

COMPREHENSIVE WASTEWATER MANAGEMENT
CITIZENS ADVISORY COMMITTEE (CAC)

April 16, 2009 – 2:00 pm
Selectmen's Meeting Room, Town Offices, Chatham, Massachusetts

PRESENT:

CAC: Phil Christophe, Fred Jensen, Burt Segall, David MacAdam, John Payson, Scott Tappan

CAC members not present: Chuck Pollard, Didi Lovett, John Randall, John Raye

TAG: Bob Duncanson, Bill Redfield, Nate Weeks (Stearns & Wheeler)

Others: Al Havens, Chuck Bartlett

The meeting was called to order at 2:00 pm.

Members introduced themselves to the television audience.

Item 1: Minutes

Minutes of the November 11, 2008 meeting were approved without corrections.

Item 2: Discussion of CWMP Study Team's response to comments received from the MA Executive Office of Energy and Environmental Affairs MEPA Unit on the DCWMP/DEIR

Phil Christophe suggested an item-by-item review of the response memorandum and began by asking about the Wastewater Treatment Plant.

Bob Duncanson reported that the Town Manager has proposed a change in the Town's organizational structure which would place Water & Sewer in the Department of Public Works. There is sufficient space in the new DPW facility on Crowell Road to house the Water & Sewer administrative functions; sewer operations will remain where they are now at the Sam Ryder Road site. Because the water & sewer administrative functions will be housed on Crowell Road, it has been possible to scale back the operations building at the wastewater treatment facility.

Burt Segall asked about the disinfection requirements (Page 2 of the memorandum). Nate Weeks indicated that this is a small part of the project but is being required by the state.

Scott Tappan asked about previous discussions regarding "emerging contaminants" (using "Total Organic Carbon" [TOC] as a surrogate). Nate Weeks indicated that in discussions with DEP there has been consensus that the Town does not need to treat for TOC, at this time, as the Indian Hill well is currently off-line and is expected to remain so for the foreseeable future.

Nate Weeks said that the initial draft of the CWMP was well received and evoked few comments or criticism. The response memorandum will now receive final input from the committee and then the CWMP will be revised to incorporate the responses and then submitted to MEPA/CCC. He indicated that the complete response memorandum will be contained in the report as an appendix.

John Payson asked about item A3, Muddy Creek. Bob Duncanson indicated that an update on activities will be provided in the final plan. The Pleasant Bay Alliance has been investigating options such as an expanded culvert or construction of a bridge to increase flushing in the creek. Feasibility and costs will need to be discussed with the Mass. Highway Department. This research will continue beyond this year but will be noted in the report. He added that there is sufficient time prior to any sewerage activity in the Muddy Creek watershed to find solutions to the Muddy Creek issues.

Page 4: Fred Jensen asked about the Secretary's comments regarding the adoption of appropriate bylaws to control future development. Bob Duncanson said that the town is not proposing any bylaw changes beyond the "flow neutral" regulation which was adopted into the Sewer Regulations in 2005.

Page 8: Scott Tappan asked about the statement on Page 8, paragraph 1, stating that the original "concerns of the 1987 Administrative Consent Order (ACO) were overstated and that ...the existing wastewater facility has potential for excess capacity to recharge treated effluent." Bob Duncanson explained that this relates to the capacity of the ground to absorb more effluent. He added that we will continue discussions with DEP to determine if in the interim more capacity (from 150,000 to 200,000 gals) could be permitted under the ACO. It was also noted that it is expected that the ACO will be lifted when the treatment plant has been completed and construction of the collection system has begun.

Burt Segall asked about the "Adaptive Management" approach and DEP's "buy in" to this approach. He suggested that this approach might enable the town to save money if water-quality goals are met prior to completion of the project. Bob Duncanson explained that "fairness" and "equity" have been an important part of planning the project, so the Town would need to determine whether the project would proceed if goals are met prior to completion. Financial limitations could impact our ability to complete all of Phase II of the project. Bob Duncanson also explained that this plan to sewer the entire community was a large factor in the final decision to place all of the costs on the tax base rather than betterments.

John Payson asked about the final TMDL's and whether they were available. Bob Duncanson responded that they have not yet been finalized, but that the purpose of the project is to eliminate contaminants, so specific TMDL numbers are not needed. He added that the TMDL's published earlier are not likely to change significantly in the final report.

There was brief discussion of sewerage in the Pleasant Bay watershed. Bob Duncanson indicated that this would occur in the latter stages of the project, and would likely be coordinated with work by other towns adjacent to the Bay. Pleasant Bay needs 50% removal of nitrogen which will be done by an aggregate of the four abutting towns.

Scott Tappan asked about archeological concerns and if there are any timelines for stopping work on the project. Bob Duncanson indicated that there are no timelines but it is expected that most of the work will be in current roadways where any archeological materials have already been disturbed.

