

BOARD OF WATER COMMISSIONERS
MINUTES FOR THE MEETING OF
JULY 11, 2023

Chairman Boyd called the meeting to order at 5:04 p.m., announced that the virtual version of the meeting was being recorded, and asked for each Commissioner to state their name for the record by roll call:

Board Members Present: Robert H. Sheldon, Commissioner – Present; Joshua M. Fox, Commissioner – Present; and Robert E. Boyd, Jr., Commissioner and Chairman – Present.

Board Members Not Present: None

Others Present: Vincent J. Roy, Executive Director; Thomas S. Travers, Treasurer; Karen A. Moretti, Assistant Treasurer; Jennifer Mazzocchi, Administrative Assistant; Renee Adams, Customer Service Manager; and Mike Abbondanzio, Foreman.

Virtually Present: Ron Myrick and Ray Johnson from Tetra Tech, and Ken Sansone from SL Environmental.

1. REVIEW THE MINUTES FROM THE BOARD OF WATER COMMISSIONERS JUNE 13, 2023, MEETING:

The Commissioners approved the Minutes for the Meetings of June 13, 2023, as amended. The motion for approval was made by Commissioner Sheldon, and duly seconded by Chairman Boyd and approved by unanimous roll call:

Robert H. Sheldon, Commissioner - Aye
Joshua M. Fox, Commissioner – Aye
Robert E. Boyd, Jr., Chairman and Commissioner - Aye

2. REVIEW THE DIRECTOR'S JUNE 23rd AND JULY 7th BI-WEEKLY REPORTS:

Executive Director Roy presented his bi-weekly reports to the Commissioners and addressed questions regarding the following topics:

Raymond Road WTP/PFAS Project:

Commissioner Sheldon asked Director Roy if the project contractor had other projects that were concurrent to the District's PFAS project to keep them busy during this period while waiting on material. Mr. Roy stated that he was not aware of other projects and that the Contractor is committed to remobilizing on site once the material has been delivered.

Staffing:

Commissioner Fox asked Mr. Roy to provide some background of the recently hired summer help employee. Mr. Roy stated that he is a young man originally from Cambridge and now resides in Ashland with his parents. Mr. Roy also stated that he has been assigned to work under the supervision of the Foreman and will be cutting grass and painting fire hydrants.

There were no further questions about the Director's Report.

3. ZONE II DELINEATION ASSESSMENT REPORT:

Ron Myrick and Ray Johnson from Tetra Tech presented the report findings and illustrations to the Commissioners of their recent Zone II delineation assessment. Mr. Myrick stated that the delineation was being determined at a greater accuracy to see if the property at 770 Water Street could be deemed outside Zone II. If so, MassDEP could likely close the requirements for remediation of tetrachloroethylene (PCE), generated

by the former dry cleaning establishment, from the site. Mr. Myrick stated that the assessment began in 2020 to collect groundwater elevations and other data to conduct a focused evaluation of the location of the groundwater divide proximate to their Framingham site at 770 Water Street. Mr. Myrick stated that the assessment had taken longer to complete due to above average precipitation in the summer of 2021 and that dryer conditions were needed to accurately measure stress level conditions of the Zone II area. He also stated that the summer of 2022 provided the optimal conditions for data collecting. Mr. Myrick stated that the data collected from June through October of 2021 confirmed their initial assessment that the groundwater divide is further north than the current Zone II delineation illustrates. Commissioner Sheldon asked if it was coincidental that the proposed Zone II delineation line is near the culvert located on Edgel Road, and if the test wells located along the proposed line sampled negative for TCE and PCE. Mr. Johnson responded that the proposed line is based on data points from their test well locations and that sample results for both chemicals were non detectable. Commissioner Sheldon asked about the requirements of the approval process and does the District have to accept the proposed Zone II delineation. Mr. Roy stated that the proposed Zone II delineation requires MassDEP approval. Mr. Johnson concurred and stated that MassDEP would not approve the proposed delineation without the District's approval beforehand. Mr. Roy further stated that he has forwarded the report to Environmental Partners requesting a cost proposal for conducting a peer review. Commissioner Fox asked Mr. Myrick if their client was in support of the District's effort to conduct a peer review and would compensate the District for the peer review. Mr. Johnson stated that they need to present request to their client and would notify Mr. Roy about any decisions from the client.

4. PFAS MULTI-DISTRICT LITIGATION (MDL) UPDATE:

Attorney Ken Sansone of SL Environmental provided an update on the recent bellwether trial and explained the settlement procedure moving forward. 3M has announced a tentative settlement of claims by public water systems against it for PFAS contamination, which would create a settlement fund of between \$10.3 billion and \$12.5 billion, depending on participation. The 3M proposal applies only to claims by public water systems for contaminated drinking water supplies against 3M and does not apply to claims against other defendants or claims for other impacts (wastewater, irrigation water, soil, firefighting operations, etc.). He also stated that the settlement requires court approval that will take several months and is likely to extend through late 2023. Eligible systems will have the right to opt out of the settlement and continue to litigate their claims, but they will not need to make that decision until late 2023, at the earliest. He stated that the structure of the proposed 3M settlement would use an allocation procedure that assigns a "score" to each contaminated source based on its levels of PFAS contamination, its size, and its production history, subject to enhancement based on several other factors. Once the 3M proposal is filed with the court, we will provide a more detailed description of this procedure and other relevant aspects of the settlement, and we will begin discussions of a method for obtaining relevant information about our affected sources. Then SL Environmental will begin advising the District on how the proposed settlement would benefit the District. That information will help the Board of Water Commissioners decide whether to participate. Commission Fox asked if the MDL defendants included other smaller firms beyond 3M and Dupont. Mr. Sansone stated that 3M and Dupont are the key manufacturers responsible for the creation and mass production of these chemicals and therefore bear the brunt of culpability. Mr. Roy asked if SL Environmental would still represent the district if the District opted out of the settlement to continue on with litigation. Mr. Sansone confirmed that, if that were the case, they would continue to represent the District.
No further discussion on this matter.

5. MWRA METRO-WEST EXPANSION STUDY REPORT UPDATE

Director Roy provided an update to the Commissioners on the MWRA MetroWest Expansion study. He stated that the anticipated study report remains unavailable. Communities north and west of Sudbury have expressed an urgent need for connecting onto the MWRA system. Mr. Roy stated that MWRA announced that the report should be utilized as a planning tool for communities to move the potential project forward. Mr. Roy has

discussed the proposed project with the Town Manager, and they both agree there should be a joint meeting with members of the Select Board and Water Commissioners to discuss interest in and commitment to the project. Commissioner Sheldon stated that he would resend his earlier memo on framing the District's position to Mr. Roy.

Conclusion of Open Meeting:

Chairman Boyd moved to adjourn the meeting. That motion was duly seconded by Commissioner Sheldon and approved by unanimous roll call:

Robert H. Sheldon, Commissioner - Aye

Joshua M. Fox, Commissioner - Aye

Robert E. Boyd, Jr. Commissioner and Chairman - Aye

There being no further discussion the meeting adjourned at 6:29 p.m.