

MEETING MINUTES
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board
June 13, 2019

Summary of Discussion/Action taken: The board heard from the Massachusetts Department of Environmental Protection and the Cape Cod Commission about progress on water quality projects and implementation of the Cape Cod 208 Plan. The board voted to adopt its website as its official meeting notice posting location.

Documents used/received: Draft meeting minutes from the March 14, 2019 Governing Board meeting

Members:

Barnstable	Paul Hebert	Present
Bourne	Terri Guarino	Absent
Brewster	Ryan Bennett	Present
Chatham	Aly Sabatino	Present
Dennis	Wayne Bergeron	Present
Eastham	Jane Crowley	Present
Falmouth	Ray Jack	Present
Harwich	Larry Ballantine	Absent
Mashpee	Vacant	Vacant
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	Dave Mason	Present
Truro	Emily Beebe	Present
Wellfleet	Curt Felix	Present
Yarmouth	Jeffrey Colby	Present
County Appointee	Zenas Crocker	Absent
County Appointee	Ron Beaty	Present

Others Present:

Tim Pasakarnis	Cape Cod Commission
Erin Perry	Cape Cod Commission
Millie Garcia-Serrano	Massachusetts Department of Environmental Protection
David Johnston	Massachusetts Department of Environmental Protection
Brian Baumgartel	Barnstable County Department of Health and Environment

Sims McGrath, chair, called the meeting to order at 10:02 a.m. and declared a quorum present.

Mr. McGrath introduced the first order of business, approval of minutes from the March 14, 2019 Governing Board meeting. Paul Hebert made a motion to approve the minutes as presented. Ronald Beaty seconded. Minutes were approved with Ryan Bennett, David Mason, and Jane Crowley abstaining.

Mr. McGrath introduced Millie Garcia-Serrano, Southeast Regional Director at the Massachusetts Department of Environmental Protection, to discuss progress on implementation of the Section 208 Plan Area Wide Water Quality Management Plan. She noted the newly appointed Secretary of Energy and Environmental Affairs, Katie Theoharides, started in the position just recently. She also noted the state support and commitment to issues related to the environment.

Ms. Garcia-Serrano noted the importance of the Cape Cod Water Protection Collaborative and the efforts to bring communities together around nitrogen contamination in coastal waters on Cape Cod. She noted it's been the collective resolve and willingness to take risks that has gotten the region to where it is today. MassDEP is happy with the partnerships that are arising. She expressed appreciation for the quarterly reports provided by the Cape Cod Commission to MassDEP and US EPA.

Ms. Garcia-Serrano said that the close of FY19 is an appropriate time to reflect and noted that there has been a lot of action. She stated that MassDEP believes that the only viable solutions revolve around collaboration amongst communities with support from county, state, and federal partners.

She highlighted some of the key progress, including:

- MassDEP's issuance of the first watershed permit to the four Pleasant Bay communities
- The Dennis, Harwich, Yarmouth approach and filing of legislation to create the DHY Community Partnership
- Development of the Popponesset Bay intermunicipal agreement by the communities of Mashpee, Sandwich, and Barnstable
- Barnstable Clean Water Coalition's efforts with US EPA to explore non-traditional technologies
- Collaboration between the towns of Chatham and Harwich that allows Harwich to connect properties to the Chatham wastewater treatment facility
- Work of Harwich and the Harwich Conservation Trust, along with state partners, to restore the Cold Brook system to enhance nitrogen attenuation
- Efforts around shellfish cultivation by multiple communities
- Collaboration between the upper cape communities of Bourne, Falmouth, Mashpee, Sandwich, the town of Barnstable, and Joint Base Cape Cod to determine the potential for using the Base treatment facility to serve Cape Cod communities
- Coordinated planning dialogue in Wellfleet that is being supported by the Commission and MassDEP to look at a range of alternatives for the Wellfleet Harbor watershed

- The passage of rental tax legislation and creation of the Cape Cod and Islands Water Protection Fund to provide funding for water quality solutions

Ms. Garcia-Serrano noted significant financial support for Cape Cod communities recently. In 2018 the State Revolving Fund allocated close to \$27 million for the Chatham-Harwich efforts and in 2019 it has allocated more than \$81 million for projects in Barnstable, Bourne, Chatham, and Orleans.

