

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

Meeting Minutes

Meeting Date: Wednesday, October 17, 2018
Time: 1:30 PM
Location: Massachusetts Clean Water Trust
1 Center Plaza, Suite 430
Boston, Massachusetts 02108
Notice: Due public notice given
Attendees Sue Perez, Executive Director of the Trust
Steven McCurdy, Director of Program Development of the Trust
Maya Jonas-Silver, Director of Finance & Administration of the Trust
Also Present Nathaniel Keenan, Deputy Director of the Trust
Jonathan Maple, Program Associate of the Trust

SUMMARY OF DISCUSSIONS (INCLUDING DECISIONS MADE/ACTIONS TAKEN/ VOTES):

1. **Minutes:** Approval of minutes from May 16, 2018, August 22, 2018, September 12 were further postponed, and will be addressed at the next meeting. Minutes from the September 26, 2018 meeting were approved.
2. **WIIN Grant – Lead Testing in Schools:** Mr. Maple reported to the committee on the results from an October 10, 2018 webinar he and Mr. McCurdy attended. The webinar provided updated on the State Lead Testing in School and Child Care Program Drinking Water Grant that was established by Section 2107 of the Water Infrastructure Improvements for the Nation Act (WIIN Act) of 2016. In Federal Fiscal Year 2018, Congress appropriated \$20 million a year for the program. The grant program is noncompetitive and does not require a matching contribution from states that wish to participate. Mr. Maple noted that the program funds are only intended for lead, which differs from the Massachusetts Assistance Program for Lead and Copper in School Drinking Water established by MassDEP and funded by the Trust beginning in 2016, which tests for both lead and copper. Additionally, the federal grant program limits administrative cost to 4%, and federal funding cannot displace existing state funds already earmarked for a similar purpose. EPA provided a timetable for responding, and Mr. Maple said that the only pressing requirement is that the Governor must respond to with a letter of intent by January 11, 2019 that confirms the state's interest in participating and designates the agency/entity that will administer the grant for the state.

Mr. McCurdy stated that earlier in the week, EPA announced that they concurred with the Centers for Disease Control and Prevention (CDC) finding that there was no safe level of lead. EPA previously has an action limit with 20 ppb parts per billion), and Massachusetts had established a 15 ppb action limit. The MassDEP administered school testing program used the 15 ppb level for lead and the 1.3 ppb for copper Mr. McCurdy informed the committee that EPA determined that pipe replacement in schools was not an eligible expenditure of Drinking Water State Revolving Fund (DWSRF) funds as schools are not part of a Public Water System as defined in the US Safe Drinking

Water Act which governs the DWSRF program. Mr. McCurdy informed the committee that MassDEP is already drafting a letter for the Governor, and that the program focus would most likely be designated on preschools, and they would be partnering with the Department of Public Health.

Ms. Perez brought to the committee's attention that, with the upcoming passage of the State supplemental budget, the Trust would receive an additional \$10 million in unallocated contract assistance. The Trust could use this funding to assist schools with mitigating some of the issues brought to light by the school testing program.

3. **Disadvantage Business Enterprise - Request for Responses Draft:** Mr. McCurdy reported on MassDEP's progress on completing the Disadvantage Business Enterprise (DBE) RFP. The RFP is looking to solicit vendors for providing an availability analysis for the MassDEP/Trust to use in negotiating the programs DBE Fair Share Objective which are due to EPA by September 30, 2019. MassDEP's procurement lawyer noted that there was a state procurement blanket related to data analysis services. Instead of using a RFP, MassDEP would need to go through the blanket procurement process first, and if there are no qualified firms then the RFP could be issued. Mr. Keenan asked what the distinction between the RFP and state blanket was. Mr. McCurdy noted that if there is state blanket first, then an Executive agency would be required to utilize the state blanket bidding first, before taking any other solicitation action. Ms. Perez noted that the Trust could post the RFP to COMMBUYS and include all the state blanket prequalified firms, while also sending out a targeted solicitation to firms that are specialize in this type of analysis. Mr. McCurdy stated that he will work with Kristin Lacroix (MassDEP's Chief Financial Officer who managing the DBE negotiation) and MassDEP's legal team to determine how to proceed.
4. **Barnstable Clean Water Coalition's Request for Feasibility of Sponsoring Impact Investment:** Mr. Keenan notified the committee that the Trust has scheduled a call with Zenas Crocker (Barnstable Clean Water Coalition) and Sara Burns (The Nature Conservancy) to discuss their request for proposals and if there was anyway the Trust could be of assistance. The call is scheduled for October 22, 2018.
5. **America's Water Infrastructure Act of 2018, S. 3021:** Mr. Keenan provided an update on the America's Water Infrastructure Act of 2018 which was passed by the U.S. Senate on October 10, 2018. The program reauthorized the DWSRF program through 2021 with increased funding at \$1.174 billion for 2019, \$1.3 billion for 2020, and \$1.95 billion for 2021. Maintains Davis-Bacon prevailing wage requirements and extends American Iron and Steel requirements through 2023. Allows loan terms beyond 30 years to the life of the project. Requires the Government Accountability Office (GAO) to conduct a report on the cross-cutting requirements. Requires an assessment of the cost to replace lead service lines to be included in a needs survey. Reauthorizes \$50 million in 2020 and 2021 for WIFIA. Authorizes \$5 million in WIFIA financing for SRF programs. Ms. Perez noted that increases in the DWSRF annual allotment will speed up the need to increase the Commonwealth's Contract Assistance authorization. Ms. Jonas-Silver requested updated numbers so that she can track the need to request an increase in the contract assistance commitment. Mr. Keenan confirmed that he would provide the updated information once the numbers are signed by the president and will send the EPA Annual Report to everyone on the committee once completed.

The meeting adjourned at 2:33 p.m.