



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

March 21, 2018

Gary Moran, Deputy Commissioner  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Re: Submission of 2017 Implementation Report for the Cape Cod Area Wide Water Quality Management Plan Update

Dear Deputy Commissioner Moran:

Thank you for your February 23, 2018 letter submitting the 2017 Implementation Report for the Cape Cod Area Wide Water Quality Management Plan Update prepared by the Cape Cod Commission. The Cape's water quality challenges continue to be of great concern to EPA, as we know they are for the Commonwealth. We read the Implementation Report closely, and, as you recommend, we incorporate it as an addendum to the EPA-approved 208 Plan Update. It is critically important that both MassDEP and EPA continue to regularly review progress implementing the 208 Plan. We note that the Implementation Plan has been submitted to satisfy a milestone of the implementation schedule set forth by the Cape Cod Commission in an August 25, 2015 letter from Executive Director Paul Niedzwiecki, which was specifically relied upon by EPA in its September 15, 2015 approval of the Plan Update.

The Implementation Report provides an opportunity to examine the activities that have been undertaken to date to solve nitrogen-related water quality problems facing Cape Cod and to assess progress. The report discusses the completion of watershed reports for 53 watersheds and identification of 11 priority watersheds, and includes a summary of local progress and projects, draft guidance for towns on the Section 208 Plan Consistency Review, preliminary guidance for piloting and monitoring non-traditional technologies, and the status of Plan Update recommendations.

It is evident that MassDEP, the Cape Cod Commission, and Cape Cod towns have made considerable progress to implement the 208 Plan Update. The Implementation Report's recommendations of additional actions to be taken over the near term are vital to the success of addressing water quality issues on the Cape. EPA remains fully cognizant of the environmental, economic and technical complexity of the task ahead. We are encouraged by the willingness of all stakeholders to engage in a focused, substantive planning process to restore and maintain the health of Cape Cod embayments. As Cape Cod towns head into the Plan Update implementation phase, it is critical that they invest resources necessary to address nitrogen sources and meet the implementation milestones in the timeline that has been set forth by the Cape Cod Commission. EPA continues to closely track progress and, to ensure that timely action is being taken and to carry out our responsibilities under a court-approved Settlement Agreement, EPA has asked the Cape Cod Commission to submit to us by April 2019 an update on each town's progress and the Commission's success in completing the priority recommendations in the 2017

Implementation Report. Likewise, EPA has requested that MassDEP provide, also by April 2019, an assessment of its progress working with towns on Cape Cod and an update on state regulatory actions and other measures taken to implement the Plan Update consistent with the role that was outlined to EPA in your letter to Deborah Szaro dated August 14, 2015, which EPA specifically relied upon in approving the 208 Plan Update.

EPA looks forward to continued cooperation and participation with the Commonwealth, the Commission, Barnstable County, Cape Cod towns, and other stakeholders as the implementation of the Plan Update progresses. Should you have any questions, please do not hesitate to contact MaryJo Feuerbach at (617) 918-1578 or Samir Bukhari at (618) 918-1095.

Sincerely,



Ken Moraff  
Director, Office of Ecosystem Protection

cc:

Commissioner Martin Suuberg, Massachusetts Department of Environmental Protection  
Kristi Senatori, Cape Cod Commission  
Lynne Hamjian, US EPA Region 1  
MaryJo Feuerbach, US EPA Region 1  
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Ronald R. Beaty, Barnstable County Commissioner  
Mark S. Ells, Town Manager of Barnstable  
Thomas M. Guerino, Town Administrator of Bourne  
Michael Embury, Town Administrator of Brewster  
Jill R. Goldsmith, Town Manager of Chatham  
Elizabeth Sullivan, Town Administrator of Dennis  
Jacqueline Beebe, Town Administrator of Eastham  
Julian Suso, Town Manager of Falmouth  
Christopher Clark, Town Administrator of Harwich  
Rodney Collins, Town Manager of Mashpee  
John Kelly, Town Administrator of Orleans  
David Panagore, Town Manager of Provincetown  
George Dunham, Town Manager of Sandwich  
Rae Ann Palmer, Town Administrator of Truro  
Daniel Hoort, Town Administrator of Wellfleet  
Daniel Knapik, Town Administrator of Yarmouth



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

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# Department of Environmental Protection

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Martin Suuberg  
Commissioner

February 23, 2018

Ken Moraff, Director  
Office of Ecosystem Protection  
US EPA Region 1  
5 Post Office Square  
Boston, MA 02109-3912

Dear Mr. Moraff;

On behalf of the Massachusetts Department of Environmental Protection, I am pleased to submit the 2017 Implementation Report for the Cape Cod Area Wide Water Quality Management Plan Update (the "Plan Update") prepared by the Cape Cod Commission. The Plan Update and associated appendices can be found at:

<https://www.dropbox.com/sh/8jx1fp255tczge1/AADM78NQxxSkx2Vmb2WpeCS3a?dl=0>

The Plan Update was certified by Governor Baker on June 10, 2015 and approved by the Environmental Protection Agency, Region 1 (EPA), in a letter dated September 15, 2015. The Plan Update required that the Cape Cod Commission develop an implementation report providing the status of actions taken to implement the Plan Update. The Implementation Report (the "Report") was a necessary element of EPA's 2015 approval, and we recommend it be incorporated into the approved Plan Update.

The 2017 Implementation Report provides a detailed update on the progress made since 2015 to address the problem of nitrogen pollution of Cape Cod's bays and estuaries. The Report includes Watershed Reports for each of Cape Cod's 53 major watersheds and identifies the actions taken by the 15 towns on the Cape to address water quality impairments in these watersheds. The report also highlights examples of local progress and accomplishments by Cape Cod communities working in shared watersheds, where community collaboration is critical for developing the most effective and affordable approaches to wastewater management.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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In addition to summarizing actions taken to date, the Implementation Report identifies future actions and next steps necessary to continue progress in addressing the water quality challenges. The Report identifies 11 priority watersheds in the region, recommending that action must be taken over the next year to address water quality impairment. It also provides recommendations regarding additional actions related to funding, monitoring, support tools, regulatory reforms and collaboration among local, regional and state agencies.

The 2017 Implementation Report provides an accurate summary of activities undertaken since the approval of the Plan Update, and satisfies the commitment provide an implementation report made in the Plan Update and included in EPA's September 15, 2015 letter approving the Plan Update.

MassDEP recognizes the importance of ensuring continued progress to address the Cape's wastewater problem and to restore the Cape's bays and estuaries. The Cape Cod 208 Plan Update was intended to empower the Cape communities to develop and implement the most affordable and effective solutions to the water quality problems facing Cape Cod, and we are pleased to see Cape communities developing and implementing solutions. However, with the scientific understanding and tools in place to help develop the most effective solutions, MassDEP has the responsibility to ensure that timely actions are taken to address the ongoing degradation of these water resources and the environment, particularly in those areas where significant ongoing discharges of pollutants create serious impairments. At EPA's request, MassDEP outlined this role to EPA as part of the Plan Update approval process. We also recognize that, as stated in EPA's September 15, 2015 approval letter, EPA will also assess the actions being taken by the Commonwealth and Cape towns to implement actions to reduce nitrogen loads and consider additional actions necessary to implement the Plan Update. We look forward to continuing to work with EPA to ensure necessary actions are implemented.

Sincerely,



Gary Moran  
Deputy Commissioner

Cc: Kristy Senatori, Acting Executive Director  
Cape Cod Commission