

**MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board Committee
December 11, 2013**

A meeting of the Cape Cod Water Protection Collaborative was held in the Innovation Room of the Barnstable County Strategic Information Office on December 11, 2013 at 9:00 a.m.

Members:

Barnstable	Mark Ells	Absent
Bourne	Linda Zuern	Present
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Present
Dennis	Paul McCormick	Absent
Eastham	Jane Crowley	Present
Falmouth	Rebecca Moffitt	Absent
Harwich	Larry Ballantine	Present
Mashpee	Michael Richardson	Absent
Orleans	Sims McGrath	Present
Provincetown	Elaine Anderson	Absent
Sandwich	Linell Grundman	Absent
Truro	Patricia Pajaron	Absent
Wellfleet	Curt Felix	Present
Yarmouth	William Hinchey	Absent
County Appointee	Sheila Lyons	Present
County Appointee	Vacant	Vacant
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Present

Staff Present:

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission

Because the Board Members present did not constitute a quorum, no votes were taken on any of the agenda items. The meeting continued with a general discussion of the items on the agenda.

1. Minutes of November 13, 2013

No vote was taken. The minutes will be voted on at the next CCWPC meeting in January 2014.

2. 208 Update

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, provided an update on the 208 Wastewater Management Plan following the Town Reports.

3. Town Reports

- **Town of Brewster** – Sue Leven: A pond meeting is scheduled on January 11 at 10:30 a.m. for Brewster residents who are Pond-shore property owners to begin talking about things they can do. The project continues to move forward.
- **Town of Orleans** – Sims McGrath: He attended the 208 meeting. Orleans has engaged Mike Domenica to do scoping on what information the town needs to collect on wastewater. They are trying to provide additional motivation and a kickoff meeting is being held tonight.
- **Town of Bourne** – Linda Zuern: She attended the Falmouth Watershed meeting and said most people seem to want alternative methods for treating wastewater.
- **Town of Eastham** – Jane Crowley: She attended the 208 meeting in Eastham. She said regarding ponds Eastham made a video as part of their water management plan that captures highlights and said it might help to provide some insight on Brewster's project. Water is a priority in Eastham and there will be an article for water but she is not sure what it will entail at this point. The landfill study continues. Regarding dredging of Rock Harbor they are looking at it as an opportunity to have Mike Domenica look at that.
- **Town of Chatham** – Florence Seldin: She attended the 208 meeting and said the 208 chronologies were excellent. Nothing new to report in Chatham.
- **Town of Harwich** – Larry Ballantine: He attended the 208 meeting otherwise nothing new to report in Harwich. He said he has heard that the 208 meetings are going well.

208 Update

Paul Niedzwiecki provided an update on the 208 process and said the Waquoit meeting today is the final meeting in the third round of stakeholder meetings and said 170 people have participated in the stakeholder meetings. He said the meetings have been about establishing a baseline and chronologies and now they will begin looking at technologies. He said a stakeholder summit is scheduled for February 7 to reflect on the first six months and begin thinking about the next six months. He said they will begin looking at jurisdictions based on watersheds not on boundaries and looking at jurisdictions for solutions. He said three meetings will follow the stakeholder summit in March, April and May. They hope to have a Draft Plan ready in May to send to DEP in June and to submit a Final Plan by January 2015. He said it has been a good process and feedback to date has been very positive. He said monitoring has become an important discussion and in the next six months they will be discussing that issue. He said they will take the outreach effort and start a broader information campaign in January and said he is looking forward to that effort. He said they are committed to taking in all comments; they want to make it a fact-based approach.

Mr. Niedzwiecki entertained questions and Board members discussed the definition of adaptive management that was discussed at 208 meetings; opportunities for Pleasant Bay and the Nauset Group; monitoring activity; cost of waste management based on growth management; two-acre zoning; the need to focus on existing water issues first before talking about growth issues—need to remediate; appropriate growth in areas helps with the financing; people still do not believe in TMDLs; financial reality--if it were free, things would be different; the need to structure the argument—there are technologies that will show what they can do; eco-toilets—not everyone wants

them and until the culture is changed, it could limit the real estate market; retrofitting of existing structures in homes—sometimes it would work and when it doesn't it would be more costly; the use of eco-toilets at the Cape Cod National Seashore and in school systems; the 208 Plan will look at appropriate uses of that technology but it's not the solution to the problem; some technologies are still experimental; financing for towns having a Plan A and a Plan B; discussions with DEP regarding a credit system; and approval of a CWMP requires a Plan B.

Town Reports continued

- **Town of Wellfleet** – Curt Felix: Said he agrees with Mr. Niedzwiecki that it's important to leave the options on the table. Wellfleet received data on water quality from the Center for Coastal Studies. Mr. Felix said he could present the data that has been collected at the next CCWPC meeting. They had interesting discussions in watershed meetings and the discussions were well received.

Linda Zuern said Mr. Felix would be going to the Selectmen's meeting in Bourne next week.

- **County Appointee** – Sheila Lyons: Nothing to report. She said the 208 process has been a great process.

4. Executive Director's Report

There was no report by the Executive Director.

5. FY15 Budget Vote of Approval

Andrew Gottlieb said nothing has changed. He said the budget form is due on Friday and since they do not have a quorum, they would not be voting on it today. He said he would bring it back to the Board in January if anyone has any issues.

