

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

May 19, 2023

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Resolution 23-36: Authorizing the Borrowing of Money to Pay Costs Associated with Designing, Constructing and Equipping a PFAS Treatment Facility at the Well 7/7A Site (DWSRF 12544)
Resolution 23-37: Authority for Town Administrator to File Drinking Water State Revolving Fund Loan Application

The Massachusetts Department of Environmental Protection (MassDEP) currently has a drinking water standard for the sum of six Per- and Polyfluorinated Substances (PFAS) compounds (PFAS6). This standard requires all Massachusetts public water suppliers to regularly test for PFAS. The sum of PFAS6 may not exceed 20 nanograms per liter (ng/L), equal to 20 parts per trillion (ppt). For perspective, one ppt is equivalent to a single drop of water in 20 Olympic sized swimming pools or approximately the amount of water pumped from Well 7/7A in 3 weeks.

On multiple occasions in 2020 (December), 2021 (January, March, April, June-December 2021), and 2022 (January), Franklin sampled Well 7/7A finished water for PFAS6. Four of the six regulated PFAS were detected in finished water, with a sum of 31.4 nanograms per liter (ng/L) in January of 2022. The sampling results from December 2020 to January 2022 show an overall increase in PFAS concentrations, which remain below the MassDEP Maximum Contaminant level (MCL) of 20 ng/L, until December 2021, in which an exceedance of the MCL was observed. This forced the Town to shut down the source and it has been off ever since.

You may have heard in the news that the United States Environmental Protection Agency (EPA) recently issued a draft federal drinking water rule which sets the limit for certain PFAS lower than the Massachusetts standard. EPA is entertaining public comment on their proposal now and if the proposed rule is finalized, Massachusetts will adopt limits at least as stringent as EPA; the EPA process may take another year before it is completed.

In addition to Well 7/7A if the proposed more stringent EPA rule goes into effect based on current sampling results we will need to provide PFAS treatment at the following locations to be in compliance with the proposed rule:

- Well 5
- Well 4
- Well 8/8A
- Well 9

The cost for treatment at all these locations including Well 7/7A is likely to be around \$50 million dollars. This does not include our other 4 well locations that are currently just under the proposed rule limits set for PFOA and PFOS.

Therefore, given the current MassDEP regulations and proposed more stringent EPA regulations we are proposing a project to construct a new PFAS treatment facility adjacent to the current building at the Well No. 7/7A site. Use of a Granulated Activated Carbon (GAC) treatment system, a well-proven technology, is anticipated and will be tested/confirmed through the performance of a PFAS bench scale pre-design evaluation. This project will benefit the Town by reducing the PFAs at Well No. 7/7A to below the regulated limits for continued use of this important water source in the Franklin system. The pilot and the Design have started and we are expecting to have Bid ready documents by November and construction to start Spring 2024.

The Town was listed on the 2023 final State Revolving Fund (SRF) intended use plan and since this project will be a PFAS treatment facility it will be eligible for an interest-free (0%) loan with additional principal loan forgiveness through the SRF program in thanks to the 2021 Bipartisan Infrastructure Law (BIL).

As with other SRF related projects, the funding must be appropriated through borrowing. We are asking the Council to approve Resolution 23-36, to authorize the appropriation of \$6,500,000 for this project. Additionally, Resolution 23-37 will authorize the Town Administrator to act as the authorized representative of the Town in connection with this application.

As discussed at the May 3rd Town Council meeting, a draft letter is attached from the Council to the Congressional delegation with our concerns about the finances and regulations on PFAS.

If you have any additional questions please feel free to ask.

