

Outer Cape Sub Regional Group



MEETING 3

Standing Sub Regional Meeting Topics

Scenario
Planning

Regulatory,
Legal,
Institutional

Implementation

Mtg. 1

One representative
watershed

Challenges & opportunities
associated with permitting the
watershed scenario

Adaptive
management plans

Mtg. 2

All shared
watersheds & TBL
model

Tools to support
intermunicipal cooperation

Monitoring

Mtg. 3

**Subregional scenarios
& TBL model**

Structures for permitting

**Financing &
affordability**

Standing Sub Regional Meeting Topics

Scenario
Planning

Regulatory,
Legal,
Institutional

Implementation

Meeting 3 Goals:

- Define the process for convening towns within a watershed to **reach agreement** for a watershed approach to water quality.
- Illustrate and further develop the **adaptive management/watershed permitting approach**
- Understand the resources available to watersheds and municipalities, the impacts on homeowners, and **affordability**

Scenario Planning

OUTER CAPE

Site Scale

Neighborhood

Watershed

Cape-Wide

Prevention



Remediation of Existing Development



Fertilizer Management



Transfer of Development Rights



Stormwater BMPs



Compact Development

Reduction



Standard Title 5 Systems



Conventional Treatment



I/A Title 5 Systems



Cluster & Satellite Treatment Systems



Advanced Treatment



I/A Enhanced Systems



Wastewater Collection Systems



Effluent Disposal Systems



Toilets: Urine Diverting



Constructed Wetlands: Surface Flow



Toilets: Composting



Constructed Wetlands: Subsurface Flow



Toilets: Packaging



Stormwater: Bioretention / Soil Media Filters



Toilets: Incinerating



Stormwater: Wetlands



Phytoremediation



Eco-Machines & Living Machines



Phytobuffers



Fertigation Wells



Permeable Reactive Barrier



Shellfish and Salt Marsh Habitat Restoration



Aquaculture/Shellfish Farming

Remediation



Inlet / Culvert Widening

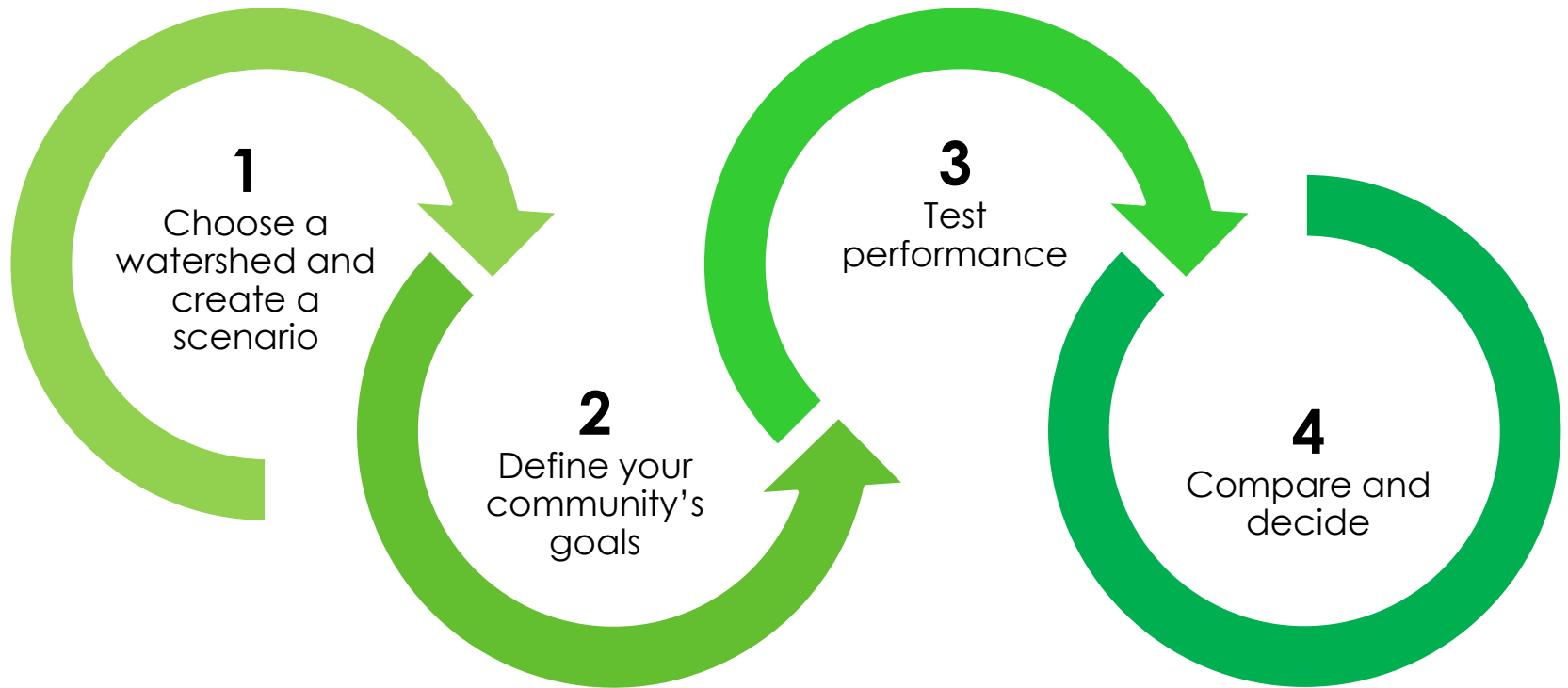


Pond and Estuary Dredging



Constr. Wetlands - Groundwater, Salt Water, Floating

TBL: BUILDING & EVALUATING WATERSHED SCENARIOS