6. Funding Report

Andrew Gottlieb said it had been requested by the Board that he prepare a spending summary for FY14 and he had also been asked by Eric Turkington from the Town of Falmouth to provide him with data regarding where the CCWPC has spent money for municipalities. He said he has combined the two requests and said Gail Coyne at the Cape Cod Commission put together a five-year spent analysis. He reviewed spending costs from FY10 through the current fiscal year and explained the major cost items pursuant to the Falmouth request. Mr. Gottlieb said he would be sending the information to Mr. Turkington today and he wanted to give the Board the opportunity to review the information before sending it out. He said since Mr. Turkington and Rebecca Moffitt could not be at today's meeting, the Board could discuss this further when both Mr. Turkington and Rebecca Moffitt can attend a CCWPC meeting. He said it's important that they both be present.

Board members discussed the data presented by Mr. Gottlieb and inquired about how the information is logged and the standard of reporting.

7. Discussion and Vote on Municipal Service Policy

Andrew Gottlieb said the Board asked him to prepare a Municipal Service Policy. He reviewed the Draft Policy on Approval of Municipal Service Projects and asked for comments by the Board. Mr. Gottlieb said since they do not have a quorum, they would not be voting on the policy today.

Board members discussed expectations of towns; dollar amount and project criteria; towns that don't meet the criteria and projects that require approval by the Governing Board; the need for CCWPC to weigh in on projects; and what types of proposals would not be applicable to towns.

Mr. Gottlieb said at the November 13, 2013 CCWPC meeting John Payson, resident of Chatham, asked the Board to respond to questions regarding a Scientific Peer Review sponsored and funded by the CCWPC to conduct an independent peer review of the MEP methodology for developing appropriate TMDLs for the estuaries and embayments of Cape Cod. Mr. Gottlieb said Mr. Payson had also made the same request in a letter dated November 7, 2013 to the Cape Cod Commission. Mr. Gottlieb said both he and Paul Niedzwiecki, Executive Director of the Cape Cod Commission, prepared a letter in response to Mr. Payson's request. The letter prepared by Mr. Gottlieb and Mr. Niedzwiecki is an attachment to the minutes.

8. Adjourn

Upon a request by Mr. Ballantine the meeting adjourned at 10:35 a.m.

Mr. John Payson
JPayson1@yahoo.com

VIA ELECTRONIC MAIL

Dear Mr. Payson:

Thank you for your communication to the Cape Cod Commission, dated November 7, 2013, regarding the Barnstable County Peer Review Panel report entitled *Massachusetts Estuary Project (MEP) Linked Watershed Embayment Model Peer Review: Scientific Peer Review Panel Report*, dated December 30, 2011 and for your questions raised that the October meeting of the Governing Board of the Water Protection Collaborative.

As you note in your communications, the Peer Review Panel found that overall, the MEP modeling approach was scientifically credible, and rated the model functionally adequate. Section 6.1 of the Report states "The MEP modeling approach is appropriate and useful, within the overall decision support system, for evaluating alternative scenarios and informing nutrient management plans, and is consistent with existing nationwide TMDL practices." The Report does not recommend holding MEP analysis in abeyance; on the contrary, it recommends moving forward in reliance on the MEP analysis, as further described below.

You have asked whether SMAST/MEP has conducted any sensitivity analyses consistent with the recommendations contained within the Report. Neither the Cape Cod Water Protection Collaborative, nor the Cape Cod Commission (Commission), can answer that question directly. We are not aware of any such analysis, however, that question is best directed to the Massachusetts Department of Environmental Protection (MADEP) and/or the SMAST/MEP itself.

The Report recognizes the uncertainties inherent in modeling natural systems and recommends an adaptive management framework to address uncertainties. Section 7 of the Report states 'The Panel recommends that the towns proceed within [an] adaptive management framework to develop and implement wastewater and nutrient management plans, and make improvements along the way to reduce management uncertainties.'

As you know, the MADEP has directed Barnstable County, through the Commission, to develop an update to the 1978 208 Area-Wide Water Quality Plan. At the foundation of the County's approach to this task is the utilization of adaptive management techniques and a thorough and ongoing evaluation of lower cost alternatives combined with limited hard infrastructure where required to meet water quality standards. The County approach is based, in many ways, on adoption of the core findings of the Peer Review Panel, namely that the MEP work is sound and an appropriate basis upon which to proceed and that ongoing adjustments and assessments need to be done. The County's 208 work honors and puts into practice the recommendations of the Peer Review Panel. In addition, and consistent with the MADEP directive, the Commission will base its 208 Plan Update on established Total Maximum Daily Loads (TMDLs). Adopted TMDLs are a central feature of the 208 Plan Update. Questions or concerns

about adopted TMDLs are appropriately directed to the MADEP and the U.S. Environmental Protection Agency.

The Town of Chatham has completed a recent sewer expansion, and has adopted an adaptive management approach to implementing wastewater infrastructure. Chatham is ahead of many Cape communities in developing wastewater infrastructure. As the town's new wastewater systems are constructed and monitored, Chatham citizens will have current data and analysis upon which to base decisions regarding the implementation of the phased CWMP consistent with the adaptive management framework recommended by the Panel.

Thank you for your interest in the 208 Plan Update.

Sincerely,

Andrew Gottlieb
Executive Director
Cape Cod Water Protection Collaborative

Paul Niedzwiecki
Executive Director
Cape Cod Commission

Cc: MADEP - Commissioner Kimmel, Deputy Commissioner Gary Moran, Assistant Commissioner Beth Card, Dave Johnston, SERO, Brian Dudley, SERO
SMAST – Dr. Brian Howes