

**MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board Committee
October 19, 2016**

A meeting of the Cape Cod Water Protection Collaborative was held on October 19, 2016 at 9:00 a.m. in the Cape Cod Commission Office, Large Conference Room, 3225 Main Street, Barnstable, MA.

Members:

Barnstable	Mark Ells	Absent
Bourne	Stephen Mealy	Present (arrived at 9:40 a.m.)
Brewster	Ryan Bennett	Absent
Chatham	Florence Seldin	Absent
Dennis	Paul McCormick	Absent
Eastham	Jane Crowley	Present
Falmouth	Susan Moran	Present
Harwich	Larry Ballantine	Present
Mashpee	Tom Fudala	Present
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	Frank Pannorfi	Absent
Truro	Patricia Pajaron	Present
Wellfleet	Curt Felix	Present
Yarmouth	Jeffrey Colby	Present
County Appointee	Vacant	Vacant
County Appointee	Lindsey Counsell	Present
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Present

Staff Present:

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission

1. Minutes of September 14, 2016

A motion was moved and seconded to approve the meeting minutes of September 14, 2016. Jessica Rapp Grassetti noted that she was in attendance for the Town of Barnstable. Tom Fudala asked that a change be made to the Town of Mashpee town report on page two and said “water-based permit” should be changed to “watershed-based permit.” With nine members voting a vote called on the motion to approve the minutes, as amended, passed with 6 votes in favor and 3 abstentions (Patricia Pajaron, Susan Moran and Curt Felix).

2. Update on Section 208 Region-wide Water Quality Management Report Activities

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, said Commission staff will be meeting with towns on watershed reports and they look forward to continuing the discussion. The Commission will be amending its *Enabling Regulations Governing Review of Developments of Regional Impact* (DRI) and said the amendment would allow for towns to opt out of the DRI process and go through an expedited review for Section 208 consistency. He said the Commission hopes

to do this before the end of the calendar year. He said the next steps are regarding freshwater. He said in Orleans they will take a consensus plan and run it through a fiscal model. He said he will provide the CCWPC with feedback on the financial model. He said regarding ponds the Commission will be looking at what might be impacting waterbodies and will look at remediation measures. He said there may be dredge pilot projects to look at and they want to look at appropriate ponds to pilot.

Larry Ballantine inquired about the timing for the Orleans fiscal model. Mr. Niedzwiecki said the Commission has started discussions on that and they may have something to look at in November.

Chair Sims McGrath asked on the regulatory side will there be guidance for towns who have older Comprehensive Wastewater Management Plans (CWMPs). Mr. Niedzwiecki said the Commission has draft regulations that might be ready for the CCWPC to review next month. He said it will be more of a checklist. He said Section 14 of the Commission's *Enabling Regulations* allows the Commission to modify DRIs so towns that already have CWMPs perhaps their older DRI could be retired. He said the Commission should have specific answers for Orleans weeks before their Town Meeting warrant. He said the Commission will be looking at restructuring.

3. Board Member Reports on Town Water Issues

- **Town of Barnstable** – Jessica Rapp Grasseti for Mark Ells: Ms. Grasseti deferred to Dale Saad, Barnstable Health Department. Ms. Saad said they have been working on enclosing carbon filters because of what has happened at the Fire Training Academy and that will happen shortly; they are looking to finish interconnects with other communities; looking to further the design on the water treatment plant; and there has been ongoing work on emergent contamination that might result in the future. Ms. Grasseti said the town is gearing up to increase its aquaculture program.
- **Town of Truro** – Patricia Pajaron: The water oversight committee met to discuss septic systems and they will be meeting again in a few weeks.
- **Town of Wellfleet** – Curt Felix: Wellfleet received their MEP report; there was a norovirus outbreak during the Wellfleet OysterFest which resulted in an economic loss of approximately \$500,000, the Division of Marine Fisheries (DMF) and the Department of Environmental Protection (DEP) are looking into the cause of the outbreak, it's unclear if it had to do with water resources—it's still questionable and unlikely it was resource related and more process/handling related, it will take some time before it has been thoroughly evaluated.
- **Town of Falmouth** – Susan Moran: The major sewerage project in Falmouth is on budget and on schedule as well as the water treatment plant; regarding Little Pond betterment the town received special legislation for 30 years instead of 20-25 years and the town is sending information to homeowners in the Little Pond area regarding tax credit.
- **Town of Mashpee** – Tom Fudala: There has been an unwillingness on the part of the Board of Selectmen to approve funding and they are one-year behind; they continue to work on the project GHD is doing for Mashpee and work on the collection system for two private plants is moving forward; Nantucket shellfish has been closed and that affects Mashpee's harvesting.
- **Town of Bourne** – Stephen Mealy: They have been spending time getting ready for Town Meeting; there will be a plastic bag ban in Bourne.

