

COMPREHENSIVE WASTEWATER MANAGEMENT
CITIZENS ADVISORY COMMITTEE (CAC)

December 7, 2006 – 4:00 pm
Town Hall Meeting Room - Televised
Main Street, Chatham, Massachusetts

PRESENT:

CAC: Herb Bernard, Phil Christophe, Bob DePatie, Fred Jensen, David MacAdam, John Payson, Chuck Pollard, Burt Segall, and Scott Tappan

CAC members not present: Didi Lovett, John Randall

TAG: Bob Duncanson, Bill Redfield

Others Present: Chuck Bartlett, Bill Schweizer, Jim Cooper

The meeting was called to order at 4:00 pm.

Item 1: Minutes

Minutes of the October 19, 2006 meeting were approved with one change: The reference to Muddy *River* was changed to Muddy *Creek* (aka Monomoy River).

Item 2: TAG and CAC comments on the November 16, 2006 conference entitled “Restoring and Protecting Coastal Waters – Local and Regional Efforts to Implement Total Maximum Daily Loads and Opportunities for the Future of Cape Cod.” (copies of available presentations are attached)

John Payson provided the following comments:

- Brian Howes spoke on the MEP Restoration Approach for Development of Nitrogen Management Alternatives, prioritizing steps as follows:
 - Maximize hydrodynamics (flushing)
 - Maximize natural nitrogen removal processes
 - Reduce the source of nitrogen through public education
 - Remove targeted nitrogen through wastewater treatment systems
- Mike Giggey of Wright-Pierce spoke on focused wastewater planning, stressing several points:
 - A major CWMP requirement is a thorough assessment of needs.
 - Planning is best done on a lot-by-lot basis, giving consideration to (1) high vs. low water users (In Chatham in 2003, less than 700 out of some 5800 developed properties accounted for 40% of the water use.); (2) seasonal properties; (3) commercial development, and (4) practical “build-out.” Copies of this report can be found on the Cape Cod Commission website.

- He noted that sewerage can lead to unwanted growth. The Chatham Board of Selectmen has approved a growth-neutral policy to prevent unwanted growth as a result of sewer installation.
- Bill Hinchey spoke about fiscal planning. John Payson noted that Mr. Hinchey opened his presentation with the comment that wastewater fiscal planning should be based on “unassailable science.”

David MacAdam questioned the change in figures being used to estimate costs for the Chatham wastewater project (now \$300 million vs. \$200 million used earlier). Bob Duncanson responded that the newer figure is based on more detailed information developed as the planning process moves forward. He stressed that we will only get a realistic figure once bids have been received from contractors. The figure of \$300,000,000 is believed to be a “conservative” figure, i.e., a high estimate of potential costs.

Bob Duncanson also made comments about the conference which he described as interesting and well-attended. He noted that the conference was geared more to other communities that have not yet begun the planning process and that the purpose of the conference was to focus more attention on the TMDL issue in towns that are not yet familiar with the implications of TMDL’s.

Item 3: Updates on work in progress.

Cockle Cove Creek Salt Marsh Study: Bob Duncanson noted that the final report on this work was sent to DEP on December 1, 2006. The earlier draft was reviewed by DEP and the town and comments were to be addressed. He expects that we will be receiving the final report within two weeks. Based on the earlier draft, it is believed that additional discharge of effluent into the Cockle Cove Creek Salt Marsh will be acceptable if the discharge is treated to a level of no more than 3 mg of total nitrogen (TN) per liter.

It is not yet known how issues introduced by MA Coastal Zone Management have been addressed in the final report.

Re-runs of the MEP water quality model: Bob Duncanson reported that he has no new information regarding the model re-runs and no timeline for the release of new information.

He noted that the Board of Selectmen has written to the town’s legislative delegation expressing their frustration with the pace of this work. No reply to that letter has been received to date.

He explained that DEP has issued an RFR designed to identify a consultant who will develop a protocol whereby the model can be used by towns or their consultants, eliminating the wait for external agencies to do modeling work critical to the planning process. Once a protocol for model use has been developed, it will enable towns to contract with “approved” consultants to accomplish model runs in a more timely fashion.

In brief discussion about model re-runs it was noted that the closing of the Southway may impact on the potential cut-through scenario to be studied in Stage Harbor.

RFP for Lovers Lake and Stillwater Pond: Bob Duncanson reported that a contract has been signed for this work. Abutters will be notified of the project.

Item 4: Discussion of Maggie Geist's suggestion that all property owners who use water and generate wastewater pay a fee toward the cost of restoring the water to its clean state.