Ms. Garcia-Serrano noted that MassDEP sees a need for a strong call to action to define and invest in implementation of actions across the region. Inaction and lack of progress are factors that could ultimately lead to potential state action regarding changing title 5 rules, federal permitting actions, or additional third party actions that could force a one size fits all approach for Cape Cod communities. She noted that through collaboration at the local level and with county, state, and federal partners, the region can continue to move forward.

She invited Collaborative members to continue to engage in conversations, share information with one another, and continue to work with MassDEP and other partners. She thanked Collaborative members for their engagement on this issue.

Ms. Garcia-Serrano introduced David Johnston, also from the Southeast Regional Office at MassDEP. He noted the takeaway message is that we are seeing a lot of progress and that results are being seen across the region. Right now, communities have an opportunity to continue moving in the right direction. Cape Cod communities are showing positive momentum so that some of those outside forces might not take hold. If progress is not taking place in a timely manner we will be forced to compel you to do more, including potential designation of nitrogen sensitive areas, or we will see outside sources play a role in forcing action.

Mr. Johnston noted that MassDEP wants to continue to participate and continue to see action. He opened up the conversation for questions.

Wayne Bergeron asked how much the impacts of climate change play into the planning for water quality issues. He noted he sees the changes in water temperature and suggested this brings new challenges.

Mr. Johnston noted Governor Baker has been active on resiliency planning, providing forecasts for impacts and funding for planning and implementation of strategies to address climate change. To a great degree, it only adds more of an imperative to continue doing what we are doing. There is a greater potential for eutrophication with increased water temperature. The challenges are the same, but potentially more urgent. We must be careful about where infrastructure is placed, as well.

Ms. Garcia-Serrano noted that we are lucky to have such excellent state support and the state's Municipal Vulnerability Preparedness (MVP) Program.

Erin Perry noted that the Commission is a certified provider of the MVP Program and has worked with five communities on the planning process. It has been incredibly beneficial for Cape Cod communities. In all of the communities we worked with, water quality was discussed in conjunction with climate change and coastal resiliency. In some communities, water quality work was identified as a priority under their resiliency planning efforts.

Ronald Beaty asked MassDEP if they expect a significant reversal of the nitrogen loading problem on Cape Cod.

Mr. Johnston noted that watershed permits allow for an extended time period to implement plans. It has taken generations to create the problem and it will take some time to fix it. They are huge expenditures for communities and its likely a generational or multi-generational effort.

Ms. Garcia-Serrano said that part of the interesting piece with the watershed permit and the language contained within it calls for close monitoring. Every five years, or sooner, progress will be evaluated. There are built in course reversal mechanisms so that we can adapt as plans are implemented.

Mr. Johnston also noted you can't finish if you don't start. It will take some time to improve water quality, but action needs to begin now if it hasn't already.

Paul Hebert noted he never separates wastewater from clean drinking water. He noted the Cape aquifer is unique and we are more and more concerned with contaminants of emerging concern.

Ms. Garcia-Serrano said that MassDEP staff meets with the MassDEP Commissioner on a weekly basis on this issue. This is something that the entire state is dealing with. There is a regulatory package out for comment that includes some cleanup numbers. The sum of six classes of contaminants should be at or below 20 parts per million. A drinking water regulation is also in the works.

The state is currently providing bottled water to some residents in and around Joint Base Cape Cod. There are discussions about relocating the Barnstable County Fire Training Academy to protect drinking water in Barnstable.

