

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

**NOTICE AND AGENDA**

<b>Meeting Date:</b>	Wednesday, March 20, 2024
<b>Time:</b>	1:30 PM
<b>Location:</b>	<b>Remote*</b>
<b>Listing of Topics:</b>	Call to Order
	<ol style="list-style-type: none"><li>1. Review and approval of minutes from the 1/24/2024, 2/21/2024, and 2/28/2024 meetings of the Executive Committee</li><li>2. <b>Update on the Final 2024 Intended Use Plans:</b> MassDEP will provide an update on the final 2024 IUPs.</li><li>3. <b>Update on the Cybersecurity Grant Program:</b> MassDEP will provide an update on the proposed cybersecurity grant program for public water suppliers.</li></ol>
	Other Business <i>(Items not reasonably anticipated by the Chair 48 hours in advance of the meeting)</i>

**\*Location: Remote:** Notice is hereby given that the Wednesday, March 20, 2024 meeting of the Massachusetts Clean Water Trust's Executive Committee will be held through remote participation in accordance with M.G.L.c.30A, §20, as modified by c.20 of the Acts of 2021, c.22 of the Acts of 2022, and c.2 of the Acts of 2023.

Those who would like to attend the meeting, please e-mail [masswatertrust@tre.state.ma.us](mailto:masswatertrust@tre.state.ma.us) to request meeting information. Information to access the meeting will be available through the duration of the meeting. However, we encourage participants to request the information by 5:00 PM the day before the meeting.

To ensure that the audio is clear to all attendees, unless you are actively participating in the meeting, please mute your audio. If you have technical difficulties joining the meeting, please email [masswatertrust@tre.state.ma.us](mailto:masswatertrust@tre.state.ma.us).

**Please Note:** There will be no physical meeting at the offices of the Massachusetts Clean Water Trust.



**Item #1: *Draft Minutes of the Meetings Held on 1/24/2024, 2/21/2024, and 2/28/2024***

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

**Meeting Minutes**

**Meeting Date:** Wednesday, January 24, 2024  
**Time:** 1:30 PM  
**Location:** Remote  
**Notice:** Due public notice given  
**Attendees** Sue Perez, Executive Director, Trust  
Timur Yontar, Director of Finance & Administration, Trust  
Maria Pinaud, Director of Program Development, Trust  
Tim Jones, Deputy Director of Program Development, Trust  
My Tran, Treasurer, Trust  
**Also Present** Nate Keenan, Deputy Director, Trust  
Sally Peacock, Controller, Trust  
Pam Booker, Accountant, Trust  
Nicole Munchbach, Accountant, Trust  
Sunkarie Konteh, Accountant, Trust  
Jonathan Maple, Senior Policy Analyst, Trust  
Joshua Derouen, Senior Program Associate, Trust  
Kailyn Fellmeth, Program Associate, Trust  
Julian Honey, Program Associate, Trust  
Rachel Stanton, Investor Relations and Communications Graphic Designer, Trust  
Robin McNamara, Deputy Director of Municipal Services, DEP  
Jennifer Pederson, Executive Director, Massachusetts Water Works Association  
Janine Bishop, Grant Manager, DEP  
Kathleen Baskin, Assistant Commissioner, DEP

**SUMMARY OF DISCUSSIONS**

**Open the Meeting:** Ms. Perez opened the meeting after confirming the attendees present.

- 1. Review and approval of minutes from the 1/3/2024 meeting of the Executive Committee:**  
The Committee approved meeting minutes from the 1/3/2024 meeting of the Executive Committee.

2. **Update on PFAS Grant Program Proposal:** Ms. Pinaud stated that MassDEP's Drinking Water Program is requesting up to \$6 million in American Rescue Plan Act (ARPA) funds for small public water suppliers (PWS) that need to address PFAS and other emerging contaminants concerns.

MassDEP surveyed PWS to identify the level of demand. After reviewing the results, the MassDEP Drinking Water Program created an emerging contaminant planning and mitigation grant program using \$38 million from the 2022 and 2023 Bipartisan Infrastructure Law (BIL) grants. ARPA funds would provide funding to approximately six projects that may otherwise go unfunded.

**Project Evaluation**

Ms. Bishop and Ms. Baskin stated that MassDEP's regional offices evaluate projects based on the level of contamination, small and disadvantaged community statuses, and readiness to proceed.

Project applicants provide a scope of work which is submitted to EPA for their review and approval.

**Funding Availability**

Ms. Baskin stated that MassDEP will provide technical assistance to communities that did not receive a grant and need help applying to the Intended Use Plan (IUP) solicitation.

Ms. Perez stated that all of the Trust's ARPA funds were committed. The number of projects on recent IUPs awarded loan forgiveness was greater than anticipated. However, there may be alternative funding sources available. The Trust will need to analyze its funding capacity.