- **County Appointee** – Lindsey Counsell: Barnstable’s CWMP was focused on the eastern portion of town and they are now working on the western portion; they completed their expanded PALS effort for pond sampling and they were able to get an RFP out on that; in August they had a substantial algae bloom and lost oysters because of it, once they have data they will know if it was a low-oxygen event and they will have a lot of data for remediation.
- **Town of Yarmouth** – Jeff Colby: They have draft total maximum daily loads (TMDLs) issued for Parker and Bass Rivers as well as one in Dennis and they are looking to have a joint hearing on that; they already have TMDLs for Lewis Bay and they are looking at site selections for the Coastal Zone Management (CZM) grant for a storm water system addressing nitrogen.
- **Town of Eastham** – Jane Crowley: Water is almost ready to move through pipes, there has been a lot of congestion due to road work, and now they are just trying to grapple with Board of Health regulations that need to be implemented; in the landfill area outside of the path of the plume homeowners wanted to keep their irrigation wells, emergent contaminants present a very complex situation and a risk assessment was done by a toxicologist which included every form of exposure; they continue to work with GHD on watershed reports.
- **Town of Harwich** – Larry Ballantine: There is a meeting next Monday night regarding the intra-municipal agreement (IMA) with Chatham to connect and Harwich is submitting a counter proposal with Chatham today.
- **Town of Orleans** – Sims McGrath: Orleans is seeking \$3.28 million for design work in the downtown area; they are circulating a preliminary draft amendment to their CWMP for internal town comment and then it will be circulated for public comment to consider whether to stay within the Commission’s DRI process or go the Section 208 path; they have been working on permeable reactive barriers (PRBs) and they are seeking approval to put in a pilot PRB at the Nauset Regional School.

4. Executive Director’s Report

Andrew Gottlieb provided a report on the following:

- Linell Grundman has resigned from her County Appointee position on the CCWPC Governing Board, Mr. Gottlieb will send a thank you letter and he will work with the County Commissioners on her replacement.
- Mr. Gottlieb spoke to County Administrator Jack Yunits about issuing a contract before getting state funding; they received a four-year commitment from the Administration but just waiting on the timing; last year the CCWPC had two months to spend one year’s worth of funding and he would like to avoid that happening again; County funds that were approved in July are sufficient and he is comfortable with the commitment from the state.

5. Discussion on County Health Department Approach to Piloting Soils-based Title V Septic Systems

Mr. Gottlieb said George Heufelder, from the Barnstable County Health Department, was unable to attend today’s meeting and is scheduled to come to the CCWPC meeting in November to discuss the pilot program. He said Mr. Heufelder has funds for the sawdust field base program, piloting is the next stage and then it will become general use technology. He asked Board Members to think about incentives for installation and possible sample locations for this. He said distribution of this will be throughout the Cape and asked Board Members if they think towns should pick the locations.

Susan Moran said it has to be economically based, it will take a huge outreach effort and she talked about Falmouth’s effort regarding eco-toilets and said it wasn’t well received by the public. Jane Crowley said this would be a much more user friendly program than eco-toilets and it would be better received by the public. Jeff Gregg of GHD questioned whether it could target people who already have a pressure treated system. Jessica Rapp Grassetto said perhaps new installations should be considered and suggested looking at Habitat for Humanity. Curt Felix said the pilot represents a system to get back data. Chair Sims McGrath asked if geographic distribution affects the location, Mr. Heufelder is not interested in

commercial property, and this could be an opportunity for new installation. Larry Ballantine agreed with Mr. Felix and said they should let the data drive the location and asked that Mr. Heufelder define the criteria and what variables he wants in the program as he may want some year round and some seasonal properties. Ed DeWitt, Association to Preserve Cape Cod, said Mr. Heufelder does have criteria established and said the question is fairness. Chair Sims McGrath said perhaps Mr. Heufelder should publish the criteria as it would help health agents with geographic distribution and they would take the question of fairness out of it. Perhaps homes that have had frequent pumping should be considered. Mr. Gottlieb said he would provide Mr. Heufelder with Board Member comments.

6. Report on Municipal Support Funding

- Mr. Gottlieb said Wellfleet's funding has been brought to a close.
- An encumbrance of \$150,000 was carried over to this year and they will pay around \$9,000 to close it out; \$140,000 needs to be managed and questioned whether the balance should be applied to other projects or carried over to the next fiscal period FY2018.
- Mr. Gottlieb discussed requests for funding from the towns of Eastham, Falmouth and Barnstable. He said presently about half of the money is still remaining and he would like all accounted for allocation before the end of this fiscal year and if Board Members know of projects that their towns want funded, that the towns get their requests to him this year.

7. Discussion of Possible Legislative Initiatives for 2017

Mr. Gottlieb said he doesn't have any information on this item as yet and he will have more information in November and December.

8. Adjourn

The meeting adjourned at 10:48 a.m.

OLD MATERIALS USED/PRESENTED AT THE OCTOBER 19 2016 CCWPC MEETING:

- October 19, 2016 CCWPC Meeting Agenda.
- Draft Minutes of the September 14, 2016 CCWPC meeting.
- Note from George Heufelder to Board Members regarding County Health Department approach to piloting soils-based Title V septic systems.
- Flier by Barnstable County Department of Health and Environment *Does Sawdust Have a Role in Saving Cape Cod's Bays?*
- Proposal to Test a Non-Proprietary Means for Removing Nitrogen from Onsite Septic Systems prepared by the Barnstable County Department of Health and Environment.