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OFFICE OF THE TOWN ADMINISTRATOR

May 25, 2023

The Honorable Elizabeth Warren
2400 JFK Federal Building
15 New Sudbury Street
Boston, MA 02203

The Honorable Edward M. Markey
975 JFK Federal Building
15 New Sudbury Street
Boston, MA 02203

The Honorable Jake Auchincloss
United States Representative, Fourth Congressional District
29 Crafts Street, Suite 375
Newton, MA 02458

RE: EPA Proposed PFAS National Primary Drinking Water Regulation

Dear Senator Warren, Senator Markey and Congressman Auchincloss:

The Town of Franklin would like to bring to your attention and offer the following comments on the EPA's proposed PFAS National Primary Drinking Water Regulation. As the elected leaders of the community, we are very concerned about the affordability of our residents relative to the implementation of the proposed EPA PFAS regulations. In an era of record inflation and rising costs, we are very concerned about the impacts on water rate increases and costs to taxpayers to implement these new proposed regulations. We request that the EPA pause on implementing the regulations until the economy allows for a transparent and comprehensive analysis of the cost/benefit these regulations will have on our citizens, especially the thousands of residents in town on fixed or limited incomes.

On March 14, 2023, EPA announced the proposed National Primary Drinking Water Regulation (NPDWR) for six per- and polyfluoroalkyl substances (PFAS) including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS).

The Town of Franklin has a mission to deliver clean and reliable drinking water, and we are always concerned about threats to our water supply. While PFAS contamination in our Drinking Water is one piece of the exposure, it is not the main contributor. People are exposed to PFAS from many sources, far beyond their drinking water. According to the U.S. Environmental Protection Agency (EPA), people are exposed to PFAS by food packaged in materials containing PFAS, processed with equipment that used

PFAS, or grown using PFAS-contaminated soil or water. People may also have been exposed to PFAS in the workplace through production facilities or industries that involve chrome plating, electronics manufacturing, and oil recovery. In addition, many commercial household products contain PFAS, and if made outside the United States, may still be made with PFAS. Those include stain and water-repellent fabrics, nonstick cookware and other products, polishes, waxes, paints, and cleaning products, to name a few. When found in drinking water, it is often the result of PFAS discharged from a nearby manufacturer, landfill, wastewater treatment plant, or firefighter training facility that used fire-suppressing foams. It is widely referenced that 98% of the American public has traceable amounts of PFAS in our bodies.

Therefore, it is crucial for the EPA to broadly regulate PFAS to protect public health and the environment. Ultimately, regulation should address the manufacturing and processing of these chemicals and their use in food, food packaging, and in consumer products across all environmental media. Although the proposed EPA regulation is focused on drinking water standards for PFAS as a class, there is also an urgent need to develop comprehensive standards for PFAS compounds across the board. In addition, there is an urgent need to develop scientific understanding of the shorter-chain PFAS being developed as replacement chemicals. Fortunately, some product manufacturers and retailers have proactively taken measures to phase out PFAS from their supply chains, but many still have not.

Until the drain of PFAS compounds into the environment stops, the proposed EPA regulations will disproportionately put the burden on the Drinking Water Suppliers, like municipalities who will be forced to raise water rates at a level that will cause significant financial hardship for many families. If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all of these other exposures, intended public health protection will not be achieved.

The Massachusetts Department of Environmental Protection (MassDEP) currently has a drinking water standard for the sum of six PFAS compounds (PFAS6). This standard requires all Massachusetts public water suppliers to regularly test for PFAS. The sum of PFAS6 may not exceed 20 nanograms per liter (ng/L), equal to 20 parts per trillion (ppt).

Since October 2020, when the MassDEP PFAS6 drinking water standard went into place, the Town of Franklin has been sampling all of our sources as required. All sampling has been consistently and reliably below 20 ppt for the PFAS6 except for Well 7/7A. In January of 2020, Well 7/7A had four of the six regulated PFAS being detected in finished water, with a sum of 31.4 ppt. This forced the Town to shut down the source and it has been off ever since. All other sources have consistently and reliably been below the MassDEP PFAS6 drinking water standard.

The proposed EPA PFAS draft federal drinking water rule sets the limit for certain PFAS (PFOA, PFOS, and others) lower than the Massachusetts standard, down to 4 ppt. EPA is entertaining public comment on their proposal now and if the proposed rule is finalized, Massachusetts will adopt limits at least as stringent as EPA. If this proposed limit of 4 ppt is put into effect, roughly 60% of the drinking water

sources in Franklin will require some form of PFAS treatment resulting in significant costs to our ratepayers.