Scott Tappan made the following motion, seconded by Burt Segall:

“That the CAC supports the inclusion of the study group’s responses to the comments provided to the Comprehensive Wastewater Management Planning Project.”

The motion passed by unanimous vote.

Item 3: Article 14 of the Town Meeting Warrant

Scott Tappan asked about the role of the CAC now that the project is nearing completion. Bob Duncanson responded that the CAC will continue to meet and provide input through the next MEPA review period. The final plan should be ready to be submitted to MEPA in June and then a 30-day public comment period will follow. There will be joint MEPA – Cape Cod Commission hearings as held during previous comment periods. The Secretary will then issue a certificate, following which the Commission will have another public comment period for the “DRI” (Development of Regional Impact) designation.

David MacAdam expressed concern that there would be questions at Town Meeting about the fact that the plan has not yet been approved. Bob Duncanson responded that the draft has been available for public review for almost 16 months. There have been no significant issues or changes requested, and none are anticipated following this review process.

Nate Weeks noted that they have been working closely with regulatory agencies and the plan has met with great support. There is now some sense of urgency to proceed as quickly as possible toward final approval in order to take advantage of the availability of federal stimulus funds.

Fred Jensen said that he has no problem with the plan and will speak in favor of Article 14 at Town Meeting.

David MacAdam asked about mailings and/or other public education efforts. Bob Duncanson said that a newsletter is at the printers and will be sent to all residents soon. He also encouraged the committee to pursue other public education efforts that they might deem appropriate. He offered his assistance if any public information activities are planned. It was noted that the recent presentations to the Board of Selectmen in February and March have been shown repeatedly on Channel 18 and other discussions pertinent to Article 14 have been covered on Channel 18 and by the press. All pertinent videos are archived and accessible on the Town Website.

John Payson expressed concern regarding taxpayer resistance suggesting that \$20,500,000 was a big number for only 350 properties. Bob Duncanson explained that the initial expenditures will be for the collection system “back bone” that will allow rapid expansion into adjacent neighborhoods to facilitate future sewerage efforts.

Bob Duncanson reviewed contents of the upcoming newsletter:

- Initial implementation using stimulus funding
- Financial information for Town Meeting vote

- A table showing the fiscal impact of the project
- A map of the town showing sewersheds

David MacAdam expressed concern about taxpayer resistance. Scott Tappan stated that a public forum would be helpful in explaining the project to the public.

Bob Duncanson noted that the town's original request at Town Meeting was to be for \$7.5 million, with an additional \$40 million to be requested in 2010; that number has now been increased to \$59 million because of the potential for obtaining federal stimulus money.

Fred Jensen expressed appreciation to Bob Duncanson and Nate Weeks for their work in making it possible to pursue the additional federal funding.

Chuck Bartlett spoke as a member of the Water and Sewer Committee. He noted that volume 2 of the CWMP contains details of all cost elements of the plan. This has been in process for several years. He expressed confidence in the figures, stating that they are not "last minute" or "haphazard."

Scott Tappan asked if the funding for this project would be held in a separate fund. Bob Duncanson explained that the stimulus money would be moved through the State Revolving Fund (SRF) as a low interest loan (2%). (Additional funding will likely be available from the SRF at 0% interest as a result of the recent Environmental Bill). Bill Redfield explained that the process will involve borrowing short-term money to be repaid when the stimulus and SRF funding is received.

David MacAdam stated that he has a problem with the CAC's involvement in Article 14 as the CAC has not been involved in financial matters for this project. Fred Jensen responded that the financial information has been available, and he feels comfortable approving Article 14. He added that it is important for the CAC to support the article at Town Meeting.

Burt Segall expressed the view that supporting Article 14 supports the plan. He then made the following motion, seconded by Scott Tappan:

"That the CAC supports Warrant Article 14 requesting appropriation of \$59,508,000 to initiate implementation of Phase I of the Comprehensive Wastewater Management Plan."

The motion passed by a vote of 4 in favor; 1 opposed; and 1 abstention

Item 4: Updates

Total Organic Carbon: Bob Duncanson reported that meetings with DEP have resulted in consensus that Chatham would not have to meet the TOC limit, at this time; however, DEP requested that space be provided at the WWTF if treatment is required in the future. (Discussed in item 1 above.)

Status of Lovers Lake and Stillwater Pond Treatment: Bob Duncanson reported that this project is on track for fall implementation. A new firm has been contacted regarding treatment; a decision has not yet been made regarding the company to do follow-up monitoring.

Item 5: Adjournment

There being no further business, the meeting was adjourned at 4:00 pm.

The next meeting is **tentatively** scheduled for Thursday, May 21, 2009.

Notes by Marie Williams