule.
- Continued to offer free training programs for small system operators through an EPA grant.
- Continued the implementation of the Capacity Development Program which provides financial, managerial, and technical assistance to small PWS.
- Reviewed the technical, financial, and managerial operations of 239 community and non-transient non-community and 157 transient non-community PWS.
- Reviewed Underground Injection Control (UIC) registration application for 1 PWS.
- Responded to requests from PWS regarding the Unregulated Contaminant Monitoring Rule 4 (UCMR4) Program and the Inorganics Program and provided compliance assistance.
- Helped PWS write watershed protection plans & local water supply bylaws.
- Submitted the Annual Operator Certification Report to the U.S. Environmental Protection Agency (EPA).
- Gave 2 Boards of Health one-on-one assistance with well drilling requirements.
- Assisted well drillers at the 2-day New England Water Works Association (NEWWA) Exposition.
- Continued implementation work for 90 PWS under the Long Term 2 (LT2) Enhanced Surface Water Treatment Rule. Preparing LT2 PWS for schedule 4 sampling.
- Identified 900 technical, financial, and managerial deficiencies during sanitary surveys.



Support Public Water Suppliers with Technical Assistance and Training

- Distributed fact sheets, guidance documents, and other technical assistance materials.
- Continued to improve web pages for access by PWS, town officials, the public and others.
- Added a web page with information on PFAS and resources for PWS.
- Provided materials for statewide Board of Health workshops as requested.
- Prepared biennial mailing to all Boards of Health to support their role in protecting drinking water and to update them on drinking water issues.
- Delivered Drinking Water Program presentations to regional water works organizations.

- Worked with the Office of the State Geologist and United States Geological Survey (USGS) on geological studies relative to ground water.
- Presented 48 compliance awards, 12 nominated awards and five awards to individual operators during Drinking Water Day in May 2019.
- The Board of Certification of Operators of Drinking Water Supply Facilities approved 64 training courses. This is a short list of new topics.
 - o Innovation in Drinking Water Industry
 - o Aging Infrastructure
 - o PFAS PFOA Issues
 - o Water, Public Health and Healthcare Coordination
 - o HazWoper Emergency Responder
 - o Management/Finance
- Provided instructors for 10 NEWWA Backflow Tester and Cross Connection Survey classes.
- Provided 1 instructor for 2 NEWWA Hydrogeology/Source Approval classes.
- Provided instruction and outreach at the NEWWA Spring Joint Exhibit and Conference.
- Provided Cross Connection Program technical assistance to 179 individuals and municipalities.
- Maintained online training videos for PWS at https://goo.gl/Xhw4br.
- Developed a new PFAS sampling video for PWS at https://youtu.be/zrwhwSI-R9M
- Maintained a Drinking Water Program Training Calendar with information on courses and conferences from MassDEP and other sources. PWS and others can download the calendar and receive automatic updates.
- Provided expertise to MassDEP's Bureau of Waste Site Cleanup and Title 5 and Groundwater Discharge programs for consistency with Drinking Water Program regulations.
- Provided expertise to the USGS Climate Response Network.
- Collaborated with the USGS to measure monthly water level readings throughout the state.
- Provided speakers and operator training on Mass. drinking water topics at local and regional water works events and for the Massachusetts Rural Water Association.
- Continued to collaborate with the Mass. Department of Public Health (DPH) on the Lead Contamination Control Act, fluoridation and other topics.
- Provided technical training to PWS on the new Chemical Addition Form.
- Provided help with writing capital improvement plans to 125 PWS during sanitary surveys.
- Updated records and added new wells totaling 3,500 entries in the Well Driller database.
- Provided technical assistance and instructors to the New England Interstate Water Pollution Control Commission's (NEIWPCC) Soil Evaluator Course.
- Provided expertise to the National Science Foundation Drinking Water Technology Review Section.



Participate on Committees that Bring Massachusetts Interests to State, Regional and National Levels

MassDEP staff participated in meetings and events of the following committees, organizations, and other state, regional and national entities: New England Communications Collaborative; Association of State Drinking Water Administrators; State Vegetation Management Panel; State Pesticide Board; Office of the State Geologist State Map Advisory Committee; NEWWA Source Water Advisory Group, Groundwater Advisory Committee, Groundwater Resource Initiative,

Drinking Water Operators Certification Committee, Board of Certification of Backflow Prevention & Cross Connection Control, Management & Finance; Multi-Agency Task Force on Schools; National Drinking Water Advisory Council Small Systems Implementation Work Group; MassDEP Laboratory Advisory Committee; NEIWPCC Source Water Protection Work Group; Ground Water Protection Council's Source Water Protection Work Group; Well Driller Certification Program Technical Advisory Committee; American Water Works Association Fluoride Standards Committee. Participated on EPA work groups for Emergency Preparedness, Data Sharing, Lead and Copper Rule, Perchlorate, and the Ground Water Rule.