Mr. Johnston said that perflourinated compounds are the focus. We are currently reactive and seeking to get out in front of the issue and take steps ahead of future impacts. The Cape should be uniquely concerned. It differs from the rest of the state. It has a bigger reliance on septic

systems, it's a sandbox, contaminants move quickly through groundwater here. Mr. Johnston noted that he's seen higher nitrogen concentrations in Cape Cod water supplies than in any other areas in the Commonwealth. Other parts of the Commonwealth have groundwater divides and groundwater is moving less quickly. There are spots on the Cape that are being impacted here. Source control of wastewater will be needed in some places. In some cases, non-traditional technologies will result in nitrogen reduction more quickly, but source control may prove to be a better strategy for emerging contaminants. Wastewater management should be a combination of both.

Brian Baumgartel, director of the Massachusetts Alternative Septic System Test Center, noted that we need to continue to investigate contaminants in our water sources and thanked participants for looking beyond nitrogen and its impacts. Emerging contaminants will be a focus of the test center moving forward.

Mr. McGrath thanked Ms. Garcia-Serrano and Mr. Johnston and moved to the next order of business, an update on draft 208 Plan Compliance Reports.

Ms. Perry noted that the compliance reports are just one way the Commission is documenting progress for MassDEP and US EPA. They were a recommendation of the 2017 Implementation Report and the criteria included were established in conjunction with both MassDEP and US EPA, as well as working with Collaborative members at previous meetings.

The reports are intended to be an at a glance look at progress. They are intended to showcase action in priority watersheds, the town team engaged, funding actions, and other implementation actions. Collaborative members were copied on drafts issued to the towns in May. We intend to finalize these over the summer and share some of the information at the OneCape Summit. We have received a lot of feedback to date and are happy to take feedback from others in whatever way is easiest for communities.

Mr. McGrath introduces the next order of business, a report from Cape Cod Commission staff.

Ms. Perry said we'd like to have MassDEP come before you more frequently. The next opportunity might be with the Pleasant Bay Watershed Permit update, which is likely to be on the Collaborative agenda in December. She noted that the DHY Community Partnership will likely be on the September agenda.

Ms. Perry said that the Commission issued a broader report summarizing progress on 208 Plan implementation along with draft compliance reports to EPA in April. Commission staff were before the Collaborative Steering Committee in May with a scope of work for the regional monitoring program conducted by the Center for Coastal Studies, consistent with the three year

contract the Center has with the County. That scope of work has been submitted to MassDEP and monitoring is underway.

Ms. Perry also noted that the Commission has continued to participate in the US EPA's Southeast New England Program. On May 30 the staff participated in a monitoring workshop and on June 1, 2019 staff participated in an ecosystem services workshop.

Ms. Perry noted the OneCape Summit will be July 29th and 30th at the Wequassett Resort in Harwich. In response to a call for proposals, the Commission received 25 responses, many related to water quality.

Ms. Perry said the Commission recently acquired software to better manage water quality data region-wide. This software will enable us to complete more analysis on existing and future data. Some of the data gaps have been filled, but a lot of historic data is still missing. Along with compliance reports, we asked for monitoring data files towns may have. Commission staff may come back to the Collaborative Governing Board with a request for assistance in obtaining data.

Ms. Perry said the Cape Cod and Islands Water Protection Fund Management Board met for the first time on May 14th, with their next meeting on June 26th.

David Mason asked about the implementation timeframe for the Fund. Ms. Perry said that the funds begin to be collected on July 1st.

Mr. McGrath moved the discussion to the next agenda item, adopting the website as the official posting location.

Ms. Perry noted that we are working with all committees we staff to adopt this policy.

Mr. McGrath asked if there is a County website that could enumerate the committee website and the committee meeting dates. Mr. McGrath noted we should ensure broad outreach.

Mr. Beaty noted that committee information can be posted on the County website. Mr. Beaty noted the County is continuing to post on the bulletin board as well.

Ms. Perry said the Commission will place a notice on what was the official posting location, noting the location of the new official posting location.

Mr. Bergeron suggested the towns should also post the Collaborative official posting location.

