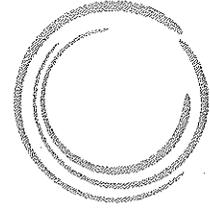


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CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Date: May 11, 2011

To: Robert H. Ament
Ament & Ament
39 Town Hall Square
P.O. Box 919
Falmouth, MA 02541

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact
Hardship Exemption

Project Applicant
and Property Owner: Woods Hole Oceanographic Institution

Project: Laboratory for Ocean Sensors and Observing Systems

Project Location: 360 Woods Hole Road, Quissett Campus, Woods Hole, Falmouth, MA

Project Number: TR11001

Lot / Plan: Lot 6, Plan 5348-I on Certificate of Title Number 94908 and 44053

Background

The above referenced project, the Laboratory for Ocean Sensors and Observing Systems was approved, with conditions, as a Limited DRI Hardship Exemption, by a vote of the Cape Cod Commission (Commission) on March 17, 2011.

Condition GC6 of the Commission's Limited DRI Hardship Exemption decision ("the decision") requires that Woods Hole Oceanographic Institution (WHOI), prior to the issuance of a Building Permit for development, obtain a Preliminary Certificate of Compliance from the Commission that states that all conditions in the decision pertaining to issuance of a Preliminary Certificate of Compliance / Building Permit have been met. Such Certificate of Compliance shall not be issued unless all conditions connected to the Preliminary Certificate of Compliance have been complied with.

The decision also includes a number of specific conditions that had to be satisfied prior to issuance of a Preliminary Certificate of Compliance by the Commission.

Ernie Charette, Director of Construction Projects for WHOI, contacted Elizabeth Enos, Regulatory Officer for the Commission, on March 18, 2011, and provided notification of WHOI's intention to seek a Preliminary Certificate of Compliance once the appeals period had lapsed, and provided a list of key contacts for the project as required by Condition GC8 of the decision. Attorney Bob Ament also provided the necessary documents to satisfy conditions WRC1, WRC5, and NRC1, for Commission staff to issue a Preliminary Certificate of Compliance. Included in these documents was a Groundwater Discharge Permit (GWDP) application that was submitted to DEP. The GWDP includes an Engineering Design Report that states that the increase in sanitary wastewater flow design is 1,995 GPD (compared to 1,575 GPD stated in the Decision), and that the increase in total wastewater design flow will be 38,640 GPD (an increase of 650 GPD compared to an increase of 500 GPD stated in the decision). According to the Applicant, the figures that were recorded in the decision were based on a preliminary design for a smaller building and had not been updated.

On May 5, 2011, the Commission received a request from Attorney Bob Ament of Ament & Ament to modify the Limited DRI Hardship Exemption decision to resolve the discrepancy in wastewater design flow figures in order to be in compliance with the Limited DRI Hardship Exemption decision and obtain a Preliminary Certificate of Compliance.

Determination

The Executive Director of the Commission has determined that the request constitutes a *de minimus* change according to Section 13(c)(i) of the Commission's *Enabling Regulations* (Revised March 2011) and is approved as a Type 1 Minor Modification. The following changes shall be made to a Water Resources finding and condition of the 2011 original Limited DRI Hardship Exemption decision.

Changes to Original Decision

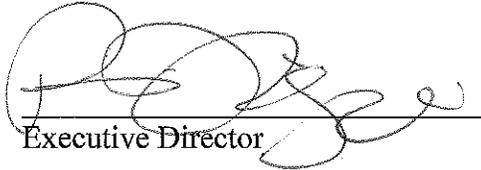
Finding WRF4. The LOSOS project increases process wastewater design flows to ~~38,500~~ **38,640** gallons per day (gpd) from 38,000 gpd presently permitted under an existing State-issued groundwater discharge permit. The project also increases sanitary wastewater design flows to ~~34,075~~ **34,495** gpd from 32,500 gpd presently permitted under an existing groundwater discharge permit.

Condition WRC2. To ensure compliance with MPS WR1.1, WR6.2, WR6.7, WR6.8, WR7.1, WR7.2, WR7.4, WR7.9 and WR7.10, the following information shall be submitted for Commission staff review and approval prior to the issuance of a Final Certificate of Compliance:

- Amended sanitary and process groundwater discharge permits consistent with increased wastewater design flows described in Finding WRF4 of this decision. Process and sanitary wastewater design flows shall not exceed ~~38,500~~ **38,640** gpd and ~~34,075~~ **34,495** gpd, respectively.

MADEP-approved plans necessary to satisfy groundwater discharge permit conditions requiring

- 1. a contract for sludge disposal, consistent with requirements of MPS WR6.7; and
- 2. a financial security amount, consistent with requirements of MPS WR6.8.


 Executive Director

05/10/11
 Date

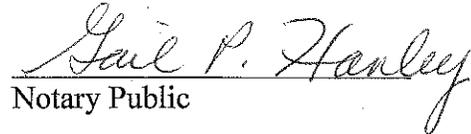
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

May 11, 2011

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki

in his/her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.


 Notary Public

My Commission Expires: 10.13.11