Provide support to Safe Drinking Water Act Advisory Committees

MassDEP staff schedule, support and participate in meetings of the Safe Drinking Water Act Advisory Committee (SDWAAC) and the Safe Drinking Water Act Assessment (Section 70) Advisory Committee.

The SDWAAC meets quarterly and provides knowledge and advice to the DWP about Safe Drinking Water Act topics and priorities. Members include PWS, water works associations, laboratories and public health agencies and organizations.

The Section 70 Committee holds quarterly public meetings per MGL Chapter 21A, section 18A to monitor and provide advice to DWP on the Massachusetts Safe Drinking Water Act Assessment Program and to submit an Annual Report to the Massachusetts legislature. See https://www.mass.gov/service-details/safe-drinking-water-act-assessment-advisory-committee-section-70-committee for public meeting dates and agendas, Annual Report to the Legislature and a list of Committee members.

SRF Loan Program

Notice of Availability

Dear Interested Party:

The Massachusetts Department of Environmental Protection (MassDEP) is pleased to announce that the solicitation period for new drinking water and wastewater projects seeking financing through the State Revolving Fund (SRF) Loan Program is now open. MassDEP, Division of Municipal Services, will accept Project Evaluation Forms (PEFs) for the 2021 round of financing **until 12:00 PM, August 21, 2020**. There are no significant changes to the PEFs for 2021. The rating criteria remain the same.

Please be aware of the following priorities for 2021 SRF proposals:

- Projects that address lead in drinking water are a high priority including planning, lead removal, corrosion control capital improvements and water main rehabilitation projects. The Drinking Water SRF (DWSRF) is planning to operate two programs to assist communities with lead mitigation and abatement.
 - The DWSRF program is working to implement the Water Infrastructure Fund Transfer Act which will allow additional subsidy to be available to lead remediation projects for Disadvantaged Communities. Contingent on the availability of funds, qualifying communities may receive additional principal forgiveness https://www.mass.gov/info-details/drinking-water-state-revolving-fund-disadvantaged-communities-program.
 - Projects that include full lead service connection removals (to the meter) are eligible for the DWSRF through the Incentivized Lead Service Line Replacement
 Program. https://www.mass.gov/service-details/incentivized-lead-service-line-replacement-program-mcwt.
- Projects that reduce Per- and polyfluoroalkyl substances (PFAS) in drinking water, below the
 proposed Maximum Contaminant Level (MCL) of 20 ppt. PFAS mitigation projects may be
 eligible to receive additional subsidy in the form of a 0% interest rate loan. The additional
 subsidy is contingent on the availability of funds and approval of the Massachusetts Clean Water
 Trust Board of Trustees. https://www.mass.gov/doc/massdep-fact-sheet-pfas-in-drinking-water-questions-and-answers-for-consumers.
- The Massachusetts Clean Water Trust will make available up to \$2 million to subsidize 60% of the project cost, up to \$150,000, for systems to plan and implement Asset Management
 Planning programs. https://www.mass.gov/service-details/asset-management-planning-grant-program.
- **Stormwater Management Planning** projects that help communities to comply with NPDES MS4 permits are also eligible for financing under the CWSRF.

Communities with a current Housing Choice designation will receive a discount on their SRF interest rate of up to 0.50% from the standard rate of 2%. https://www.mass.gov/info-details/housing-choice-designation#list-of-communities-

Interested parties may submit Project Evaluation Forms to MassDEP online at the following web site: https://www.mass.gov/lists/state-revolving-fund-applications-forms. MassDEP's website also contains the Project Evaluation Form Guidance and Instructions. The online PEF submission will allow you to upload your supporting documentation files. If this presents a difficulty, please email the SRF Data Support Team at srfmadep@mass.gov for assistance.

If the recipient of this email is not the correct contact for the Local Government Unit, please forward to the appropriate official or contact person.

If you have any questions, please do not hesitate to contact me.

Maria E. Pinaud, Director Municipal Services Division Bureau of Water Resources MassDEP, 5th Floor One Winter Street Boston, MA 02108 maria.pinaud@mass.gov