

Minutes of the Water Quality Management Committee, February 13, 2023

Members Present: Ken Foreman, Eric Turkington, Steve Leighton, Matt Charette, Tom Duncan, Jordan Mora. Also present: Amy Lowell, Falmouth Wastewater Superintendent; Nancy Taylor, Select Board Chair; John Waterbury, Board of Health; Ed Senteio, Falmouth Finance Director; Peter Johnson-Staub, Interim Town Manager; Selectman Doug Brown; Steve Morse; Gilda Geist, Falmouth Enterprise

1. A comparison of the Pleasant Bay Watershed Permit Scenario with Falmouth's WQMC Planned 14 Watershed Scenarios

Chairman Turkington discussed the proposed DEP Title 5 and watershed permit regulations and stated if they go through as proposed, it will be an enormous fiscal challenge for the town. Kristen Rathjen gave a comprehensive summary of the general approach to Falmouth's estuary restoration plan as developed by the WQMC. She then presented highlights from the Pleasant Bay watershed permit including select conditions from the permit highlighting the enforcement abilities DEP has over a permit holder. Rathjen continued by focusing on the Falmouth estuaries restoration plan and reviewed some of the history of the WQMC's planning efforts over the last ten years. She showed the total nitrogen reduction target for all of the watersheds in Falmouth and then proceeded to move into individual bookend scenarios for each of Falmouth's 14 estuaries. Chairman Turkington emphasized that the bookend scenarios are the most recent iteration of plans. He described the use a combination of alternatives as part of the Falmouth plan and on the other spectrum, a plan to achieve the nitrogen reduction target by 'proven technologies' (i.e., sewerage) which is the backup plan required by DEP.

Rathjen then presented a method for estimating only the collection system cost using recent cost estimates and various assumptions. She highlighted these assumptions and stated that the end determination is a conservative but reasonable number to begin with. Rathjen also emphasized that there are many factors that were not included in the cost estimates including additional infrastructure (force mains, lift stations, discharge site, treatment plant upgrades and expansions), permit preparation, CWMP preparation, and others. She concluded the presentation with the financing options currently available to the town for wastewater projects.

Chairman Turkington opened the floor for discussion. He highlighted that the main issue is financing the plan regardless of which version of the plan moves forward. He also expressed the concern over the proposed 20-year timeline being a meaningful target.

Selectman Brown brought up whether it would be worth reconsidering alternative toilets, specifically urine diverting toilets, as a more cost-effective incentive instead of I/A's. He also commented about DEP's ability to physically enforce the title 5 upgrade mandate if the town did not pursue watershed permits initially.

Peter Johnson-Staub stated that he and the finance director have been reviewing the town financials and determined that the town has a borrowing capacity of roughly \$200M for the next 16 years without raising the tax rate. He emphasized that borrowing capacity is for everything town-wide not just for wastewater projects. A question was asked about

additional funding options mentioned at previous meetings. Chairman Turkington indicated that all of the federal dollars through the Bipartisan Infrastructure Law and others have not made it back to the towns.

Chairman Turkington remarked there has been a lot of feedback to the DEP on these regulations including two legislative bills submitted.

A discussion was had about whether updated numbers for buildout have been determined and how to incorporate that into the planning scenarios. A comment was made about affordable housing being included in buildout and how one proposal could undo the nitrogen reduction efforts of sewerage.

Peter Johnson-Staub commented that if the regulations move forward as proposed, the town will be faced with several bad options and described challenges associated with those options. Select Board Chair Taylor commented that the DEP proposal seems to have been written with a broad brush and did not adequately consider a place like Falmouth having 14 estuaries. She also shared Peter Johnson-Staub's sentiment about who the enforcement agent is and how much enforcement action might be taken.

Amy Lowell commented that the plan presented is not the town's official plan but is one potential path forward and serves to highlight the scale of the work that needs to be done. She noted the presentation did a thorough job of identifying the load removals, the number of properties to be seweraged and a preliminary estimate of a portion of the cost.

Selectman Brown asked whether dredging could be considered more thoroughly for some of the estuaries. Rathjen commented that prior to recently, it was challenging to determine where the nutrient laden muck was specifically in the estuary. She mentioned in the work Marine and Environmental Services completed with the shellfish surveys that the bottom sediments were characterized in many locations in the estuaries and that will be beneficial information to further explore dredging options.

Peter Johnson-Staub remarked that the town is just beginning to put numbers to the proposed mandates and emphasized that the numbers presented are initial rough estimates that are not for the comprehensive package. He also emphasized that the town is not saying it does not want to apply for watershed permits. He feels the general community consensus is that the town wants to clean up its watersheds. He noted that to meet the timeline to be on the path to meeting the targets within 20-years there would need to be a significant financial contribution from the state and/or federal governments. The proposed regulations as submitted without a financial counterpart raises concern for the town tax burden.

2. Reports of members and staff

Tom Duncan gave a brief update on some analysis that was presented by Dan Ward at the recent shellfish advisory committee meeting. He reported that Ward did some small sample size nitrogen analysis on scallops and reported that there seems to be promising nitrogen removal potential with that fishery. Discussions continued about whether scallops would be a welcomed resource for the commercial harvesters and potential impacts of expanding the

fishery. Duncan also noted that Matt Weeks has been piloting kelp farming during the winter which could be an additional source for nitrogen removal. He stated that there is not much of a market for kelp.

3. Vote minutes of prior meeting (01.23.23)

Tom Duncan moved to accept the minutes as presented. Matt Charette seconded. Unanimous in favor.

4. Motion to Adjourn -610pm. Unanimous

Minutes submitted by Kristen Rathjen

List of Documents

- Draft presentation Comparing Falmouth's estuary restoration plan with DEP's proposed watershed permit plan
- Draft minutes of the 01-23-2023 WQMC meeting