Therefore, given the current MassDEP regulations we are proposing a \$6.5 million project to construct a new PFAS treatment facility adjacent to the current building at the Well No. 7/7A site. In addition to Well 7/7A if the proposed more stringent EPA rule goes into effect based on current sampling results we will need to provide PFAS treatment at the following locations to be in compliance with the proposed rule: Well 5, Well 4, Well 8/8A, and Well 9.

The cost for treatment at all of these locations including Well 7/7A is likely to be over \$50 million dollars. This does not include our other 4 well locations that are currently just under the proposed rule limits set for PFOA and PFOS.

The 2021 infrastructure law provided \$10 billion to address emerging contaminants including PFAS in drinking water nationwide. But the costs of meeting the proposed EPA standards nationwide will far exceed the additional funding. Even with low to no interest loans the vast majority of the cost will be borne by the Town of Franklin water ratepayers, who are also facing increased costs within their own household budgets, increased costs in other areas with local, state and federal mandates.

Thank you for the opportunity to provide these comments. The Town of Franklin understands the importance of ensuring that the drinking water that reaches our customers meets Safe Drinking Water Act requirements and protects the public health. The Town works hard each day to meet these goals and satisfy our customers' expectations.

Sincerely,

Thomas Mercer, Chair
Franklin Town Council

Robert Dellorco, Vice Chair
Franklin Town Council

Glenn Jones, Clerk
Franklin Town Council

Deborah Pellegrini
Franklin Town Council

Brian Chandler
Franklin Town Council

Melanie Hamblen
Franklin Town Council

Cobi Frongillo
Franklin Town Council

Theodore Cormier-Leger
Franklin Town Council

Patrick Sheridan
Franklin Town Council

cc: The Honorable Rebecca Rausch, State Senator
The Honorable Jeff Roy, State Representative
Dana Hanson, District Director, Congressman Auchincloss



TOWN OF FRANKLIN

RESOLUTION 23-36

Authorizing the Borrowing of Money to Pay Costs Associated with Designing, Constructing and Equipping a PFAS Treatment Facility at the Well 7/7A Site (DWSRF 12544)

Whereas: The Town Council has been advised of a need to a PFAS Treatment Facility at the Well 7/7A Site

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Franklin that:

- (1) Six Million Five Hundred Thousand Dollars (\$6,500,000) is appropriated to pay costs associated with the designing, constructing and equipping a PFAS Treatment project which shall include, but shall not be limited to, construction of a PFAS treatment facility (pre-engineered metal building with a brick façade to match the existing structure) abutting the existing Well 7/7A pump building; two pair 6-foot diameter GAC vessels suitable for lead-lag operation; 8 foot x 17 foot translucent building wall panels in the event that the GAC vessels need to be removed in the future; 6-inch raw water line from the discharge of the Well 7 pump to the PFAS treatment building; an 8-inch PFAS treated water line from the PFAS treatment building which connects to the existing 12-inch water line prior to entering the chemical building for finished chemical addition; and other surface restoration including extension of the existing driveway to the new building as well as removal and replacement of fencing around the propose PFAS treatment facility and existing facilities (the “Project”); and that to meet this appropriation, the Treasurer, with the approval of the Town Administrator, is authorized to borrow this amount under and pursuant to G.L. c. 44, §8(4) or any other enabling authority, and to issue bonds or notes of the Town therefor.
- (2) All or any portion of the amount authorized to be borrowed by this resolution may be borrowed through the Massachusetts Clean Water Trust (the “Trust”) established pursuant to G.L. c. 29C; the purpose of said loan(s), if awarded, shall be to fund construction activities in connection with the Project, and if said award is made, the Town agrees to pay those costs which constitute the required applicant’s share of the Project cost. The Town Administrator, the Town Treasurer and any other appropriate officials of the Town is/are hereby authorized on behalf of the Town to file applications and execute agreements for grant and/or loan assistance as well as to furnish such information, data and documents pertaining to the Town’s application for a grant(s) and/or loan(s), and to take any and all other action as may be required, including to execute and deliver any agreements

with the Trust and/or the Department of Environmental Protection of The Commonwealth of Massachusetts that may be necessary in order to obtain any such financing, and otherwise to act as the authorized representative of the Town in connection with this application.

- (3) This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2023

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council