

**Minutes of the Water Quality Management Committee, September 27, 2023, 4:30pm
Falmouth Town Hall, 52 Town Hall Square, Falmouth, MA 02540**

Members present: Ed Jalowiec, Steve Rafferty, Steve Leighton, John Waterbury, Tom Duncan, Jordan Mora. Also present: Chuck Martinsen, Deputy Director Marine and Environmental Services; Amy Lowell, Falmouth Wastewater Superintendent; Selectman Doug Brown; Korrin Peterson, Buzzards Bay Coalition; Paul Dreyer, Planning Board; Gilda Geist, Falmouth Enterprise;

A recording of the meeting can be found at:

https://www.youtube.com/watch?v=GrWwoalmWaQ&list=PL3kvbh7I9uU_0Riu9fafcE7KNpoxRDxar

1. Update on Watershed Permit Notice of Intent application progress

Chairman Rafferty gave a brief recount of the goals of the weekly meetings between himself, Wastewater Superintendent Amy Lowell, Health Agent Scott McGann, and Kristen Rathjen of Science Wares.

Kristen Rathjen followed Rafferty's remarks with a more detailed update on factors being considered for grouping of watersheds for permitting and proposed timing for applications with consideration for reporting requirements. She presented several preliminary maps highlighting the planned sewer areas and potential septic improvement areas. She explained it was a preliminary plan to illustrate the extent of implementations that would be required to satisfy the nitrogen removal requirements defined in the Massachusetts Estuaries Project (MEP) reports for the present nitrogen loads. She also showed a map produced by GIS highlighting parcels within a 300' boundary around both the freshwater and coastal ponds within nitrogen sensitive areas (NSA's) and remarked there would be further evaluations to consider trade-offs of implementation areas in light of whether freshwater bodies could also receive benefits.

2. Update on expanded shellfish aquaculture operations in Falmouth – Chuck Martinsen, Deputy Director Falmouth Marine and Environmental Services

Chairman Rafferty summarized the efforts from the Department of Marine and Environmental Services (MES) for evaluating shellfish aquaculture potential in the town's estuaries.

Chuck Martinsen provided an update on the next steps required to increase the public/private municipal aquaculture program. He reviewed a recent presentation given to the Select Board and reported that he heard a strong desire from the Select Board to move forward with the large-scale implementation.

Martinsen said the current contracts for the Eel River demonstration will be expiring and the department wants to extend them as the contracts have been working well. He reported that as a result of the demonstration project, the town receives about \$19,600 for each of

the three half-acre plots per year in gear rental fees which covers program costs. He also reported he has initiated conversations with the Barnstable County Sheriff's Office about a continued partnership with its correctional facility for gear construction and Upper Cape Regional Technical High School for continued field assistance. He reported that both institutions are supportive of the efforts to expand the program.

Martinsen presented a summary of full-scale implementation that would include 35-70 new shellfish farms and would include oysters, seed farms, scallops and quahogs. He indicated the next step is to seek funding to develop a direct environmental impact report (DEIR) in order to pursue permitting. The second step is to request funding for the full expansion at a cost of \$4M. He noted that it would be a phased implementation and expects full implementation to be completed by 2029. Martinsen estimates that it will take 5 years to recover the full-scale implementation cost. He also noted that he has heard a lot of interest from growers who would like to be a part of the program.

3. SMAST Scope for a response to Herring Brook assessment Comment letter

Chairman Rafferty announced that the town received a scope from the UMass School of Marine Science and Technology (SMAST) team to respond to the comments and Herring Brook assessment submitted by the Buzzards Bay Coalition.

Amy Lowell gave a brief summary of what was included in the scope and noted that the expense would be funded from the DPW operating budget. Chairman Rafferty asked what the timeline would be to receive SMAST's response. Lowell said it would take about a month. Rafferty said that when SMAST's response comes back it will be included as an agenda item along with discussion of the Buzzards Bay Coalition's submission and responses.

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

Chairman Rafferty indicated that the latest version of the letter had the revisions from the previous meeting incorporated but noted that John Waterbury had additional comments on the draft. The committee discussed Waterbury's proposed edits. Tom Duncan made a motion to accept the letter as initially presented with the addition of Waterbury's proposed sentences on the state revolving fund (SRF). Steve Leighton seconded. There was a short discussion about whether SRF money would be available if the current plan does not include discharge. Amy Lowell defended the need for discharge planning and spoke to the timing of application of SRF funding and risks for further delaying progress. Chairman Rafferty closed this discussion and called for a vote. Unanimous in favor.

5. FY'2023 Water Quality Management Committee annual report

Chairman Rafferty reported that the annual report was due on September 22nd and was submitted to Town Hall. He said the version before the committee was what was submitted and only had minor edits from the previous version.

6. Authorize expenditure of up to \$78,000 for 2024 of the 2023-2025 Science Wares Inc., contract – discussion and vote

Chairman Rafferty indicated that to continue 'business as usual' the committee would need to approve expenditure of funds to support the second year of the current three-year Science Wares contract.

Tom Duncan moved to authorize the expenditure of Article 17 funds. Steve Leighton seconded. There was an ensuing discussion on the source of Article 17 funds for historical context and a request for the balance remaining in that fund. Amy Lowell stated there were enough funds to cover the remaining cost of the Science Wares three-year contract and agreed to provide the committee with a report on the status of funds. The committee voted unanimously in favor of authorizing the expenditure.

7. Reports of members and staff

Ed Jalowiec reported that he has been reviewing records from the previous eco-toilet demonstration project. He noted that the MA Department of Environmental Protection (DEP) requested pertinent information to be passed along to assist them in making a determination whether to allow urine diversion to be granted provisional approval. He summarized a couple of studies he had come across. Jalowiec also reported on the formation of the urine diversion working group. He identified the members of the group to include himself, Tom Duncan, Doug Brown, Matt Patrick, and George Heufelder.

Jordan Mora reported that the contract is in place for the Waquoit Bay Landing 25% design for stormwater improvements.

John Waterbury asked whether the second eelgrass survey for the outfall was completed. Amy Lowell replied it has not been and is part of the article at Fall Town Meeting. Ed Jalowiec asked whether the recent \$550k AFCEE allocation by the Select Board could start being spent. Rafferty replied that it could but the majority of the costs for the next outfall phase are associated with the marine borings and that is not enough to cover those costs. Jalowiec also reported that he received a very informative outfall summary from the Maravista association that he thought was well done. He remarked that it seems like the neighborhood that was expected to have the most opposition to the outfall has been very accepting of it and commended the efforts of the committee.

8. Vote minutes of prior meeting (09.13.23)

Jordan Mora suggested one minor correction to the minutes. Ed Jalowiec moved to accept the minutes as suggested. Steve Leighton seconded. Unanimous in favor with one abstention.

9. Motion to Adjourn –5:53pm. Unanimous

Minutes submitted by Kristen Rathjen

List of Documents

- Conceptual sewer and septic improve areas under watershed permits
- Full-scale public-private aquaculture/propagation update presentation
- SMAST scope for a response to Herring Brook assessment
- Draft revised letter to Town Meeting members
- Draft WQMC annual report
- Draft minutes of the 09-13-2023 WQMC meetings