Ryan Bennett asked what other committees in the County are similar to the Collaborative? Mr. Beaty said other examples are the Economic Development Council and the Coastal Management

Committee. Mr. Beaty noted the Economic Development Council serves dual purposes – they are also the strategy committee for the Comprehensive Economic Development Strategy.

Jane Crowley moved that the Cape Cod Water Protection Collaborative Governing Board adopt their website as the official notice posting method for posting meeting notices for the Cape Cod Water Protection Collaborative and its subcommittees in accordance with Open Meeting Law (M.G.L. c. 30A § 18-25) and its regulations (940 CMR 29.00), effective June 20, 2019. Mr. Beaty seconded the motion. All in favor. Motion passed.

Members provided the following reports:

- Dennis: Nothing new to report
- Chatham: Aly Sabatino said Town Meeting voted \$7 million for additional sewerage and the Town completed its MVP planning process.
- Brewster: Ms. Bennett said that reporting under the 208 Plan and the Pleasant Bay Watershed Permit has been ongoing. The Town is also looking to amend its water quality protection district bylaw.
- Barnstable: Mr. Hebert said the Town is excited to move forward and collaborate around the Joint Base Cape Cod facility. The Town is also expanding sewer lines up along route 28.
- Wellfleet: Curt Felix noted he is stepping down from the Collaborative and anticipates Justina Carlson, selectboard member, will take his place. He will be taking on the role of Chair of their local comprehensive wastewater management committee. Funds were obtained for dredging Wellfleet Harbor and for staffing a wastewater and watershed permitting effort.
- Sandwich: Mr. Mason said the Town is continuing to develop outreach materials to support implementation of the wastewater investment fund, which was approved on the ballot this spring. Town Meeting approved easements over specific roads to assist Barnstable and Mashpee relative to efforts around the Joint Base Cape Cod facility and in anticipation of potentially obtaining access and use of that facility, or another collaboration. Upper Cape towns continue to work with Joint Base Cape Cod, which is receiving letters of interest for operation of the facility. Sandwich is supportive of Barnstable's interest.
- County Appointee, Ron Beaty: The Barnstable County Fire Training Academy is going through some changes. As of June 21st they will stop using water for fire training purposes. The facility may move to Joint Base Cape Cod. After conversations with MassDEP, if things do not fall in to place with relocation, the County Commissioners could reinstate water use for fire training without MassDEP interference. The Barnstable Municipal Airport has been designated as a public involvement plan site due to extensive groundwater contamination.

- Falmouth: Ray Jack said the Town is finishing its MVP process, which was extensive and a helpful exercise. The Town is also working to update their comprehensive wastewater management plan to address additional watersheds. This is due in December 2019.
- Truro: Emily Beebe said the completed their MVP process with the Town of Wellfleet.
- Eastham: Ms. Crowley said the Town completed the MVP process. Town Meeting approved \$950,000 for wastewater planning. The Town is moving ahead with a number of non-traditional projects, including shellfish propagation in Salt Pond, and is working with the National Seashore on their wastewater system. The Town will be working to prepare a targeted watershed plan, working with the Cape Cod Commission to facilitate conversations with the Town of Orleans in the Nauset Harbor watershed and to develop a broader community engagement and outreach strategy. Sampling in the estuaries is also ongoing, in cooperation with Pleasant Bay Alliance and the Town of Orleans. Strategies for remediating ponds is also ongoing.
- Yarmouth: Jeff Colby said discussions with Dennis and Harwich have been going well. Monthly meetings have been helpful. Legislation to create the DHY Community Partnership was approved in all three towns. The DHY team received an additional grant to continue to support these efforts. The water resources advisory committee is doing outreach with community groups and organizations; they have been well received. The Town is continuing to work with the Town of Barnstable to look at potential collaboration. The Town also completed the MVP process. The Parkers River bridge is out to bid right now and the project will widen the inlet.
- Orleans: Town Meeting approved \$46.5 million for a downtown treatment plant. The Town also completed the MVP process.

Mr. McGrath thanked Mr. Felix for his participation and wished him well. The meeting adjourned at 11:46 a.m.