Phil Christophe noted that we had earlier discussed a fee based on water use to assist in paying for sewer costs. Because of state law, any such fee would require an act of the State Legislature. In discussion, the following points were made:

- Taxing/fees based on water use is difficult because those using wells would not be taxed.
- Metering of private wells could be an option.
- Water cannot be taxed; water bills are for the "delivery" of water, not for the water itself.
- Approximately 80% to 85% of the town is on the municipal water system.
- Maggie Geist was suggesting a new way of thinking about water. The same water is constantly being recycled on the planet but we are now using it faster than the environment can clean it. Thus, we need to consider ways to help the environment clean the water and there is a cost associated with that effort.
- The cost of cleaning water for re-use involves more than nitrogen removal.
- Payment options for developing the physical system for managing wastewater must be perceived as equitable, whether it is based on water consumption or wastewater generation.

Jim Cooper (former Water & Sewer commissioner) spoke briefly about sewer costs and his concerns regarding the fiscal impact of sewerage the entire town.

Fred Jensen noted that a combination of payment methods will likely be used. He asked about how a current sewer user is charged. Bill Redfield explained how expanses are calculated for the treatment plant and then re-assigned to users based on water use. He noted that some users of town water have also installed wells for irrigation in order to limit their water use/sewer charges. The use of a sewer meter (vs. water use) was suggested; Bill Redfield noted that sewer meters are notoriously expensive and difficult to maintain.

Phil Christophe stated that he is encouraged by the fact that sewer charges will be based on water use and not handled through a "flat rate" per property which would discriminate against those who use little water and generate little wastewater.

Bob Duncanson explained that a variety of funding sources will be used. He noted that the Cape Cod Water Protection Collaborative had been created with one of its mandates to seek funding sources. There are different aspects of the project that require funding: planning; construction, and operation and maintenance. Each will require different funding mechanisms (bonding, taxes, betterments, grants, user fees, etc.). He cited an example of the "flush" tax being used in the state of Maryland; those on septic systems are being charged an annual fee \$30/year and those served by a wastewater treatment plant pay a \$2.50/month fee. These funds are used to pay to upgrade WWTFs with enhanced nutrient removal technology, upgrade septic systems, and to implement cover crops to reduce nitrogen loading to Chesapeake Bay.

Fred Jensen suggested the creation of a subcommittee to address these issues. He will meet with David MacAdam and Phil Christophe for further discussion.

Item 5: Sterns & Wheler's approach to developing detailed wastewater management plans for each of Chatham's watershed areas.

Bob Duncanson said that preliminary plans are being developed for a collection system for the entire town. Sterns & Wheler is looking at topography and street issues and has created over 100 "sewer sheds" which do not necessarily coincide with watersheds because of topography and street concerns.

Other concerns noted:

- Construction timelines/community impacts – how to approach construction throughout the town. One area at a time vs. multiple sites?
- How to maximize gravity flows.
- What is minimum needed to meet TMDL's? This would be first priority; remainder of construction to be done once TMDL's are met.
- Availability of qualified contractors.
- Traffic disruption during construction.
- Oversight of contractors to be included in contract.

Item 6: TAG's view of the key steps involved and elapsed time required for completing the CWMP and presenting to Town Meeting.

Bob Duncanson stated that he is optimistic the CWMP will be ready for Town Meeting in May, 2008. Once all information is available (Cockle Cove Salt Marsh study; update of south-side embayment model), Sterns & Wheler will need 2 to 3 months to prepare a final plan; then the review process (town, state, and Cape Cod Commission reviews) will require additional time. He noted that not all funding will be sought at a single Town Meeting.

John Payson questioned the lack of a completed peer review for the MEP. Bob Duncanson responded that we have a good understanding of the problems and suggested that it would not be efficient to halt progress awaiting a completed peer review with an uncertain timeline. He noted that "Adaptive Management" (as described in previous meetings by Sterns & Wheler) will be used to adjust to new problems and needs as the project progresses.

There was brief discussion of the question of sewer line construction on private roads (Chatham has approximately 50% private roads). Bill Redfield stated that as long as construction met with required standards, private construction could be done on private roads if deemed appropriate by the residents on those roads. This could potential lessen costs through the use of contractors not required to pay the prevailing wage required of town contractors.

David MacAdam expressed some degree of discomfort in proceeding prior to receipt of all data and questioned the earlier reference to "unassailable data." Bob Duncanson explained that we are waiting for the model re-runs and pertinent technical data, but added that it should not be

necessary to wait for peer review/sensitivity analyses prior to beginning the project. Adjustments can be made as the project develops. Science can never provide 100% certainty as science and related data are constantly changing and being revised.

Fred Jensen asked about the DEP's "no net nitrogen" policy. Bob Duncanson explained that a Groundwater Discharge Permit must be issued to anyone discharging 10,000 gallons, or more, of treated wastewater per day. Under existing state regulations such a permit can not be issued if the discharge would cause an already nitrogen impaired water body to become more impaired. A builder/user would need to off-set any increase in nitrogen that could result in increased impairment. With the MEP now identifying more nitrogen impaired waters the state will be looking more closely at the "no net nitrogen" requirement. It should be noted that this only applies to Groundwater Discharge Permits which are few in number.

Item 8: Next Meeting: Thursday, January 18, 2007.

The meeting was adjourned at 6:10 pm.

Marie Williams
Recorder