Regulatory, Legal, and Institutional

OUTER CAPE

CURRENT

CWMP Joint MEPA/CCC Review: Projects Requiring Environmental Impact Report (EIR)

APPLICANT files:

- MEPA Environmental Notification Form (ENF)
- CCC DRI application

within 20-day MEPA comment period:

CCC and MEPA hold joint public hearing



MEPA issues certificate on ENF, scope of review.

CCC sends comment letter with recommended scope for review to MEPA

APPLICANT files Draft Environmental Impact Report (DEIR).

within 30-day MEPA comment period:

CCC and MEPA hold joint public hearing



CURRENT

CWMP Joint MEPA/CCC Review:
Projects Requiring Environmental Impact Report (EIR)



CCC sends comment letter regarding DEIR adequacy to MEPA

MEPA issues certificate on DEIR and issues to be addressed in FEIR.



APPLICANT files Final Environmental Impact Report (FEIR).

within 30-day MEPA comment period:

CCC and MEPA hold joint public hearing



CCC sends comment letter to MEPA and may scope DRI issues.

MEPA issues certificate of adequacy of FEIR



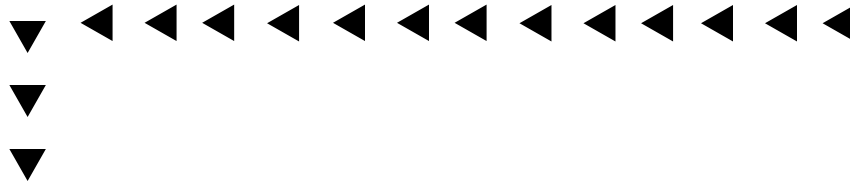
CURRENT

CWMP Joint MEPA/CCC Review:
Projects Requiring Environmental Impact Report (EIR)



within 45 days:

CCC formally begins
DRI review process.



CCC issues DRI
Staff report



Within 90 days:

CCC holds public hearing



Within 60 days:

CCC issues DRI
decision



PROPOSED SPECIAL REVIEW PROCEDURE

FOR ALL “PROJECTS” UNDER THE 208 PLAN

- 1. Consultation with CCC**
-> Review 208 requirements and provide decision support tools
- 2. WATERSHED ASSOCIATIONS ARE FORMED**
-> Designated by the Secretary as Citizens Advisory Committee
- 3. WATERSHED MANAGEMENT PLAN DEVELOPED**
(N, Phos, CECs, etc.)
-> TWMP, CWMP, Nutrient Remediation Projects
-> Submitted to MEPA/CCC under SRP
- 4. PUBLIC HEARING PROCESS**
- 5. FINAL REVIEW DOCUMENT** (one document – compliance with MEPA and 208 – considered the MEPA FEIR and CCC DRI)
- 6. SECRETARY ISSUES CERTIFICATE OF FEIR ADEQUACY & CCC ISSUES DRI APPROVAL**



REQUIREMENTS OF CLEAN WATER ACT / EPA

208 plan requirement:

- State must designate one or more waste management agency (WMA)

WMA must be able to:

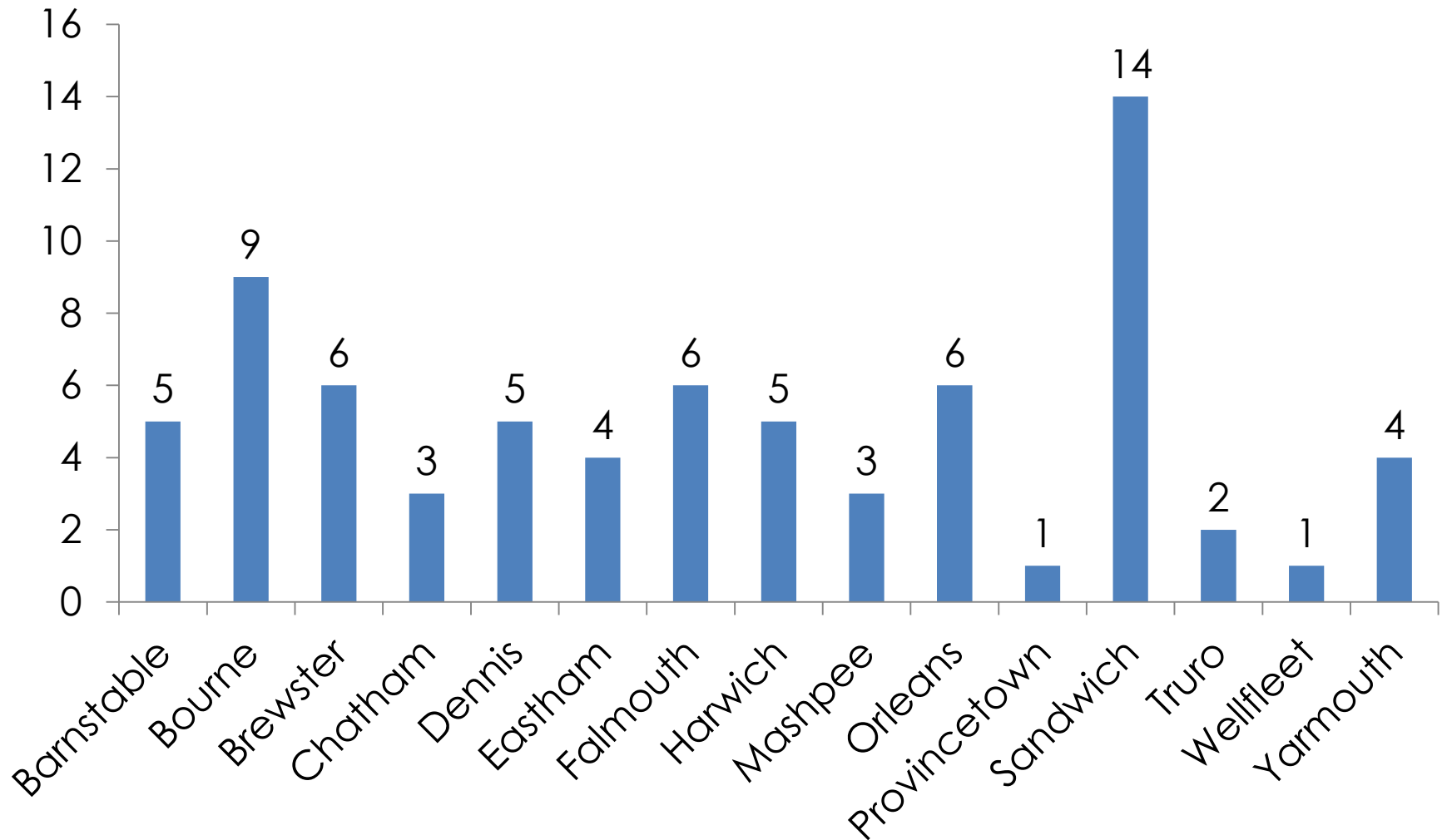
- Carry out plan
- Manage waste treatment
- Design & construct new, existing works
- Accept/utilize grants
- Raise revenues
- Incur indebtedness
- Assure each town pays its costs



WHAT EXISTING ENTITIES OR ORGANIZATIONS COULD ACT AS A WMA?

- The 15 Towns
- Bourne Recreation Authority
- Bourne Water District
- Buzzards Bay Water District
- North Sagamore Water District
- Barnstable Fire District
- Centerville-Osterville-Marstons Mills Water District
- Cotuit Fire District
- Hyannis Fire District
- West Barnstable Fire District
- Mashpee Water District
- Dennis Water District
- Sandwich Water District
- Tri-Town Septage Treatment, Orleans Brewster Eastham Ground Water Protection District

HOW MANY AGREEMENTS MIGHT BE NECESSARY?



