

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

Meeting Minutes

Meeting Date: Wednesday, April 10, 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 Sally Peacock, Controller, Trust
Pam Booker, Accountant, Trust
Nate Keenan, Deputy Director, Trust
Kathryn Armour, Data Analyst, 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
Michele Higgins, Program Manager, DEP
Robin McNamara, Deputy Director of Municipal Services,
DEP

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 3/20/2024 meeting of the Executive Committee:</u> The Committee approved meeting minutes from the 3/20/2024 meeting of the Executive Committee.
2.	<u>Updates from the Council of Infrastructure Financing Authorities (CIFA) Conference:</u> PFAS Regulations Ms. Fellmeth stated that EPA announced new regulations that establish a National Drinking Water Maximum Contaminant Level for PFAS of 4 parts per trillion. Public water suppliers (PWS) will have three years to test and two years to remediate PFAS in drinking water according to the new regulations.

Lead Service Line (LSL) Grant Reallotments

Ms. Fellmeth stated that EPA will be issuing a memo detailing LSL reallotments & replacement guidance by the end of the month.

Congressionally Directed Spending (CDS)/Earmarks

Ms. Fellmeth stated that CDS/earmarks were a focal point of the conference. Congress has allocated grant funding from the annual capitalization grants to specific projects and communities. EPA has been tasked by Congress to manage these projects and is working to disburse funds.

Nationally, CDS projects are stalled, with only approximately 220 out of 2,000 under contract. EPA solicited feedback from states on how to roll out CDS projects faster and raised the idea of potentially having states play a larger role in administering CDS projects.

Mr. Keenan noted that more CDS projects in EPA Region 1 are underway than other regions.

The Trust and DEP will prepare comments in response to EPA's request for public comments regarding the CDS process. The Trust and DEP will also reach out to Massachusetts' Congressional Delegation about FY 2025 earmarks with the Executive Office for Administration and Finance Federal Funds Office. We are hoping to align CDS funding with projects on the Intended Use Plans (IUPs) to make sure the dollars go out quickly.

The Trust's comments will be brought before the Executive Committee prior to being submitted to EPA.

IUP Analysis from EPA

Ms. Fellmeth stated that EPA completed an analysis of states' IUPs to evaluate practices and gain insight on how states plan to meet Bipartisan Infrastructure Law requirements. Many states requested the analysis not be published and instead be used as a guidance document. EPA is taking comments into consideration prior to publication.

DEP reviewed and provided comments on the IUPs internally. Neither EPA nor DEP found major concerns.

Cybersecurity Needs and Concerns for PWS

Ms. Fellmeth noted that there was substantial discussion on cybersecurity needs and concerns. Presenters from EPA and the Cybersecurity and Infrastructure Security Agency outlined the free assessment resources available to PWS.

It is worth noting that Massachusetts is ahead of the curve, as the new cybersecurity grant program was recently launched.

3.

Asset Management Planning (AMP) Grant Program Updates:

Ms. Pinaud stated that DEP is preparing to open the annual project solicitation, which will likely run from mid-May to the end of July. This will allow DEP to review project proposals ahead of capacity discussions with the Trust. This may also allow for the 2025 IUPs to be published earlier than IUPs in recent years.

Project Evaluation Form (PEF) Guidance and Scoring Criteria Updates

Ms. McNamara stated that in anticipation of the annual solicitation, DEP is updating PEF guidance and scoring criteria for the AMP Grant Program.

Changes were designed to prioritize proposed projects that have the following general characteristics:

1. Identifies the specific needs of the subject utility and how the AMP will assist in addressing these needs.
2. Addresses the core components of an AMP and plans to produce a full AMP report.
3. Submissions by small or rural communities/utilities or serves Disadvantaged Communities.
4. Level of applicant participation in the project.
5. High probability of resulting in a sustainable AMP that will continue to develop and be applied after the project is completed.
6. Strong likelihood that the AMP will be used to make decisions to finance infrastructure improvements.

There is additional guidance on cybersecurity assessments which were added a couple of years ago as an eligible activity. In the revised guidance, cybersecurity assessments are part of the criticality analysis and the impact that failure will have on the operations of the utility.

The PEF guidance is detailed and transparent. It will help prioritize small communities/utilities, Disadvantaged Communities, and first time AMP applicants. The quality and completeness of the submission will be emphasized with the evaluation of the project narrative, scope of work, and detailed cost breakdown being an important part of the project review.

These changes ensure that in the event of limited funding, the most robust proposals will be funded.

Prequalified Engineering Firms List

Mr. Maple stated that the contract for prequalified engineering firms expired on April 5th. The Trust and DEP recommend transitioning away from requiring communities to work with an engineering firm from the prequalified list to simplify AMP Grant Program participation.

Ms. Pinaud stated that this method will be helpful to communities that have longstanding relationships with engineering firms. There will be no limitation on which engineering firms can be used. Contracted firms will be outlined in communities' grant application submissions.

	The Executive Committee unanimously agreed with the recommendation to remove the prequalified engineering firms list from the website and program itself.
4.	<u>Update on the Final 2024 Intended Use Plans:</u> Ms. Pinaud stated final IUPs were published on March 26 th . The next deadlines for communities with projects on these IUPs are local authorization for loans by June 30 th followed by the application for financial assistance being submitted to DEP on or before October 11 th .
Other Business (Items not reasonably anticipated by the Chair 48 hours in advance of the meeting): None.	
<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.	

Minutes Approved: May 15, 2024