

**MINUTES OF THE  
CAPE COD WATER PROTECTION COLLABORATIVE  
Governing Board Committee  
January 13, 2016**

A meeting of the Cape Cod Water Protection Collaborative was held on January 13, 2016 at 9:00 a.m. in the Strategic Information Office, Innovation Room, 3195 Main Street, Barnstable, MA.

**Members:**

Barnstable	Mark Ells	Absent
Bourne	Terri Guarino for Stephen Mealy	Present <i>(left at 10:35 a.m.)</i>
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Present
Dennis	Vacant	Vacant
Eastham	Jane Crowley	Present
Falmouth	Susan Moran	Absent
Harwich	Larry Ballantine	Present
Mashpee	Tom O’Hara	Absent
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	Frank Pannorfi	Absent
Truro	Patricia Pajaron	Absent
Wellfleet	Curt Felix	Present
Yarmouth	William Hinchey	Present
County Appointee	Linell Grundman	Present
County Appointee	Lindsey Counsell	Present
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Absent

**Staff Present:**

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission

**1. Minutes of December 9, 2015**

Florence Seldin moved to approve the minutes of December 9, 2015. Linell Grundman seconded the motion. The motion to approve the minutes passed with one abstention.

**2. Report of Board Members on Water Resources Issues within their Respective Communities**

- **Town of Orleans** – Sims McGrath: They continue to work on the affairs of the Tri-Town Septage Treatment Plant and the next step is to work out warrant articles on how to finance the demolition of the plant and restoration of the site and they are working with a bond counsel on that; they continue to work with A.E. COM on a number of research items; they had a workshop on the growth of their village center; one concern is that staff at the Treatment Plant may find other opportunities and the board of managers are having discussions and looking at incentives for staff to stay on until the completion of the operation procedure and clean up; an alternative would be to bring in an independent contractor but it would cost substantially more to do that; they are right at the minimum staffing allowed by the Department of

Environmental Protection (DEP). Bill Hinchey said Yarmouth is in the cusp of increasing their capacity by 33% and it could easily take the full load of Tri-Town.

- **County Appointee** – Lindsey Counsell: They are working to prepare SNEP grants in Three Bays and have been working with Scott Horsley and the Cape Cod Commission; they will be putting in an application to restore Mill Pond in Marstons Mills and believe it will be a great pilot for restoration; they will also be working with the Association to Protect Cape Cod (APCC) supporting their application for stormwater management in that area as well; they will have two competing applications and they are looking forward to working on that.
- **Town of Brewster** – Sue Leven: They turned in their whitepaper on managing a shellfish operation between four towns in a single watershed; it became more about the logistics of shellfish rather than the logistics of intra-municipal organization and how four towns would work together to coordinate and share the cost and benefit; the Cape Cod Commission and the DEP have had Brewster's Plan for seven months, they haven't heard anything as yet and they are still waiting for that; they are starting to work on remediation projects for the Mill Pond complex, they have funding for that coming in July and have started coordinating that; Brewster sent out a beach access survey to approximately 7,000 members of the public asking for their input on Brewster beaches; the survey is also available on Brewster's website.
- **Town of Bourne** – Terri Guarino, Bourne Health Agent, for Stephen Mealy: Bourne has a short term solution and a long term solution that they are moving forward on; the reason for a short term solution is for their sewerage contract with Wareham which is 200,000 gallons and they are at mass capacity there, the short term is an MVR package plant and in the interim they are going to install one unit which treats up to 100,000 gallons; in the long term the towns of Wareham, Plymouth, and Bourne/Massachusetts Maritime Academy (MMA) working with the Buzzards Bay Coalition have applied for a SNEP grant for a multi-community partnership so that they can be selected for funding; it's a multi-community partnership focusing on the Agawam River and Buttermilk Bay watersheds and investigating discharge into the Cape Cod Canal.
- **Town of Yarmouth** – William Hinchey: Mr. Hinchey said Jeff Colby, the new DPW Director in Yarmouth, will be taking his place on the CCWPC Governing Board. Yarmouth invested \$2.5 million in their septage facility and they have preliminary approval on increasing their capacity for over a third and this is good news for Tri-Town or anyone else who is interested in using the Dennis-Yarmouth facility; the 208 Plan process that the County went through opened eyes in Yarmouth to the extent that they understand their obligation and mandate, a committee of staff was established to put together an amendment to the Plan they had in place and rejected at Town Meeting five years ago, it has been completed, it was presented to the Board of Selectmen (BOS) as a modified plan last night and received tentative approval by the BOS to include it into their existing Plan and filed by June; the Plan includes sewerage of 60% of the town, it will have no betterments, no connection fees, no increase in property tax and it will be affordable. Mr. Hinchey distributed to Board Members an Executive Summary of Yarmouth's Plan and PowerPoint presentation given to the BOS last night and noted that Yarmouth's Plan is also available on the town's website. Mr. Hinchey said it has been a pleasure working with the CCWPC.
- **Town of Eastham** – Jane Crowley: The water development project is on-going due to the good weather but it will be coming to a halt soon and there have been no major problems; they are beginning to focus on other aspects of wastewater planning, they are getting ready to deliver technical reports, provide a water quality update to the Board of Selectmen (BOS) and provide an update on the preliminary plan that was done in 2009; GHD is working hard to that end, they will be meeting today with GHD and the Cape Cod Commission to work on conflicting percentages regarding loads and they are working some of the 208 aspects into the whole scenario; they are focusing on stormwater improvements, they are networked with the Cape Cod National Seashore and they are on board with MassDOT; their next steps include further