Intermunicipal Agreements

Federal/Municipal public-public partnerships

Independent Water and Sewer Districts

Water Pollution Abatement Districts

Independent Authority

Regional Health District

How could each model be applied to Wellfleet Harbor?

INTERMUNICIPAL AGREEMENTS

What is it?

Written agreement between municipalities to perform services or activities

Authority:

M.G.L. c. 40 § 4A

What it does:

Allows towns to contract with each other/other government units (RPA, water/sewer com)

Types:

1. Formal contract
2. Joint service agreement
3. Service exchange arrangements

Key Considerations:

- Modified authority enables Board of Selectmen rather than Town Mtg.
- Max. 25 years
- Establishes maximum financial liability of parties
- Components:
 - Purpose, term of agreement
 - Method of financing
 - Responsibilities
 - Costs of services
 - Indemnification
 - Insurance
 - Alternative dispute resolution
 - Personnel property

FEDERAL/MUNICIPAL PUBLIC-PUBLIC PARTNERSHIPS

What is it?

Shared service agreement

Authority:

Section 331 National Defense
Authorization Act - United States
Code 10, c. 137 §1226

What it does:

Authorizes DoD Secretary to enter
into intergovernmental support
agreements with state/local
governments

Examples:

Towns may seek to utilize capacity
from wastewater facility on Joint
Base Cape Cod

Key considerations:

- Must serve best interest of the state/local government and military
- Provides mutual benefits not achieved on own
- Benefit may be monetary or in-kind
- May be entered into on sole source basis
- May be for a term not to exceed 5 years
- Towns enter into partnership agreement with JBCC

INDEPENDENT WATER AND SEWER DISTRICTS

What is it?

Independent public instrumentality for establishing shared water/sewer systems

Authority:

M.G.L. c. 40N §§ 1-25

What it does:

One or more municipalities may join to form a regional water and sewer district

Requirement:

Town meeting vote required to establish/operate

Key considerations:

- Special unpaid district planning board for two or more towns forms to study advisability, construction and operating costs, methods of financing, issues report
- May submit proposed agreement for town meeting vote which shows:
 - Number, composition method of selection of members of board
 - Municipalities to be within district
 - Method of apportioning expenses
 - Terms by which town is admitted or separated from district
 - Detailed procedure for preparation/adoption of budget

WATER POLLUTION ABATEMENT DISTRICTS

What is it?

District designated by Mass DEP for one or more towns (or designated parts) established for the “prompt and efficient abatement of water pollution”

Authority:

Massachusetts Clean Waters Act (M.G.L. c. 21, §§28-30, 32, 35, 36).

What it does:

Creates district responsible for abatement plan

Types:

1. Town voted district
2. DEP voted district

Key considerations:

- Adopt bylaws/regulations
- Acquire, dispose of and encumber real/personal property
- Construct, operate and maintain water pollution abatement facilities
- Apportion assessments on the member municipalities
- Issue bonds and notes, raise revenues to carry out the purposes of the district
- Member municipalities may then impose assessments on residents, corporations and other users in the district
- If town fails to pay its share, state may pay it for them out of other funds appropriated to that town

INDEPENDENT PUBLIC AUTHORITY

What is it?

Could create separate legislative entity

Authority:

Mass. Legislature

What it could do:

Create construct that provides for funding mechanisms outside town meeting

What it could potentially do:

- Plan, build, finance, own and operate certain wastewater collection treatment, disposal and septage management assets and programs
- Research, develop, own and operate non-traditional wastewater treatment assets and programs
- Provide services for residential WW systems
- Plan and protect drinking water resources on Cape Cod through protection plans and policies
- Develop and enforce policies and procedures governing customer metering, billing and collection systems

REGIONAL HEALTH DISTRICT

What is it?

Regional Board of Health

Authority:

M.G.L. c. 111 §27B

What it does:

Has all the powers and duties of boards of health/health department of a town
Includes wastewater regulatory powers of Board of Health

Who may belong:

One or more towns

Key considerations:

- Can form by votes of two or more boards of health and their respective town meeting to delegate some/all of its legal authority to regional board
- Estimate budget each December, assessor then includes this amount in the tax levies each Board may order treasurer to pay town's share of cost/expense of the district
- Reimbursement from Commonwealth for "initial capital outlays"
- Subj. to appropriation – Requires matching funds from town
- HB 3822 – proposes removal of town meeting requirement

Implementation

Finance &
Affordability

FINANCE MODEL COMPONENTS

Affordability Module

Revenue Module

Finance Module

AFFORDABILITY MODULE

PURPOSE:

- Establish existing wastewater liability by watershed and by town and the resulting household burden to achieve TMDLs

This module can...

