

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

Meeting Minutes

Meeting Date: Wednesday, February 8, 2023
Time: 2:00 PM
Location: Remote
Notice: Due public notice given
Attendees Sue Perez, Executive Director, Trust
Maria Pinaud, Director of Program Development, Trust
Timur Yontar, Director of Finance & Administration, Trust
Also Present My Tran, Treasurer, Trust
Nate Keenan, Deputy Director, Trust
Sally Peacock, Controller, Trust
Nicole Munchbach, Accountant, Trust
Pam Booker, Accountant, Trust
Sunkarie Konteh, Accountant, Trust
Joshua Derouen, Senior Program Associate, Trust
Rachel Stanton, Investor Relations and Communications Graphic Designer, Trust
Kailyn Fellmeth, Program Associate, Trust
Julian Honey, Program Associate, Trust
Jonathan Maple, Senior Policy Analyst, Trust
Robin McNamara, Deputy Director of Municipal Services, DEP
Gregory Devine, Section Chief, DEP
Michele Higgins, Section Chief, DEP
Jennifer Pederson, Executive Director, Massachusetts Water Works Association

SUMMARY OF DISCUSSIONS	
	<u>Open the Meeting:</u> Ms. Perez opened the meeting after confirming the attendees present.
1.	<u>Review and approval of minutes from the 12/21/2022 meeting of the Executive Committee:</u> The review and approval of the 12/21/2022 minutes will be tabled until a future Executive Committee meeting.
2.	<u>Update on the Development of Final 2023 Intended Use Plans (IUPs):</u> Ms. Perez stated that American Rescue Plan Act (ARPA) funds are being awarded as loan forgiveness for projects on the 2021 and 2022 IUPs. Additional subsidies may be awarded where possible for other priorities as determined by the Trust and MassDEP. The 2023 Drinking Water State Revolving Fund (DWSRF) IUP is approximately \$360 million. If there are project drops, it is unlikely that additional projects from the project priority list (PPL) will be advanced as there are anticipated project cost increases after bidding. Of the \$65 million Lead Service Line (LSL) grant, \$10 million has yet to be allocated. To ensure all funding is used, the Trust is considering moving LSL planning and inventory projects from the 2023 IUP to the 2022 IUP. The 2022 IUP could be amended to include lead service

	<p>line (LSL) design and planning projects along with the ones for PFAS on a rolling basis or the projects could just be listed on the 2023 IUPs.</p> <p>Ms. Pinaud stated that MassDEP will open the application portal for planning and PFAS design projects when the 2023 IUPs are published.</p> <p>Ms. Perez added that the Trust and MassDEP will work together to communicate final plans for PFAS and LSL planning and design project financing.</p>
3.	<p><u>Update on Environmental Protection Agency (EPA) Guidance on Rolling Applications for Lead Service Line (LSL) Replacement Projects:</u> Ms. Pinaud said that the EPA supports LSL project applications being accepted on a rolling basis.</p> <p>The EPA suggested developing a way to prioritize project evaluation to ensure funds are distributed in order of priority. Priority will be given to systems with lead levels particularly if they exceed the 90th percentile, those that serve disadvantaged communities, and small systems. Batches of applications received each month will be prioritized and offered funding based on the above criteria. This program will be incorporated into the 2023 IUP.</p>
4.	<p><u>Update on Implementing Bipartisan Infrastructure Law (BIL) Requirements:</u> Ms. Pinaud said that according to EPA, placing stickers with Build America, Buy America (BABA) information on signage at BIL-funded project sites is not sufficient to meet EPA's requirements. The EPA said that full-sized signage with the BIL logo is required. Additional guidance will be provided by EPA soon. Information on BIL requirements is included in Project Regulatory Agreements (PRAs).</p> <p><u>Federal Flood Risk Management Standard for State Revolving Fund (SRF) Programs</u> Ms. Pinaud stated that MassDEP follows NEIWPCC 's TR-16 guidelines which contain flood risk management design protocols for wastewater infrastructure.</p> <p>Mr. Devine said that the evaluation of flood risk by the project team takes place during the loan application phase. Applicants provide supporting information which details the project location relative to the 500-year flood plain. Those projects within the flood plain are obligated to conform with Executive Order (EO) 14030. This EO requires that the project proponent relocate the asset beyond the limits of the flood plain and/or make provisions to protect critical components from flood risk (e.g. raise above flood plain or isolate facilities from flood risk via physical barrier such as a berm, dike or flood control structure). Additionally, Massachusetts SRF currently requires those projects within the flood plain to carry flood insurance.</p> <p>Mr. Keenan noted that moving forward the Trust will include these terms in Financing Agreements for continued compliance.</p>
<p>Other Business (Items not reasonably anticipated by the Chair 48 hours in advance of the meeting) None</p>	
<p><u>Adjourn the Meeting:</u> 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: March 22, 2023