discussions with Orleans; they received support from the BOS for increased MEP sampling in the next three years and they are still working on ponds with great citizen support.

- **Town of Sandwich** – Linell Grundman on behalf of Frank Pannorfi: Information on the dredge and restoration project is available on the town’s website; it’s a fascinating process and taking up a lot of staff time, the relationship with the ACOE has been reinvigorated through this project and they hope to continue to have a consistent relationship with the ACOE; through the Textron lawsuit Sandwich was able to get funds and it funded their CWMP, the town was waiting for scientific information that just came in six months ago, they were granted a second extension from the state and because of budget allocations, Sandwich is now putting it off to 2017; last week the Finance Committee asked Dave Mason to provide an update on what’s happening and work that Mashpee, Barnstable, and Sandwich are doing regarding Mashpee’s watershed permit, Sandwich is moving ahead with Mashpee and Barnstable.

- **Town of Wellfleet** – Curt Felix: They are in a stall mode mainly because they haven’t received any feedback from the DEP, they’ve been waiting for three years but they continue to move ahead because they have water quality numbers to work against; Mr. Felix and Mr. Gottlieb are working with a legislative task force on oyster restoration and trying to fix some of the problems around the regulatory framework that they are operating under, they will be meeting on Friday to work on that; the Herring River project is moving along, it’s on schedule and construction work could start next year; Mayo Creek restoration has stalled out.

- **Town of Chatham** – Florence Seldin: Route 28 will be closed for about 16 weeks due to the Muddy Creek project; regarding water use a report was issued by the Chatham DPW Director indicating that Chatham’s water use has increased, Chatham is using 1.46 million gallons per day which is a level the town wasn’t expecting to reach until 2025; the town’s DEP water withdrawal permit caps the system at 1.42 million gallons per day; Chatham is trying to raise the limit and is talking to DEP about this; the cap was raised to the current limit in 2012, the town has noticed that the seasonal shutoff is running about 50% behind schedule and people are staying in their homes longer; it’s been a dry summer with a longer irrigation period; the town needs to replace two wells due to contamination; there are some remedies and there was only one year when Chatham had to impose conservation measures.