- Identify traditional EPA affordability criteria
- Establish town financial capability to finance wastewater costs
- Identify wastewater payments by other communities as a benchmark



REVENUE MODULE

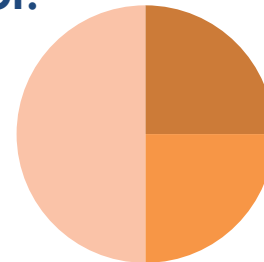
PURPOSE:

- Provide macro level revenue sources to finance Cape wide wastewater solutions.

This module can...

- Provide revenue sources to finance watershed, a combination of watersheds, and town wastewater solutions.

The initial macro-level revenue plan consists of:



■ Federal Construction Grant Funding

■ State Financing (Multiple Revenue Sources)

■ Local Financing, with 0-2% SRF Financing



FINANCE MODULE

PURPOSE:

- Identify costs to a town, watershed, or region by engineer solution.

This module can...

- Compile a financial plan that can be adapted to meet EPA affordability criteria
- Account for existing and new costs:
 - Wastewater
 - Capital Replacement



POSSIBLE REVENUE SOURCES



POSSIBLE REVENUE SOURCES

Motor Fuel Tax: 5 cents/gallon

A state-wide five cent increase would generate approximately \$138.5 million in revenue annually.

Cape-Wide Survey: **13.7%** of people thought this was a good or great way to fund wastewater projects.

Earmark a portion of expected gaming proceeds

If 25% of the revenue was targeted as a new environmental grant fund it could annually generate over \$115 million.

Cape-Wide Survey: **71.1%** of people thought this was a good or great way to fund wastewater projects.

POSSIBLE REVENUE SOURCES

Earmark a portion of an internet sales tax

Extending the sales tax would produce approximately \$335 million in new revenue to the Commonwealth.

Cape-Wide Survey: **32.2%** of people thought this was a good or great way to fund wastewater projects.

Rededicating local option meal and room occupancy tax

Excise taxes would result in annually collecting approximately \$18.8 million.

Cape-Wide Survey: **42%** of people thought an increase in this tax is a good or great way to fund wastewater projects.

POSSIBLE REVENUE SOURCES

Septic system installation tax (\$200), pump-out tax (\$20)

In the Commonwealth of Massachusetts, there are about 686,000 septic systems in MA (approximately 120,000 of which are on Cape Cod). Based on the suggested excise amounts, the statewide annual revenue total would be approximately \$3.9 million.

Increase in property tax on boat ownership

Option 1: Lifting the valuation cap of \$50,000 thereby increasing the tax paid by those boat owners.

Option 2: Increasing the tax rate from \$10 to \$25 per \$1,000 in value.

POSSIBLE REVENUE SOURCES

Embarkation excise tax

Ferry Tax

1,499,853 yearly Cape Cod ferry passengers. For each additional \$0.50 excise tax added to each ticket, approximately \$749,927 in revenue would be generated.

Flight Tax

184,804 yearly flight passengers. If a \$1.50 excise tax were added to each ticket purchased, a total revenue of \$277,206 would be annually generated.

MA Excise Tax: Millage on water consumption of 1-3 mills/gallon

A 1 mill charge would result in annual revenue of \$81.9 million based upon annual household water usage of 65 gallons per person per day.

POSSIBLE REVENUE SOURCES

What's already happening?

- Environmental Bond Bill:
Principle Forgiveness
- SNECWRP:
Funding available for FY14
- Water Infrastructure Bill



All materials and resources for the Outer Cape Sub Regional Group will be available on the Cape Cod Commission website:



<http://watersheds.capecodcommission.org/index.php/watersheds/outer-cape>

PROPOSED SPECIAL REVIEW PROCEDURE

FOR ALL “PROJECTS” UNDER THE 208 PLAN

Watershed Association/ Citizens Advisory Committee

10 members appointed by the Secretary:

1. Elected
2. Appointed
3. WQAC
4. JBCC or National Seashore
5. CCC
6. Business
7. Real Estate
8. Environmental
9. Alternative Technology
10. Proponent

Special Review
Procedure