



Andrew Gottlieb
Executive Director

October 5, 2023

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59 Town Hall Square
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59 Town Hall Square
Falmouth MA 02450

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Dear Chairs Taylor, Rafferty, Honorable Select Board Members and Committee Members:

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The Association to Preserve Cape Cod supports the passage of Article 6 on the November 13, 2023 Town Meeting warrant, authorizing the design and associated permitting for sewer extensions serving Maravista and Teaticket. There is no disagreement that the Town of Falmouth has numerous challenges it must confront to restore its degraded estuaries. Approval of this article as proposed is a necessary step forward if the Town has any hope of advancing clean water initiatives in a reasonable time frame. Suggestions that the article can be amended to eliminate permitting for increased discharge capacity without setting the Town back are ill conceived, misleading, and just plain wrong.

The net effect of rejecting Article 6, or even amending it as proposed, is preventing any progress on cleaning up the degraded estuaries in Falmouth until and unless an ocean outfall is permitted and constructed, perhaps by the end of the decade, perhaps longer. Proponents of amending Article 6 have stated that the timeline for permitting expanded wastewater discharge capacity at the site of the existing treatment plant will take as long, or longer, than permitting of the ocean outfall. This assertion is misleading in that it extends the timeline for the groundwater permitting, expected to be approved by DEP just next year, by five years because the proponents of the amendment already plan to appeal the permit to slow it down. Their optimistic timeline for

permitting of the ocean outfall assumes no appeal. The timelines are only comparable because of a presumptive promise to appeal a permit not yet written that may include sufficient measures to prevent or mitigate harm. Town meeting members should neither reward nor give in to such an obstructionist stance.

Proponents of amending Article 6 are relying on the questionable presumption that an as yet to be permitted sewage outfall to Nantucket Sound is both the preferred option and a certainty. Neither are known to be true today. Maybe an ocean outfall will be determined to be appropriate, maybe it won't; that is what the permitting process is designed to determine. To date, there has been no objective public evaluation of the impacts of a proposed outfall into Nantucket Sound and the variety of interested stakeholders who have a vested interest in assuring the protection of the Sound have not had an opportunity to weigh in. The fact that flushing rates in Nantucket Sound are greater than Buzzards Bay may be true and is often cited as the basis for not increasing groundwater discharge in Falmouth, but flushing is just one part of the equation in determining if impacts to the Sound are acceptable. By itself, flushing rates are not determinative that the impacts are acceptable and yet that notion has been used as part of the rationale for opposing Article 6 as submitted. The notion that a permitting process for an ocean outfall will be fast, unchallenged, and successful is a false predicate and is, at best, wishful thinking.

Town meeting members should also know that amending Article 6 places the town at financial risk. The construction of sewers and related infrastructure for Teaticket and Maravista, while technically eligible, will likely not receive state no interest financing and the associated principal forgiveness from the Cape and Islands Water Protection Fund until and unless the state knows that there is someplace for the treated effluent from these locations to be discharged.

Amending Article 6 places the town in the position of spending money now on a design and then waiting seven to ten years for an ocean outfall to be permitted to realistically compete for lower cost state financing against projects that show immediate environmental benefit. In the alternative, the Town could choose to forgo favorable state financing and make the local property tax base bear the higher costs. However, forcing local taxpayers to pay more than necessary is bad public policy. Putting off all new efforts to improve water quality until after 2030 is similarly unacceptable, but those are the real-world hidden implications of amending Article 6 as suggested.

Much has been said about the decline of the quality of the marshes on the western shores of Falmouth. It has been implicitly asserted that nitrogen from the treatment plant effluent is the cause of the decline. APCC has seen decline in marsh health driven by stormwater runoff, encroachment from development, alterations in flow due to restrictions in tidal exchange from

road crossings and other structures, inundation from sea level rise and, yes, nutrient loading from wastewater effluent. A lot more needs to be evaluated to determine if increased effluent discharge will further degrade the marsh or if other factors are driving the decline. That can be done in the groundwater permitting process once an application has been filed. To presumptively prohibit increased disposal without assessing its impact and means to mitigate impacts supports the narrative to amend Article 6 but lacks intellectual and scientific rigor.

APCC is an environmental organization dedicated to cleaner waters for all of Cape Cod. In that light, APCC supports wastewater treatment and disposal options that are realistic and have the least impact on the aquatic environment. Not only what a town does with its wastewater, but when it does it is critical. Acting in a timely manner, after so many years of delay, is important. With that in mind, it is APCC's belief that the best way forward for Falmouth is an all of the above strategy. APCC encourages Falmouth to proceed with Article 6, pursue permitting of increased discharge at the treatment plant while seeking permitting of the ocean outfall. If it is determined that an ocean outfall is the better environmental outcome, then APCC would expect Falmouth to move away from the groundwater discharge. If an ocean outfall is found to be a problem, as it may well be, then the groundwater discharge option has also advanced and the Town will have that option available to it. These courses of action must be pursued simultaneously, as a sequential approach extends timelines and boxes the town into going down one road at a time, possibly to a dead end. Meanwhile, the estuaries throughout town will continue to degrade and neighborhoods long neglected will continue to see their surrounding waters degrade further.

In summation, APCC encourages the passage of Article 6 as submitted by the Town and looks forward to supporting the Town of Falmouth as it tackles this complex challenge in the years to come.

Sincerely,



Andrew Gottlieb

CC: Amy Lowell, Falmouth Wastewater Superintendent