At a future meeting of the Executive Committee, MassDEP will provide a standard operating procedure for the grant program, a list of projects, and projects going unfunded with MassDEP's current capacity.

The Trust will speak with EPA officials about availability and uses of additional BIL grant funds in future years.

**Other Business** (Items not reasonably anticipated by the Chair 48 hours in advance of the meeting):  
None.

**Adjourn the Meeting:** Ms. Perez requested a motion to adjourn the meeting. Ms. Pinaud moved the motion. A roll call was held, and all members approved the motion.

Minutes Approved:

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

**Meeting Minutes**

**Meeting Date:** Wednesday, February 21, 2024  
**Time:** 10:30 AM  
**Location:** Remote  
**Notice:** Due public notice given  
**Attendees** Sue Perez, Executive Director, Trust  
Timur Yontar, Director of Finance & Administration, Trust  
Maria Pinaud, Director of Program Development, Trust  
My Tran, Treasurer, Trust  
**Also Present** Nate Keenan, Deputy Director, Trust  
Sally Peacock, Controller, Trust  
Pam Booker, Accountant, Trust  
Nicole Munchbach, Accountant, Trust  
Sunkarie Konteh, Accountant, Trust  
Joshua Derouen, Senior Program Associate, Trust  
Kailyn Fellmeth, Program Associate, Trust  
Julian Honey, Program Associate, Trust  
Rachel Stanton, Investor Relations and Communications Graphic Designer, Trust  
Robin McNamara, Deputy Director of Municipal Services, DEP  
Ashraf Gabour, Program Manager, DEP  
Michele Higgins, Program Manager, MassDEP  
Jennifer Pederson, Executive Director, Massachusetts Water Works Association  
Andrew Gottlieb, Executive Director, Association to Preserve Cape Cod  
Kristy Senatori, Executive Director, Cape Cod Commission  
Michele White, Special Projects Coordinator, Cape Cod Commission  
Gary Moran, Deputy Commissioner, DEP  
Tim Jones, Deputy Director of Program Development, Trust

**Absent**

**SUMMARY OF DISCUSSIONS**

	<b><u>Open the Meeting:</u></b> Ms. Perez opened the meeting after confirming the attendees present.
<b>1.</b>	<b><u>Review and approval of minutes from the 1/10/2024 meeting of the Executive Committee:</u></b> The Committee approved meeting minutes from the 1/10/2024 meeting of the Executive Committee.

2.	<p><b>Discussion on the Cape Cod and Islands Water Protection Fund (CCIWPF):</b> Ms. Perez stated that the CCIWPF was established by the Massachusetts State Legislature in 2018 to assist Cape Cod and island communities with paying for necessary water infrastructure improvements. The CCIWPF is funded by a 2.75% excise tax on traditional lodging and short-term rentals. This tax generates approximately \$20 million in revenue per year. The Trust acts as the trustee for the CCIWPF. The CCIWPF Management Board is comprised of officials from 15 Cape Cod and island communities. The CCIWPF currently provides 25% in subsidy for qualifying wastewater projects.</p> <p>The CCIWPF Executive Committee sent a letter to the Board members requesting supplemental funding to be able to continue providing the 25% subsidy. Between the 2018 to 2023 Clean Water Intended Use Plans (IUPs), Cape Cod community project costs were just over \$500 million. The cumulative amount of subsidy awarded to those projects was approximately \$150 million. Additionally, most projects receiving CCIWPF subsidy qualify for 0% interest loans under the Nutrient Enrichment Reduction Loan program.</p> <p><b>Alternative Subsidy Approach Proposal</b></p> <p>Ms. Perez said that beginning with qualifying 2023 IUP projects, the Trust would like to put the full loan amounts into repayment then CCIWPF subsidy will be provided as a reduction in debt service assistance. This will allow the subsidy to be disbursed over the life of the loans instead of four years. This will allow the CCIWPF to continue to provide subsidy.</p> <p>The Trust is working with its legal counsel, the CCIWPF’s financial advisors, and Cape Cod Commission staff to work on a plan to revise the trustee agreement.</p> <p>The changes being discussed will not affect protocols for DEP nor incur additional financial risk for the Trust.</p> <p>A final recommendation detailing fund stability and amounts will be presented at a future Executive Committee meeting.</p> <p>The Trust’s Board of Trustees will need to grant approval to enter into a trustee agreement.</p>
3.	<p><b>Discussion on Build America Buy America Act (BABAA) Implementation:</b> Ms. Pinaud stated that during the annual review, EPA Region 1 staff said that BABAA requirements are only applicable to projects entered on the Trust’s Federal Funding Accountability and Transparency Act (FFATA) reports. This is because EPA will not issue BABAA waivers for non-FFATA projects.</p> <p>Prior to the passage of BABAA and the Bipartisan Infrastructure Law (BIL), Massachusetts made the policy decision to require all projects to adhere to federal SRF requirements, making one set of rules for all borrowers.</p>