Board members discussed Chatham’s increase in water use and questioned whether the increase was due to environmental conditions—warmer weather and people staying in their summer homes longer; a dryer summer leads to more watering of lawns; the Cape has different soils and conditions from other areas; the concept of one size fits all does not work and the Town of Orleans has taken the lead on this discussion with DEP. Andrew Gottlieb said this has been an issue for years. He said there is a state standard for daily per capita consumption—65 gallons per day per capita. He said at the end of the day we have too many people watering too much lawn and outdoor watering peaks drive capacities. Ed DeWitt, Director of the Association to Protect Cape Cod, said spikes could also be due to leaks in main distribution systems or lawn irrigation systems; there could be leaks throughout the whole system. Scott Horsley, Horsley Witten Group, said the Water Management Act that legislates withdrawals is supposed to be based on consumptive use not total pumping. He said the regulations say that but the program is not being administered that way.

- **Town of Falmouth** – Andrew Gottlieb on behalf of Susan Moran: The Woods Hole sewer infiltration reduction project has begun, main streets are being worked on at night to minimize potential impacts to businesses; on December 10 the Falmouth Water Superintendent received test results showing that Falmouth exceeded by .7 parts per billion (ppb) with a value of 80 ppb in the trihalomethane limit at one location on Nobska Road in the fourth quarter of 2015, a public notice was mailed to all water customers, the dry summer and increased rainfall in September is thought to be the cause of the exceedance, the Superintendent reported that this compound does not pose any immediate public health risks and consumers were advised to use a carbon filter for the water that they drink; once the town’s new water plant is functional

in Spring 2017 the levels will drop considerably and the compounds will be removed from the water through carbon filtering of water at the plant.

- **Town of Mashpee** – Andrew Gottlieb: They are coming to grips with implementing part of their program in regard to quahog seeds from ARC; the town is unable to get the expected amount of 4 million seeds and size of seed from ARC, the capital cost of acquisition is going down, they will have some capital cost for improvements and may have to hire an additional seasonal person to manage this; the availability of sufficient shellfish seed is going to be an ongoing issue, there needs to be flexibility and a Plan B in a program if the expected amount of seed is not available; Mashpee will be using existing stock which does provide an opportunity to manage and avoid the spread of diseases; they are working on the notion of setting up a reserve fund for capital, wastewater and capturing levy capacity for rate adjustments.

- **Town of Harwich** – Larry Ballantine: They have two proposed draft warrant articles one for \$9 million to connect to Chatham and another for \$2.5 million for design of collection system also to go to Chatham, they have had discussions on when and where regarding recharge areas.

### **3. Executive Director's Report**

Andrew Gottlieb gave the following report:

- He will be giving a budget presentation to the County Commissioners next Wednesday.
- He is working on the contract with DEP for capital funds for the monitoring program and he is holding the RFP until he has the contract in hand.
- Regarding the RFP he spoke to the monitoring committee and there was some push back about including the Pleasant Bay site. Mr. Gottlieb said he would leave it open for a few weeks should anyone have any comments, concerns or any sites they might want to add. He said he has room in the system to add or remove sites.

### **4. Discussion of possible structure and elements of future state issued watershed permits.**

Andrew Gottlieb distributed to Board Members a list of elements of a watershed permit. Mr. Gottlieb and members discussed the following:

- Load allocation between communities.
- Inclusion of a schedule for action: where plan exists—inclusion of plan as listed in CCWPC/208 watershed plan; where no plan exists—inclusion of a schedule for the development of a plan and implementation measures.
- Five-year increments, with check in on progress on water quality and adjustments based on water quality results.
- Five-year review and ability to make changes in upcoming phases based on changes in water quality or technology performance.
- Enforceability by state and other communities within the watershed.
- Protection for community meeting obligations from being assigned allocated load from a non-compliant party to the permit.

### **5. Adjourn**

The meeting adjourned at 11:05 a.m.

### **MATERIALS USED/PRESENTED AT THE January 13, 2016 CCWPC MEETING:**

- January 13, 2016 CCWPC Meeting Agenda.
- Draft Minutes of the December 9, 2015 CCWPC meeting.
- Handout: List of elements of a watershed permit.