

**EXECUTIVE COMMITTEE OF THE
MASSACHUSETTS CLEAN WATER TRUST**

Meeting Minutes

Meeting Date: Wednesday, December 5, 2018
Time: 1:45 PM
Location: Massachusetts Clean Water Trust
1 Center Plaza, Suite 430
Boston, Massachusetts 02108
Notice: Due public notice given
Attendees Steven McCurdy, Director of Program Development, Trust
Maya Jonas-Silver, Director of Finance & Administration, Trust
Also Present Nathaniel Keenan, Deputy Director, Trust
Stephanie Cooper, Deputy Commissioner, MassDEP
Maria Pinaud, Deputy Director, MassDEP
Jonathan Maple, Policy Analyst, Trust
Absent Sue Perez, Executive Director, Trust

SUMMARY OF DISCUSSIONS

1. **\$10 million for Contract Assistance in the Supplemental Budget:** Mr. Keenan notified the Committee that the Trust was reviewing a program proposal addressing \$3 million in funding for water filling stations. Mr. Keenan noted that while the proposal was still being reviewed, that there may be a need for more information relating to how the program will fit under the Safe Drinking Water Act before sending it to the EPA. Ms. Cooper responded that the proposal at this point was very top level in response to the discussion raised by Commissioner Suuberg in the previous Executive Committee meeting, and that MassDEP and the Trust will need to work together before requesting a review by the EPA.

Ms. Jonas-Silver asked if we need to look at changing the line item language is necessary. Ms. Cooper noted that the changes to line item would be step 2 if the EPA rejected using the funding under the Drinking Water SRF program requirements. Mr. McCurdy and Ms. Cooper explained that their proposal would include potential funding for installation given that the cost for some communities may discourage some communities from participating. Ms. Jonas-Silver noted that she was under the impression that Ms. Perez was looking for a more straightforward model of providing filler stations. Ms. Cooper responded that MassDEP, noted that when researching this program that the cost to some communities who lack the facility departments with the masonry, carpentry or electrical capacity would need to spend excessive amounts to complete these installations.

Mr. Keenan confirmed that the Trust would follow up on MassDEP's proposal, and the Committee could discuss new developments at the next meeting.

2. **Principal Forgiveness Guarantee Tiers:** This item was tabled until the next meeting.
3. **Federal Legislation Changes – Disadvantaged Communities:** Mr. Keenan brought to the Committee attention changes in Drinking Water State Revolving Fund (DWSRF) with the passage of the America's Water Infrastructure Act of 2018 (AWIA). Specifically, that DWSRF was required to provide funding through a disadvantaged community program (DC). Mr. Maple explained that the program was long standing policy under DWSRF but had never been mandatory. The program originally allowed DWSRF programs to use up to 30% of their capitalization grant for additional subsidy to DCs. AWIA raises the maximum percentage of assistance to DC to 35% of the annual capitalization grant and created a floor of 6%. Mr. McCurdy asked if this was in addition to the 20% additional subsidy? Mr. Keenan responded that this was unclear, as the additional subsidy requirement is listed in the annual appropriation, and the DC program is part of legislation. Additionally, Mr. McCurdy asked what criteria was used for fund distribution? Mr. Maple responded that the DC criteria must be established by the state program, and that possibly the current affordability criterion used by the Trust may suffice. Mr. Keenan said that the Trust would contact EPA for clarification and follow up with Committee.
4. **Update on 2018 Principal Forgiveness Numbers:** This item was tabled until the next meeting.

Other Business (Items not reasonably anticipated by the Chair 48 hours in advance of the meeting)

5. **MassDEP Regulation Changes:** Mr. Keenan asked Mr. McCurdy for a status update on the proposed regulation changes. Mr. McCurdy noted that the draft was done and now under review. Once the final sign off is given, they will be listed for public comment.
6. **DBE Request for Proposals:** Mr. Keenan notified the Committee that the draft was under review by Ms. Perez and that the Trust hopes to post the RFR on Friday, December 7th. Mr. Keenan confirmed that the Trust would circulate the most recent draft – which had a few minor edits.
7. **O'Leary Loan Tracking:** Mr. McCurdy asked Mr. Keenan how the Trust knows if someone is qualifying for 0% interest beyond the certification letter. Mr. Keenan responded that the Trust has no way of knowing beyond the information that is provided to the Trust from MassDEP. Mr. McCurdy described that he was concerned that we may need to implement a failsafe in the case a document failed to be delivered to the Trust. Mr. Keenan noted that the Trust would look to see if it was possible to add a verification procedure during the document review process.

The meeting adjourned at 2:14 p.m.

Minutes Approved: December 19, 2018