	<p>Mr. Keenan said that officials from the Council of Infrastructure Financing Authorities (CIFA) contacted EPA officials regarding BABAA implementation. CIFA staff communicated to the Trust that they were told there is no further guidance from EPA at this time.</p> <p>With this uncertainty, a working group of Trust and MassDEP SRF program staff will be formed to coordinate implementation of BABAA with the limited guidance available.</p>
<p><b>Other Business:</b></p> <p><b>Recognition of Service</b></p> <p>The Executive Committee congratulated Mr. Gabour on his retirement after 36 years of serving the Commonwealth and its residents.</p>	
<p><b><u>Adjourn the Meeting:</u></b> Ms. Perez requested a motion to adjourn the meeting. Ms. Pinaud moved the motion. A roll call was held, and all members approved the motion.</p>	

Minutes Approved:

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

**Meeting Minutes**

**Meeting Date:** Wednesday, February 28, 2024

**Time:** 1:30 PM

**Location:** Remote

**Notice:** Due public notice given

**Attendees** Sue Perez, Executive Director, Trust  
Timur Yontar, Director of Finance & Administration, Trust  
Maria Pinaud, Director of Program Development, Trust  
Tim Jones, Deputy Director of Program Development, Trust  
My Tran, Treasurer, Trust

**Also Present** Nate Keenan, Deputy Director, Trust  
Sally Peacock, Controller, Trust  
Pam Booker, Accountant, Trust  
Nicole Munchbach, Accountant, Trust  
Sunkarie Konteh, Accountant, Trust  
Joshua Derouen, Senior Program Associate, Trust  
Kailyn Fellmeth, Program Associate, Trust  
Julian Honey, Program Associate, Trust  
Jonathan Maple, Senior Policy Analyst, Trust  
Rachel Stanton, Investor Relations and Communications Graphic Designer, Trust  
Robin McNamara, Deputy Director of Municipal Services, DEP  
Michele Higgins, Program Manager, MassDEP  
Greg Devine, Section Chief, MassDEP  
Kathleen Baskin, Assistant Commissioner, DEP  
Jennifer Pederson, Executive Director, Massachusetts Water Works Association

**SUMMARY OF DISCUSSIONS**

**Open the Meeting:** Ms. Perez opened the meeting after confirming the attendees present.

- 1. Discussion on Build America Buy America Act (BABAA) Implementation:** Ms. Pinaud stated that MassDEP has requested EPA Region 1 to provide additional written guidance on BABAA implementation.
- Mr. Keenan said that only projects reported on the Trust's Federal Funding Accountability and Transparency Act (FFATA) reports need to comply with BABAA requirements. All Congressional Direct Spending (earmark projects) need to be BABAA compliant too.
- There is uncertainty over which 2023 Intended Use Plan (IUP) projects need to be BABAA compliant. There is one community that is seeking permission to advertise for bidding that needs a timely answer on how BABAA applies to their 2023 IUP project.



	<p>Ms. Perez said that the Executive Committee will discuss how to approach special situations like the community with the 2023 IUP project seeking permission to advertise on a case-by-case basis.</p> <p>Mr. Keenan said he would get confirmation from EPA in writing on the specific project to confirm that if it does not appear on the FFATA report, then it would not have to be BABAA compliant.</p> <p>The most up to date BABAA compliance information will appear on the final 2024 IUPs.</p>
2.	<p><b><u>Asset Management Planning (AMP) Grant Program Update:</u></b> Mr. Maple stated that there has been a prequalified list of engineering firms since the inception of the AMP Grant Program. However, the contract expiration is forthcoming. The Trust and MassDEP could extend the contract, go out to procurement for a new contract, or opt to let the current contract expire.</p> <p>Ms. Pinaud stated that there is no longer a demonstrated need for the prequalified list. The number of AMP projects exceeds the capacity of firms on the prequalified list. It would be best for communities to work with engineering firms familiar with their water utilities.</p> <p>Mr. Maple and Ms. Perez recommended that the list of prequalified firms be kept as a list of verified vendors.</p> <p>MassDEP will continue to review and verify AMP deliverables before final payments and project closeout can be issued.</p>
<p><b>Other Business</b> (Items not reasonably anticipated by the Chair 48 hours in advance of the meeting):</p> <p><b>Update on the Cape Cod and Islands Water Protection Fund (CCIWPF)</b></p> <p>Ms. Perez noted that the Cape Cod Commission is enthusiastic about the proposed solution to extend the life of the CCIWPF. To facilitate the change, the Commission is updating their bylaws. Additional updates will be provided in the coming weeks.</p>	
<p><b><u>Adjourn the Meeting:</u></b> Ms. Perez requested a motion to adjourn the meeting. Ms. Pinaud moved the motion. A roll call was held, and all members approved the motion.</p>	

Minutes Approved:



**Items #2 through #3: (*No Reference Documents*)**