

**Minutes of the Water Quality Management Committee, September 13, 2023, 4:30pm
Falmouth Town Hall, 52 Town Hall Square, Falmouth, MA 02540**

Members present: Ken Foreman, Ed Jalowiec, Steve Rafferty, Steve Leighton, Tom Duncan, Jordan Mora. Also present: Amy Lowell, Falmouth Wastewater Superintendent; Paul Dreyer, Planning Board; Gilda Geist, Falmouth Enterprise; Korrin Peterson, Buzzards Bay Coalition; Kim Comart, Falmouth Pond Coalition

A recording of the meeting can be found at:

https://youtu.be/URxhRsg0XHk?list=PL3kvbh7I9uU_0Riu9fafcE7KNpoxRDxar

1. Update on Watershed Permit Notice of Intent application progress

Chairman Rafferty asked Amy Lowell to provide this update.

Lowell recounted that the Select Board recently voted to move forward with seeking watershed permits in response to the title 5 and watershed permit regulations promulgated by the State. She recounted what each of the regulations would require of the town. She noted that particularly, the Select Board voted to file the Notice of Intent (NOI) to seek watershed permits prior to January 7th, 2024, in order to suspend the title 5 upgrade requirements for new construction and existing septic systems in nitrogen sensitive areas.

Ken Foreman asked what the application package for an NOI requires. Lowell responded that only a schedule for applying for the watershed permit is required. She also informed that there is a working group that includes herself, the health agent, WQMC chair and WQMC consultant that is meeting weekly to discuss how to proceed and evaluating whether grouping certain estuaries together under a single permit make sense.

2. Department of Environmental Protection's (DEP) response to the Massachusetts Alternative Septic System Test Center's urine diversion pilot project proposal

Chairman Rafferty stated that there was a productive call with Marybeth Chubb and Caroline Adamson of the Department of Environmental Protection (DEP) on the topic of urine diversion and the pilot proposal. Additional attendees included Steve Rafferty and Ed Jalowiec of the WQMC, Falmouth Wastewater Superintendent Amy Lowell, Kristen Rathjen of Science Wares, Brian Baumgaertel and Bryan Horsley of the Massachusetts Alternative Septic System Test Center, and Earle Barnhart and Hilda Maingay of the Green Center.

Ed Jalowiec provided further details on the call. He indicated that DEP stated that because urine diversion is a process and not a technology that is being evaluated, they are willing to consider bringing the urine diversion program in at provisional use level. He said at this stage, the project would require installations at a minimum of 50 sites and 3 years of monitoring. He noted that this still bypasses a portion of the approval process which provides a great opportunity to move urine diversion forward faster.

Jalowiec reported that DEP is considering data from other parts of the country and world to help assess the potential for urine diversion. He did note that DEP did not think that incinerating toilets would fit within the scope of the proposed project since it is a different process than strictly urine diversion. Jalowiec said it is undetermined what nitrogen removal credit could be assigned to urine diversion for planning efforts to meet the Total Maximum Daily Loads for the estuaries. He indicated the next steps are to narrow the scope of the pilot project, submit an application to the State, and identify funding. Chairman Rafferty said that the takeaway is that the DEP is not a roadblock to evaluating the idea.

Discussion continued about whether each type of urine diverting device would require at least 50 installations. Rafferty commented that the DEP was very clear that the fixtures (e.g. toilets) fall under the plumbing board and that what is being evaluated is the process of urine diversion. Rafferty also reported that the Green Center has been meeting with the plumbing board to begin to work through permitting the fixtures. Tom Duncan suggested that the project target at least 75 – 100 sites for data collection to end up with data from at least 50 sites at the end of the monitoring program.

Amy Lowell emphasized that the proposal needs to be clear about the information it will and will not generate. She emphasized that the proposed pilot will not produce appropriate data to make a fair cost comparison to I/A's or conventional treatment since urine diversion does not treat the nitrogen content and there is no disposal plan developed.

3. Draft 2023 Water Quality Management Committee annual report for comments/corrections/additions

Chairman Rafferty asked whether any members had any comments on the draft report. Jordan Mora commented that it might be good to highlight the outfall more. All members agreed. Several members mentioned including a recent funding allocation by the Select Board. Rathjen reminded the members that the report covers only FY'22 which ended in June, which excludes this recent allocation.

Tom Duncan made a motion to approve the report incorporating the suggested edits. Ken Foreman seconded. Unanimous in favor.

4. Revised draft letter to Town Meeting members – discussion and vote

Chairman Rafferty turned the discussion to Tom Duncan to review current status of the letter. Duncan stated that the only substantive change was the addition of the two offshore outfall paragraphs noted in italics.

Steve Leighton moved to approve the letter as presented. Ed Jalowiec seconded. Jalowiec asked what the timing on the letter is and noted that things are happening quickly and cited the example of a \$550k allocation from the Select Board towards the cost of outfall studies. He expressed concern over sending the letter out too early. Ken Foreman commented that he thinks the letter is trying to cover too many bases and thinks less information would be better.

Foreman made a motion to remove the urine diversion paragraph. Ed Jalowiec seconded. Leighton commented that the letter is a lobbying document not the annual report and needs to do a better job of indicating why the article is in the best interest of the town. Additional discussion continued. Steve Rafferty suggested the urine diversion paragraph be revised. Foreman withdrew his motion. The original motion to approve the letter was tabled.

Chairman Rafferty noted that in the near future Jordan Mora would be recusing herself from the committee. He expressed his appreciation for contributions to the committee.

5. Reports of members and staff

Amy Lowell reported that the Select Board has voted to support \$550,000 in Air Force Center for Engineering and the Environment (AFCEE) funds towards the outfall work. She indicated the total request for data collection leading up to permitting the outfall is \$1.4 million. She noted the remainder of the request will be at Fall Town Meeting and is being structured as part of the capital plan.

Lowell also reported that bids were opened for the wastewater treatment facility improvement project. She said five bids had come in, all within budget. She also noted the bids were all very close. Once review of bids is complete and awarded, the project will be able to move forward.

Ed Jalowiec reported on the activities of the urine diversion subcommittee. He and Tom Duncan are the two WQMC members on the subcommittee. Jalowiec indicated they decided to limit the subcommittee to five members and have begun reaching out for their additional members. To date they have four of five total members confirmed.

Chairman Rafferty tasked Tom Duncan with connecting with Marine and Environmental Services on the status of their expansion of the municipal shellfish aquaculture program.

Jordan Mora reported that the Association to Preserve Cape Cod (APCC) has contracted with the Horsley Witten Group to complete 25% design phase for the Waquoit Bay Landing improvement project. She noted that they continue to look for additional funds for the project.

6. Vote minutes of prior meeting (08.30.23)

Ken Foreman moved to accept the minutes as presented. Steve Leighton seconded. Unanimous in favor.

7. Motion to Adjourn -5:37pm. Unanimous

Minutes submitted by Kristen Rathjen

List of Documents

- Draft WQMC annual report
- Draft revised letter to Town Meeting members

- Draft minutes of the 08-30-2023 WQMC meetings